UNITED STATES. LAWS, STATUTES, ETC.

UNITED STATES STATUTES AT LARGE

CONTAINING THE

LAWS AND CONCURRENT RESOLUTIONS
ENACTED DURING THE FIRST SESSION OF THE
ONE HUNDRED THIRD CONGRESS
OF THE UNITED STATES OF AMERICA

1993

AND

PROCLAMATIONS

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IN THREE PARTS

PART 1

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PUBLIC LAWS

ENACTED DURING THE

FIRST SESSION OF THE ONE HUNDRED THIRD CONGRESS

OF THE

UNITED STATES OF AMERICA

Begun and held at the City of Washington on Tuesday, January 5, 1993, adjourned sine die on Friday, November 26, 1993. Until noon Wednesday, January 20, 1993, GEORGE BUSH, *President;* DAN QUAYLE, *Vice President;* THOMAS S. FOLEY, *Speaker of the House of Representatives; from Wednesday, January 20, 1993,* WILLIAM J. CLINTON, *President;* ALBERT GORE, JR., *Vice President;* THOMAS S. FOLEY, *Speaker of the House of Representatives.*

Public Law 103-1
103d Congress

Joint Resolution

To authorize the United States Secret Service to continue to furnish protection to the former Vice President or his spouse.

Jan. 15, 1993
[S.J. Res. 2]

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

18 USC 3056 note.

(1) the United States Secret Service, in addition to other duties now provided by law, is authorized to furnish protection to—

(A) the person occupying the Office of Vice President of the United States immediately preceding January 20, 1993, or

(B) his spouse,

if the President determines that such person may thereafter be in significant danger; and

Termination date.

(2) protection of any such person, pursuant to the authority provided in paragraph (1), shall continue only for such period as the President determines, except that such protection shall not continue beyond July 20, 1993, unless otherwise permitted by law.

Approved January 15, 1993.

LEGISLATIVE HISTORY—S.J. Res. 2:

CONGRESSIONAL RECORD, Vol. 139 (1993):
Jan. 5, considered and passed Senate and House.

Public Law 103-2
103d Congress

Joint Resolution

Jan. 19, 1993
[S.J. Res. 1]

To ensure that the compensation and other emoluments attached to the office of Secretary of the Treasury are those which were in effect on January 1, 1989.

31 USC 301 note.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the compensation and other emoluments attached to the office of Secretary of the Treasury shall be those in effect January 1, 1989, notwithstanding any increase in such compensation or emoluments after that date under—

(1) the Ethics Reform Act of 1989 (Public Law 101–194) or any other provision of law amended by that Act; or

(2) any other provision of law, or provision which has the force and effect of law, that is enacted or becomes effective during the period beginning at noon of January 3, 1989, and ending at noon of January 3, 1995.

(b)(1) Any person aggrieved by an action of the Secretary of the Treasury may bring a civil action in the United States District Court for the District of Columbia to contest the constitutionality of the appointment and continuance in office of the Secretary of the Treasury on the ground that such appointment and continuance in office is in violation of article I, section 6, clause 2, of the Constitution. The United States District Court for the District of Columbia shall have exclusive jurisdiction over such a civil action, without regard to the sum or value of the matter in controversy.

(2) Any claim challenging the constitutionality of the appointment and continuance in office of the Secretary of the Treasury on the ground that such appointment and continuance in office is in violation of article I, section 6, clause 2, of the Constitution, in an action brought under paragraph (1) shall be heard and determined by a panel of three judges in accordance with section 2284 of title 28, United States Code. It shall be the duty of the district court to advance on the docket and to expedite the disposition of any matter brought under this subsection.

(3)(A) An appeal may be taken directly to the Supreme Court of the United States from any interlocutory or final judgment, decree, or order upon the validity of the appointment and continuance in office of the Secretary of the Treasury under article I, section 6, clause 2, of the Constitution, entered in any action brought under this subsection. Any such appeal shall be taken by a notice of appeal filed within 20 days after such judgment, decree, or order is entered.

(B) The Supreme Court shall, if it has not previously ruled on the question presented by an appeal taken pursuant to subparagraph (A), accept jurisdiction over the appeal, advance the appeal on the docket, and expedite the appeal.

(c) This joint resolution shall become effective at 12:00 p.m., January 20, 1993. Effective date.

Approved January 19, 1993.

LEGISLATIVE HISTORY—S.J. Res. 1:

CONGRESSIONAL RECORD, Vol. 139 (1993):
Jan. 5, considered and passed Senate.
Jan. 6, considered and passed House.

Public Law 103-3
103d Congress

An Act

Feb. 5, 1993
[H.R. 1]

To grant family and temporary medical leave under certain circumstances.

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

Family and Medical Leave Act of 1993. 29 USC 2601 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Family and Medical Leave Act of 1993".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.

TITLE I—GENERAL REQUIREMENTS FOR LEAVE

Sec. 101. Definitions.
Sec. 102. Leave requirement.
Sec. 103. Certification.
Sec. 104. Employment and benefits protection.
Sec. 105. Prohibited acts.
Sec. 106. Investigative authority.
Sec. 107. Enforcement.
Sec. 108. Special rules concerning employees of local educational agencies.
Sec. 109. Notice.

TITLE II—LEAVE FOR CIVIL SERVICE EMPLOYEES

Sec. 201. Leave requirement.

TITLE III—COMMISSION ON LEAVE

Sec. 301. Establishment.
Sec. 302. Duties.
Sec. 303. Membership.
Sec. 304. Compensation.
Sec. 305. Powers.
Sec. 306. Termination.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Effect on other laws.
Sec. 402. Effect on existing employment benefits.
Sec. 403. Encouragement of more generous leave policies.
Sec. 404. Regulations.
Sec. 405. Effective dates.

TITLE V—COVERAGE OF CONGRESSIONAL EMPLOYEES

Sec. 501. Leave for certain Senate employees.
Sec. 502. Leave for certain House employees.

TITLE VI—SENSE OF CONGRESS

Sec. 601. Sense of Congress.

29 USC 2601.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the number of single-parent households and two-parent households in which the single parent or both parents work is increasing significantly;

(2) it is important for the development of children and the family unit that fathers and mothers be able to participate in early childrearing and the care of family members who have serious health conditions;

(3) the lack of employment policies to accommodate working parents can force individuals to choose between job security and parenting;

(4) there is inadequate job security for employees who have serious health conditions that prevent them from working for temporary periods;

(5) due to the nature of the roles of men and women in our society, the primary responsibility for family caretaking often falls on women, and such responsibility affects the working lives of women more than it affects the working lives of men; and

(6) employment standards that apply to one gender only have serious potential for encouraging employers to discriminate against employees and applicants for employment who are of that gender.

(b) PURPOSES.—It is the purpose of this Act—

(1) to balance the demands of the workplace with the needs of families, to promote the stability and economic security of families, and to promote national interests in preserving family integrity;

(2) to entitle employees to take reasonable leave for medical reasons, for the birth or adoption of a child, and for the care of a child, spouse, or parent who has a serious health condition;

(3) to accomplish the purposes described in paragraphs (1) and (2) in a manner that accommodates the legitimate interests of employers;

(4) to accomplish the purposes described in paragraphs (1) and (2) in a manner that, consistent with the Equal Protection Clause of the Fourteenth Amendment, minimizes the potential for employment discrimination on the basis of sex by ensuring generally that leave is available for eligible medical reasons (including maternity-related disability) and for compelling family reasons, on a gender-neutral basis; and

(5) to promote the goal of equal employment opportunity for women and men, pursuant to such clause.

TITLE I—GENERAL REQUIREMENTS FOR LEAVE

SEC. 101. DEFINITIONS. 29 USC 2611.

As used in this title:

(1) COMMERCE.—The terms "commerce" and "industry or activity affecting commerce" mean any activity, business, or industry in commerce or in which a labor dispute would hinder or obstruct commerce or the free flow of commerce, and include "commerce" and any "industry affecting commerce", as defined in paragraphs (1) and (3) of section 501 of the Labor Management Relations Act, 1947 (29 U.S.C. 142 (1) and (3)).

(2) ELIGIBLE EMPLOYEE.—

(A) IN GENERAL.—The term "eligible employee" means an employee who has been employed—

(i) for at least 12 months by the employer with respect to whom leave is requested under section 102; and

(ii) for at least 1,250 hours of service with such employer during the previous 12-month period.

(B) EXCLUSIONS.—The term "eligible employee" does not include—

(i) any Federal officer or employee covered under subchapter V of chapter 63 of title 5, United States Code (as added by title II of this Act); or

(ii) any employee of an employer who is employed at a worksite at which such employer employs less than 50 employees if the total number of employees employed by that employer within 75 miles of that worksite is less than 50.

(C) DETERMINATION.—For purposes of determining whether an employee meets the hours of service requirement specified in subparagraph (A)(ii), the legal standards established under section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) shall apply.

(3) EMPLOY; EMPLOYEE; STATE.—The terms "employ", "employee", and "State" have the same meanings given such terms in subsections (c), (e), and (g) of section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203 (c), (e), and (g)).

(4) EMPLOYER.—

(A) IN GENERAL.—The term "employer"—

(i) means any person engaged in commerce or in any industry or activity affecting commerce who employs 50 or more employees for each working day during each of 20 or more calendar workweeks in the current or preceding calendar year;

(ii) includes—

(I) any person who acts, directly or indirectly, in the interest of an employer to any of the employees of such employer; and

(II) any successor in interest of an employer; and

(iii) includes any "public agency", as defined in section 3(x) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(x)).

(B) PUBLIC AGENCY.—For purposes of subparagraph (A)(iii), a public agency shall be considered to be a person engaged in commerce or in an industry or activity affecting commerce.

(5) EMPLOYMENT BENEFITS.—The term "employment benefits" means all benefits provided or made available to employees by an employer, including group life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits, and pensions, regardless of whether such benefits are provided by a practice or written policy of an employer or through an "employee benefit plan", as defined in section 3(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(3)).

(6) HEALTH CARE PROVIDER.—The term "health care provider" means—

(A) a doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices; or

(B) any other person determined by the Secretary to be capable of providing health care services.

(7) PARENT.—The term "parent" means the biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a son or daughter.

(8) PERSON.—The term "person" has the same meaning given such term in section 3(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(a)).

(9) REDUCED LEAVE SCHEDULE.—The term "reduced leave schedule" means a leave schedule that reduces the usual number of hours per workweek, or hours per workday, of an employee.

(10) SECRETARY.—The term "Secretary" means the Secretary of Labor.

(11) SERIOUS HEALTH CONDITION.—The term "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves—

(A) inpatient care in a hospital, hospice, or residential medical care facility; or

(B) continuing treatment by a health care provider.

(12) SON OR DAUGHTER.—The term "son or daughter" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is—

(A) under 18 years of age; or

(B) 18 years of age or older and incapable of self-care because of a mental or physical disability.

(13) SPOUSE.—The term "spouse" means a husband or wife, as the case may be.

SEC. 102. LEAVE REQUIREMENT. 29 USC 2612.

(a) IN GENERAL.—

(1) ENTITLEMENT TO LEAVE.—Subject to section 103, an eligible employee shall be entitled to a total of 12 workweeks of leave during any 12-month period for one or more of the following:

(A) Because of the birth of a son or daughter of the employee and in order to care for such son or daughter.

(B) Because of the placement of a son or daughter with the employee for adoption or foster care.

(C) In order to care for the spouse, or a son, daughter, or parent, of the employee, if such spouse, son, daughter, or parent has a serious health condition.

(D) Because of a serious health condition that makes the employee unable to perform the functions of the position of such employee.

(2) EXPIRATION OF ENTITLEMENT.—The entitlement to leave under subparagraphs (A) and (B) of paragraph (1) for a birth or placement of a son or daughter shall expire at the end of the 12-month period beginning on the date of such birth or placement.

(b) LEAVE TAKEN INTERMITTENTLY OR ON A REDUCED LEAVE SCHEDULE.—

(1) IN GENERAL.—Leave under subparagraph (A) or (B) of subsection (a)(1) shall not be taken by an employee intermit-

tently or on a reduced leave schedule unless the employee and the employer of the employee agree otherwise. Subject to paragraph (2), subsection (e)(2), and section 103(b)(5), leave under subparagraph (C) or (D) of subsection (a)(1) may be taken intermittently or on a reduced leave schedule when medically necessary. The taking of leave intermittently or on a reduced leave schedule pursuant to this paragraph shall not result in a reduction in the total amount of leave to which the employee is entitled under subsection (a) beyond the amount of leave actually taken.

(2) ALTERNATIVE POSITION.—If an employee requests intermittent leave, or leave on a reduced leave schedule, under subparagraph (C) or (D) of subsection (a)(1), that is foreseeable based on planned medical treatment, the employer may require such employee to transfer temporarily to an available alternative position offered by the employer for which the employee is qualified and that—

(A) has equivalent pay and benefits; and

(B) better accommodates recurring periods of leave than the regular employment position of the employee.

(c) UNPAID LEAVE PERMITTED.—Except as provided in subsection (d), leave granted under subsection (a) may consist of unpaid leave. Where an employee is otherwise exempt under regulations issued by the Secretary pursuant to section 13(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(a)(1)), the compliance of an employer with this title by providing unpaid leave shall not affect the exempt status of the employee under such section.

(d) RELATIONSHIP TO PAID LEAVE.—

(1) UNPAID LEAVE.—If an employer provides paid leave for fewer than 12 workweeks, the additional weeks of leave necessary to attain the 12 workweeks of leave required under this title may be provided without compensation.

(2) SUBSTITUTION OF PAID LEAVE.—

(A) IN GENERAL.—An eligible employee may elect, or an employer may require the employee, to substitute any of the accrued paid vacation leave, personal leave, or family leave of the employee for leave provided under subparagraph (A), (B), or (C) of subsection (a)(1) for any part of the 12-week period of such leave under such subsection.

(B) SERIOUS HEALTH CONDITION.—An eligible employee may elect, or an employer may require the employee, to substitute any of the accrued paid vacation leave, personal leave, or medical or sick leave of the employee for leave provided under subparagraph (C) or (D) of subsection (a)(1) for any part of the 12-week period of such leave under such subsection, except that nothing in this title shall require an employer to provide paid sick leave or paid medical leave in any situation in which such employer would not normally provide any such paid leave.

(e) FORESEEABLE LEAVE.—

(1) REQUIREMENT OF NOTICE.—In any case in which the necessity for leave under subparagraph (A) or (B) of subsection (a)(1) is foreseeable based on an expected birth or placement, the employee shall provide the employer with not less than 30 days' notice, before the date the leave is to begin, of the employee's intention to take leave under such subparagraph, except that if the date of the birth or placement requires

leave to begin in less than 30 days, the employee shall provide such notice as is practicable.

(2) DUTIES OF EMPLOYEE.—In any case in which the necessity for leave under subparagraph (C) or (D) of subsection (a)(1) is foreseeable based on planned medical treatment, the employee—

(A) shall make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the employer, subject to the approval of the health care provider of the employee or the health care provider of the son, daughter, spouse, or parent of the employee, as appropriate; and

(B) shall provide the employer with not less than 30 days' notice, before the date the leave is to begin, of the employee's intention to take leave under such subparagraph, except that if the date of the treatment requires leave to begin in less than 30 days, the employee shall provide such notice as is practicable.

(f) SPOUSES EMPLOYED BY THE SAME EMPLOYER.—In any case in which a husband and wife entitled to leave under subsection (a) are employed by the same employer, the aggregate number of workweeks of leave to which both may be entitled may be limited to 12 workweeks during any 12-month period, if such leave is taken—

(1) under subparagraph (A) or (B) of subsection (a)(1); or

(2) to care for a sick parent under subparagraph (C) of such subsection.

SEC. 103. CERTIFICATION. 29 USC 2613.

(a) IN GENERAL.—An employer may require that a request for leave under subparagraph (C) or (D) of section 102(a)(1) be supported by a certification issued by the health care provider of the eligible employee or of the son, daughter, spouse, or parent of the employee, as appropriate. The employee shall provide, in a timely manner, a copy of such certification to the employer.

(b) SUFFICIENT CERTIFICATION.—Certification provided under subsection (a) shall be sufficient if it states—

(1) the date on which the serious health condition commenced;

(2) the probable duration of the condition;

(3) the appropriate medical facts within the knowledge of the health care provider regarding the condition;

(4)(A) for purposes of leave under section 102(a)(1)(C), a statement that the eligible employee is needed to care for the son, daughter, spouse, or parent and an estimate of the amount of time that such employee is needed to care for the son, daughter, spouse, or parent; and

(B) for purposes of leave under section 102(a)(1)(D), a statement that the employee is unable to perform the functions of the position of the employee;

(5) in the case of certification for intermittent leave, or leave on a reduced leave schedule, for planned medical treatment, the dates on which such treatment is expected to be given and the duration of such treatment;

(6) in the case of certification for intermittent leave, or leave on a reduced leave schedule, under section 102(a)(1)(D),

a statement of the medical necessity for the intermittent leave or leave on a reduced leave schedule, and the expected duration of the intermittent leave or reduced leave schedule; and

(7) in the case of certification for intermittent leave, or leave on a reduced leave schedule, under section 102(a)(1)(C), a statement that the employee's intermittent leave or leave on a reduced leave schedule is necessary for the care of the son, daughter, parent, or spouse who has a serious health condition, or will assist in their recovery, and the expected duration and schedule of the intermittent leave or reduced leave schedule.

(c) SECOND OPINION.—

(1) IN GENERAL.—In any case in which the employer has reason to doubt the validity of the certification provided under subsection (a) for leave under subparagraph (C) or (D) of section 102(a)(1), the employer may require, at the expense of the employer, that the eligible employee obtain the opinion of a second health care provider designated or approved by the employer concerning any information certified under subsection (b) for such leave.

(2) LIMITATION.—A health care provider designated or approved under paragraph (1) shall not be employed on a regular basis by the employer.

(d) RESOLUTION OF CONFLICTING OPINIONS.—

(1) IN GENERAL.—In any case in which the second opinion described in subsection (c) differs from the opinion in the original certification provided under subsection (a), the employer may require, at the expense of the employer, that the employee obtain the opinion of a third health care provider designated or approved jointly by the employer and the employee concerning the information certified under subsection (b).

(2) FINALITY.—The opinion of the third health care provider concerning the information certified under subsection (b) shall be considered to be final and shall be binding on the employer and the employee.

(e) SUBSEQUENT RECERTIFICATION.—The employer may require that the eligible employee obtain subsequent recertifications on a reasonable basis.

29 USC 2614.

SEC. 104. EMPLOYMENT AND BENEFITS PROTECTION.

(a) RESTORATION TO POSITION.—

(1) IN GENERAL.—Except as provided in subsection (b), any eligible employee who takes leave under section 102 for the intended purpose of the leave shall be entitled, on return from such leave—

(A) to be restored by the employer to the position of employment held by the employee when the leave commenced; or

(B) to be restored to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.

(2) LOSS OF BENEFITS.—The taking of leave under section 102 shall not result in the loss of any employment benefit accrued prior to the date on which the leave commenced.

(3) LIMITATIONS.—Nothing in this section shall be construed to entitle any restored employee to—

(A) the accrual of any seniority or employment benefits during any period of leave; or

(B) any right, benefit, or position of employment other than any right, benefit, or position to which the employee would have been entitled had the employee not taken the leave.

(4) CERTIFICATION.—As a condition of restoration under paragraph (1) for an employee who has taken leave under section 102(a)(1)(D), the employer may have a uniformly applied practice or policy that requires each such employee to receive certification from the health care provider of the employee that the employee is able to resume work, except that nothing in this paragraph shall supersede a valid State or local law or a collective bargaining agreement that governs the return to work of such employees.

(5) CONSTRUCTION.—Nothing in this subsection shall be construed to prohibit an employer from requiring an employee on leave under section 102 to report periodically to the employer on the status and intention of the employee to return to work.

(b) EXEMPTION CONCERNING CERTAIN HIGHLY COMPENSATED EMPLOYEES.—

(1) DENIAL OF RESTORATION.—An employer may deny restoration under subsection (a) to any eligible employee described in paragraph (2) if—

(A) such denial is necessary to prevent substantial and grievous economic injury to the operations of the employer;

(B) the employer notifies the employee of the intent of the employer to deny restoration on such basis at the time the employer determines that such injury would occur; and

(C) in any case in which the leave has commenced, the employee elects not to return to employment after receiving such notice.

(2) AFFECTED EMPLOYEES.—An eligible employee described in paragraph (1) is a salaried eligible employee who is among the highest paid 10 percent of the employees employed by the employer within 75 miles of the facility at which the employee is employed.

(c) MAINTENANCE OF HEALTH BENEFITS.—

(1) COVERAGE.—Except as provided in paragraph (2), during any period that an eligible employee takes leave under section 102, the employer shall maintain coverage under any "group health plan" (as defined in section 5000(b)(1) of the Internal Revenue Code of 1986) for the duration of such leave at the level and under the conditions coverage would have been provided if the employee had continued in employment continuously for the duration of such leave.

(2) FAILURE TO RETURN FROM LEAVE.—The employer may recover the premium that the employer paid for maintaining coverage for the employee under such group health plan during any period of unpaid leave under section 102 if—

(A) the employee fails to return from leave under section 102 after the period of leave to which the employee is entitled has expired; and

(B) the employee fails to return to work for a reason other than—

(i) the continuation, recurrence, or onset of a serious health condition that entitles the employee to leave under subparagraph (C) or (D) of section 102(a)(1); or

(ii) other circumstances beyond the control of the employee.

(3) CERTIFICATION.—

(A) ISSUANCE.—An employer may require that a claim that an employee is unable to return to work because of the continuation, recurrence, or onset of the serious health condition described in paragraph (2)(B)(i) be supported by—

(i) a certification issued by the health care provider of the son, daughter, spouse, or parent of the employee, as appropriate, in the case of an employee unable to return to work because of a condition specified in section 102(a)(1)(C); or

(ii) a certification issued by the health care provider of the eligible employee, in the case of an employee unable to return to work because of a condition specified in section 102(a)(1)(D).

(B) COPY.—The employee shall provide, in a timely manner, a copy of such certification to the employer.

(C) SUFFICIENCY OF CERTIFICATION.—

(i) LEAVE DUE TO SERIOUS HEALTH CONDITION OF EMPLOYEE.—The certification described in subparagraph (A)(ii) shall be sufficient if the certification states that a serious health condition prevented the employee from being able to perform the functions of the position of the employee on the date that the leave of the employee expired.

(ii) LEAVE DUE TO SERIOUS HEALTH CONDITION OF FAMILY MEMBER.—The certification described in subparagraph (A)(i) shall be sufficient if the certification states that the employee is needed to care for the son, daughter, spouse, or parent who has a serious health condition on the date that the leave of the employee expired.

29 USC 2615.

SEC. 105. PROHIBITED ACTS.

(a) INTERFERENCE WITH RIGHTS.—

(1) EXERCISE OF RIGHTS.—It shall be unlawful for any employer to interfere with, restrain, or deny the exercise of or the attempt to exercise, any right provided under this title.

(2) DISCRIMINATION.—It shall be unlawful for any employer to discharge or in any other manner discriminate against any individual for opposing any practice made unlawful by this title.

(b) INTERFERENCE WITH PROCEEDINGS OR INQUIRIES.—It shall be unlawful for any person to discharge or in any other manner discriminate against any individual because such individual—

(1) has filed any charge, or has instituted or caused to be instituted any proceeding, under or related to this title;

(2) has given, or is about to give, any information in connection with any inquiry or proceeding relating to any right provided under this title; or

(3) has testified, or is about to testify, in any inquiry or proceeding relating to any right provided under this title.

SEC. 106. INVESTIGATIVE AUTHORITY. 29 USC 2616.

(a) IN GENERAL.—To ensure compliance with the provisions of this title, or any regulation or order issued under this title, the Secretary shall have, subject to subsection (c), the investigative authority provided under section 11(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 211(a)).

(b) OBLIGATION TO KEEP AND PRESERVE RECORDS.—Any employer shall make, keep, and preserve records pertaining to compliance with this title in accordance with section 11(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 211(c)) and in accordance with regulations issued by the Secretary.

(c) REQUIRED SUBMISSIONS GENERALLY LIMITED TO AN ANNUAL BASIS.—The Secretary shall not under the authority of this section require any employer or any plan, fund, or program to submit to the Secretary any books or records more than once during any 12-month period, unless the Secretary has reasonable cause to believe there may exist a violation of this title or any regulation or order issued pursuant to this title, or is investigating a charge pursuant to section 107(b).

(d) SUBPOENA POWERS.—For the purposes of any investigation provided for in this section, the Secretary shall have the subpoena authority provided for under section 9 of the Fair Labor Standards Act of 1938 (29 U.S.C. 209).

SEC. 107. ENFORCEMENT. 29 USC 2617.

(a) CIVIL ACTION BY EMPLOYEES.—

(1) LIABILITY.—Any employer who violates section 105 shall be liable to any eligible employee affected—

(A) for damages equal to—

(i) the amount of—

(I) any wages, salary, employment benefits, or other compensation denied or lost to such employee by reason of the violation; or

(II) in a case in which wages, salary, employment benefits, or other compensation have not been denied or lost to the employee, any actual monetary losses sustained by the employee as a direct result of the violation, such as the cost of providing care, up to a sum equal to 12 weeks of wages or salary for the employee;

(ii) the interest on the amount described in clause (i) calculated at the prevailing rate; and

(iii) an additional amount as liquidated damages equal to the sum of the amount described in clause (i) and the interest described in clause (ii), except that if an employer who has violated section 105 proves to the satisfaction of the court that the act or omission which violated section 105 was in good faith and that the employer had reasonable grounds for believing that the act or omission was not a violation of section 105, such court may, in the discretion of the court, reduce the amount of the liability to the amount and interest determined under clauses (i) and (ii), respectively; and

(B) for such equitable relief as may be appropriate, including employment, reinstatement, and promotion.

(2) RIGHT OF ACTION.—An action to recover the damages or equitable relief prescribed in paragraph (1) may be maintained against any employer (including a public agency) in any Federal or State court of competent jurisdiction by any one or more employees for and in behalf of—

(A) the employees; or

(B) the employees and other employees similarly situated.

(3) FEES AND COSTS.—The court in such an action shall, in addition to any judgment awarded to the plaintiff, allow a reasonable attorney's fee, reasonable expert witness fees, and other costs of the action to be paid by the defendant.

(4) LIMITATIONS.—The right provided by paragraph (2) to bring an action by or on behalf of any employee shall terminate—

(A) on the filing of a complaint by the Secretary in an action under subsection (d) in which restraint is sought of any further delay in the payment of the amount described in paragraph (1)(A) to such employee by an employer responsible under paragraph (1) for the payment; or

(B) on the filing of a complaint by the Secretary in an action under subsection (b) in which a recovery is sought of the damages described in paragraph (1)(A) owing to an eligible employee by an employer liable under paragraph (1),

unless the action described in subparagraph (A) or (B) is dismissed without prejudice on motion of the Secretary.

(b) ACTION BY THE SECRETARY.—

(1) ADMINISTRATIVE ACTION.—The Secretary shall receive, investigate, and attempt to resolve complaints of violations of section 105 in the same manner that the Secretary receives, investigates, and attempts to resolve complaints of violations of sections 6 and 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206 and 207).

(2) CIVIL ACTION.—The Secretary may bring an action in any court of competent jurisdiction to recover the damages described in subsection (a)(1)(A).

(3) SUMS RECOVERED.—Any sums recovered by the Secretary pursuant to paragraph (2) shall be held in a special deposit account and shall be paid, on order of the Secretary, directly to each employee affected. Any such sums not paid to an employee because of inability to do so within a period of 3 years shall be deposited into the Treasury of the United States as miscellaneous receipts.

(c) LIMITATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), an action may be brought under this section not later than 2 years after the date of the last event constituting the alleged violation for which the action is brought.

(2) WILLFUL VIOLATION.—In the case of such action brought for a willful violation of section 105, such action may be brought within 3 years of the date of the last event constituting the alleged violation for which such action is brought.

(3) COMMENCEMENT.—In determining when an action is commenced by the Secretary under this section for the purposes

of this subsection, it shall be considered to be commenced on the date when the complaint is filed.

(d) ACTION FOR INJUNCTION BY SECRETARY.—The district courts of the United States shall have jurisdiction, for cause shown, in an action brought by the Secretary—

(1) to restrain violations of section 105, including the restraint of any withholding of payment of wages, salary, employment benefits, or other compensation, plus interest, found by the court to be due to eligible employees; or

(2) to award such other equitable relief as may be appropriate, including employment, reinstatement, and promotion.

(e) SOLICITOR OF LABOR.—The Solicitor of Labor may appear for and represent the Secretary on any litigation brought under this section.

SEC. 108. SPECIAL RULES CONCERNING EMPLOYEES OF LOCAL EDUCATIONAL AGENCIES. 29 USC 2618.

(a) APPLICATION.—

(1) IN GENERAL.—Except as otherwise provided in this section, the rights (including the rights under section 104, which shall extend throughout the period of leave of any employee under this section), remedies, and procedures under this title shall apply to—

(A) any "local educational agency" (as defined in section 1471(12) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(12))) and an eligible employee of the agency; and

(B) any private elementary or secondary school and an eligible employee of the school.

(2) DEFINITIONS.—For purposes of the application described in paragraph (1):

(A) ELIGIBLE EMPLOYEE.—The term "eligible employee" means an eligible employee of an agency or school described in paragraph (1).

(B) EMPLOYER.—The term "employer" means an agency or school described in paragraph (1).

(b) LEAVE DOES NOT VIOLATE CERTAIN OTHER FEDERAL LAWS.—A local educational agency and a private elementary or secondary school shall not be in violation of the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), or title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), solely as a result of an eligible employee of such agency or school exercising the rights of such employee under this title.

(c) INTERMITTENT LEAVE OR LEAVE ON A REDUCED SCHEDULE FOR INSTRUCTIONAL EMPLOYEES.—

(1) IN GENERAL.—Subject to paragraph (2), in any case in which an eligible employee employed principally in an instructional capacity by any such educational agency or school requests leave under subparagraph (C) or (D) of section 102(a)(1) that is foreseeable based on planned medical treatment and the employee would be on leave for greater than 20 percent of the total number of working days in the period during which the leave would extend, the agency or school may require that such employee elect either—

(A) to take leave for periods of a particular duration, not to exceed the duration of the planned medical treatment; or

(B) to transfer temporarily to an available alternative position offered by the employer for which the employee is qualified, and that—

(i) has equivalent pay and benefits; and

(ii) better accommodates recurring periods of leave than the regular employment position of the employee.

(2) APPLICATION.—The elections described in subparagraphs (A) and (B) of paragraph (1) shall apply only with respect to an eligible employee who complies with section 102(e)(2).

(d) RULES APPLICABLE TO PERIODS NEAR THE CONCLUSION OF AN ACADEMIC TERM.—The following rules shall apply with respect to periods of leave near the conclusion of an academic term in the case of any eligible employee employed principally in an instructional capacity by any such educational agency or school:

(1) LEAVE MORE THAN 5 WEEKS PRIOR TO END OF TERM.—If the eligible employee begins leave under section 102 more than 5 weeks prior to the end of the academic term, the agency or school may require the employee to continue taking leave until the end of such term, if—

(A) the leave is of at least 3 weeks duration; and

(B) the return to employment would occur during the 3-week period before the end of such term.

(2) LEAVE LESS THAN 5 WEEKS PRIOR TO END OF TERM.—If the eligible employee begins leave under subparagraph (A), (B), or (C) of section 102(a)(1) during the period that commences 5 weeks prior to the end of the academic term, the agency or school may require the employee to continue taking leave until the end of such term, if—

(A) the leave is of greater than 2 weeks duration; and

(B) the return to employment would occur during the 2-week period before the end of such term.

(3) LEAVE LESS THAN 3 WEEKS PRIOR TO END OF TERM.—If the eligible employee begins leave under subparagraph (A), (B), or (C) of section 102(a)(1) during the period that commences 3 weeks prior to the end of the academic term and the duration of the leave is greater than 5 working days, the agency or school may require the employee to continue to take leave until the end of such term.

(e) RESTORATION TO EQUIVALENT EMPLOYMENT POSITION.—For purposes of determinations under section 104(a)(1)(B) (relating to the restoration of an eligible employee to an equivalent position), in the case of a local educational agency or a private elementary or secondary school, such determination shall be made on the basis of established school board policies and practices, private school policies and practices, and collective bargaining agreements.

(f) REDUCTION OF THE AMOUNT OF LIABILITY.—If a local educational agency or a private elementary or secondary school that has violated this title proves to the satisfaction of the court that the agency, school, or department had reasonable grounds for believing that the underlying act or omission was not a violation of this title, such court may, in the discretion of the court, reduce the amount of the liability provided for under section 107(a)(1)(A)

to the amount and interest determined under clauses (i) and (ii), respectively, of such section.

SEC. 109. NOTICE. 29 USC 2619.

(a) IN GENERAL.—Each employer shall post and keep posted, in conspicuous places on the premises of the employer where notices to employees and applicants for employment are customarily posted, a notice, to be prepared or approved by the Secretary, setting forth excerpts from, or summaries of, the pertinent provisions of this title and information pertaining to the filing of a charge.

(b) PENALTY.—Any employer that willfully violates this section may be assessed a civil money penalty not to exceed $100 for each separate offense.

TITLE II—LEAVE FOR CIVIL SERVICE EMPLOYEES

SEC. 201. LEAVE REQUIREMENT.

(a) CIVIL SERVICE EMPLOYEES.—

(1) IN GENERAL.—Chapter 63 of title 5, United States Code, is amended by adding at the end the following new subchapter:

"SUBCHAPTER V—FAMILY AND MEDICAL LEAVE

"§ 6381. Definitions

"For the purpose of this subchapter—

"(1) the term 'employee' means any individual who—

"(A) is an 'employee', as defined by section 6301(2), including any individual employed in a position referred to in clause (v) or (ix) of section 6301(2), but excluding any individual employed by the government of the District of Columbia and any individual employed on a temporary or intermittent basis; and

"(B) has completed at least 12 months of service as an employee (within the meaning of subparagraph (A));

"(2) the term 'health care provider' means—

"(A) a doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices; and

"(B) any other person determined by the Director of the Office of Personnel Management to be capable of providing health care services;

"(3) the term 'parent' means the biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a son or daughter;

"(4) the term 'reduced leave schedule' means a leave schedule that reduces the usual number of hours per workweek, or hours per workday, of an employee;

"(5) the term 'serious health condition' means an illness, injury, impairment, or physical or mental condition that involves—

"(A) inpatient care in a hospital, hospice, or residential medical care facility; or

"(B) continuing treatment by a health care provider; and

"(6) the term 'son or daughter' means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is—

"(A) under 18 years of age; or

"(B) 18 years of age or older and incapable of self-care because of a mental or physical disability.

"§ 6382. Leave requirement

"(a)(1) Subject to section 6383, an employee shall be entitled to a total of 12 administrative workweeks of leave during any 12-month period for one or more of the following:

"(A) Because of the birth of a son or daughter of the employee and in order to care for such son or daughter.

"(B) Because of the placement of a son or daughter with the employee for adoption or foster care.

"(C) In order to care for the spouse, or a son, daughter, or parent, of the employee, if such spouse, son, daughter, or parent has a serious health condition.

"(D) Because of a serious health condition that makes the employee unable to perform the functions of the employee's position.

"(2) The entitlement to leave under subparagraph (A) or (B) of paragraph (1) based on the birth or placement of a son or daughter shall expire at the end of the 12-month period beginning on the date of such birth or placement.

"(b)(1) Leave under subparagraph (A) or (B) of subsection (a)(1) shall not be taken by an employee intermittently or on a reduced leave schedule unless the employee and the employing agency of the employee agree otherwise. Subject to paragraph (2), subsection (e)(2), and section 6383(b)(5), leave under subparagraph (C) or (D) of subsection (a)(1) may be taken intermittently or on a reduced leave schedule when medically necessary. In the case of an employee who takes leave intermittently or on a reduced leave schedule pursuant to this paragraph, any hours of leave so taken by such employee shall be subtracted from the total amount of leave remaining available to such employee under subsection (a), for purposes of the 12-month period involved, on an hour-for-hour basis.

"(2) If an employee requests intermittent leave, or leave on a reduced leave schedule, under subparagraph (C) or (D) of subsection (a)(1), that is foreseeable based on planned medical treatment, the employing agency may require such employee to transfer temporarily to an available alternative position offered by the employing agency for which the employee is qualified and that—

"(A) has equivalent pay and benefits; and

"(B) better accommodates recurring periods of leave than the regular employment position of the employee.

"(c) Except as provided in subsection (d), leave granted under subsection (a) shall be leave without pay.

"(d) An employee may elect to substitute for leave under subparagraph (A), (B), (C), or (D) of subsection (a)(1) any of the employee's accrued or accumulated annual or sick leave under subchapter I for any part of the 12-week period of leave under such subsection, except that nothing in this subchapter shall require an employing agency to provide paid sick leave in any situation in which such employing agency would not normally provide any such paid leave.

"(e)(1) In any case in which the necessity for leave under subparagraph (A) or (B) of subsection (a)(1) is foreseeable based on an expected birth or placement, the employee shall provide the employing agency with not less than 30 days' notice, before the date the leave is to begin, of the employee's intention to take leave under such subparagraph, except that if the date of the birth or placement requires leave to begin in less than 30 days, the employee shall provide such notice as is practicable.

"(2) In any case in which the necessity for leave under subparagraph (C) or (D) of subsection (a)(1) is foreseeable based on planned medical treatment, the employee—

"(A) shall make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the employing agency, subject to the approval of the health care provider of the employee or the health care provider of the son, daughter, spouse, or parent of the employee, as appropriate; and

"(B) shall provide the employing agency with not less than 30 days' notice, before the date the leave is to begin, of the employee's intention to take leave under such subparagraph, except that if the date of the treatment requires leave to begin in less than 30 days, the employee shall provide such notice as is practicable.

"§ 6383. Certification

"(a) An employing agency may require that a request for leave under subparagraph (C) or (D) of section 6382(a)(1) be supported by certification issued by the health care provider of the employee or of the son, daughter, spouse, or parent of the employee, as appropriate. The employee shall provide, in a timely manner, a copy of such certification to the employing agency.

"(b) A certification provided under subsection (a) shall be sufficient if it states—

"(1) the date on which the serious health condition commenced;

"(2) the probable duration of the condition;

"(3) the appropriate medical facts within the knowledge of the health care provider regarding the condition;

"(4)(A) for purposes of leave under section 6382(a)(1)(C), a statement that the employee is needed to care for the son, daughter, spouse, or parent, and an estimate of the amount of time that such employee is needed to care for such son, daughter, spouse, or parent; and

"(B) for purposes of leave under section 6382(a)(1)(D), a statement that the employee is unable to perform the functions of the position of the employee; and

"(5) in the case of certification for intermittent leave, or leave on a reduced leave schedule, for planned medical treatment, the dates on which such treatment is expected to be given and the duration of such treatment.

"(c)(1) In any case in which the employing agency has reason to doubt the validity of the certification provided under subsection (a) for leave under subparagraph (C) or (D) of section 6382(a)(1), the employing agency may require, at the expense of the agency, that the employee obtain the opinion of a second health care provider designated or approved by the employing agency concerning any information certified under subsection (b) for such leave.

"(2) Any health care provider designated or approved under paragraph (1) shall not be employed on a regular basis by the employing agency.

"(d)(1) In any case in which the second opinion described in subsection (c) differs from the original certification provided under subsection (a), the employing agency may require, at the expense of the agency, that the employee obtain the opinion of a third health care provider designated or approved jointly by the employing agency and the employee concerning the information certified under subsection (b).

"(2) The opinion of the third health care provider concerning the information certified under subsection (b) shall be considered to be final and shall be binding on the employing agency and the employee.

"(e) The employing agency may require, at the expense of the agency, that the employee obtain subsequent recertifications on a reasonable basis.

"§ 6384. Employment and benefits protection

"(a) Any employee who takes leave under section 6382 for the intended purpose of the leave shall be entitled, upon return from such leave—

"(1) to be restored by the employing agency to the position held by the employee when the leave commenced; or

"(2) to be restored to an equivalent position with equivalent benefits, pay, status, and other terms and conditions of employment.

"(b) The taking of leave under section 6382 shall not result in the loss of any employment benefit accrued prior to the date on which the leave commenced.

"(c) Except as otherwise provided by or under law, nothing in this section shall be construed to entitle any restored employee to—

"(1) the accrual of any employment benefits during any period of leave; or

"(2) any right, benefit, or position of employment other than any right, benefit, or position to which the employee would have been entitled had the employee not taken the leave.

"(d) As a condition to restoration under subsection (a) for an employee who takes leave under section 6382(a)(1)(D), the employing agency may have a uniformly applied practice or policy that requires each such employee to receive certification from the health care provider of the employee that the employee is able to resume work.

"(e) Nothing in this section shall be construed to prohibit an employing agency from requiring an employee on leave under section 6382 to report periodically to the employing agency on the status and intention of the employee to return to work.

"§ 6385. Prohibition of coercion

"(a) An employee shall not directly or indirectly intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any other employee for the purpose of interfering with the exercise of any rights which such other employee may have under this subchapter.

"(b) For the purpose of this section—

"(1) the term 'intimidate, threaten, or coerce' includes promising to confer or conferring any benefit (such as appointment, promotion, or compensation), or taking or threatening to take any reprisal (such as deprivation of appointment, promotion, or compensation); and

"(2) the term 'employee' means any 'employee', as defined by section 2105.

"§ 6386. Health insurance

"An employee enrolled in a health benefits plan under chapter 89 who is placed in a leave status under section 6382 may elect to continue the health benefits enrollment of the employee while in such leave status and arrange to pay currently into the Employees Health Benefits Fund (described in section 8909), the appropriate employee contributions.

"§ 6387. Regulations

"The Office of Personnel Management shall prescribe regulations necessary for the administration of this subchapter. The regulations prescribed under this subchapter shall, to the extent appropriate, be consistent with the regulations prescribed by the Secretary of Labor to carry out title I of the Family and Medical Leave Act of 1993.".

(2) TABLE OF CONTENTS.—The table of contents for chapter 63 of title 5, United States Code, is amended by adding at the end the following:

"SUBCHAPTER V—FAMILY AND MEDICAL LEAVE

"6381. Definitions.
"6382. Leave requirement.
"6383. Certification.
"6384. Employment and benefits protection.
"6385. Prohibition of coercion.
"6386. Health insurance.
"6387. Regulations.".

(b) EMPLOYEES PAID FROM NONAPPROPRIATED FUNDS.—Section 2105(c)(1) of title 5, United States Code, is amended—

(1) by striking "or" at the end of subparagraph (C); and

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

"(E) subchapter V of chapter 63, which shall be applied so as to construe references to benefit programs to refer to applicable programs for employees paid from nonappropriated funds; or".

TITLE III—COMMISSION ON LEAVE

SEC. 301. ESTABLISHMENT. 29 USC 2631.

There is established a commission to be known as the Commission on Leave (referred to in this title as the "Commission").

SEC. 302. DUTIES. 29 USC 2632.

The Commission shall—

(1) conduct a comprehensive study of—

(A) existing and proposed mandatory and voluntary policies relating to family and temporary medical leave, including policies provided by employers not covered under this Act;

(B) the potential costs, benefits, and impact on productivity, job creation and business growth of such policies on employers and employees;

(C) possible differences in costs, benefits, and impact on productivity, job creation and business growth of such policies on employers based on business type and size;

(D) the impact of family and medical leave policies on the availability of employee benefits provided by employers, including employers not covered under this Act;

(E) alternate and equivalent State enforcement of title I with respect to employees described in section 108(a);

(F) methods used by employers to reduce administrative costs of implementing family and medical leave policies;

(G) the ability of the employers to recover, under section 104(c)(2), the premiums described in such section; and

(H) the impact on employers and employees of policies that provide temporary wage replacement during periods of family and medical leave.

Reports. (2) not later than 2 years after the date on which the Commission first meets, prepare and submit, to the appropriate Committees of Congress, a report concerning the subjects listed in paragraph (1).

29 USC 2633. **SEC. 303. MEMBERSHIP.**

(a) COMPOSITION.—

(1) APPOINTMENTS.—The Commission shall be composed of 12 voting members and 4 ex officio members to be appointed not later than 60 days after the date of the enactment of this Act as follows:

(A) SENATORS.—One Senator shall be appointed by the Majority Leader of the Senate, and one Senator shall be appointed by the Minority Leader of the Senate.

(B) MEMBERS OF HOUSE OF REPRESENTATIVES.—One Member of the House of Representatives shall be appointed by the Speaker of the House of Representatives, and one Member of the House of Representatives shall be appointed by the Minority Leader of the House of Representatives.

(C) ADDITIONAL MEMBERS.—

(i) APPOINTMENT.—Two members each shall be appointed by—

(I) the Speaker of the House of Representatives;

(II) the Majority Leader of the Senate;

(III) the Minority Leader of the House of Representatives; and

(IV) the Minority Leader of the Senate.

(ii) EXPERTISE.—Such members shall be appointed by virtue of demonstrated expertise in relevant family, temporary disability, and labor management issues. Such members shall include representatives of employers, including employers from large businesses and from small businesses.

(2) EX OFFICIO MEMBERS.—The Secretary of Health and Human Services, the Secretary of Labor, the Secretary of Commerce, and the Administrator of the Small Business Adminis-

tration shall serve on the Commission as nonvoting ex officio members.

(b) VACANCIES.—Any vacancy on the Commission shall be filled in the manner in which the original appointment was made. The vacancy shall not affect the power of the remaining members to execute the duties of the Commission.

(c) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall elect a chairperson and a vice chairperson from among the members of the Commission.

(d) QUORUM.—Eight members of the Commission shall constitute a quorum for all purposes, except that a lesser number may constitute a quorum for the purpose of holding hearings.

SEC. 304. COMPENSATION. 29 USC 2634.

(a) PAY.—Members of the Commission shall serve without compensation.

(b) TRAVEL EXPENSES.—Members of the Commission shall be allowed reasonable travel expenses, including a per diem allowance, in accordance with section 5703 of title 5, United States Code, when performing duties of the Commission.

SEC. 305. POWERS. 29 USC 2635.

(a) MEETINGS.—The Commission shall first meet not later than 30 days after the date on which all members are appointed, and the Commission shall meet thereafter on the call of the chairperson or a majority of the members.

(b) HEARINGS AND SESSIONS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers appropriate. The Commission may administer oaths or affirmations to witnesses appearing before it.

(c) ACCESS TO INFORMATION.—The Commission may secure directly from any Federal agency information necessary to enable it to carry out this title, if the information may be disclosed under section 552 of title 5, United States Code. Subject to the previous sentence, on the request of the chairperson or vice chairperson of the Commission, the head of such agency shall furnish such information to the Commission.

(d) USE OF FACILITIES AND SERVICES.—Upon the request of the Commission, the head of any Federal agency may make available to the Commission any of the facilities and services of such agency.

(e) PERSONNEL FROM OTHER AGENCIES.—On the request of the Commission, the head of any Federal agency may detail any of the personnel of such agency to serve as an Executive Director of the Commission or assist the Commission in carrying out the duties of the Commission. Any detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

(f) VOLUNTARY SERVICE.—Notwithstanding section 1342 of title 31, United States Code, the chairperson of the Commission may accept for the Commission voluntary services provided by a member of the Commission.

SEC. 306. TERMINATION. 29 USC 2636.

The Commission shall terminate 30 days after the date of the submission of the report of the Commission to Congress.

TITLE IV—MISCELLANEOUS PROVISIONS

29 USC 2651.

SEC. 401. EFFECT ON OTHER LAWS.

(a) FEDERAL AND STATE ANTIDISCRIMINATION LAWS.—Nothing in this Act or any amendment made by this Act shall be construed to modify or affect any Federal or State law prohibiting discrimination on the basis of race, religion, color, national origin, sex, age, or disability.

(b) STATE AND LOCAL LAWS.—Nothing in this Act or any amendment made by this Act shall be construed to supersede any provision of any State or local law that provides greater family or medical leave rights than the rights established under this Act or any amendment made by this Act.

29 USC 2652.

SEC. 402. EFFECT ON EXISTING EMPLOYMENT BENEFITS.

(a) MORE PROTECTIVE.—Nothing in this Act or any amendment made by this Act shall be construed to diminish the obligation of an employer to comply with any collective bargaining agreement or any employment benefit program or plan that provides greater family or medical leave rights to employees than the rights established under this Act or any amendment made by this Act.

(b) LESS PROTECTIVE.—The rights established for employees under this Act or any amendment made by this Act shall not be diminished by any collective bargaining agreement or any employment benefit program or plan.

29 USC 2653.

SEC. 403. ENCOURAGEMENT OF MORE GENEROUS LEAVE POLICIES.

Nothing in this Act or any amendment made by this Act shall be construed to discourage employers from adopting or retaining leave policies more generous than any policies that comply with the requirements under this Act or any amendment made by this Act.

29 USC 2654.

SEC. 404. REGULATIONS.

The Secretary of Labor shall prescribe such regulations as are necessary to carry out title I and this title not later than 120 days after the date of the enactment of this Act.

29 USC 2601 note.

SEC. 405. EFFECTIVE DATES.

(a) TITLE III.—Title III shall take effect on the date of the enactment of this Act.

(b) OTHER TITLES.—

(1) IN GENERAL.—Except as provided in paragraph (2), titles I, II, and V and this title shall take effect 6 months after the date of the enactment of this Act.

(2) COLLECTIVE BARGAINING AGREEMENTS.—In the case of a collective bargaining agreement in effect on the effective date prescribed by paragraph (1), title I shall apply on the earlier of—

(A) the date of the termination of such agreement; or

(B) the date that occurs 12 months after the date of the enactment of this Act.

TITLE V—COVERAGE OF CONGRESSIONAL EMPLOYEES

SEC. 501. LEAVE FOR CERTAIN SENATE EMPLOYEES. 2 USC 60m.

(a) COVERAGE.—The rights and protections established under sections 101 through 105 shall apply with respect to a Senate employee and an employing office. For purposes of such application, the term "eligible employee" means a Senate employee and the term "employer" means an employing office.

(b) CONSIDERATION OF ALLEGATIONS.—

(1) APPLICABLE PROVISIONS.—The provisions of sections 304 through 313 of the Government Employee Rights Act of 1991 (2 U.S.C. 1204–1213) shall, except as provided in subsections (d) and (e)—

(A) apply with respect to an allegation of a violation of a provision of sections 101 through 105, with respect to Senate employment of a Senate employee; and

(B) apply to such an allegation in the same manner and to the same extent as such sections of the Government Employee Rights Act of 1991 apply with respect to an allegation of a violation under such Act.

(2) ENTITY.—Such an allegation shall be addressed by the Office of Senate Fair Employment Practices or such other entity as the Senate may designate.

(c) RIGHTS OF EMPLOYEES.—The Office of Senate Fair Employment Practices shall ensure that Senate employees are informed of their rights under sections 101 through 105.

(d) LIMITATIONS.—A request for counseling under section 305 of such Act by a Senate employee alleging a violation of a provision of sections 101 through 105 shall be made not later than 2 years after the date of the last event constituting the alleged violation for which the counseling is requested, or not later than 3 years after such date in the case of a willful violation of section 105.

(e) APPLICABLE REMEDIES.—The remedies applicable to individuals who demonstrate a violation of a provision of sections 101 through 105 shall be such remedies as would be appropriate if awarded under paragraph (1) or (3) of section 107(a).

(f) EXERCISE OF RULEMAKING POWER.—The provisions of subsections (b), (c), (d), and (e), except as such subsections apply with respect to section 309 of the Government Employee Rights Act of 1991 (2 U.S.C. 1209), are enacted by the Senate as an exercise of the rulemaking power of the Senate, with full recognition of the right of the Senate to change its rules, in the same manner, and to the same extent, as in the case of any other rule of the Senate. No Senate employee may commence a judicial proceeding with respect to an allegation described in subsection (b)(1), except as provided in this section.

(g) SEVERABILITY.—Notwithstanding any other provision of law, if any provision of section 309 of the Government Employee Rights Act of 1991 (2 U.S.C. 1209), or of subsection (b)(1) insofar as it applies such section 309 to an allegation described in subsection (b)(1)(A), is invalidated, both such section 309, and subsection (b)(1) insofar as it applies such section 309 to such an allegation, shall have no force and effect, and shall be considered to be invalidated for purposes of section 322 of such Act (2 U.S.C. 1221).

(h) DEFINITIONS.—As used in this section:

(1) EMPLOYING OFFICE.—The term "employing office" means the office with the final authority described in section 301(2) of such Act (2 U.S.C. 1201(2)).

(2) SENATE EMPLOYEE.—The term "Senate employee" means an employee described in subparagraph (A) or (B) of section 301(c)(1) of such Act (2 U.S.C. 1201(c)(1)) who has been employed for at least 12 months on other than a temporary or intermittent basis by any employing office.

2 USC 60n.

SEC. 502. LEAVE FOR CERTAIN HOUSE EMPLOYEES.

(a) IN GENERAL.—The rights and protections under sections 102 through 105 (other than section 104(b)) shall apply to any employee in an employment position and any employing authority of the House of Representatives.

(b) ADMINISTRATION.—In the administration of this section, the remedies and procedures under the Fair Employment Practices Resolution shall be applied.

(c) DEFINITION.—As used in this section, the term "Fair Employment Practices Resolution" means rule LI of the Rules of the House of Representatives.

TITLE VI—SENSE OF CONGRESS

SEC. 601. SENSE OF CONGRESS.

It is the sense of the Congress that:

(a) The Secretary of Defense shall conduct a comprehensive review of current departmental policy with respect to the service of homosexuals in the Armed Forces;

(b) Such review shall include the basis for the current policy of mandatory separation; the rights of all service men and women, and the effects of any change in such policy on morale, discipline, and military effectiveness;

Reports.

(c) The Secretary shall report the results of such review and consultations and his recommendations to the President and to the Congress no later than July 15, 1993;

(d) The Senate Committee on Armed Services shall conduct (i) comprehensive hearings on the current military policy with respect to the service of homosexuals in the military services; and (ii) shall conduct oversight hearings on the Secretary's recommendations as such are reported.

Approved February 5, 1993.

LEGISLATIVE HISTORY—H.R. 1 (S. 5):

HOUSE REPORTS: No. 103-8, Pt. 1 (Comm. on Education and Labor) and Pt. 2 (Comm. on Post Office and Civil Service).
SENATE REPORTS: No. 103-3 accompanying S. 5 (Comm. on Labor and Human Resources).
CONGRESSIONAL RECORD, Vol. 139 (1993):
Feb. 2, S. 5 considered in Senate.
Feb. 3, considered in Senate; H.R. 1 considered and passed House.
Feb. 4, H.R. 1 considered and passed Senate, amended, in lieu of S. 5. House concurred in Senate amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 29 (1993):
Feb. 5, Presidential remarks and statement.

Public Law 103-4
103d Congress

An Act

Feb. 8, 1993
[S. 202]

To designate the Federal Judiciary Building in Washington, D.C., as the "Thurgood Marshall Federal Judiciary Building".

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

40 USC 1201 note.

SECTION 1. DESIGNATION.

The Federal Judiciary Building in Washington, D.C., shall be known and designated as the "Thurgood Marshall Federal Judiciary Building".

40 USC 1201 note.

SEC. 2. LEGAL REFERENCES.

Any reference in any law, map, regulation, document, paper, or other record of the United States to the Federal Judiciary Building referred to in section 1 shall be deemed to be a reference to the "Thurgood Marshall Federal Judiciary Building".

Approved February 8, 1993.

LEGISLATIVE HISTORY—S. 202:

CONGRESSIONAL RECORD, Vol. 139 (1993):
Jan. 26, considered and passed Senate.
Jan. 27, considered and passed House.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 29 (1993):
Feb. 8, Presidential statement.

Public Law 103-5
103d Congress

Joint Resolution

To designate February 21 through February 27, 1993, as "National FFA Organization Awareness Week".

Feb. 25, 1993
[H.J. Res. 101]

Whereas the National FFA Organization was founded as a leadership organization for students of agriculture education in public schools;

Whereas each member lives by the FFA motto of Learning to Do, Doing to Learn, Earning to Live, Living to Serve;

Whereas the primary goal of the National FFA Organization is dedicated to develop competent agricultural leadership, citizenship, and cooperation;

Whereas as the National FFA Organization is comprised of approximately 400,000 members in all 50 States, Puerto Rico, the District of Columbia, Guam, ROTA (Commonwealth of Northern Mariana Islands), Federated States of Micronesia, and the Marshall Islands;

Whereas the National FFA Organization prepares a student for post-secondary education or employment following high school;

Whereas the National FFA Organization is only open to those students enrolled in approved agricultural education programs;

Whereas the National FFA Organization was formally organized on November 20, 1928;

Whereas the National FFA Organization was organized to foster character development, agricultural leadership, and responsible citizenship and to supplement training opportunities for students preparing for careers in agriscience, production agriculture, and agribusiness; and

Whereas the FFA is a national organization of high school agriculture students preparing for careers in agricultural production, processing, supply and service, mechanics, horticulture, forestry, and natural resources: Now, therefore, be it

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

of February 21 through February 27, 1993, is designated as "National FFA Organization Awareness Week", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate ceremonies and activities.

Approved February 25, 1993.

LEGISLATIVE HISTORY—H.J. Res. 101:

CONGRESSIONAL RECORD, Vol. 139 (1993):
Feb. 16, considered and passed House.
Feb. 17, considered and passed Senate.

Public Law 103-6
103d Congress

An Act

To extend the emergency unemployment compensation program, and for other purposes.

Mar. 4, 1993
[H.R. 920]

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

Emergency Unemployment Compensation Amendments of 1993.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Emergency Unemployment Compensation Amendments of 1993". 26 USC 1 note.

SEC. 2. EXTENSION OF EMERGENCY UNEMPLOYMENT COMPENSATION PROGRAM.

(a) GENERAL RULE.—Sections 102(f)(1) and 106(a)(2) of the Emergency Unemployment Compensation Act of 1991 (Public Law 102–164, as amended) are each amended by striking "March 6, 1993" and inserting "October 2, 1993". 26 USC 3304 note.

(b) MODIFICATION TO FINAL PHASE-OUT.—Paragraph (2) of section 102(f) of such Act is amended—

(1) by striking "March 6, 1993" and inserting "October 2, 1993", and

(2) by striking "June 19, 1993" and inserting "January 15, 1994".

(c) CONFORMING AMENDMENT.—Paragraph (1) of section 101(e) of such Act is amended by striking "March 6, 1993" each place it appears and inserting "October 2, 1993". 26 USC 3304 note.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to weeks beginning after March 6, 1993. 26 USC 3304 note.

SEC. 3. TREATMENT OF RAILROAD WORKERS.

(a) EXTENSION OF PROGRAM.—

(1) IN GENERAL.—Paragraphs (1) and (2) of section 501(b) of the Emergency Unemployment Compensation Act of 1991 (Public Law 102–164, as amended) are each amended by striking "March 6, 1993" and inserting "October 2, 1993". 45 USC 352 note.

(2) CONFORMING AMENDMENT.—Section 501(a) of such Act is amended by striking "March 1993" and inserting "October 1993".

(b) TERMINATION OF BENEFITS.—Section 501(e) of such Act is amended—

(1) by striking "March 6, 1993" and inserting "October 2, 1993", and

(2) by striking "June 19, 1993" and inserting "January 15, 1994".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to weeks beginning after March 6, 1993. 45 USC 352 note.

26 USC 3304 note.

SEC. 4. PROFILING OF NEW CLAIMANTS.

(a) GENERAL RULE.—The Secretary of Labor shall establish a program for encouraging the adoption and implementation by all States of a system of profiling all new claimants for regular unemployment compensation (including new claimants under each State unemployment compensation law which is approved under the Federal Unemployment Tax Act (26 U.S.C. 3301–3311) and new claimants under Federal unemployment benefit and allowance programs administered by the State under agreements with the Secretary of Labor), to determine which claimants may be likely to exhaust regular unemployment compensation and may need reemployment assistance services to make a successful transition to new employment.

(b) TECHNICAL ASSISTANCE TO STATES.—The Secretary of Labor shall provide technical assistance and advice to the States in the development of model profiling systems and the procedures for such systems. Such technical assistance and advice shall be provided by the utilization of such resources as the Secretary deems appropriate, and the procedures for such profiling systems shall include the effective utilization of automated data processing.

(c) FUNDING OF ACTIVITIES.—For purposes of encouraging the development and establishment of model profiling systems in the States, the Secretary of Labor shall provide to each State, from funds available for this purpose, such funds as may be determined by the Secretary to be necessary.

(d) REPORT TO CONGRESS.—Within 30 months after the date of the enactment of this Act, the Secretary of Labor shall report to the Congress on the operation and effectiveness of the profiling systems adopted by the States, and the Secretary's recommendation for continuation of the systems and any appropriate legislation.

(e) STATE.—For purposes of this section, the term "State" has the meaning given such term by section 3306(j)(1) of the Internal Revenue Code of 1986.

(f) EFFECTIVE DATE.—The provisions of this section shall take effect on the date of the enactment of this Act.

26 USC 3304 note.

SEC. 5. FINANCING PROVISIONS.

(a) AUTHORIZATION.—There are authorized to be appropriated for nonrepayable advances to the account for "Advances to the Unemployment Trust Fund and Other Funds" in Department of Labor Appropriations Acts (for transfer to the "extended unemployment compensation account" established by section 905 of the Social Security Act) such sums as may be necessary to make payments to the States to carry out the purposes of the amendments made by section 2 of this Act.

(b) USE OF ADVANCE ACCOUNT FUNDS.—The funds appropriated to the account for "Advances to the Unemployment Trust Fund and Other Funds" in the Department of Labor Appropriation Act for Fiscal Year 1993 (Public Law 102–394) are authorized to be used to make payments to the States to carry out the purposes of the amendments made by section 2 of this Act.

26 USC 3304 note.

SEC. 6. EMERGENCY DESIGNATION.

Pursuant to sections 251(b)(2)(D)(i) and 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985, the Congress hereby designates all direct spending amounts provided by this Act (for all fiscal years) and all appropriations authorized by this

Act (for all fiscal years) as emergency requirements within the meaning of part C of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 7. ELIMINATION OF COST OF LIVING ADJUSTMENT FOR MEMBERS OF CONGRESS IN 1994. 2 USC 31 note.

(a) COST OF LIVING ADJUSTMENT.—Notwithstanding section 601(a)(2) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31(2)), the cost of living adjustment (relating to pay for Members of Congress) which would become effective under such provision of law during calendar year 1994 shall not take effect.

(b) SEVERABILITY.—If any provision of this Act, or an amendment made by this Act, or the application of such provision to any person or circumstance, is held to be invalid, the remainder of this Act, or an amendment made by this Act, or the application of such provision to other persons or circumstances, shall not be affected.

Approved March 4, 1993.

LEGISLATIVE HISTORY—H.R. 920 (S. 382):

HOUSE REPORTS: No. 103-17 (Comm. on Ways and Means).
CONGRESSIONAL RECORD, Vol. 139 (1993):
Feb. 25, considered and passed House.
Mar. 2, 3, S. 382 considered in Senate; H.R. 920, amended, passed in lieu.
Mar. 4, House concurred in Senate amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 29 (1993):
Mar. 4, Presidential remarks and statement.

Public Law 103-7
103d Congress

An Act

Mar. 17, 1993
[S. 400]

To amend the Employee Retirement Income Security Act of 1974 to provide for the treatment of settlement agreements reached with the Pension Benefit Guaranty Corporation.

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

Aircraft Equipment Settlement Leases Act of 1993.
11 USC 1110 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Aircraft Equipment Settlement Leases Act of 1993".

11 USC 1110 note.

SEC. 2. TREATMENT OF AIRCRAFT EQUIPMENT SETTLEMENT LEASES WITH THE PENSION BENEFIT GUARANTY CORPORATION.

In the case of any settlement of liability under title IV of the Employee Retirement Income Security Act of 1974 entered into by the Pension Benefit Guaranty Corporation and one or more other parties, if—

(1) such settlement was entered into before, on, or after the date of the enactment of this Act,

(2) at least one party to such settlement was a debtor under title 11 of the United States Code, and

(3) an agreement that is entered into as part of such settlement provides that such agreement is to be treated as a lease,

then such agreement shall be treated as a lease for purposes of section 1110 of such title 11.

Approved March 17, 1993.

LEGISLATIVE HISTORY—S. 400 (H.R. 1140):

HOUSE REPORTS: No. 103-33, Pt. 1, accompanying H.R. 1140 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 139 (1993):
Mar. 11, considered and passed Senate.
Mar. 16, H.R. 1140 considered and passed House; S. 400 passed in lieu.

Public Law 103-8
103d Congress

Joint Resolution

Designating March 25, 1993, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy".

Mar. 20, 1993
[S.J. Res. 22]

Whereas the ancient Greeks developed the concept of democracy, in which the supreme power to govern was vested in the people;
Whereas the Founding Fathers of the United States of America drew heavily upon the political experience and philosophy of ancient Greece in forming our representative democracy;
Whereas these and other ideals have forged a close bond between our two nations and their peoples;
Whereas March 25, 1993, marks the one hundred and seventy-second anniversary of the beginning of the revolution which freed the Greek people from the Ottoman Empire; and
Whereas it is proper and desirable to celebrate with the Greek people, and to reaffirm the democratic principles from which our two great nations were born: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That March 25, 1993, is designated as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the day with appropriate ceremonies and activities.

Approved March 20, 1993.

LEGISLATIVE HISTORY—S.J. Res. 22:

CONGRESSIONAL RECORD, Vol. 139 (1993):
Mar. 11, considered and passed Senate.
Mar. 16, considered and passed House.

Public Law 103-9
103d Congress

Joint Resolution

Mar. 20, 1993
[S.J. Res. 36]

To proclaim March 20, 1993, as "National Agriculture Day".

Whereas agriculture is the Nation's largest and most basic industry, and its associated production, processing, and marketing segments together provide more jobs than any other single industry;
Whereas the United States agricultural sector serves all Americans by providing food, fiber, and other basic necessities of life;
Whereas the performance of the agricultural economy is vital to maintaining the strength of our national economy, the standard of living of our citizens, and our presence in the world trade markets;
Whereas the Nation's heritage of family-owned, family-operated farms and ranches has been the core of the American Agricultural system and continues to be the best means for assuring the protection of our natural resources and the production of an adequate and affordable supply of food and fiber for future generations of Americans;
Whereas the American agricultural system provides American consumers with a stable supply of the highest quality food and fiber for the lowest cost per capita in the world;
Whereas American agriculture continually seeks to maintain and improve the high level of product quality and safety expected by the consumer;
Whereas the public should be aware of the contributions of all people—men and women—who are a part of American agriculture and its contributions to American life, health, and prosperity;
Whereas women play a vital role in maintaining the family farm system, both as sole operators and as working partners, and are also attaining important leadership roles throughout the American agricultural system;
Whereas farm workers are an indispensable part of the agricultural system as witnessed by their hard work and dedication;
Whereas scientists and researchers play an integral part in the agricultural system in their search for better and more efficient ways to produce and process safe and nutritious agricultural products;
Whereas farmers and food processors are responding to the desire of health-conscious American consumers by developing more health-oriented food products;
Whereas distributors play an important role in transporting agricultural products to retailers who in turn make the products available to the consumer;

Whereas our youth—the future of our Nation—have become involved through various organizations in increasing their understanding and our understanding of the importance of agriculture in today's society;

Whereas it is important that all Americans should understand the role that agriculture plays in their lives and well-being, whether they live in urban or rural areas;

Whereas since 1973, the first day of spring has been celebrated as National Agriculture Day by farmers and ranchers, commodity and farm organizations, cooperatives and agribusiness organizations, nonprofit and community organizations, other persons involved in the agricultural system, and Federal, State, and local governments; and

Whereas 1993 marks the twentieth celebration of National Agriculture Day: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That March 20, 1993, is proclaimed "National Agriculture Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe this day with appropriate ceremonies and activities during the week of March 14 through March 20.

Approved March 20, 1993.

LEGISLATIVE HISTORY—S.J. Res. 36:

CONGRESSIONAL RECORD, Vol. 139 (1993):
Mar. 11, considered and passed Senate.
Mar. 16, considered and passed House.

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Public Law 103-10
103d Congress

An Act

Mar. 27, 1993
[H.R. 750]

To extend the Export Administration Act of 1979 and to authorize appropriations under that Act for fiscal years 1993 and 1994.

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

SECTION 1. AUTHORIZATION OF APPROPRIATIONS.

Section 18 of the Export Administration Act of 1979 (50 U.S.C. App. 2417) is amended by striking subsection (b) and inserting the following:

"(b) AUTHORIZATION.—There are authorized to be appropriated to the Department of Commerce to carry out the purposes of this Act—

"(1) $42,813,000 for the fiscal year 1993;

"(2) such sums as may be necessary for the fiscal year 1994; and

"(3) such additional amounts, for each such fiscal year, as may be necessary for increases in salary, pay, retirement, other employee benefits authorized by law, and other non-discretionary costs.".

SEC. 2. EXTENSION OF THE ACT.

Section 20 of the Export Administration Act of 1979 (50 U.S.C. App. 2419) is amended by striking "September 30, 1990" and inserting "June 30, 1994".

Approved March 27, 1993.

LEGISLATIVE HISTORY—H.R. 750:

CONGRESSIONAL RECORD, Vol. 139 (1993):
Feb. 16, considered and passed House.
Mar. 11, considered and passed Senate.

Public Law 103-11
103d Congress

An Act

To extend the suspended implementation of certain requirements of the food stamp program on Indian reservations, and for other purposes.

Apr. 1, 1993
[S. 284]

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

SECTION 1. REPORTING AND STAGGERED ISSUANCE FOR HOUSEHOLDS ON RESERVATIONS.

Section 908(a) of the Food, Agriculture, Conservation, and Trade Act Amendments of 1991 (Public Law 102-237; 7 U.S.C. 2015 note and 7 U.S.C. 2016 note) is amended by striking "April 1, 1993" both places it appears and inserting "January 31, 1994".

Approved April 1, 1993.

LEGISLATIVE HISTORY—S. 284:

CONGRESSIONAL RECORD, Vol. 139 (1993):
Mar. 29, considered and passed Senate.
Mar. 31, considered and passed House.

Public Law 103-12
103d Congress

An Act

Apr. 6, 1993
[H.R. 1430]

To provide for a temporary increase in the public debt limit.

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

31 USC 3101 note.

SECTION 1. TEMPORARY INCREASE IN PUBLIC DEBT LIMIT.

During the period beginning on the date of the enactment of this Act and ending on September 30, 1993, the public debt limit set forth in subsection (b) of section 3101 of title 31, United States Code, shall be temporarily increased to $4,370,000,000,000.

Approved April 6, 1993.

LEGISLATIVE HISTORY—H.R. 1430:

HOUSE REPORTS: No. 103-43 (Comm. on Ways and Means).
CONGRESSIONAL RECORD, Vol. 139 (1993):
Apr. 1, considered and passed House.
Apr. 5, considered and passed Senate.

Public Law 103-13
103d Congress

An Act

To amend the Airport and Airway Safety, Capacity, Noise Improvement, and Intermodal Transportation Act of 1992 with respect to the establishment of the National Commission to Ensure a Strong Competitive Airline Industry.

Apr. 7, 1993
[H.R. 904]

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

SECTION 1. NATIONAL COMMISSION TO ENSURE A STRONG COMPETITIVE AIRLINE INDUSTRY.

(a) APPOINTMENT OF MEMBERS.—Paragraph (1) of subsection (e) of section 204 of the Airport and Airway Safety, Capacity, Noise Improvement, and Intermodal Transportation Act of 1992 (49 U.S.C. App. 1371 note) is amended to read as follows:

"(1) APPOINTMENT.—The Commission shall be composed of 15 voting members and 11 nonvoting members as follows:

"(A) 5 voting members and 1 nonvoting member appointed by the President. President.

"(B) 3 voting members and 3 nonvoting members appointed by the Speaker of the House of Representatives.

"(C) 2 voting members and 2 nonvoting members appointed by the minority leader of the House of Representatives.

"(D) 3 voting members and 3 nonvoting members appointed by the majority leader of the Senate.

"(E) 2 voting members and 2 nonvoting members appointed by the minority leader of the Senate.".

(b) QUALIFICATIONS OF MEMBERS.—Paragraph (2) of subsection (e) of such section is amended to read as follows:

"(2) QUALIFICATIONS.—Voting members appointed pursuant to paragraph (1) shall be appointed from among individuals who are experts in aviation economics, finance, international trade, and related disciplines and who can represent airlines, passengers, shippers, airline employees, aircraft manufacturers, general aviation, and the financial community.".

(c) TRAVEL EXPENSES.—Paragraph (5) of subsection (e) of such section is amended by striking "sections 5702 and 5703" and inserting "subchapter I of chapter 57".

(d) CHAIRMAN.—Paragraph (6) of subsection (e) of such section is amended to read as follows:

"(6) CHAIRMAN.—The President, in consultation with the Speaker of the House of Representatives and the majority leader of the Senate, shall designate the Chairman of the Commission from among its voting members.". President.

(e) COMMISSION PANELS.—

(1) IN GENERAL.—Such section is further amended by inserting after subsection (e) the following new subsection:

"(f) COMMISSION PANELS.—The Chairman shall establish such panels consisting of voting members of the Commission as the Chairman determines appropriate to carry out the functions of the Commission.".

(2) CONFORMING AMENDMENT.—Subsections (f), (g), (h), (i), (j), and (k) of such section are redesignated as subsections (g), (h), (i), (k), (l), and (m), respectively.

(f) STAFF AND OTHER SUPPORT.—Such section is further amended by inserting after subsection (i) (as redesignated by subsection (e)(2) of this section) the following new subsection:

"(j) STAFF AND OTHER SUPPORT.—Upon the request of the Commission or a panel of the Commission, the Secretary of Transportation shall provide the Commission or panel with staff and other support to assist the Commission or panel in carrying out its responsibilities.".

(g) REPORT.—Subsection (l) of such section (as redesignated by subsection (e)(2) of this section) is amended by striking "6 months" and inserting "90 days".

(h) TERMINATION.—Subsection (m) of such section (as redesignated by subsection (e)(2) of this section) is amended—

(1) by striking "180th day" and inserting "30th day"; and

(2) by striking "subsection (j)" and inserting "subsection (l)".

(i) COMMISSION EXPENDITURES.—Such section is further amended by adding at the end the following new subsection:

"(n) COMMISSION EXPENDITURES.—Amounts expended to carry out this section shall not be considered expenses of advisory committees for purposes of section 312 of the Department of Transportation and Related Agencies Appropriations Act, 1993.".

(j) PREVIOUSLY APPOINTED MEMBERS.—Such section is further amended by adding at the end the following new subsection:

"(o) PREVIOUSLY APPOINTED MEMBERS.—Any appointment made to the Commission before the date of the enactment of this subsection shall not be effective after such date of enactment.".

Approved April 7, 1993.

LEGISLATIVE HISTORY—H.R. 904 (S. 366):

HOUSE REPORTS: No. 103-22 (Comm. on Public Works and Transportation).
CONGRESSIONAL RECORD, Vol. 139 (1993):
Mar. 2, considered and passed House.
Mar. 17, S. 366 considered in Senate; H.R. 904, amended, passed in lieu.
Mar. 23, House concurred in Senate amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 29 (1993):
Apr. 7, Presidential remarks and statement.

Public Law 103-14
103d Congress

Joint Resolution

Designating April 2, 1993, as "Education and Sharing Day, U.S.A.".

Apr. 12, 1993
[H.J. Res. 150]

Whereas the Congress recognizes that ethical teachings and values have played a prominent role in the foundation of civilization and in the history of our great Nation;

Whereas President William J. Clinton has indicated that ethical considerations will inform all of the decisions of his Administration;

Whereas ethical teachings and values have formed the cornerstone of society since the dawn of civilization and found expression in the Seven Noahide Laws;

Whereas sharing and education represent two pillars of these Laws and of ethical conduct;

Whereas Rabbi Menachem Mendel Schneerson, the leader of the Lubavitch movement, is revered worldwide for the contributions he has made to education and sharing;

Whereas the 2,000 educational, social, and rehabilitative institutions administered by Lubavitch advance these ideals for the millions of people whom they serve each year;

Whereas Rabbi Menachem Mendel Schneerson has interpreted, in the miraculous events of our times, the increasing vitality of these ideals for the furtherance of human understanding and betterment;

Whereas the extraordinary life and work of Rabbi Menachem Mendel Schneerson have long been acknowledged by the Congress through the enactment of Joint Resolutions designating his birthday in each of the last 15 years as "Education Day, U.S.A.";

Whereas the Lubavicher Rebbe's 91st birthday falls on April 2, 1993;

Whereas in tribute to this esteemed spiritual leader, the Lubavicher Rebbe's birthday will be designated as "Education and Sharing Day, U.S.A."; and

Whereas such designation will signal a renewal of our Nation's commitment to greater acts of charity, to an enriched emphasis on education, and to the furtherance of ethical teachings and values in the affairs of government and in the lives of our citizens: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 2, 1993, the birthday, and the culmination of the celebration of the

90th birthday year, of Rabbi Menachem Mendel Schneerson, leader of the worldwide Lubavitch movement, is designated as "Education and Sharing Day, U.S.A.". The President is requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

Approved April 12, 1993.

LEGISLATIVE HISTORY—H.J. Res. 150:

CONGRESSIONAL RECORD, Vol. 139 (1993):
Mar. 25, considered and passed House.
Mar. 26, considered and passed Senate.

Public Law 103-15
103d Congress

Joint Resolution

Concerning the dedication of the United States Holocaust Memorial Museum.

Apr. 12, 1993
[H.J. Res. 156]

Whereas, in 1980, the Congress of the United States established the United States Holocaust Memorial Council (Public Law 96–388, dated October 7, 1980) by unanimous vote and mandated it with the creation of a permanent living memorial museum to the victims of the Holocaust;

Whereas, through the great generosity and unstinting efforts of thousands of individuals from all walks of life, the United States Holocaust Memorial Museum has now been built on Federal land with private contributions and will be officially dedicated on April 22, 1993;

Whereas, this institution will underscore the ideals of human rights and individual liberty this Nation was founded upon, as expressed by President George Washington in 1790, when he declared that the United States had created "a government which to bigotry gives no sanction, to persecution no assistance";

Whereas, four administrations and every Congress since 1980, and especially Members of Congress and individuals who have served on the Council and officials of the United States Departments of State, the Interior, and Education, have joined with the American public in bringing this institution to life; and

Whereas, this museum signifies national dedication to remembering the Holocaust, and will serve as the Nation's leading educational facility to teach current and future generations of Americans about this tragic period of human history and its implications for our lives and the choices we make as individuals and societies against crimes based on hate and prejudice regarding race, religion, and sexual preference: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the One Hundred Third Congress officially commemorates the opening and recognizes the historic importance of this unique institution as it takes its place among the other great memorials and museums in our Nation's Capital that honor the democratic precepts this Nation is based upon; and be it further

Resolved, That Congress encourages all citizens of the United States, and all who come to Washington, District of Columbia, to visit the Museum and avail themselves of the opportunities presented within its walls to learn about the past and to contemplate the moral responsibilities of citizenship; and be it further

Resolved, That, in remembrance of those who perished in the Holocaust; in tribute to the survivors who came to the United States to build a new life, and who, with their families, have

contributed so much to the fabric of our diverse society; in recognition of heroic American soldiers who liberated prisoners of Nazi camps; in recognition of the anonymous bravery of rescuers from many lands who had the courage to care and placed their own lives in peril to help others in need; and in hope that Americans will learn from this museum the need to remain vigilant against bigotry and oppression; we welcome the United States Holocaust Memorial Museum to the center of our American heritage and state now, in recognition of the Museum's motto, that for the dead and the living and those yet to be born, we do bear witness.

Approved April 12, 1993.

LEGISLATIVE HISTORY—H.J. Res. 156 (S.J. Res. 76):

CONGRESSIONAL RECORD, Vol. 139 (1993):
Apr. 1, considered and passed House.
Apr. 2, S.J. Res. 76 and H.J. Res. 156 considered and passed Senate.

Public Law 103-16
103d Congress

An Act

To authorize the adjustment of the boundaries of the South Dakota portion of the Sioux Ranger District of Custer National Forest, and for other purposes.

Apr. 12, 1993
[S. 164]

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

SECTION 1. SIOUX RANGER DISTRICT BOUNDARY ADJUSTMENT.

Real property.

(a) IN GENERAL.—In accordance with the Act entitled "An Act to consolidate national forest lands", approved March 20, 1922 (16 U.S.C. 485 et seq.), and in exchange for national forest lands in Custer National Forest, the Secretary of Agriculture may accept title to any lands located within 5 miles of the exterior boundaries of the South Dakota portion of the Sioux Ranger District of Custer National Forest that are not owned by the United States and that are found by the Secretary of Agriculture to be chiefly valuable for national forest purposes.

(b) INCORPORATION INTO CUSTER NATIONAL FOREST.—Upon acceptance of title by the Secretary of Agriculture, lands conveyed to the United States in accordance with subsection (a) shall become part of Custer National Forest.

Approved April 12, 1993.

LEGISLATIVE HISTORY—S. 164 (H.R. 720):

HOUSE REPORTS: No. 103-40, Pt. 1, accompanying H.R. 720 (Comm. on Natural Resources).
SENATE REPORTS: No. 103-10 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 139 (1993):
Mar. 17, considered and passed Senate.
Mar. 29, 30, considered and passed House.

Public Law 103-17
103d Congress

An Act

Apr. 12, 1993
[S. 252]

To provide for certain land exchanges in the State of Idaho, and for other purposes.

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

Idaho Land Exchange Act of 1993.
Real property.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Idaho Land Exchange Act of 1993".

SEC. 2. TARGHEE NATIONAL FOREST BOUNDARY ADJUSTMENT.

(a) IN GENERAL.—The boundaries of the Targhee National Forest are adjusted as generally depicted on the map entitled "Targhee National Forest Proposed Boundary Changes" and dated March 1, 1991.

(b) MAP AND LEGAL DESCRIPTION.—

(1) PUBLIC ACCESS.—The map described in subsection (a) and a legal description of the lands depicted on the map shall be on file and available for public inspection in the Regional Office of the Intermountain Region of the Forest Service.

(2) TECHNICAL CORRECTIONS.—The map and legal description shall have the same force and effect as if included in this Act, except that the Secretary of Agriculture (referred to in this Act as the "Secretary") may correct clerical and typographical errors.

(c) RULE OF CONSTRUCTION.—For the purpose of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9), the boundaries of the Targhee National Forest, as adjusted by this Act, shall be considered to be the boundaries of the Forest as of January 1, 1965.

SEC. 3. CLARK FORK LAND EXCHANGE.

(a) FINDINGS.—Congress finds that, over the 12 years prior to the date of enactment of this Act—

(1) the University of Idaho has utilized the Clark Fork Ranger Station within the Kaniksu National Forest as the Clark Fork Field Campus, under a Granger-Thye permit; and

(2) the University of Idaho has made substantial improvements in order to maintain and utilize the buildings as a campus facility.

(b) DEFINITIONS.—As used in this section:

(1) PARCEL A.—The term "Parcel A" means the approximately 35.27 acres comprising the Clark Fork Ranger Station within the Kaniksu National Forest, as depicted on the map

entitled "Clark Fork Land Exchange—Parcel A" and dated July 1, 1991.

(2) PARCEL B.—The term "Parcel B" means the approximately 40 acres depicted on the map entitled "Clark Fork Land Exchange—Parcel B" and dated July 1, 1991.

(c) LAND EXCHANGE.—

(1) CONVEYANCE BY THE SECRETARY.—In exchange for the conveyance described in paragraph (2) and subject to easements that are considered necessary by the Secretary for public and administrative access and to valid existing rights, the Secretary shall convey to the State of Idaho, acting through the Regents of the University of Idaho, all right, title, and interest of the United States to Parcel A.

(2) CONVEYANCE BY THE STATE OF IDAHO.—In exchange for the conveyance described in paragraph (1) and subject to valid existing rights of record acceptable to the Secretary, the State of Idaho shall convey to the Secretary, by general warranty deed in accordance with Department of Justice title standards, all right, title, and interest to Parcel B.

(3) MAPS AND LEGAL DESCRIPTIONS.—

(A) PUBLIC ACCESS.—The maps described in subsection (b) and the legal descriptions of the lands depicted on the maps shall be on file and available for public inspection in the Regional Office of the Northern Region of the Forest Service.

(B) TECHNICAL CORRECTIONS.—The maps and legal descriptions shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors.

(d) LAND VALUATION.—

(1) IN GENERAL.—Subject to paragraph (2), if the lands exchanged between the United States and the State of Idaho, as authorized by subsection (c), are not of equal value, the values shall be equalized in accordance with section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)).

(2) EXCEPTION.—The value of the improvements made by the University of Idaho on Parcel A under the Granger-Thye permit shall be excluded from consideration in a valuation conducted pursuant to paragraph (1).

(e) NATIONAL FOREST BOUNDARY ADJUSTMENT.—

(1) IN GENERAL.—Upon acquisition of Parcel B by the United States, the boundaries of the Kaniksu National Forest shall be adjusted to include Parcel B.

(2) RULE OF CONSTRUCTION.—For the purpose of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9), the boundaries of the Kaniksu National Forest, as adjusted by this Act, shall be considered to be the boundaries of the Forest as of January 1, 1965.

Approved April 12, 1993.

LEGISLATIVE HISTORY—S. 252 (H.R. 235):

HOUSE REPORTS: No. 103-42, Pt. 1, accompanying H.R. 235 (Comm. on Natural Resources).
SENATE REPORTS: No. 103-12 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 139 (1993):
Mar. 17, considered and passed Senate.
Mar. 29, 30, considered and passed House.

Public Law 103-18
103d Congress

An Act

To amend title 38, United States Code, and title XIX of the Social Security Act to make technical corrections relating to the Veterans Health Care Act of 1992.

Apr. 12, 1993
[S. 662]

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

SECTION 1. TECHNICAL CORRECTIONS OF PROVISIONS RELATING TO THE PRICE OF DRUGS PURCHASED BY THE DEPARTMENT OF VETERANS AFFAIRS AND OTHER FEDERAL AGENCIES.

(a) IN GENERAL.—Section 8126 of title 38, United States Code, as amended by section 603 of the Veterans Health Care Act of 1992, is amended—

(1) in subsection (a)(2), by striking "preceding such date";

(2) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking "for calendar quarters", and

(B) in paragraph (1)—

(i) by striking "preceding the month during which the contract goes into effect"; and

(ii) by striking "increased by" and inserting "multiplied by";

(3) by amending subsection (d)(1) to read as follows:

"(1) during any one-year period that follows the first year for which the contract is in effect, the contract price charged for the drug may not exceed the contract price charged during the preceding one-year period, increased by the percentage increase in the Consumer Price Index for all urban consumers (U.S. city average) during the 12-month period ending with the last month of such preceding one-year period for which Consumer Price Index data is available; and"; and

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

"(i)(1) If the Secretary modifies a multi-year contract described in subsection (d) to include a covered drug of the manufacturer that was not available for inclusion under the contract at the time the contract went into effect, the price of the drug shall be determined as follows:

"(A) For the portion of the first contract year during which the drug is so included, the price of the drug shall be determined in accordance with subsection (a)(2), except that the reference in such subsection to 'the one-year period beginning on the date the agreement takes effect' shall be considered a reference to such portion of the first contract year.

"(B) For any subsequent contract year, the price of the drug shall be determined in accordance with subsection (d), except that each reference in such subsection to 'the first year for which the contract is in effect' shall be considered a reference to the portion of the first contract year during which the drug is included under the contract.

"(2) In this subsection, the term 'contract year' means any one-year period for which a multi-year contract described in subsection (d) is in effect.".

38 USC 8126 note.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of section 603 of the Veterans Health Care Act of 1992.

SEC. 2. TECHNICAL CORRECTION OF BUDGET NEUTRALITY ADJUSTMENT FOR MEDICAID PRESCRIPTION DRUG REBATES.

(a) IN GENERAL.—Section 1927(c)(1)(B)(ii)(II) of the Social Security Act (42 U.S.C. 1396r–8(c)(1)(B)(ii)(II)), as amended by section 601(c) of the Veterans Health Care Act of 1992, is amended by striking "drug;" and inserting the following: "drug, except that for the calendar quarter beginning after September 30, 1992, and before January 1, 1993, the amount of the rebate may not exceed 50 percent of such average manufacturer price;".

42 USC 1396r–8 note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of section 601(c) of the Veterans Health Care Act of 1992.

Approved April 12, 1993.

LEGISLATIVE HISTORY—S. 662:

CONGRESSIONAL RECORD, Vol. 139 (1993):
Mar. 25, considered and passed Senate.
Mar. 29, 30, considered and passed House.

Public Law 103-19
103d Congress

Joint Resolution

Providing for the appointment of Hanna Holborn Gray as a citizen regent of the Board of Regents of the Smithsonian Institution.

Apr. 12, 1993
[S.J. Res. 27]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the expiration of the term of William G. Bowen of New Jersey on March 12, 1992, is filled by the appointment of Hanna Holborn Gray of Illinois. The appointment is for a term of 6 years and shall take effect on the date on which this joint resolution becomes law.

Approved April 12, 1993.

LEGISLATIVE HISTORY—S.J. Res. 27 (H.J. Res. 105):

SENATE REPORTS: No. 103-24 (Comm. on Rules and Administration).
CONGRESSIONAL RECORD, Vol. 139 (1993):
Mar. 22, considered and passed Senate.
Mar. 23, H.J. Res. 105 considered and passed House; S.J. Res. 27 passed in lieu.
Mar. 29, Senate concurred in House amendment.

Public Law 103-20
103d Congress

Joint Resolution

Apr. 12, 1993
[S.J. Res. 28]

Providing for the appointment of Barber B. Conable, Jr., as a citizen regent of the Board of Regents of the Smithsonian Institution.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the expiration of the term of Barnabas McHenry of New York on July 21, 1991, is filled by the appointment of Barber B. Conable, Jr. of New York. The appointment is for a term of 6 years and shall take effect on the date on which this joint resolution becomes law.

Approved April 12, 1993.

LEGISLATIVE HISTORY—S.J. Res. 28 (H.J. Res. 102):

SENATE REPORTS: No. 103-25 (Comm. on Rules and Administration).
CONGRESSIONAL RECORD, Vol. 139 (1993):
Mar. 22, considered and passed Senate.
Mar. 23, H.J. Res. 102 considered and passed House; S.J. Res. 28, amended, passed in lieu.
Mar. 29, Senate concurred in House amendment.

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Public Law 103-21
103d Congress

Joint Resolution

Providing for the appointment of Wesley S. Williams, Jr. as a citizen regent of the Board of Regents of the Smithsonian Institution.

Apr. 12, 1993
[S.J. Res. 29]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the expiration of the term of David C. Acheson of the District of Columbia on December 21, 1992, is filled by the appointment of Wesley S. Williams, Jr. of the District of Columbia. The appointment is for a term of 6 years and shall take effect on the date on which this joint resolution becomes law.

Approved April 12, 1993.

LEGISLATIVE HISTORY—S.J. Res. 29 (H.J. Res. 104):

SENATE REPORTS: No. 103-26 (Comm. on Rules and Administration).
CONGRESSIONAL RECORD, Vol. 139 (1993):
Mar. 22, considered and passed Senate.
Mar. 23, H.J. Res. 104 considered and passed House; S.J. Res. 29, amended, passed in lieu.
Mar. 29, Senate concurred in House amendment.

Public Law 103-22
103d Congress

Joint Resolution

Apr. 12, 1993
[S.J. Res. 53]

Designating March 1993 and March 1994 both as "Women's History Month".

Whereas American women of every race, class, and ethnic background have made historical contributions to the growth and strength of our Nation in countless recorded and unrecorded ways;

Whereas American women have played and continue to play a critical economic, cultural, and social role in every sphere of the life of the Nation by constituting a significant portion of the labor force working inside and outside of the home;

Whereas American women have played a unique role throughout the history of the Nation by providing the majority of the volunteer labor force of the Nation;

Whereas American women were particularly important in the establishment of early charitable, philanthropic, and cultural institutions in our Nation;

Whereas American women of every race, class, and ethnic background served as early leaders in the forefront of every major progressive social change movement;

Whereas American women have been leaders not only in securing their own rights of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement, and other movements, especially the peace movement, which create a more fair and just society for all; and

Whereas despite these contributions, the role of American women in history has been consistently overlooked and undervalued in the literature, teaching, and study of American history: Now, therefore, be it

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

1993 and March 1994 are designated both as "Women's History Month", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that month with appropriate programs, ceremonies, and activities.

Approved April 12, 1993.

LEGISLATIVE HISTORY—S.J. Res. 53:

CONGRESSIONAL RECORD, Vol. 139 (1993):
Mar. 29, considered and passed Senate.
Mar. 30, considered and passed House.

Public Law 103-23
103d Congress

An Act

Apr. 16, 1993
[H.R. 239]

To amend the Stock Raising Homestead Act to resolve certain problems regarding subsurface estates, and for other purposes.

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

SECTION 1. MINING CLAIMS ON STOCK RAISING HOMESTEAD ACT LANDS.

(a) MINERAL ENTRY UNDER THE STOCK RAISING HOMESTEAD ACT.—Section 9 of the Act of December 29, 1916, entitled "An Act to provide for stock-raising homesteads, and for other purposes" (43 U.S.C. 29), is amended by adding the following at the end thereof:

43 USC 299.

"(b) EXPLORATION; LOCATION OF MINING CLAIMS; NOTICES.—

"(1) IN GENERAL.—(A) Notwithstanding subsection (a) and any other provision of law to the contrary, after the effective date of this subsection no person other than the surface owner may enter lands subject to this Act to explore for, or to locate, a mining claim on such lands without—

"(i) filing a notice of intention to locate a mining claim pursuant to paragraph (2); and

"(ii) providing notice to the surface owner pursuant to paragraph (3).

"(B) Any person who has complied with the requirements referred to in subparagraph (A) may, during the authorized exploration period, in order to locate a mining claim, enter lands subject to this Act to undertake mineral activities related to exploration that cause no more than a minimal disturbance of surface resources and do not involve the use of mechanized earthmoving equipment, explosives, the construction of roads, drill pads, or the use of toxic or hazardous materials.

"(C) The authorized exploration period referred to in subparagraph (B) shall begin 30 days after notice is provided under paragraph (3) with respect to lands subject to such notice and shall end with the expiration of the 90-day period referred to in paragraph (2)(A) or any extension provided under paragraph (2).

"(2) NOTICE OF INTENTION TO LOCATE A MINING CLAIM.—Any person seeking to locate a mining claim on lands subject to this Act in order to engage in the mineral activities relating to exploration referred to under paragraph (1)(B) shall file with the Secretary of the Interior a notice of intention to locate a claim on the lands concerned. The notice shall be in such form as the Secretary shall prescribe. The notice shall contain the name and mailing address of the person filing

the notice and a legal description of the lands to which the notice applies. The legal description shall be based on the public land survey or on such other description as is sufficient to permit the Secretary to record the notice on the land status records of the Secretary. Whenever any person has filed a notice under this paragraph with respect to any lands, during the 90-day period following the date of such filing, or any extension thereof pursuant to this paragraph, no other person (including the surface owner) may—

"(A) file such a notice with respect to any portions of such lands;

"(B) explore for minerals or locate a mining claim on any portion of such lands; or

"(C) file an application to acquire any interest in any portion of such lands pursuant to section 209 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1719).

If, within such 90-day period, the person who filed a notice under this paragraph files a plan of operations with the Secretary pursuant to subsection (f), such 90-day period shall be extended until the approval or disapproval of the plan by the Secretary pursuant to subsection (f).

"(3) NOTICE TO SURFACE OWNER.—Any person who has filed a notice of intention to locate a mining claim under paragraph (2) for any lands subject to this Act shall provide written notice of such filing, by registered or certified mail with return receipt, to the surface owner (as evidenced by local tax records) of the lands covered by the notice under paragraph (2). The notice shall be provided at least 30 days before entering such lands and shall contain each of the following:

"(A) A brief description of the proposed mineral activities.

"(B) A map and legal description of the lands to be subject to mineral exploration.

"(C) The name, address and phone number of the person managing such activities.

"(D) A statement of the dates on which such activities will take place.

"(4) ACREAGE LIMITATIONS.—The total acreage covered at any time by notices of intention to locate a mining claim under paragraph (2) filed by any person and by affiliates of such person may not exceed 6,400 acres of lands subject to this Act in any one State and 1,280 acres of such lands for a single surface owner. For purposes of this paragraph, the term 'affiliate' means, with respect to any person, any other person which controls, is controlled by, or is under common control with, such person.

"(c) CONSENT.—Notwithstanding subsection (a) and any other provision of law, after the effective date of this subsection no person may engage in the conduct of mineral activities (other than those relating to exploration referred to in subsection (b)(1)B)) on a mining claim located on lands subject to this Act without the written consent of the surface owner thereof unless the Secretary has authorized the conduct of such activities under subsection (d).

"(d) AUTHORIZED MINERAL ACTIVITIES.—The Secretary shall authorize a person to conduct mineral activities (other than those relating to exploration referred to in subsection (b)(1)(B)) on lands subject to this Act without the consent of the surface owner thereof

if such person complies with the requirements of subsections (e) and (f).

"(e) BOND.—(1) Before the Secretary may authorize any person to conduct mineral activities the Secretary shall require such person to post a bond or other financial guarantee in an amount to insure the completion of reclamation pursuant to this Act. Such bond or other financial guarantee shall ensure—

"(A) payment to the surface owner, after the completion of such mineral activities and reclamation, compensation for any permanent damages to crops and tangible improvements of the surface owner that resulted from mineral activities; and

"(B) payment to the surface owner of compensation for any permanent loss of income of the surface owner due to loss or impairment of grazing, or other uses of the land by the surface owner to the extent that reclamation required by the plan of operations would not permit such uses to continue at the level existing prior to the commencement of mineral activities.

"(2) In determining the bond amount to cover permanent loss of income under paragraph (1)(B), the Secretary shall consider, where appropriate, the potential loss of value due to the estimated permanent reduction in utilization of the land.

"(f) PLAN OR OPERATIONS.—(1) Before the Secretary may authorize any person to conduct mineral activities on lands subject to this Act, the Secretary shall require such person to submit a plan of operations. Such plan shall include procedures for—

"(A) the minimization of damages to crops and tangible improvements of the surface owner;

"(B) the minimization of disruption to grazing or other uses of the land by the surface owner; and

"(C) payment of a fee for the use of surface during mineral activities equivalent to the loss of income to the ranch operation as established pursuant to subsection (g).

"(2) The Secretary shall provide a copy of the proposed plan of operations to the surface owner at least 45 days prior to the date the Secretary makes a determination as to whether such plan complies with the requirements of this subsection. During such 45-day period the surface owner may submit comments and recommend modifications to the proposed plan of operations to the Secretary.

"(3)(A) The Secretary shall, within 60 days of receipt of the plan, approve the plan of operations if it complies with the requirements of this Act, including each of the following:

"(i) The proposed plan of operations is complete and accurate.

"(ii) The person submitting the proposed plan of operations has demonstrated that all other applicable Federal and State requirements have been met.

"(B) The Secretary shall notify the person submitting a plan of operations of any modifications to such plan required to bring it into compliance with the requirements of this Act. If the person submitting the plan agrees to modify such plan in a manner acceptable to the Secretary, the Secretary shall approve the plan as modified. In the event no agreement can be reached on the modifications to the plan which, in the opinion of the Secretary, will bring such plan into compliance with the requirements of this Act, then

the Secretary shall disapprove the plan and notify both the surface owner and the person submitting the plan of the decision.

"(C) The 60-day period referred to in subparagraph (A) may be extended by the Secretary where additional time is required to comply with other applicable requirements of law.

"(D) The Secretary shall suspend or revoke a plan of operation whenever the Secretary determines, on the Secretary's own motion or on a motion made by the surface owner, that the person conducting mineral activities is in substantial noncompliance with the terms and conditions of an approved plan of operations and has failed to remedy a violation after notice from the Secretary within the time required by the Secretary.

"(4) Final approval of a plan of operations under this subsection shall be conditioned upon compliance with subsections (e) and (g).

"(g) FEE.—The fee referred to in subsection (f)(1) shall be—

"(1) paid to the surface owner by the person submitting the plan of operations;

"(2) paid in advance of any mineral activities or at such other time or times as may be agreed to by the surface owner and the person conducting such activities; and

"(3) established by the Secretary taking into account the acreage involved and the degree of potential disruption to existing surface uses during mineral activities (including the loss of income to the surface owner and such surface owner's operations due to the loss or impairment of existing surface uses for the duration of the mineral activities), except that such fee shall not exceed the fair market value for the surface of the land.

"(h) RECLAMATION.—Lands affected by mineral activities under a plan of operations approved pursuant to subsection (f)(3) shall be reclaimed, to the maximum extent practicable, to a condition capable of supporting the uses to which such lands were capable of supporting prior to surface disturbance. Reclamation shall proceed as contemporaneously as practicable with the conduct of mineral activities.

"(i) STATE LAW.—(1) Nothing in this Act shall be construed as affecting any reclamation, bonding, inspection, enforcement, air or water quality standard or requirement of any State law or regulation which may be applicable to mineral activities on lands subject to this Act to the extent that such law or regulation is not inconsistent with this title.

"(2) Nothing in this Act shall be construed as affecting in any way the right of any person to enforce or protect, under applicable law, the interest of such person in water resources affected by mineral activities.

"(j) INSPECTIONS.—Should any surface owner of land subject to this Act have reason to believe that they are or may be adversely affected by mineral activities due to any violation of the terms and conditions of a plan of operations approved under subsection (f), such surface owner may request an inspection of such lands. The Secretary shall determine within 10 days of the receipt of the request whether the request states a reason to believe that a violation exists, except in the event the surface owner alleges and provides reason to believe that an imminent danger exists, the 10-day period shall be waived and the inspection conducted immediately. When an inspection is conducted under this para-

graph, the Secretary shall notify the surface owner and such surface owner shall be allowed to accompany the inspector on the inspection.

"(k) DAMAGES FOR FAILURE TO COMPLY.—(1) Whenever the surface owner of any land subject to this Act has suffered any permanent damages to crops or tangible improvements of the surface owner, or any permanent loss of income due to loss or impairment of grazing, or other uses of the land by the surface owner, if such damages or loss result from—

"(A) any mineral activity undertaken without the consent of the surface owner under subsection (c) or an authorization by the Secretary under subsection (d); or

"(B) the failure of the person conducting mineral activities to remedy to the satisfaction of the Secretary any substantial noncompliance with the terms and conditions of a plan under subsection (f);

the surface owner may bring an action in the appropriate United States district court for, and the court may award, double damages plus costs for willful misconduct or gross negligence.

"(2) The surface owner of any land subject to this Act may also bring an action in the appropriate United States district court for double damages plus costs for willful misconduct or gross negligence against any person undertaking any mineral activities on lands subject to this Act in violation of any requirement of subsection (b).

"(3) Any double damages plus costs awarded by the court under this subsection shall be reduced by the amount of any compensation which the surface owner has received (or is eligible to receive) pursuant to the bond or financial guarantee required under subsection (e).

"(l) PAYMENT OF FINANCIAL GUARANTEE.—The surface owner of any land subject to this Act may petition the Secretary for payment of all or any portion of a bond or other financial guarantee required under subsection (e) as compensation for any permanent damages to crops and tangible improvements of the surface owner, or any permanent loss of income due to loss or impairment of grazing, or other uses of the land by the surface owner. Pursuant to such a petition, the Secretary may use such bond or other guarantee to provide compensation to the surface owner for such damages and to insure the required reclamation.

"(m) BOND RELEASE.—The Secretary shall release the bond or other financial guarantee required under subsection (e) upon the successful completion of all requirements pursuant to a plan of operations approved under subsection (f).

"(n) CONVEYANCE TO SURFACE OWNER.—The Secretary shall take such actions as may be necessary to simplify the procedures which must be complied with by surface owners of lands subject to this Act who apply to the Secretary to obtain title to interests in such lands owned by the United States.

"(o) DEFINITIONS.—For the purposes of subsections (b) through (n)—

"(1) The term 'mineral activities' means any activity for, related to or incidental to mineral exploration, mining, and beneficiation activities for any locatable mineral on a mining claim. When used with respect to this term—

"(A) the term 'exploration' means those techniques employed to locate the presence of a locatable mineral

deposit and to establish its nature, position, size, shape, grade and value;

"(B) the term 'mining' means the processes employed for the extraction of a locatable mineral from the earth; and

"(C) the term 'beneficiation' means the crushing and grinding of locatable mineral ore and such processes are employed to free the mineral from the other constituents, including but not necessarily limited to, physical and chemical separation techniques.

"(2) The term 'mining claim' means a claim located under the general mining laws of the United States (which generally comprise 30 U.S.C. chapters 2, 12A, and 16, and sections 161 and 162) subject to the terms and conditions of subsections (b) through (p) of this section.

"(3) The term 'tangible improvements' includes agricultural, residential and commercial improvements, including improvements made by residential subdividers.

"(p) MINERALS COVERED.—Subsections (b) through (o) of this section apply only to minerals not subject to disposition under—

"(1) the Mineral Leasing Act (30 U.S.C. 181 and following);

"(2) the Geothermal Steam Act of 1970 (30 U.S.C. 100 and following); or

"(3) the Act of July 31, 1947, commonly known as the Materials Act of 1947 (30 U.S.C. 601 and following).".

(b) TECHNICAL CONFORMING AMENDMENT.—Section 9 of the Act of December 29, 1916, entitled "An Act to provide for stock-raising homesteads, and for other purposes" (43 U.S.C. 299) is amended by inserting "(a) GENERAL PROVISIONS.—" before the words "That all entries made".

(c) EFFECTIVE DATE.—The amendments made by this Act shall take effect 180 days after the date of enactment. 43 USC 299 note.

(d) REGULATIONS.—The Secretary of the Interior shall issue final regulations to implement the amendments made by this Act not later than the effective date of this Act. Failure to promulgate these regulations by reason of any appeal or judicial review shall not delay the effective date as specified in paragraph (c). 43 USC 299 note.

SEC. 2. REPORT TO CONGRESS ON FOREIGN MINERAL INTEREST. 43 USC 299 note.

(a) REPORT.—The Secretary of the Interior is directed to submit a report to the Congress within 2 years after the date of enactment of this Act on the acquisition of mineral interests made after the date of enactment of this Act by foreign firms on lands subject to the Act of December 29, 1916, entitled "An Act to provide for stock-raising homesteads, and for other purposes" (43 U.S.C. 299).

(b) DEFINITION.—For purposes of this section, the term "foreign firm" means a business entity that conducts business operations in the United States and is 51 percent or more owned and controlled by a foreign person or entity.

Approved April 16, 1993.

LEGISLATIVE HISTORY—H.R. 239 (S. 336):

HOUSE REPORTS: No. 103-44 (Comm. on Natural Resources).
SENATE REPORTS: No. 103-21 accompanying S. 336 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 139 (1993):
Mar. 29, 30, considered and passed House.
Apr. 1, considered and passed Senate.

Public Law 103-24
103d Congress

An Act

Making emergency supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes.

Apr. 23, 1993
[H.R. 1335]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sum is appropriated, out of any money in the Treasury not otherwise appropriated, to provide emergency supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes namely:

DEPARTMENT OF LABOR

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For an additional amount for "Advances to the unemployment trust fund and other funds", $4,000,000,000, to remain available until September 30, 1994.

Approved April 23, 1993.

LEGISLATIVE HISTORY—H.R. 1335:

HOUSE REPORTS: No. 103-30 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 139 (1993):
Mar. 17, 18, considered and passed House.
Mar. 25, 26, 29-31, Apr. 1-3, 5, 19-21, considered and passed Senate, amended.
Apr. 22, House concurred in Senate amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 29 (1993):
Apr. 23, Presidential statement.

Public Law 103-25
103d Congress

An Act

May 3, 1993
[S. 326]

To revise the boundaries of the George Washington Birthplace National Monument, and for other purposes.

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

16 USC 442 note.

SECTION 1. ADDITION TO NATIONAL MONUMENT.

The boundaries of the George Washington Birthplace National Monument (hereinafter referred to as the "National Monument") are hereby modified to include the area comprising approximately 12 acres, as generally depicted on the map entitled "George Washington Birthplace National Monument Boundary Map", numbered 332/80,011A and dated September 1992, which shall be on file and available for public inspection in the appropriate offices of the National Park Service, Department of the Interior.

16 USC 442 note.

SEC. 2. ACQUISITION OF LANDS.

Within the boundaries of the National Monument, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to acquire lands, or interests therein, by donation, purchase with donated or appropriated funds, or exchange.

16 USC 442 note.

SEC. 3. ADMINISTRATION OF NATIONAL MONUMENT.

In administering the National Monument, the Secretary shall take such action as is necessary to preserve and interpret the history and resources associated with George Washington, the generations of the Washington family who lived in the vicinity, and their contemporaries, as well as 18th century plantation life and society.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS. 16 USC 442 note.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

Approved May 3, 1993.

LEGISLATIVE HISTORY—S. 326:

HOUSE REPORTS: No. 103-55 (Comm. on Natural Resources).
SENATE REPORTS: No. 103-14 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 139 (1993):
Mar. 17, considered and passed Senate.
Apr. 20, considered and passed House.

Public Law 103-26
103d Congress

An Act

May 3, 1993
[S. 328]

To provide for the rehabilitation of historic structures within the Sandy Hook Unit of Gateway National Recreation Area in the State of New Jersey, and for other purposes.

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

SECTION 1. MARINE ACADEMY AGREEMENT.

(a) IN GENERAL.—In order to further the revitalization, rehabilitation, and utilization of Fort Hancock within the Sandy Hook Unit of Gateway National Recreation Area, the Secretary of the Interior may enter into an agreement with the Monmouth County Vocational School District or a successor (referred to in this Act as the "District"), to permit the use by the District of properties situated along Gunnison Road and Magruder Road for the purpose of developing and operating, without cost to the National Park Service, a secondary school program to be known as the Marine Academy of Science and Technology.

(b) DESIGN OF FACILITIES.—The design of new facilities and landscape improvements, and the rehabilitation of existing facilities for school and administrative use, shall be subject to the approval of the Director of the National Park Service. In determining whether to approve the design and rehabilitation, the Director shall use standards for rehabilitation and National Park Service guidelines and policies that are approved by the Secretary of the Interior.

SEC. 2. REVERSION.

If the properties, facilities, and improvements referred to in section 1 are not used by the District for a secondary school program, the agreement authorized by section 1 shall be terminated and all use of the properties, facilities, and improvements shall revert, without consideration, to the National Park Service.

SEC. 3. REIMBURSEMENT.

(a) REHABILITATION.—As a condition of entering into the agreement authorized by section 1, the Secretary of the Interior may—

(1) accept reimbursement expenses, of not more than $500,000, to cover the cost of rehabilitating other property within the Sandy Hook Unit of Gateway National Recreation Area for park uses that are displaced from facilities used by the District under the agreement authorized by section 1; or

(2) require the District to rehabilitate other property for the park uses—

(A) under the direction of the National Park Service; and

(B) at a cost of not more than $500,000.

(b) FEES FOR SERVICES.—The Director of the National Park Service may collect and retain reasonable fees for services provided to the District by the National Park Service, including alarm monitoring, permit compliance, fire and police protection, and snow removal.

Approved May 3, 1993.

LEGISLATIVE HISTORY—S. 328:

HOUSE REPORTS: No. 103-54 (Comm. on Natural Resources).
SENATE REPORTS: No. 103-15 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 139 (1993):
Mar. 17, considered and passed Senate.
Apr. 20, considered and passed House.

Public Law 103-27
103d Congress

Joint Resolution

May 3, 1993
[S.J. Res. 30]

To designate the weeks of April 25 through May 2, 1993, and April 10 through 17, 1994, as "Jewish Heritage Week".

Whereas April 26, 1993, and April 14, 1994, mark the forty-fifth and forty-sixth anniversaries of the founding of the State of Israel;

Whereas the months of April and May contain events of major significance in the Jewish calendar, including Passover, in 1993, the fiftieth anniversary of the Warsaw Ghetto Uprising and the opening of the Holocaust Memorial Museum in Washington, DC, Holocaust Memorial Day, and Jerusalem Day;

Whereas the Congress recognizes that an understanding of the heritage of all ethnic groups in the Nation contributes to the unity of this Nation; and

Whereas understanding among ethnic groups in this Nation may be advanced further through and appreciation of the culture, history, and traditions of the Jewish community and the contributions of the Jewish people to this Nation: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, the weeks of April 25 through May 2, 1993, and April 10 through 17, 1994, are designated as "Jewish Heritage Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States, departments and agencies of State

and local governments, and interested organizations to observe such a week with appropriate ceremonies, activities, and programs.

Approved May 3, 1993.

LEGISLATIVE HISTORY—S.J. Res. 30:

CONGRESSIONAL RECORD, Vol. 139 (1993):
Mar. 26, considered and passed Senate.
Apr. 21, considered and passed House.

Public Law 103-28
103d Congress

Joint Resolution

May 6, 1993
[H.J. Res. 127]

To authorize the President to proclaim the last Friday of April 1993 as "National Arbor Day".

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation designating the last Friday of April 1993 as "National Arbor Day" and calling upon the people of the United States to observe such a day with appropriate ceremonies and activities.

Approved May 6, 1993.

LEGISLATIVE HISTORY—H.J. Res. 127:

CONGRESSIONAL RECORD, Vol. 139 (1993):
Apr. 21, considered and passed House.
Apr. 29, considered and passed Senate.

Public Law 103-29
103d Congress

Joint Resolution

To designate the week beginning April 25, 1993, as "National Crime Victims' Rights Week".

May 6, 1993
[S.J. Res. 62]

Whereas there were over thirty-five million crimes committed last year in America, with one violent crime occurring every seventeen seconds;

Whereas victims of crime across America deserve respect and assistance not only from the criminal justice system, but from society as well;

Whereas there is a crucial need to provide crime victims with quality programs and services to help them recover from the devastating psychological, physical, emotional, and financial hardships resulting from their victimization;

Whereas there are ten thousand public and private agencies and organizations in the United States that are dedicated to improving the plight of crime victims;

Whereas the Nation's victims' rights movement and allied professions deserve recognition for their tireless efforts on behalf of victims of crime and to reduce senseless violence in America; and

Whereas it is essential for all Americans to join together and commit their individual and collective resources to victim assistance and violence reduction: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning April 25, 1993, is hereby designated as "National Crime Victims' Rights Week". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate ceremonies and activities.

Approved May 6, 1993.

LEGISLATIVE HISTORY—S.J. Res. 62:

CONGRESSIONAL RECORD, Vol. 139 (1993):
Mar. 29, considered and passed Senate.
Apr. 22, considered and passed House.

Public Law 103-30
103d Congress

Joint Resolution

May 7, 1993
[S.J. Res. 66]

To designate the weeks beginning April 18, 1993, and April 17, 1994, each as "Nancy Moore Thurmond National Organ and Tissue Donor Awareness Week".

Whereas a new patient is added to the national patient waiting list for an organ transplant every 20 minutes;
Whereas thousands of lives are saved or significantly improved annually by organ and tissue transplantation; and
Whereas increasing the number of transplantable organs and tissues would save American taxpayers millions of dollars: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the weeks beginning April 18, 1993, and April 17, 1994, are each designated "Nancy Moore Thurmond National Organ and Tissue Donor Awareness Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such weeks with appropriate programs, ceremonies, and activities.

Approved May 7, 1993.

LEGISLATIVE HISTORY—S.J. Res. 66:

CONGRESSIONAL RECORD, Vol. 139 (1993):
Apr. 7, considered and passed Senate.
Apr. 20, 21, considered and passed House; proceedings vacated and passed, amended.
Apr. 22, Senate concurred in House amendments.

Public Law 103-31
103d Congress

An Act

To establish national voter registration procedures for Federal elections, and for other purposes.

May 20, 1993
[H.R. 2]

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

National Voter Registration Act of 1993.
Inter-governmental relations.
42 USC 1973gg note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Voter Registration Act of 1993".

SEC. 2. FINDINGS AND PURPOSES.

42 USC 1973gg.

(a) FINDINGS.—The Congress finds that—

(1) the right of citizens of the United States to vote is a fundamental right;

(2) it is the duty of the Federal, State, and local governments to promote the exercise of that right; and

(3) discriminatory and unfair registration laws and procedures can have a direct and damaging effect on voter participation in elections for Federal office and disproportionately harm voter participation by various groups, including racial minorities.

(b) PURPOSES.—The purposes of this Act are—

(1) to establish procedures that will increase the number of eligible citizens who register to vote in elections for Federal office;

(2) to make it possible for Federal, State, and local governments to implement this Act in a manner that enhances the participation of eligible citizens as voters in elections for Federal office;

(3) to protect the integrity of the electoral process; and

(4) to ensure that accurate and current voter registration rolls are maintained.

SEC. 3. DEFINITIONS.

42 USC 1973gg-1.

As used in this Act—

(1) the term "election" has the meaning stated in section 301(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(1));

(2) the term "Federal office" has the meaning stated in section 301(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(3));

(3) the term "motor vehicle driver's license" includes any personal identification document issued by a State motor vehicle authority;

(4) the term "State" means a State of the United States and the District of Columbia; and

(5) the term "voter registration agency" means an office designated under section 7(a)(1) to perform voter registration activities.

42 USC 1973gg-2.

SEC. 4. NATIONAL PROCEDURES FOR VOTER REGISTRATION FOR ELECTIONS FOR FEDERAL OFFICE.

(a) IN GENERAL.—Except as provided in subsection (b), notwithstanding any other Federal or State law, in addition to any other method of voter registration provided for under State law, each State shall establish procedures to register to vote in elections for Federal office—

(1) by application made simultaneously with an application for a motor vehicle driver's license pursuant to section 5;

(2) by mail application pursuant to section 6; and

(3) by application in person—

(A) at the appropriate registration site designated with respect to the residence of the applicant in accordance with State law; and

(B) at a Federal, State, or nongovernmental office designated under section 7.

(b) NONAPPLICABILITY TO CERTAIN STATES.—This Act does not apply to a State described in either or both of the following paragraphs:

(1) A State in which, under law that is in effect continuously on and after March 11, 1993, there is no voter registration requirement for any voter in the State with respect to an election for Federal office.

(2) A State in which, under law that is in effect continuously on and after March 11, 1993, or that was enacted on or prior to March 11, 1993, and by its terms is to come into effect upon the enactment of this Act, so long as that law remains in effect, all voters in the State may register to vote at the polling place at the time of voting in a general election for Federal office.

42 USC 1973gg-3.

SEC. 5. SIMULTANEOUS APPLICATION FOR VOTER REGISTRATION AND APPLICATION FOR MOTOR VEHICLE DRIVER'S LICENSE.

(a) IN GENERAL.—(1) Each State motor vehicle driver's license application (including any renewal application) submitted to the appropriate State motor vehicle authority under State law shall serve as an application for voter registration with respect to elections for Federal office unless the applicant fails to sign the voter registration application.

(2) An application for voter registration submitted under paragraph (1) shall be considered as updating any previous voter registration by the applicant.

(b) LIMITATION ON USE OF INFORMATION.—No information relating to the failure of an applicant for a State motor vehicle driver's license to sign a voter registration application may be used for any purpose other than voter registration.

(c) FORMS AND PROCEDURES.—(1) Each State shall include a voter registration application form for elections for Federal office as part of an application for a State motor vehicle driver's license.

(2) The voter registration application portion of an application for a State motor vehicle driver's license—

(A) may not require any information that duplicates information required in the driver's license portion of the form (other than a second signature or other information necessary under subparagraph (C));

(B) may require only the minimum amount of information necessary to—

(i) prevent duplicate voter registrations; and

(ii) enable State election officials to assess the eligibility of the applicant and to administer voter registration and other parts of the election process;

(C) shall include a statement that—

(i) states each eligibility requirement (including citizenship);

(ii) contains an attestation that the applicant meets each such requirement; and

(iii) requires the signature of the applicant, under penalty of perjury;

(D) shall include, in print that is identical to that used in the attestation portion of the application—

(i) the information required in section 8(a)(5) (A) and (B);

(ii) a statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes; and

(iii) a statement that if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes; and

(E) shall be made available (as submitted by the applicant, or in machine readable or other format) to the appropriate State election official as provided by State law.

(d) CHANGE OF ADDRESS.—Any change of address form submitted in accordance with State law for purposes of a State motor vehicle driver's license shall serve as notification of change of address for voter registration with respect to elections for Federal office for the registrant involved unless the registrant states on the form that the change of address is not for voter registration purposes.

(e) TRANSMITTAL DEADLINE.—(1) Subject to paragraph (2), a completed voter registration portion of an application for a State motor vehicle driver's license accepted at a State motor vehicle authority shall be transmitted to the appropriate State election official not later than 10 days after the date of acceptance.

(2) If a registration application is accepted within 5 days before the last day for registration to vote in an election, the application shall be transmitted to the appropriate State election official not later than 5 days after the date of acceptance.

SEC. 6. MAIL REGISTRATION. 42 USC 1973gg-4.

(a) FORM.—(1) Each State shall accept and use the mail voter registration application form prescribed by the Federal Election Commission pursuant to section 9(a)(2) for the registration of voters in elections for Federal office.

(2) In addition to accepting and using the form described in paragraph (1), a State may develop and use a mail voter registration

form that meets all of the criteria stated in section 9(b) for the registration of voters in elections for Federal office.

(3) A form described in paragraph (1) or (2) shall be accepted and used for notification of a registrant's change of address.

(b) AVAILABILITY OF FORMS.—The chief State election official of a State shall make the forms described in subsection (a) available for distribution through governmental and private entities, with particular emphasis on making them available for organized voter registration programs.

(c) FIRST-TIME VOTERS.—(1) Subject to paragraph (2), a State may by law require a person to vote in person if—

(A) the person was registered to vote in a jurisdiction by mail; and

(B) the person has not previously voted in that jurisdiction.

(2) Paragraph (1) does not apply in the case of a person—

(A) who is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1 et seq.);

(B) who is provided the right to vote otherwise than in person under section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee–1(b)(2)(B)(ii)); or

(C) who is entitled to vote otherwise than in person under any other Federal law.

(d) UNDELIVERED NOTICES.—If a notice of the disposition of a mail voter registration application under section 8(a)(2) is sent by nonforwardable mail and is returned undelivered, the registrar may proceed in accordance with section 8(d).

42 USC 1973gg–5.

SEC. 7. VOTER REGISTRATION AGENCIES.

(a) DESIGNATION.—(1) Each State shall designate agencies for the registration of voters in elections for Federal office.

(2) Each State shall designate as voter registration agencies—

(A) all offices in the State that provide public assistance; and

(B) all offices in the State that provide State-funded programs primarily engaged in providing services to persons with disabilities.

(3)(A) In addition to voter registration agencies designated under paragraph (2), each State shall designate other offices within the State as voter registration agencies.

(B) Voter registration agencies designated under subparagraph (A) may include—

(i) State or local government offices such as public libraries, public schools, offices of city and county clerks (including marriage license bureaus), fishing and hunting license bureaus, government revenue offices, unemployment compensation offices, and offices not described in paragraph (2)(B) that provide services to persons with disabilities; and

(ii) Federal and nongovernmental offices, with the agreement of such offices.

(4)(A) At each voter registration agency, the following services shall be made available:

(i) Distribution of mail voter registration application forms in accordance with paragraph (6).

(ii) Assistance to applicants in completing voter registration application forms, unless the applicant refuses such assistance.

(iii) Acceptance of completed voter registration application forms for transmittal to the appropriate State election official.

(B) If a voter registration agency designated under paragraph (2)(B) provides services to a person with a disability at the person's home, the agency shall provide the services described in subparagraph (A) at the person's home.

(5) A person who provides service described in paragraph (4) shall not—

(A) seek to influence an applicant's political preference or party registration;

(B) display any such political preference or party allegiance;

(C) make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote; or

(D) make any statement to an applicant or take any action the purpose or effect of which is to lead the applicant to believe that a decision to register or not to register has any bearing on the availability of services or benefits.

(6) A voter registration agency that is an office that provides service or assistance in addition to conducting voter registration shall—

(A) distribute with each application for such service or assistance, and with each recertification, renewal, or change of address form relating to such service or assistance—

(i) the mail voter registration application form described in section 9(a)(2), including a statement that—

(I) specifies each eligibility requirement (including citizenship);

(II) contains an attestation that the applicant meets each such requirement; and

(III) requires the signature of the applicant, under penalty of perjury; or

(ii) the office's own form if it is equivalent to the form described in section 9(a)(2),

unless the applicant, in writing, declines to register to vote;

(B) provide a form that includes—

(i) the question, "If you are not registered to vote where you live now, would you like to apply to register to vote here today?";

(ii) if the agency provides public assistance, the statement, "Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency.";

(iii) boxes for the applicant to check to indicate whether the applicant would like to register or declines to register to vote (failure to check either box being deemed to constitute a declination to register for purposes of subparagraph (C)), together with the statement (in close proximity to the boxes and in prominent type), "IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME.";

(iv) the statement, "If you would like help in filling out the voter registration application form, we will help you. The decision whether to seek or accept help is yours. You may fill out the application form in private."; and

(v) the statement, "If you believe that someone has interfered with your right to register or to decline to register to vote, your right to privacy in deciding whether to register or in applying to register to vote, or your right to choose your own political party or other political preference, you may file a complaint with _____.", the blank being filled by the name, address, and telephone number of the appropriate official to whom such a complaint should be addressed; and

(C) provide to each applicant who does not decline to register to vote the same degree of assistance with regard to the completion of the registration application form as is provided by the office with regard to the completion of its own forms, unless the applicant refuses such assistance.

(7) No information relating to a declination to register to vote in connection with an application made at an office described in paragraph (6) may be used for any purpose other than voter registration.

(b) FEDERAL GOVERNMENT AND PRIVATE SECTOR COOPERATION.—All departments, agencies, and other entities of the executive branch of the Federal Government shall, to the greatest extent practicable, cooperate with the States in carrying out subsection (a), and all nongovernmental entities are encouraged to do so.

(c) ARMED FORCES RECRUITMENT OFFICES.—(1) Each State and the Secretary of Defense shall jointly develop and implement procedures for persons to apply to register to vote at recruitment offices of the Armed Forces of the United States.

(2) A recruitment office of the Armed Forces of the United States shall be considered to be a voter registration agency designated under subsection (a)(2) for all purposes of this Act.

(d) TRANSMITTAL DEADLINE.—(1) Subject to paragraph (2), a completed registration application accepted at a voter registration agency shall be transmitted to the appropriate State election official not later than 10 days after the date of acceptance.

(2) If a registration application is accepted within 5 days before the last day for registration to vote in an election, the application shall be transmitted to the appropriate State election official not later than 5 days after the date of acceptance.

42 USC 1973gg-6. **SEC. 8. REQUIREMENTS WITH RESPECT TO ADMINISTRATION OF VOTER REGISTRATION.**

(a) IN GENERAL.—In the administration of voter registration for elections for Federal office, each State shall—

(1) ensure that any eligible applicant is registered to vote in an election—

(A) in the case of registration with a motor vehicle application under section 5, if the valid voter registration form of the applicant is submitted to the appropriate State motor vehicle authority not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(B) in the case of registration by mail under section 6, if the valid voter registration form of the applicant is postmarked not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(C) in the case of registration at a voter registration agency, if the valid voter registration form of the applicant is accepted at the voter registration agency not later than the lesser of 30 days, or the period provided by State law, before the date of the election; and

(D) in any other case, if the valid voter registration form of the applicant is received by the appropriate State election official not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(2) require the appropriate State election official to send notice to each applicant of the disposition of the application;

(3) provide that the name of a registrant may not be removed from the official list of eligible voters except—

(A) at the request of the registrant;

(B) as provided by State law, by reason of criminal conviction or mental incapacity; or

(C) as provided under paragraph (4);

(4) conduct a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters by reason of—

(A) the death of the registrant; or

(B) a change in the residence of the registrant, in accordance with subsections (b), (c), and (d);

(5) inform applicants under sections 5, 6, and 7 of—

(A) voter eligibility requirements; and

(B) penalties provided by law for submission of a false voter registration application; and

(6) ensure that the identity of the voter registration agency through which any particular voter is registered is not disclosed to the public.

(b) CONFIRMATION OF VOTER REGISTRATION.—Any State program or activity to protect the integrity of the electoral process by ensuring the maintenance of an accurate and current voter registration roll for elections for Federal office—

(1) shall be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.); and

(2) shall not result in the removal of the name of any person from the official list of voters registered to vote in an election for Federal office by reason of the person's failure to vote.

(c) VOTER REMOVAL PROGRAMS.—(1) A State may meet the requirement of subsection (a)(4) by establishing a program under which—

(A) change-of-address information supplied by the Postal Service through its licensees is used to identify registrants whose addresses may have changed; and

(B) if it appears from information provided by the Postal Service that—

(i) a registrant has moved to a different residence address in the same registrar's jurisdiction in which the registrant is currently registered, the registrar changes the registration records to show the new address and sends the registrant a notice of the change by forwardable mail and a postage prepaid pre-addressed return form by which

the registrant may verify or correct the address information; or

(ii) the registrant has moved to a different residence address not in the same registrar's jurisdiction, the registrar uses the notice procedure described in subsection (d)(2) to confirm the change of address.

(2)(A) A State shall complete, not later than 90 days prior to the date of a primary or general election for Federal office, any program the purpose of which is to systematically remove the names of ineligible voters from the official lists of eligible voters.

(B) Subparagraph (A) shall not be construed to preclude—

(i) the removal of names from official lists of voters on a basis described in paragraph (3) (A) or (B) or (4)(A) of subsection (a); or

(ii) correction of registration records pursuant to this Act.

(d) REMOVAL OF NAMES FROM VOTING ROLLS.—(1) A State shall not remove the name of a registrant from the official list of eligible voters in elections for Federal office on the ground that the registrant has changed residence unless the registrant—

(A) confirms in writing that the registrant has changed residence to a place outside the registrar's jurisdiction in which the registrant is registered; or

(B)(i) has failed to respond to a notice described in paragraph (2); and

(ii) has not voted or appeared to vote (and, if necessary, correct the registrar's record of the registrant's address) in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice.

(2) A notice is described in this paragraph if it is a postage prepaid and pre-addressed return card, sent by forwardable mail, on which the registrant may state his or her current address, together with a notice to the following effect:

(A) If the registrant did not change his or her residence, or changed residence but remained in the registrar's jurisdiction, the registrant should return the card not later than the time provided for mail registration under subsection (a)(1)(B). If the card is not returned, affirmation or confirmation of the registrant's address may be required before the registrant is permitted to vote in a Federal election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice, and if the registrant does not vote in an election during that period the registrant's name will be removed from the list of eligible voters.

(B) If the registrant has changed residence to a place outside the registrar's jurisdiction in which the registrant is registered, information concerning how the registrant can continue to be eligible to vote.

(3) A voting registrar shall correct an official list of eligible voters in elections for Federal office in accordance with change of residence information obtained in conformance with this subsection.

(e) PROCEDURE FOR VOTING FOLLOWING FAILURE TO RETURN CARD.—(1) A registrant who has moved from an address in the

area covered by a polling place to an address in the same area shall, notwithstanding failure to notify the registrar of the change of address prior to the date of an election, be permitted to vote at that polling place upon oral or written affirmation by the registrant of the change of address before an election official at that polling place.

(2)(A) A registrant who has moved from an address in the area covered by one polling place to an address in an area covered by a second polling place within the same registrar's jurisdiction and the same congressional district and who has failed to notify the registrar of the change of address prior to the date of an election, at the option of the registrant—

(i) shall be permitted to correct the voting records and vote at the registrant's former polling place, upon oral or written affirmation by the registrant of the new address before an election official at that polling place; or

(ii)(I) shall be permitted to correct the voting records and vote at a central location within the same registrar's jurisdiction designated by the registrar where a list of eligible voters is maintained, upon written affirmation by the registrant of the new address on a standard form provided by the registrar at the central location; or

(II) shall be permitted to correct the voting records for purposes of voting in future elections at the appropriate polling place for the current address and, if permitted by State law, shall be permitted to vote in the present election, upon confirmation by the registrant of the new address by such means as are required by law.

(B) If State law permits the registrant to vote in the current election upon oral or written affirmation by the registrant of the new address at a polling place described in subparagraph (A)(i) or (A)(ii)(II), voting at the other locations described in subparagraph (A) need not be provided as options.

(3) If the registration records indicate that a registrant has moved from an address in the area covered by a polling place, the registrant shall, upon oral or written affirmation by the registrant before an election official at that polling place that the registrant continues to reside at the address previously made known to the registrar, be permitted to vote at that polling place.

(f) CHANGE OF VOTING ADDRESS WITHIN A JURISDICTION.—In the case of a change of address, for voting purposes, of a registrant to another address within the same registrar's jurisdiction, the registrar shall correct the voting registration list accordingly, and the registrant's name may not be removed from the official list of eligible voters by reason of such a change of address except as provided in subsection (d).

(g) CONVICTION IN FEDERAL COURT.—(1) On the conviction of a person of a felony in a district court of the United States, the United States attorney shall give written notice of the conviction to the chief State election official designated under section 10 of the State of the person's residence.

(2) A notice given pursuant to paragraph (1) shall include—

(A) the name of the offender;

(B) the offender's age and residence address;

(C) the date of entry of the judgment;

(D) a description of the offenses of which the offender was convicted; and

(E) the sentence imposed by the court.

(3) On request of the chief State election official of a State or other State official with responsibility for determining the effect that a conviction may have on an offender's qualification to vote, the United States attorney shall provide such additional information as the United States attorney may have concerning the offender and the offense of which the offender was convicted.

(4) If a conviction of which notice was given pursuant to paragraph (1) is overturned, the United States attorney shall give the official to whom the notice was given written notice of the vacation of the judgment.

(5) The chief State election official shall notify the voter registration officials of the local jurisdiction in which an offender resides of the information received under this subsection.

(h) REDUCED POSTAL RATES.—(1) Subchapter II of chapter 36 of title 39, United States Code, is amended by adding at the end the following:

"§ 3629. Reduced rates for voter registration purposes

"The Postal Service shall make available to a State or local voting registration official the rate for any class of mail that is available to a qualified nonprofit organization under section 3626 for the purpose of making a mailing that the official certifies is required or authorized by the National Voter Registration Act of 1993.".

(2) The first sentence of section 2401(c) of title 39, United States Code, is amended by striking out "and 3626(a)–(h) and (j)–(k) of this title," and inserting in lieu thereof "3626(a)–(h), 3626(j)–(k), and 3629 of this title".

(3) Section 3627 of title 39, United States Code, is amended by striking out "or 3626 of this title," and inserting in lieu thereof "3626, or 3629 of this title".

(4) The table of sections for chapter 36 of title 39, United States Code, is amended by inserting after the item relating to section 3628 the following new item:

"3629. Reduced rates for voter registration purposes.".

Records.

(i) PUBLIC DISCLOSURE OF VOTER REGISTRATION ACTIVITIES.—(1) Each State shall maintain for at least 2 years and shall make available for public inspection and, where available, photocopying at a reasonable cost, all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters, except to the extent that such records relate to a declination to register to vote or to the identity of a voter registration agency through which any particular voter is registered.

(2) The records maintained pursuant to paragraph (1) shall include lists of the names and addresses of all persons to whom notices described in subsection (d)(2) are sent, and information concerning whether or not each such person has responded to the notice as of the date that inspection of the records is made.

(j) DEFINITION.—For the purposes of this section, the term "registrar's jurisdiction" means—

(1) an incorporated city, town, borough, or other form of municipality;

(2) if voter registration is maintained by a county, parish, or other unit of government that governs a larger geographic

area than a municipality, the geographic area governed by that unit of government; or

(3) if voter registration is maintained on a consolidated basis for more than one municipality or other unit of government by an office that performs all of the functions of a voting registrar, the geographic area of the consolidated municipalities or other geographic units.

SEC. 9. FEDERAL COORDINATION AND REGULATIONS. 42 USC 1973gg-7.

(a) IN GENERAL.—The Federal Election Commission—

(1) in consultation with the chief election officers of the States, shall prescribe such regulations as are necessary to carry out paragraphs (2) and (3);

(2) in consultation with the chief election officers of the States, shall develop a mail voter registration application form for elections for Federal office;

(3) not later than June 30 of each odd-numbered year, shall submit to the Congress a report assessing the impact of this Act on the administration of elections for Federal office during the preceding 2-year period and including recommendations for improvements in Federal and State procedures, forms, and other matters affected by this Act; and Reports.

(4) shall provide information to the States with respect to the responsibilities of the States under this Act.

(b) CONTENTS OF MAIL VOTER REGISTRATION FORM.—The mail voter registration form developed under subsection (a)(2)—

(1) may require only such identifying information (including the signature of the applicant) and other information (including data relating to previous registration by the applicant), as is necessary to enable the appropriate State election official to assess the eligibility of the applicant and to administer voter registration and other parts of the election process;

(2) shall include a statement that—

(A) specifies each eligibility requirement (including citizenship);

(B) contains an attestation that the applicant meets each such requirement; and

(C) requires the signature of the applicant, under penalty of perjury;

(3) may not include any requirement for notarization or other formal authentication; and

(4) shall include, in print that is identical to that used in the attestation portion of the application—

(i) the information required in section 8(a)(5) (A) and (B);

(ii) a statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes; and

(iii) a statement that if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes.

SEC. 10. DESIGNATION OF CHIEF STATE ELECTION OFFICIAL. 42 USC 1973gg-8.

Each State shall designate a State officer or employee as the chief State election official to be responsible for coordination of State responsibilities under this Act.

42 USC 1973gg-9.

SEC. 11. CIVIL ENFORCEMENT AND PRIVATE RIGHT OF ACTION.

(a) ATTORNEY GENERAL.—The Attorney General may bring a civil action in an appropriate district court for such declaratory or injunctive relief as is necessary to carry out this Act.

(b) PRIVATE RIGHT OF ACTION.—(1) A person who is aggrieved by a violation of this Act may provide written notice of the violation to the chief election official of the State involved.

(2) If the violation is not corrected within 90 days after receipt of a notice under paragraph (1), or within 20 days after receipt of the notice if the violation occurred within 120 days before the date of an election for Federal office, the aggrieved person may bring a civil action in an appropriate district court for declaratory or injunctive relief with respect to the violation.

(3) If the violation occurred within 30 days before the date of an election for Federal office, the aggrieved person need not provide notice to the chief election official of the State under paragraph (1) before bringing a civil action under paragraph (2).

(c) ATTORNEY'S FEES.—In a civil action under this section, the court may allow the prevailing party (other than the United States) reasonable attorney fees, including litigation expenses, and costs.

(d) RELATION TO OTHER LAWS.—(1) The rights and remedies established by this section are in addition to all other rights and remedies provided by law, and neither the rights and remedies established by this section nor any other provision of this Act shall supersede, restrict, or limit the application of the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

(2) Nothing in this Act authorizes or requires conduct that is prohibited by the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

42 USC 1973gg-10.

SEC. 12. CRIMINAL PENALTIES.

A person, including an election official, who in any election for Federal office—

(1) knowingly and willfully intimidates, threatens, or coerces, or attempts to intimidate, threaten, or coerce, any person for—

(A) registering to vote, or voting, or attempting to register or vote;

(B) urging or aiding any person to register to vote, to vote, or to attempt to register or vote; or

(C) exercising any right under this Act; or

(2) knowingly and willfully deprives, defrauds, or attempts to deprive or defraud the residents of a State of a fair and impartially conducted election process, by—

(A) the procurement or submission of voter registration applications that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held; or

(B) the procurement, casting, or tabulation of ballots that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held,

shall be fined in accordance with title 18, United States Code (which fines shall be paid into the general fund of the Treasury, miscellaneous receipts (pursuant to section 3302 of title 31, United

States Code), notwithstanding any other law), or imprisoned not more than 5 years, or both.

SEC. 13. EFFECTIVE DATE.

42 USC 1973gg note.

This Act shall take effect—

(1) with respect to a State that on the date of enactment of this Act has a provision in the constitution of the State that would preclude compliance with this Act unless the State maintained separate Federal and State official lists of eligible voters, on the later of—

(A) January 1, 1996; or

(B) the date that is 120 days after the date by which, under the constitution of the State as in effect on the date of enactment of this Act, it would be legally possible to adopt and place into effect any amendments to the constitution of the State that are necessary to permit such compliance with this Act without requiring a special election; and

(2) with respect to any State not described in paragraph (1), on January 1, 1995.

Approved May 20, 1993.

LEGISLATIVE HISTORY—H.R. 2 (S. 460):

HOUSE REPORTS: Nos. 103-9 (Comm. on House Administration) and 103-66 (Comm. of Conference).

SENATE REPORTS: No. 103-6 accompanying S. 460 (Comm. on Rules and Administration).

CONGRESSIONAL RECORD, Vol. 139 (1993):

Feb. 4, considered and passed House.

Mar. 10, 11, 15-17, S. 460 considered in Senate; H.R. 2, amended, passed in lieu.

May 5, House agreed to conference report.

May 6-8, Senate considered and agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 29 (1993):

May 20, Presidential remarks.

Public Law 103-32
103d Congress

An Act

May 25, 1993
[S. 214]

To authorize the construction of a memorial on Federal land in the District of Columbia or its environs to honor members of the Armed Forces who served in World War II and to commemorate United States participation in that conflict.

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

40 USC 1003 note.

SECTION 1. AUTHORITY TO ESTABLISH MEMORIAL.

(a) IN GENERAL.—The American Battle Monuments Commission (hereinafter in this Act referred to as the "Commission") is authorized to establish a memorial on Federal land in the District of Columbia or its environs to honor members of the Armed Forces who served in World War II and to commemorate the participation of the United States in that war.

(b) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—The establishment of the memorial shall be in accordance with the Act entitled "An Act to provide standards for placement of commemorative works on certain Federal lands in the District of Columbia and its environs, and for other purposes" approved November 14, 1986 (40 U.S.C. 1001 et seq.).

(c) HANDICAPPED ACCESS.—The plan, design, construction, and operation of the memorial pursuant to this section shall provide for accessibility by, and accommodations for, the physically handicapped.

40 USC 1003 note.
President.

SEC. 2. ADVISORY BOARD.

(a) ESTABLISHMENT OF BOARD.—There is hereby established a World War II Memorial Advisory Board, consisting of 12 members, who shall be appointed by the President from among veterans of World War II, historians of World War II, and representatives of veterans organizations, historical associations, and groups knowledgeable about World War II.

President.

(b) APPOINTMENTS.—Members of the Board shall be appointed not later than 3 months after the date of the enactment of this Act and shall serve for the life of the Board. The President shall make appointments to fill such vacancies as may occur on the Board.

(c) RESPONSIBILITIES OF THE BOARD.—The Board shall—

(1) in the manner specified by the Commission, promote establishment of the memorial and encourage donation of private contributions for the memorial; and

(2) upon the request of the Commission, advise the Commission on the site and design for the memorial.

(d) SUNSET.—The Board shall cease to exist on the last day of the third month after the month in which the memorial is completed or the month of the expiration of the authority for the memorial under section 10(b) of the Act referred to in section 1(b), whichever first occurs.

SEC. 3. PRIVATE CONTRIBUTIONS.

40 USC 1003 note.

The American Battle Monuments Commission shall solicit and accept private contributions for the memorial.

SEC. 4. FUND IN THE TREASURY FOR THE MEMORIAL.

40 USC 1003 note.

(a) IN GENERAL.—There is hereby created in the Treasury a fund which shall be available to the American Battle Monuments Commission for the expenses of establishing the memorial. The fund shall consist of—

(1) amounts deposited, and interest and proceeds credited, under subsection (b);

(2) obligations obtained under subsection (c); and

(3) the amount of surcharges paid to the Commission for the memorial under the World War II 50th Anniversary Commemorative Coins Act.

(b) DEPOSITS AND CREDITS.—The Chairman of the Commission shall deposit in the fund the amounts accepted as contributions under section 3. The Secretary of the Treasury shall credit to the fund the interest on, and the proceeds from sale or redemption of, obligations held in the fund.

(c) OBLIGATIONS.—The Secretary of the Treasury shall invest any portion of the fund that, as determined by the Chairman of the Commission, is not required to meet current expenses. Each investment shall be made in an interest bearing obligation of the United States or an obligation guaranteed as to principal and interest by the United States that, as determined by the Chairman of the Commission, has a maturity suitable for the fund.

(d) ABOLITION.—Upon the final settlement of the accounts of the fund, the Secretary of the Treasury shall submit to the Congress a draft of legislation (including technical and conforming provisions) recommended by the Secretary for the abolition of the fund.

SEC. 5. DEPOSIT OF EXCESS FUNDS.

40 USC 1003 note.

If, upon payment of all expenses of the establishment of the memorial (including the maintenance and preservation amount provided for in section 8(b) of the Act referred to in section 1(b)), or upon expiration of the authority for the memorial under section 10(b) of that Act, there remains a balance in the fund created

by section 4, the Chairman of the American Battle Monuments Commission shall transmit the amount of the balance to the Secretary of the Treasury for deposit in the account provided for in section 8(b)(1) of that Act.

Approved May 25, 1993.

LEGISLATIVE HISTORY—S. 214 (H.R. 682):

SENATE REPORTS: No. 103-11 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 139 (1993):
Mar. 17, considered and passed Senate.
May 4, H.R. 682 considered and passed House; S. 214, amended, passed in lieu.
May 12, Senate concurred in House amendment.

Public Law 103-33
103d Congress

An Act

To authorize the conduct and development of NAEP assessments for fiscal year 1994.

May 25, 1993
[S. 801]

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

SECTION 1. NATIONAL CENTER FOR EDUCATION STATISTICS.

(a) IN GENERAL.—Section 406 of the General Education Provisions Act (20 U.S.C. 1221e–1) is amended—

(1) in paragraph (1) of subsection (f), by striking "and 1993" and inserting "1993, and 1994"; and

(2) in subparagraph (C) of subsection (i)(2)—

(A) by redesignating clauses (iii), (iv), and (v) as clauses (iv), (v), and (vi), respectively;

(B) by inserting after clause (ii) the following new clause:

"(iii) The National Assessment shall—

"(I) conduct, in 1994, a trial mathematics assessment for the 4th and 8th grades, and a trial reading assessment for the 4th grade, in States that wish to participate, with the purpose of determining whether such assessments yield valid and reliable State representative data;

"(II) develop a trial mathematics assessment for the 12th grade, and a trial reading assessment for the 8th and 12th grades, to be administered in 1994 in States that wish to participate, with the purpose of determining whether such assessments yield valid and reliable State representative data; and

"(III) include in each such sample assessment described in subclauses (I) and (II) students in public and private schools in a manner that ensures comparability with the national sample."; and

(C) in clause (vi) (as redesignated by subparagraph (A)), by striking "paragraph (C) (i) and (ii)" and inserting "clauses (i), (ii) and (iii)".

(b) CONFORMING AMENDMENT.—Subparagraph (D) of section 405(f)(1) of the General Education Provisions Act (20 U.S.C. 1221e(f)(1)) is amended by striking "1993" and inserting "1994".

Approved May 25, 1993.

LEGISLATIVE HISTORY—S. 801:

CONGRESSIONAL RECORD, Vol. 139 (1993):
Apr. 21, considered and passed Senate.
May 11, considered and passed House.

Public Law 103-34
103d Congress

Joint Resolution

Designating May 30, 1993, through June 7, 1993, as a "Time for the National Observance of the Fiftieth Anniversary of World War II".

May 31, 1993
[H.J. Res. 80]

Whereas the brave men and women of the United States of America made tremendous sacrifices during World War II to save the world from tyranny and aggression;

Whereas the winds of freedom and democracy sweeping the globe today spring from the principles for which over four hundred thousand Americans gave their lives in World War II;

Whereas World War II and the events that led up to that war must be understood in order that we may better understand our own times, and more fully appreciate the reasons why eternal vigilance against any form of tyranny is so important;

Whereas the World War II era, as reflected in its family life, industry, and entertainment, was a unique period in American history, and epitomized our Nation's philosophy of hard work, courage, and tenacity in the face of adversity;

Whereas, between 1991 and 1995, over nine million American veterans of World War II will be holding reunions and conferences and otherwise commemorating the fiftieth anniversary of various events relating to World War II; and

Whereas June 4, 1993, marks the Battle of Midway, and June 6, 1993, marks the anniversary of D-Day: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 30,

1993, through June 7, 1993, is designated as a "Time for the National Observance of the Fiftieth Anniversary of World War II", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe that period with appropriate ceremonies and activities.

Approved May 31, 1993.

LEGISLATIVE HISTORY—H.J. Res. 80 (S.J. Res. 84):

CONGRESSIONAL RECORD, Vol. 139 (1993):
May 19, considered and passed House. S.J. Res. 84 considered and passed Senate.
May 24, H.J. Res. 80 considered and passed Senate.

Public Law 103-35
103d Congress

An Act

To amend title 10, United States Code, to revise the applicability of qualification requirements for certain acquisition workforce positions in the Department of Defense, to make necessary technical corrections in that title and certain other defense-related laws, and to facilitate real property repairs at military installations and minor military construction during fiscal year 1993.

May 31, 1993
[H.R. 1378]

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

TITLE I—APPLICABILITY OF QUALIFICATION REQUIREMENTS FOR CERTAIN ACQUISITION POSITIONS IN THE DEPARTMENT OF DEFENSE

SEC. 101. APPLICABILITY OF QUALIFICATION REQUIREMENTS FOR CERTAIN ACQUISITION POSITIONS IN THE DEPARTMENT OF DEFENSE.

Section 1724(c)(2) of title 10, United States Code, is amended—
(1) by inserting "or lower" before "grade"; and
(2) by inserting "or lower" before "level".

TITLE II—DEFENSE TECHNICAL AND CLERICAL AMENDMENTS

SEC. 201. AMENDMENTS TO TITLE 10, UNITED STATES CODE.

(a) RESOLUTION OF INCONSISTENT AND DUPLICATIVE AMENDMENTS.—Section 166a of title 10, United States Code, is amended—

(1) in the first sentence of subsection (a), by striking out "the Chairman" and all that follows through the period at the end of the sentence and inserting in lieu thereof "the Chairman of the Joint Chiefs of Staff may provide funds to the commander of a combatant command, upon the request of the commander, or, with respect to a geographic area or areas not within the area of responsibility of a commander of a combatant command, to an officer designated by the Chairman of the Joint Chiefs of Staff for such purpose."; and

(2) in subsection (b)(7), by striking out the second parenthetical phrase before the period at the end.

(b) DUPLICATE SECTION NUMBERS.—Title 10, United States Code, is amended as follows:

(1)(A) Chapter 141 is amended by redesignating the second sections 2410c and 2410d as sections 2410j and 2410k, respectively.

(B) The items relating to those sections in the table of sections at the beginning of such chapter are amended to reflect the redesignations made by subparagraph (A).

(2)(A) Chapter 401 is amended by redesignating the second section 4316 as section 4317.

(B) The table of sections at the beginning of such chapter is amended by striking out the last two items and inserting in lieu thereof the following:

"4316. Reporting requirements.
"4317. Military history fellowships.".

(c) CROSS REFERENCE AMENDMENTS.—Title 10, United States Code, is amended as follows:

(1) Section 1104 is amended—

(A) in subsections (a), (b), and (c), by striking out "section 8011 of title 38" and inserting in lieu thereof "section 8111 of title 38"; and

(B) in subsection (d), by striking out "section 8011A of title 38" and inserting in lieu thereof "section 8111A of title 38".

(2) Section 2145(b) is amended by striking out "means the actual cost" and all that follows and inserting in lieu thereof "has the meaning given the term 'cost of attendance' by section 472 of the Higher Education Act of 1965 (20 U.S.C. 1087ll).".

(3) Section 2198(c) is amended—

(A) by striking out "an annual" and inserting in lieu thereof "a"; and

(B) by striking out "section 2522" and inserting in lieu thereof "section 2506".

(4) Section 2371(g) is amended—

(A) by striking out "section 11" and inserting in lieu thereof "section 12"; and

(B) by striking out "sections 10 and 11" and inserting in lieu thereof "sections 11 and 12".

(5) Section 2372(g)(5) is amended by striking out "section 2522" and inserting in lieu thereof "section 2506".

(6) Section 2401(c)(2)(A) is amended by striking out "the Internal Revenue Code of 1954" and inserting in lieu thereof "the Internal Revenue Code of 1986".

(7) Section 2501(a)(1)(A) is amended by striking out "section 104" and inserting in lieu thereof "section 108".

(8) Section 2535(b)(2)(B) is amended by striking out "paragraph (1)" and inserting in lieu thereof "subparagraph (A)".

(9) Section 2677(c)(1) is amended—

(A) by striking out "section 21A(b)(12)(F)" and inserting in lieu thereof "section 21A(b)(11)(F)"; and

(B) by striking out "(12 U.S.C. 1441a(b)(12)(F))" and inserting in lieu thereof "(12 U.S.C. 1441a(b)(11)(F))".

(10) Section 5038(e) is amended by striking out "subsection" and inserting in lieu thereof "section".

(11) Section 7721(a) is amended by striking out "(46 U.S.C 781–790)" and inserting in lieu thereof "(46 U.S.C. App. 781–790)".

(d) AMENDMENTS FOR STYLISTIC CONSISTENCY.—Title 10, United States Code, is amended as follows:

(1) Section 1597 is amended—

(A) in subsection (c)(3)—

(i) by striking out "defense agency" in subparagraph (A)(v) and inserting in lieu thereof "Defense Agency"; and

(ii) in subparagraph (C)—

(I) by striking out "defense agency" the first place it appears and inserting in lieu thereof "Defense Agency"; and

(II) by striking out "defense agency" the second place it appears and inserting in lieu thereof "Defense Agency,"; and

(B) in subsection (e), by striking out "of the date" and inserting in lieu thereof "on the date".

(2) The table of sections at the beginning of chapter 142 is amended by striking out "Sec." in the items relating to sections 2418 and 2419.

(3) Section 2513(c)(2)(B) is amended by striking out the second clause (iii) (as added by section 4223(d) of Public Law 102–484 (106 Stat. 2681)) and inserting in lieu thereof the following:

"(iv) An institution of higher education designated by a State or local government.".

(4) Section 2536 is amended by striking out the period at the end of the section heading.

(5) Section 2537(a) is amended in the first sentence by striking out "respectively, which" and inserting in lieu thereof "respectively, that".

(6) Section 2701(j)(2) is amended by striking out "applies (42 U.S.C. 9619(g))" and inserting in lieu thereof "(42 U.S.C. 9619(g)) applies".

(7) Section 2828 is amended by striking out "per annum" each place it appears in subsections (b)(2), (b)(3), and (e)(1) and inserting in lieu thereof "per year".

(e) SUBSECTION HEADINGS.—Title 10, United States Code, is amended as follows:

(1) Section 2513 (as transferred and redesignated by section 4223(b) of Public Law 102–484 (106 Stat. 2681)) is amended—

(A) by striking out "CENTERS" in the heading for subsection (b) and inserting in lieu thereof "ALLIANCES"; and

(B) by striking out "CENTER" in the heading for subsection (e) and inserting in lieu thereof "ALLIANCE".

(2) Section 2308 is amended by inserting after "(a)" the following: "FACILITATION OF PROCUREMENT.—".

(f) DATE OF ENACTMENT REFERENCES.—Title 10, United States Code, is amended as follows:

(1) Section 1151(e)(1) is amended by striking out "the date of the enactment of this section" and inserting in lieu thereof "October 23, 1992,".

(2) Section 1331a(b) is amended by striking out "the date of the enactment of the National Defense Authorization Act for Fiscal Year 1993" and inserting in lieu thereof "October 23, 1992,".

(3) Section 1802(b) is amended by striking out "not more than two years before the date of the enactment of this chapter" and inserting in lieu thereof "after October 22, 1990".

(g) PUNCTUATION, SPELLING, ETC.—Title 10, United States Code, is amended as follows:

(1) Section 1078a is amended—

(A) in subsection (b)(3)(C), by striking out "subparagraphs" and inserting in lieu thereof "subparagraph"; and

(B) in subsection (d)(2)(A), by inserting "under" after "coverage".

(2) Section 1590(a) is amended by striking out the second semicolon at the end of paragraph (1).

(3) Section 1802(a) is amended by striking out "carrys" and inserting in lieu thereof "carries".

(4) Section 2321(d)(1)(B) is amended by striking out "adherance" and inserting in lieu thereof "adherence".

(5) Section 2361(b)(2) is amended by striking out "inconsisent" and inserting in lieu thereof "inconsistent".

(6) Section 2410j (as redesignated by subsection (b)(1)(A)) is amended in subsection (f)(2)(B) by striking out "aid" and inserting in lieu thereof "aide".

(7) The heading of section 2505 is amended by striking out "**capabilty**" and inserting in lieu thereof "**capability**".

(8) Section 2516(b)(4) is amended by striking out "dual use" and inserting in lieu thereof "dual-use".

(9) Section 2524(b)(2)(F) is amended by striking out "work force" both places it appears and inserting in lieu thereof "workforce".

(10)(A) The heading of section 4313 is amended to read as follows:

"§ 4313. National Matches and small-arms school: expenses".

(B) The item relating to section 4313 in the table of sections at the beginning of chapter 401 is amended to read as follows:

"4313. National Matches and small-arms school: expenses.".

(h) REDUNDANT PROVISIONS.—Title 10, United States Code, is amended as follows:

(1) Section 1598(e) is amended by striking out paragraph (4).

(2) Section 2537 is amended by striking out subsection (d).

(i) CLARIFICATION OF AMENDMENTS.—Title 10, United States Code, is amended as follows:

(1) Paragraph (4) of section 1142(b) is amended by striking out "job placement assistance" and all that follows through the end of the paragraph and inserting in lieu thereof "job placement assistance, including the public and community service jobs program carried out under section 1143a of this title, and information regarding the placement program established under section 1151 of this title to assist members to obtain employment as elementary or secondary school teachers or teachers' aides.".

(2) Section 2433(e) is amended—

(A) by striking out "a at least 15 percent increase" both places it appears and inserting in lieu thereof "an increase of at least 15 percent"; and

(B) by striking out "a at least 25 percent increase" both places it appears and inserting in lieu thereof "an increase of at least 25 percent".

SEC. 202. AMENDMENTS TO FISCAL YEAR 1993 DEFENSE AUTHORIZATION ACT.

(a) IN GENERAL.—The National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484) is amended as follows:

(1) Section 195 (106 Stat. 2349) is amended by striking out "initiative" and inserting in lieu thereof "Initiative". 10 USC 2501 note.

(2) Section 234(e)(2) (106 Stat. 2357) is amended by striking out "in subsection (d)" and inserting in lieu thereof "in subsection (c), as redesignated by subsection (b)(2)(B)". 10 USC 2431 note.

(3) Section 243 (106 Stat. 2360) is amended by striking out "Notwithstanding the provisions of the Land-Remote Sensing Commercialization Act of 1984 (15 U.S.C. 4201 et seq.), the Secretary of Defense is authorized" and inserting in lieu thereof "The Secretary of Defense is authorized". 15 USC 5611 note.

(4) Section 653(b)(2) (106 Stat. 2428) is amended by striking out "section 1463" and inserting in lieu thereof "section 1463(a)". 10 USC 1463.

(5) Section 704(1) (106 Stat. 2432) is amended by striking out "paragraph (15)(D)" and inserting in lieu thereof "paragraph (15)". 10 USC 1079.

(6) Section 801(f) (106 Stat. 2444) is amended— 10 USC 2323.

(A) by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (4), (5), (6), and (7), respectively; and

(B) by inserting after paragraph (2) the following new paragraph:

"(3) by striking out 'Secretary with' in paragraph (2) and inserting in lieu thereof 'Secretary toward attaining';".

(7) Section 843(c) (106 Stat. 2469) is amended— 10 USC 2350a note.

(A) by striking out "On the date which is two years after the date of the enactment of this Act," and inserting in lieu thereof "Effective October 23, 1994,"; and

(B) by striking out "section 2350a" and inserting in lieu thereof "sections 2350a(c) and 2350d(c)".

(8) Section 911(b)(2) (106 Stat. 2473) is amended by striking out the period and closing quotation marks at the end and inserting in lieu thereof closing quotation marks and a period. 10 USC 155.

(9) Section 933 (106 Stat. 2476) is amended— 10 USC 664 note.

(A) in subsection (b)(1), by striking out "or" and inserting in lieu thereof "and"; and

(B) in subsection (c), by inserting a comma after "United States Code".

(10) Section 1312(b)(4) (106 Stat. 2548) is amended by striking out "the" in the quoted matter stricken out in the amendment made by subparagraph (B). 10 USC 2347.

(11) Section 1135(c)(2) (106 Stat. 2541) is amended by striking out "unit deployment designators" and inserting in lieu thereof "Unit Deployment Designators". 10 USC 3077 note.

(12) Section 1314(b) (106 Stat. 2549) is amended in the second sentence by adding a period after "of member nations".

(13) Sections 1814 and 1834 (106 Stat. 2583, 2586) are each amended by striking out "section" and inserting in lieu thereof "subtitle". 36 USC 5013, 5113.

(14) Section 4219(c)(2)(H) (106 Stat. 2672) is amended— 10 USC 2505 note.

(A) by striking out "Work force" and inserting in lieu thereof "Workforce"; and

(B) by striking out "work force" and inserting in lieu thereof "workforce".

(15) Section 4301(b)(1)(C) (106 Stat. 2697) is amended by inserting "the first place it appears" before "the following". 10 USC 2391.

10 USC 1086a.

(16) Section 4407(b)(2) (106 Stat. 2708) is amended by inserting "the second place it appears" before "and inserting in lieu thereof".

10 USC 1162 note, 1174a.

(17) Section 4422(a) (106 Stat. 2718) is amended—

(A) in paragraph (3), by striking out "after" after "by inserting"; and

(B) in paragraph (4), by inserting "the first reference to" after "after" the first place it appears.

(18) Section 4470(a) (106 Stat. 2753) is amended—

10 USC 2410d.

(A) by striking out "section 4303(a)" in paragraph (1) and inserting in lieu thereof "section 4443(a)"; and

(B) by striking out "section 4303(b)" in paragraph (2) and inserting in lieu thereof "section 4443(b)".

10 USC 155 note.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply as if included in the enactment of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484).

SEC. 203. AMENDMENTS TO FISCAL YEAR 1992/1993 DEFENSE AUTHORIZATION ACT.

(a) REPEAL OF PREVIOUSLY CODIFIED PROVISION.—Section 523 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1363) is repealed.

10 USC 591 note.

(b) OTHER AMENDMENTS.—The National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190) is amended as follows:

10 USC 2431 note.

(1) Section 236(d) (as redesignated by section 234(b)(2)(B) of Public Law 102–484 (106 Stat. 2356)) is amended by striking out "subsection (a) through (d)" in paragraph (1) and inserting in lieu thereof "subsections (a) through (c)".

10 USC 1086.

(2) Section 704(a) (105 Stat. 1401) is amended by striking out the closing quotation marks and period at the end of paragraph (2) of the subsection inserted by the amendment made by that section.

42 USC 2123.

(3) Section 3136(b)(1)(C)(ii)(I) (105 Stat. 1578) is amended by striking out "section 2522 of title 10, United States Code" and inserting in lieu thereof "section 2506 of title 10, United States Code".

42 USC 7142.

(4) Section 3137(c) (105 Stat. 1579) is amended by striking out the comma after "the Secretary of Energy".

SEC. 204. AMENDMENTS TO OTHER LAWS.

(a) TITLE 37, UNITED STATES CODE.—Title 37, United States Code, is amended as follows:

(1) Section 205(a)(7)(B) is amended by striking out "the Veterans' Administration," and inserting in lieu thereof "the Department of Veterans Affairs,".

(2) Section 411f(c) is amended by striking out "section 401 of this title" and inserting in lieu thereof "section 401(a) of this title".

(b) PUBLIC LAW 98–94.—Section 1215(c) of the Department of Defense Authorization Act, 1984 (Public Law 98–94; 97 Stat. 688; 10 U.S.C. 2452 note), is amended by striking out "regulatons" and inserting in lieu thereof "regulations".

Effective date.

(c) PUBLIC LAW 101–189.—Effective as of November 29, 1989, paragraph (1) of section 631(a) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1449) is amended by inserting a comma after "18" in the matter struck by such paragraph.

37 USC 301a, 301a note.

(d) STRATEGIC AND CRITICAL MATERIALS STOCK PILING ACT.—Section 11(a)(1) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h–2(a)(1)) is amended by striking out "six-month period" and inserting in lieu thereof "fiscal year".

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. REAL PROPERTY REPAIRS AND MINOR CONSTRUCTION DURING FISCAL YEAR 1993.

In addition to using the funds specifically appropriated for real property maintenance under the heading "REAL PROPERTY MAINTENANCE, DEFENSE" in title II of the Department of Defense Appropriations Act, 1993 (Public Law 102–396; 106 Stat. 1885), the Secretary of Defense and the Secretary of a military department may also use funds appropriated to the Secretary concerned for operation and maintenance under any of the first 11 headings of such title in order to carry out a major repair project that costs $15,000 or more or a minor construction project that costs not less than $15,000 and not more than $300,000.

Approved May 31, 1993.

LEGISLATIVE HISTORY—H.R. 1378:

HOUSE REPORTS: No. 103–83 (Comm. on Armed Services).
CONGRESSIONAL RECORD, Vol. 139 (1993):
May 11, considered and passed House.
May 18, considered and passed Senate.

69-194 O - 94 - 5 : QL. 3 Part 1

Public Law 103-36
103d Congress

An Act

June 8, 1993
[H.R. 1723]

To authorize the establishment of a program under which employees of the Central Intelligence Agency may be offered separation pay to separate from service voluntarily to avoid or minimize the need for involuntary separations due to downsizing, reorganization, transfer of function, or other similar action, and for other purposes.

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

Central Intelligence Agency Voluntary Separation Pay Act.
50 USC 2001 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Central Intelligence Agency Voluntary Separation Pay Act".

50 USC 403-4 note.

SEC. 2. SEPARATION PAY.

(a) DEFINITIONS.—For purposes of this section—

(1) the term "Director" means the Director of Central Intelligence; and

(2) the term "employee" means an employee of the Central Intelligence Agency, serving under an appointment without time limitation, who has been currently employed for a continuous period of at least 12 months, except that such term does not include—

(A) a reemployed annuitant under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or another retirement system for employees of the Government; or

(B) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under any of the retirement systems referred to in subparagraph (A).

(b) ESTABLISHMENT OF PROGRAM.—In order to avoid or minimize the need for involuntary separations due to downsizing, reorganization, transfer of function, or other similar action, the Director may establish a program under which employees may be offered separation pay to separate from service voluntarily (whether by retirement or resignation). An employee who receives separation pay under such program may not be reemployed by the Central Intelligence Agency for the 12-month period beginning on the effective date of the employee's separation.

(c) BAR ON CERTAIN EMPLOYMENT.—

(1) BAR.—An employee may not be separated from service under this section unless the employee agrees that the employee will not—

(A) act as agent or attorney for, or otherwise represent, any other person (except the United States) in any formal or informal appearance before, or, with the intent to influ-

ence, make any oral or written communication on behalf of any other person (except the United States) to the Central Intelligence Agency; or

(B) participate in any manner in the award, modification, extension, or performance of any contract for property or services with the Central Intelligence Agency,

during the 12-month period beginning on the effective date of the employee's separation from service.

(2) PENALTY.—An employee who violates an agreement under this subsection shall be liable to the United States in the amount of the separation pay paid to the employee pursuant to this section times the proportion of the 12-month period during which the employee was in violation of the agreement.

(d) LIMITATIONS.—Under this program, separation pay may be offered only—

(1) with the prior approval of the Director; and

(2) to employees within such occupational groups or geographic locations, or subject to such other similar limitations or conditions, as the Director may require.

(e) AMOUNT AND TREATMENT FOR OTHER PURPOSES.—Such separation pay—

(1) shall be paid in a lump sum;

(2) shall be equal to the lesser of—

(A) an amount equal to the amount the employee would be entitled to receive under section 5595(c) of title 5, United States Code, if the employee were entitled to payment under such section; or

(B) $25,000;

(3) shall not be a basis for payment, and shall not be included in the computation, of any other type of Government benefit; and

(4) shall not be taken into account for the purpose of determining the amount of any severance pay to which an individual may be entitled under section 5595 of title 5, United States Code, based on any other separation.

(f) TERMINATION.—No amount shall be payable under this section based on any separation occurring after September 30, 1997.

(g) REGULATIONS.—The Director shall prescribe such regulations as may be necessary to carry out this section.

(h) REPORTING REQUIREMENTS.—

(1) OFFERING NOTIFICATION.—The Director may not make an offering of voluntary separation pay pursuant to this section until 30 days after submitting to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate a report describing the occupational groups or geographic locations, or other similar limitations or conditions, required by the Director under subsection (d).

(2) ANNUAL REPORT.—At the end of each of the fiscal years 1993 through 1997, the Director shall submit to the President and the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate a report on the effectiveness and costs of carrying out this section.

SEC. 3. EARLY RETIREMENT FOR CIARDS AND FERS SPECIAL PARTICIPANTS.

Section 233 of the Central Intelligence Agency Retirement Act (50 U.S.C. 2053) is amended—

(1) by inserting "(a)" before "A participant"; and

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

"(b) A participant who has at least 25 years of service, ten years of which are with the Agency, may retire, with the consent of the Director, at any age and receive benefits in accordance with the provisions of section 221 if the Office of Personnel Management has authorized separation from service voluntarily for Agency employees under section 8336(d)(2) of title 5, United States Code, with respect to the Civil Service Retirement System or section 8414(b)(1)(B) of such title with respect to the Federal Employees' Retirement System.".

Approved June 8, 1993.

LEGISLATIVE HISTORY—H.R. 1723:

HOUSE REPORTS: No. 103-102 (Select Comm. on Intelligence).
CONGRESSIONAL RECORD, Vol. 139 (1993):
May 24, considered and passed House.
May 26, considered and passed Senate.

Public Law 103-37
103d Congress

An Act

To amend the Immigration and Nationality Act to authorize appropriations for refugee assistance for fiscal years 1993 and 1994.

June 8, 1993
[H.R. 2128]

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

SECTION 1. AUTHORIZATION OF APPROPRIATIONS FOR REFUGEE ASSISTANCE FOR FISCAL YEARS 1993 AND 1994.

Section 414(a) of the Immigration and Nationality Act (8 U.S.C. 1524(a)) is amended by striking "fiscal year 1992" and inserting "fiscal year 1993 and fiscal year 1994".

Approved June 8, 1993.

LEGISLATIVE HISTORY—H.R. 2128:

HOUSE REPORTS: No. 103-107 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 139 (1993):
May 25, considered and passed House.
May 27, considered and passed Senate.

Public Law 103-38
103d Congress

Joint Resolution

June 8, 1993
[H.J. Res. 78]

Designating the weeks beginning May 23, 1993, and May 15, 1994, as "Emergency Medical Services Week".

Whereas emergency medical services is a vital public service;
Whereas access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury;
Whereas efforts to establish emergency medicine as a medical specialty began 25 years ago with the founding of the American College of Emergency Physicians in 1968;
Whereas the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, 7 days a week;
Whereas emergency medical services teams consist of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, educators, administrators, and others;
Whereas approximately ⅔ of all emergency medical services providers are volunteers;
Whereas the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills;
Whereas Americans benefit daily from the knowledge and skills of these highly trained individuals;
Whereas it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week; and
Whereas the designation of Emergency Medical Services Week will serve to educate all Americans about injury prevention and how to respond to a medical emergency: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the weeks beginning May 23, 1993, and May 15, 1994, are designated as "Emergency Medical Services Week" and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such weeks with appropriate ceremonies and activities.

Approved June 8, 1993.

LEGISLATIVE HISTORY—H.J. Res. 78:

CONGRESSIONAL RECORD, Vol. 139 (1993):
May 25, considered and passed House.
May 27, considered and passed Senate.

Public Law 103-39
103d Congress

Joint Resolution

June 8, 1993
[H.J. Res. 135]

To designate the months of May 1993 and May 1994 as "National Trauma Awareness Month".

Whereas more than 9,000,000 individuals in the United States suffer traumatic injury each year;
Whereas traumatic injury is the leading cause of death for individuals under 44 years of age in the United States;
Whereas every individual is a potential victim of traumatic injury;
Whereas traumatic injury often occurs without warning;
Whereas traumatic injury frequently renders its victims incapable of caring for themselves;
Whereas past inattention to the causes and effects of trauma has led to the inclusion of trauma among the most neglected medical conditions in the United States;
Whereas it is estimated that the people of the United States will spend more than $175,000,000,000 this year on the problem of trauma;
Whereas trauma is preventable and increased efforts to prevent trauma would reduce or eliminate deaths and disability due to trauma;
Whereas the problem of trauma can be remedied only by prevention and treatment through emergency medical services and trauma systems; and
Whereas the people of the United States must be educated in the prevention and treatment of trauma and in the proper and effective use of emergency medical systems: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 1993 and May 1994 are each designated as "National Trauma Awareness Month" and the President is authorized and directed to issue a proclamation calling upon the people of the United States to observe these months with appropriate ceremonies and activities.

Approved June 8, 1993.

LEGISLATIVE HISTORY—H.J. Res. 135:

CONGRESSIONAL RECORD, Vol. 139 (1993):
May 25, considered and passed House.
May 27, considered and passed Senate.

Public Law 103-40
103d Congress

An Act

June 8, 1993
[S. 564]

To establish in the Government Printing Office a means of enhancing electronic public access to a wide range of Federal electronic information.

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

Government Printing Office Electronic Information Access Enhancement Act of 1993.
44 USC 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Government Printing Office Electronic Information Access Enhancement Act of 1993".

SEC. 2. AMENDMENTS TO TITLE 44, UNITED STATES CODE.

(a) IN GENERAL.—Title 44, United States Code, is amended by adding at the end the following new chapter:

"CHAPTER 41—ACCESS TO FEDERAL ELECTRONIC INFORMATION

"Sec.
"4101. Electronic directory; online access to publications; electronic storage facility.
"4102. Fees.
"4103. Biennial report.
"4104. Definition.

"§ 4101. Electronic directory; online access to publications; electronic storage facility

"(a) IN GENERAL.—The Superintendent of Documents, under the direction of the Public Printer, shall—

"(1) maintain an electronic directory of Federal electronic information;

"(2) provide a system of online access to the Congressional Record, the Federal Register, and, as determined by the Superintendent of Documents, other appropriate publications distributed by the Superintendent of Documents; and

"(3) operate an electronic storage facility for Federal electronic information to which online access is made available under paragraph (2).

"(b) DEPARTMENTAL REQUESTS.—To the extent practicable, the Superintendent of Documents shall accommodate any request by the head of a department or agency to include in the system of access referred to in subsection (a)(2) information that is under the control of the department or agency involved.

"(c) CONSULTATION.—In carrying out this section, the Superintendent of Documents shall consult—

"(1) users of the directory and the system of access provided for under subsection (a); and

"(2) other providers of similar information services.

The purpose of such consultation shall be to assess the quality and value of the directory and the system, in light of user needs.

"§ 4102. Fees

"(a) IN GENERAL.—The Superintendent of Documents, under the direction of the Public Printer, may charge reasonable fees for use of the directory and the system of access provided for under section 4101, except that use of the directory and the system shall be made available to depository libraries without charge. The fees received shall be treated in the same manner as moneys received from sale of documents under section 1702 of this title.

"(b) COST RECOVERY.—The fees charged under this section shall be set so as to recover the incremental cost of dissemination of the information involved, with the cost to be computed without regard to section 1708 of this title.

"§ 4103. Biennial report

"Not later than December 31 of each odd-numbered year, the Public Printer shall submit to the Congress, with respect to the two preceding fiscal years, a report on the directory, the system of access, and the electronic storage facility referred to in section 4101(a). The report shall include a description of the functions involved, including a statement of cost savings in comparison with traditional forms of information distribution.

"§ 4104. Definition

"As used in this chapter, the term 'Federal electronic information' means Federal public information stored electronically.".

(b) CLERICAL AMENDMENT.—The table of chapters for title 44, United States Code, is amended by adding at the end the following new item:

"41. Access to Federal Electronic Information ..... 4101".

SEC. 3. STATUS REPORT.

44 USC 4101 note.

Not later than June 30, 1994, the Public Printer shall submit to the Congress a report on the status of the directory, the system of access, and the electronic storage facility referred to in section 4101 of title 44, United States Code, as added by section 2(a).

SEC. 4. SPECIAL RULES.

(a) OPERATIONAL DEADLINE.—The directory, the system of access, and the electronic storage facility referred to in section 4101 of title 44, United States Code, as added by section 2(a), shall be operational not later than one year after the date of the enactment of this Act.

44 USC 4101 note.

44 USC 4103 note.

(b) FIRST BIENNIAL REPORT.—The first report referred to in section 4103 of title 44, United States Code, as added by section 2(a), shall be submitted not later than December 31, 1995.

Approved June 8, 1993.

LEGISLATIVE HISTORY—S. 564 (H.R. 1328):

HOUSE REPORTS: Nos. 103-51 accompanying H.R. 1328 and 103-108 (both from Comm. on House Administration).
SENATE REPORTS: No. 103-27 (Comm. on Rules and Administration).
CONGRESSIONAL RECORD, Vol. 139 (1993):
Mar. 22, considered and passed Senate.
May 25, considered and passed House.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 29 (1993):
June 8, Presidential statement.

Public Law 103-41
103d Congress

Joint Resolution

Designating the week beginning June 6, 1993, and June 5, 1994, "Lyme Disease Awareness Week".

June 8, 1993
[S.J. Res. 43]

Whereas Lyme disease (borreliosis) is spread primarily by the bite of four types of ticks infected with the bacteria Borrelia burgdorferi;

Whereas Lyme disease-carrying ticks can be found across the country—in woods, mountains, beaches, even in our yards, and no effective tick control measures currently exist;

Whereas infected ticks can be carried by animals such as cats, dogs, horses, cows, goats, birds, and transferred to humans;

Whereas our pets and livestock can be infected with Lyme disease by ticks;

Whereas Lyme disease was first discovered in Europe in 1883 and scientists have recently proven its presence on Long Island as early as the 1940's;

Whereas Lyme disease was first found in Wisconsin in 1969, and derives its name from the diagnosis of a cluster of cases in the mid-1970's in Lyme, Connecticut;

Whereas forty-nine states reported more than forty thousand cases of Lyme disease from 1982 through 1991;

Whereas Lyme disease knows no season—the peak west coast and southern season is November to June, the peak east coast and northern season is April to October, and victims suffer all year round;

Whereas Lyme disease, easily treated soon after the bite with oral antibiotics, can be difficult to treat (by painful intravenous injections) if not discovered in time, and for some may be incurable;

Whereas Lyme disease is difficult to diagnose because there is no reliable test that can directly detect when the infection is present;

Whereas the early symptoms of Lyme disease may include rashes, severe headaches, fever, fatigue, and swollen glands;

Whereas if left untreated Lyme disease can affect every body system causing severe damage to the heart, brain, eyes, joints, lungs, liver, spleen, blood vessels, and kidneys;

Whereas the bacteria can cross the placenta and affect fetal development;

Whereas our children are the most vulnerable and most widely affected group;

Whereas the best cure for Lyme disease is prevention;

Whereas prevention of Lyme disease depends upon public awareness; and

Whereas education is essential to making the general public, health care professionals, employers, and insurers more knowledgeable about Lyme disease and its debilitating side effects: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning June 6, 1993, and June 5, 1994, is designated as "Lyme Disease Awareness Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate programs, ceremonies, and activities.

Approved June 8, 1993.

LEGISLATIVE HISTORY—S.J. Res. 43:

CONGRESSIONAL RECORD, Vol. 139 (1993):
Mar. 26, considered and passed Senate.
May 25, considered and passed House.

Public Law 103-42
103d Congress

An Act

To amend the National Cooperative Research Act of 1984 with respect to joint ventures entered into for the purpose of producing a product, process, or service.

June 10, 1993
[H.R. 1313]

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

National Cooperative Production Amendments of 1993.
Business and industry.
Commerce and trade.
15 USC 4301 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Cooperative Production Amendments of 1993".

15 USC 4301 note.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) technological innovation and its profitable commercialization are critical components of the ability of the United States to raise the living standards of Americans and to compete in world markets;

(2) cooperative arrangements among nonaffiliated businesses in the private sector are often essential for successful technological innovation; and

(3) the antitrust laws may have been mistakenly perceived to inhibit procompetitive cooperative innovation arrangements, and so clarification serves a useful purpose in helping to promote such arrangements.

(b) PURPOSE.—It is the purpose of this Act to promote innovation, facilitate trade, and strengthen the competitiveness of the United States in world markets by clarifying the applicability of the rule of reason standard and establishing a procedure under which businesses may notify the Department of Justice and Federal Trade Commission of their cooperative ventures and thereby qualify for a single-damages limitation on civil antitrust liability.

SEC. 3. AMENDMENTS.

National Cooperative Research and Production Act of 1993.

(a) SHORT TITLE.—Section 1 of the National Cooperative Research Act of 1984 (15 U.S.C. 4301 note) is amended by striking "National Cooperative Research Act of 1984" and inserting "National Cooperative Research and Production Act of 1993".

(b) DEFINITION.—Section 2(a)(6) of the National Cooperative Research Act of 1984 (15 U.S.C. 4301(a)(6)) is amended—

(1) in the matter preceding subparagraph (A) by striking "research and development";

(2) in subparagraph (D) by inserting "or production" after "research";

(3) in subparagraph (E) by striking "and (D)" and inserting "(D), (E), and (F)";

(4) by redesignating subparagraphs (D) and (E) as subparagraphs (F) and (G), respectively;

(5) by inserting after subparagraph (C) the following:

"(D) the production of a product, process, or service,

"(E) the testing in connection with the production of a product, process, or service by such venture,"; and

(6) by striking "research" the last place it appears and inserting "such venture".

(c) EXCLUSIONS.—Section 2(b) of the National Cooperative Research Act of 1984 (15 U.S.C. 4301(b)) is amended—

(1) in the matter preceding paragraph (1) by striking "research and development";

(2) in paragraph (1) by striking "that is not reasonably required to conduct the research and development that is" and inserting "if such information is not reasonably required to carry out";

(3) by amending paragraph (2) to read as follows:

"(2) entering into any agreement or engaging in any other conduct restricting, requiring, or otherwise involving the marketing, distribution, or provision by any person who is a party to such venture of any product, process, or service, other than—

"(A) the distribution among the parties to such venture, in accordance with such venture, of a product, process, or service produced by such venture,

"(B) the marketing of proprietary information, such as patents and trade secrets, developed through such venture formed under a written agreement entered into before the date of the enactment of the National Cooperative Production Amendments of 1993, or

"(C) the licensing, conveying, or transferring of intellectual property, such as patents and trade secrets, developed through such venture formed under a written agreement entered into on or after the date of the enactment of the National Cooperative Production Amendments of 1993,";

(4) in paragraph (3)—

(A) in subparagraph (A) by striking "or developments not developed through" and inserting ", developments, products, processes, or services not developed through, or produced by,";

(B) in subparagraph (B) by striking "such party" and inserting "any person who is a party to such venture"; and

(C) by striking the period at the end and inserting a comma; and

(5) by adding at the end the following:

"(4) entering into any agreement or engaging in any other conduct allocating a market with a competitor,

"(5) exchanging information among competitors relating to production (other than production by such venture) of a product, process, or service if such information is not reasonably required to carry out the purpose of such venture,

"(6) entering into any agreement or engaging in any other conduct restricting, requiring, or otherwise involving the production (other than the production by such venture) of a product, process, or service,

"(7) using existing facilities for the production of a product, process, or service by such venture unless such use involves the production of a new product or technology, and

"(8) except as provided in paragraphs (2), (3), and (6), entering into any agreement or engaging in any other conduct to restrict or require participation by any person who is a party to such venture, in any unilateral or joint activity that is not reasonably required to carry out the purpose of such venture.".

(d) RULE OF REASON STANDARD.—Section 3 of the National Cooperative Research Act of 1984 (15 U.S.C. 4302) is amended—

(1) by striking "research and development" the first place it appears;

(2) by striking "and development" the last place it appears and inserting ", development, product, process, and service"; and

(3) by adding at the end the following:

"For the purpose of determining a properly defined, relevant market, worldwide capacity shall be considered to the extent that it may be appropriate in the circumstances.".

(e) TECHNICAL AND CONFORMING AMENDMENTS.—The National Cooperative Research Act of 1984 (15 U.S.C. 4301 et seq.) is amended—

(1) in section 4— 15 USC 4303.

(A) in subsections (a)(1), (b)(1), (c)(1), and (e) by striking "research and development" each place it appears;

(B) in subsections (a), (b), and (c) by inserting "of this section" after "subsection (d)" each place it appears; and

(C) in subsection (e) by striking "the effective date of this Act" and inserting "October 11, 1984,"; and

(2) in section 5(a) in the matter preceding paragraph (1) by striking "research and development". 15 USC 4304.

(f) DISCLOSURE.—Section 6 of the National Cooperative Research Act of 1984 (15 U.S.C. 4305) is amended—

(1) in the heading by striking "RESEARCH AND DEVELOPMENT";

(2) in subsection (a)—

(A) by striking "the date of the enactment of this Act" and inserting "October 11, 1984";

(B) in paragraph (1) by striking "and" at the end;

(C) in paragraph (2) by striking the period at the end and inserting ", and"; and

(D) by inserting the following after paragraph (2):

"(3) if a purpose of such venture is the production of a product, process, or service, as referred to in section 2(a)(6)(D), the identity and nationality of any person who is a party to such venture, or who controls any party to such venture whether separately or with one or more other persons acting as a group for the purpose of controlling such party."; and

(3) in subsections (a), (d)(2), and (e) by striking "research and development" each place it appears.

(g) LIMITATION.—The National Cooperative Research Act of 1984 (15 U.S.C. 4301 et seq.) is amended by adding at the end the following:

"APPLICATION OF SECTION 4 PROTECTIONS TO PRODUCTION OF PRODUCTS, PROCESSES, AND SERVICES

15 USC 4306.

"SEC. 7. Notwithstanding sections 4 and 6, the protections of section 4 shall not apply with respect to a joint venture's production of a product, process, or service, as referred to in section 2(a)(6)(D), unless—

"(1) the principal facilities for such production are located in the United States or its territories, and

"(2) each person who controls any party to such venture (including such party itself) is a United States person, or a foreign person from a country whose law accords antitrust treatment no less favorable to United States persons than to such country's domestic persons with respect to participation in joint ventures for production.".

15 USC 4305 note.

SEC. 4. REPORTS ON JOINT VENTURES AND UNITED STATES COMPETITIVENESS.

(a) PURPOSE.—The purpose of the reports required by this section is to inform Congress and the American people of the effect of the National Cooperative Research and Production Act of 1993 on the competitiveness of the United States in key technological areas of research, development, and production.

(b) ANNUAL REPORT BY THE ATTORNEY GENERAL.—In the 30-day period beginning at each 1-year interval in the 6-year period beginning on the date of the enactment of this Act, the Attorney General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate—

(1) a list of joint ventures for which notice was filed under section 6(a) of the National Cooperative Research and Production Act of 1993 during the 12-month period for which such report is made, including—

(A) the purpose of each joint venture;

(B) the identity of each party described in section 6(a)(1) of such Act; and

(C) the identity and nationality of each person described in section 6(a)(3) of such Act; and

(2) a list of cases and proceedings, if any, brought during such period under the antitrust laws by the Department of Justice, and by the Federal Trade Commission, with respect to joint ventures for which notice was filed under such section at any time.

(c) TRIENNIAL REPORT BY THE ATTORNEY GENERAL.—In the 30-day period beginning at each 3-year interval in the 6-year period beginning on the date of the enactment of this Act, the Attorney General, after consultation with such other agencies as the Attorney General considers to be appropriate, shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a description of the technological areas most commonly pursued by joint ventures for production for which notice was filed under section 6(a) of the National Cooperative Research and Production Act of 1993 during the 3-year period for which such report is made, and an analysis of the trends in the competitiveness of United States industry in such areas.

(d) REVIEW OF ANTITRUST TREATMENT UNDER FOREIGN LAWS.—In the three 30-day periods beginning 1 year, 3 years, and 6 years

after the date of the enactment of this Act, the Attorney General, after consultation with such other agencies as the Attorney General considers to be appropriate, shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report on the antitrust treatment of United States businesses with respect to participation in joint ventures for production, under the law of each foreign nation any of whose domestic businesses disclosed its nationality under section 6(a)(3) of the National Cooperative Research and Production Act of 1993 at any time.

Approved June 10, 1993.

LEGISLATIVE HISTORY—H.R. 1313:

HOUSE REPORTS: No. 103-94 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 139 (1993):
May 18, considered and passed House.
May 27, considered and passed Senate.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 29 (1993):
June 10, Presidential remarks.

Public Law 103-43
103d Congress

An Act

June 10, 1993
[S. 1]

To amend the Public Health Service Act to revise and extend the programs of the National Institutes of Health, and for other purposes.

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

National Institutes of Health Revitalization Act of 1993.
Science and technology.
42 USC 201 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National Institutes of Health Revitalization Act of 1993".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—GENERAL PROVISIONS REGARDING TITLE IV OF PUBLIC HEALTH SERVICE ACT

Subtitle A—Research Freedom

PART I—REVIEW OF PROPOSALS FOR BIOMEDICAL AND BEHAVIORAL RESEARCH

Sec. 101. Establishment of certain provisions regarding research conducted or supported by National Institutes of Health.

PART II—RESEARCH ON TRANSPLANTATION OF FETAL TISSUE

Sec. 111. Establishment of authorities.
Sec. 112. Purchase of human fetal tissue; solicitation or acceptance of tissue as directed donation for use in transplantation.
Sec. 113. Nullification of moratorium.
Sec. 114. Report by General Accounting Office on adequacy of requirements.

PART III—MISCELLANEOUS REPEALS

Sec. 121. Repeals.

Subtitle B—Clinical Research Equity Regarding Women and Minorities

PART I—WOMEN AND MINORITIES AS SUBJECTS IN CLINICAL RESEARCH

Sec. 131. Requirement of inclusion in research.
Sec. 132. Peer review.
Sec. 133. Inapplicability to current projects.

PART II—OFFICE OF RESEARCH ON WOMEN'S HEALTH

Sec. 141. Establishment.

PART III—OFFICE OF RESEARCH ON MINORITY HEALTH

Sec. 151. Establishment.

Subtitle C—Research Integrity

Sec. 161. Establishment of Office of Research Integrity.
Sec. 162. Commission on Research Integrity.
Sec. 163. Protection of whistleblowers.
Sec. 164. Requirement of regulations regarding protection against financial conflicts of interest in certain projects of research.
Sec. 165. Regulations.

TITLE II—NATIONAL INSTITUTES OF HEALTH IN GENERAL

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TITLE XXI—EFFECTIVE DATES

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TITLE I—GENERAL PROVISIONS REGARDING TITLE IV OF PUBLIC HEALTH SERVICE ACT

Subtitle A—Research Freedom

PART I—REVIEW OF PROPOSALS FOR BIOMEDICAL AND BEHAVIORAL RESEARCH

SEC. 101. ESTABLISHMENT OF CERTAIN PROVISIONS REGARDING RESEARCH CONDUCTED OR SUPPORTED BY NATIONAL INSTITUTES OF HEALTH.

Part G of title IV of the Public Health Service Act (42 U.S.C. 289 et seq.) is amended by inserting after section 492 the following section:

"CERTAIN PROVISIONS REGARDING REVIEW AND APPROVAL OF PROPOSALS FOR RESEARCH

42 USC 289a-1.

"SEC. 492A. (a) REVIEW AS PRECONDITION TO RESEARCH.—

"(1) PROTECTION OF HUMAN RESEARCH SUBJECTS.—

"(A) In the case of any application submitted to the Secretary for financial assistance to conduct research, the Secretary may not approve or fund any application that is subject to review under section 491(a) by an Institutional Review Board unless the application has undergone review in accordance with such section and has been recommended for approval by a majority of the members of the Board conducting such review.

"(B) In the case of research that is subject to review under procedures established by the Secretary for the protection of human subjects in clinical research conducted by the National Institutes of Health, the Secretary may not authorize the conduct of the research unless the research has, pursuant to such procedures, been recommended for approval.

"(2) PEER REVIEW.—In the case of any proposal for the National Institutes of Health to conduct or support research, the Secretary may not approve or fund any proposal that is subject to technical and scientific peer review under section 492 unless the proposal has undergone such review in accordance with such section and has been recommended for approval by a majority of the members of the entity conducting such review.

"(b) ETHICAL REVIEW OF RESEARCH.—

"(1) PROCEDURES REGARDING WITHHOLDING OF FUNDS.—If research has been recommended for approval for purposes of subsection (a), the Secretary may not withhold funds for the research because of ethical considerations unless—

"(A) the Secretary convenes an advisory board in accordance with paragraph (5) to study such considerations; and

"(B)(i) the majority of the advisory board recommends that, because of such considerations, the Secretary withhold funds for the research; or

"(ii) the majority of such board recommends that the Secretary not withhold funds for the research because of such considerations, but the Secretary finds, on the basis of the report submitted under paragraph (5)(B)(ii), that the recommendation is arbitrary and capricious.

"(2) RULES OF CONSTRUCTION.—Paragraph (1) may not be construed as prohibiting the Secretary from withholding funds for research on the basis of—

"(A) the inadequacy of the qualifications of the entities that would be involved with the conduct of the research (including the entity that would directly receive the funds from the Secretary), subject to the condition that, with respect to the process of review through which the research was recommended for approval for purposes of subsection (a), all findings regarding such qualifications made in such process are conclusive; or

"(B) the priorities established by the Secretary for the allocation of funds among projects of research that have been so recommended.

"(3) APPLICABILITY.—The limitation established in paragraph (1) regarding the authority to withhold funds because of ethical considerations shall apply without regard to whether the withholding of funds on such basis is characterized as a disapproval, a moratorium, a prohibition, or other characterization.

"(4) PRELIMINARY MATTERS REGARDING USE OF PROCEDURES.—

"(A) If the Secretary makes a determination that an advisory board should be convened for purposes of paragraph (1), the Secretary shall, through a statement published in the Federal Register, announce the intention of the Secretary to convene such a board. Federal Register, publication.

"(B) A statement issued under subparagraph (A) shall include a request that interested individuals submit to the Secretary recommendations specifying the particular individuals who should be appointed to the advisory board involved. The Secretary shall consider such recommendations in making appointments to the board.

"(C) The Secretary may not make appointments to an advisory board under paragraph (1) until the expiration of the 30-day period beginning on the date on which the statement required in subparagraph (A) is made with respect to the board.

"(5) ETHICS ADVISORY BOARDS.—

"(A) Any advisory board convened for purposes of paragraph (1) shall be known as an ethics advisory board (in this paragraph referred to as an 'ethics board').

"(B)(i) An ethics board shall advise, consult with, and make recommendations to the Secretary regarding the ethics of the project of biomedical or behavioral research with respect to which the board has been convened.

"(ii) Not later than 180 days after the date on which the statement required in paragraph (4)(A) is made with respect to an ethics board, the board shall submit to the Secretary, and to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate, a report Reports.

describing the findings of the board regarding the project of research involved and making a recommendation under clause (i) of whether the Secretary should or should not withhold funds for the project. The report shall include the information considered in making the findings.

"(C) An ethics board shall be composed of no fewer than 14, and no more than 20, individuals who are not officers or employees of the United States. The Secretary shall make appointments to the board from among individuals with special qualifications and competence to provide advice and recommendations regarding ethical matters in biomedical and behavioral research. Of the members of the board—

"(i) no fewer than 1 shall be an attorney;

"(ii) no fewer than 1 shall be an ethicist;

"(iii) no fewer than 1 shall be a practicing physician;

"(iv) no fewer than 1 shall be a theologian; and

"(v) no fewer than one-third, and no more than one-half, shall be scientists with substantial accomplishments in biomedical or behavioral research.

"(D) The term of service as a member of an ethics board shall be for the life of the board. If such a member does not serve the full term of such service, the individual appointed to fill the resulting vacancy shall be appointed for the remainder of the term of the predecessor of the individual.

"(E) A member of an ethics board shall be subject to removal from the board by the Secretary for neglect of duty or malfeasance or for other good cause shown.

"(F) The Secretary shall designate an individual from among the members of an ethics board to serve as the chair of the board.

"(G) In carrying out subparagraph (B)(i) with respect to a project of research, an ethics board shall conduct inquiries and hold public hearings.

"(H) In carrying out subparagraph (B)(i) with respect to a project of research, an ethics board shall have access to all relevant information possessed by the Department of Health and Human Services, or available to the Secretary from other agencies.

"(I) Members of an ethics board shall receive compensation for each day engaged in carrying out the duties of the board, including time engaged in traveling for purposes of such duties. Such compensation may not be provided in an amount in excess of the maximum rate of basic pay payable for GS–18 of the General Schedule.

"(J) The Secretary, acting through the Director of the National Institutes of Health, shall provide to each ethics board reasonable staff and assistance to carry out the duties of the board.

Termination date.

"(K) An ethics board shall terminate 30 days after the date on which the report required in subparagraph (B)(ii) is submitted to the Secretary and the congressional committees specified in such subparagraph.

"(6) DEFINITION.—For purposes of this subsection, the term 'ethical considerations' means considerations as to whether the

nature of the research involved is such that it is unethical to conduct or support the research.".

PART II—RESEARCH ON TRANSPLANTATION OF FETAL TISSUE

Abortion.
Stillbirth.
Women.

SEC. 111. ESTABLISHMENT OF AUTHORITIES.

Part G of title IV of the Public Health Service Act (42 U.S.C. 289 et seq.) is amended by inserting after section 498 the following section:

"RESEARCH ON TRANSPLANTATION OF FETAL TISSUE

"SEC. 498A. (a) ESTABLISHMENT OF PROGRAM.— 42 USC 289g-1.

"(1) IN GENERAL.—The Secretary may conduct or support research on the transplantation of human fetal tissue for therapeutic purposes.

"(2) SOURCE OF TISSUE.—Human fetal tissue may be used in research carried out under paragraph (1) regardless of whether the tissue is obtained pursuant to a spontaneous or induced abortion or pursuant to a stillbirth.

"(b) INFORMED CONSENT OF DONOR.—

"(1) IN GENERAL.—In research carried out under subsection (a), human fetal tissue may be used only if the woman providing the tissue makes a statement, made in writing and signed by the woman, declaring that—

"(A) the woman donates the fetal tissue for use in research described in subsection (a);

"(B) the donation is made without any restriction regarding the identity of individuals who may be the recipients of transplantations of the tissue; and

"(C) the woman has not been informed of the identity of any such individuals.

"(2) ADDITIONAL STATEMENT.—In research carried out under subsection (a), human fetal tissue may be used only if the attending physician with respect to obtaining the tissue from the woman involved makes a statement, made in writing and signed by the physician, declaring that—

"(A) in the case of tissue obtained pursuant to an induced abortion—

"(i) the consent of the woman for the abortion was obtained prior to requesting or obtaining consent for a donation of the tissue for use in such research;

"(ii) no alteration of the timing, method, or procedures used to terminate the pregnancy was made solely for the purposes of obtaining the tissue; and

"(iii) the abortion was performed in accordance with applicable State law;

"(B) the tissue has been donated by the woman in accordance with paragraph (1); and

"(C) full disclosure has been provided to the woman with regard to—

"(i) such physician's interest, if any, in the research to be conducted with the tissue; and

"(ii) any known medical risks to the woman or risks to her privacy that might be associated with the donation of the tissue and that are in addition

to risks of such type that are associated with the woman's medical care.

"(c) INFORMED CONSENT OF RESEARCHER AND DONEE.—In research carried out under subsection (a), human fetal tissue may be used only if the individual with the principal responsibility for conducting the research involved makes a statement, made in writing and signed by the individual, declaring that the individual—

"(1) is aware that—

"(A) the tissue is human fetal tissue;

"(B) the tissue may have been obtained pursuant to a spontaneous or induced abortion or pursuant to a stillbirth; and

"(C) the tissue was donated for research purposes;

"(2) has provided such information to other individuals with responsibilities regarding the research;

"(3) will require, prior to obtaining the consent of an individual to be a recipient of a transplantation of the tissue, written acknowledgment of receipt of such information by such recipient; and

"(4) has had no part in any decisions as to the timing, method, or procedures used to terminate the pregnancy made solely for the purposes of the research.

"(d) AVAILABILITY OF STATEMENTS FOR AUDIT.—

"(1) IN GENERAL.—In research carried out under subsection (a), human fetal tissue may be used only if the head of the agency or other entity conducting the research involved certifies to the Secretary that the statements required under subsections (b)(2) and (c) will be available for audit by the Secretary.

"(2) CONFIDENTIALITY OF AUDIT.—Any audit conducted by the Secretary pursuant to paragraph (1) shall be conducted in a confidential manner to protect the privacy rights of the individuals and entities involved in such research, including such individuals and entities involved in the donation, transfer, receipt, or transplantation of human fetal tissue. With respect to any material or information obtained pursuant to such audit, the Secretary shall—

"(A) use such material or information only for the purposes of verifying compliance with the requirements of this section;

"(B) not disclose or publish such material or information, except where required by Federal law, in which case such material or information shall be coded in a manner such that the identities of such individuals and entities are protected; and

"(C) not maintain such material or information after completion of such audit, except where necessary for the purposes of such audit.

"(e) APPLICABILITY OF STATE AND LOCAL LAW.—

"(1) RESEARCH CONDUCTED BY RECIPIENTS OF ASSISTANCE.—The Secretary may not provide support for research under subsection (a) unless the applicant for the financial assistance involved agrees to conduct the research in accordance with applicable State law.

"(2) RESEARCH CONDUCTED BY SECRETARY.—The Secretary may conduct research under subsection (a) only in accordance with applicable State and local law.

"(f) REPORT.—The Secretary shall annually submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the activities carried out under this section during the preceding fiscal year, including a description of whether and to what extent research under subsection (a) has been conducted in accordance with this section.

"(g) DEFINITION.—For purposes of this section, the term 'human fetal tissue' means tissue or cells obtained from a dead human embryo or fetus after a spontaneous or induced abortion, or after a stillbirth.".

SEC. 112. PURCHASE OF HUMAN FETAL TISSUE; SOLICITATION OR ACCEPTANCE OF TISSUE AS DIRECTED DONATION FOR USE IN TRANSPLANTATION.

Part G of title IV of the Public Health Service Act, as amended by section 111 of this Act, is amended by inserting after section 498A the following section:

"PROHIBITIONS REGARDING HUMAN FETAL TISSUE

"SEC. 498B. (a) PURCHASE OF TISSUE.—It shall be unlawful for any person to knowingly acquire, receive, or otherwise transfer any human fetal tissue for valuable consideration if the transfer affects interstate commerce. 42 USC 289g-2.

"(b) SOLICITATION OR ACCEPTANCE OF TISSUE AS DIRECTED DONATION FOR USE IN TRANSPLANTATION.—It shall be unlawful for any person to solicit or knowingly acquire, receive, or accept a donation of human fetal tissue for the purpose of transplantation of such tissue into another person if the donation affects interstate commerce, the tissue will be or is obtained pursuant to an induced abortion, and—

"(1) the donation will be or is made pursuant to a promise to the donating individual that the donated tissue will be transplanted into a recipient specified by such individual;

"(2) the donated tissue will be transplanted into a relative of the donating individual; or

"(3) the person who solicits or knowingly acquires, receives, or accepts the donation has provided valuable consideration for the costs associated with such abortion.

"(c) CRIMINAL PENALTIES FOR VIOLATIONS.—

"(1) IN GENERAL.—Any person who violates subsection (a) or (b) shall be fined in accordance with title 18, United States Code, subject to paragraph (2), or imprisoned for not more than 10 years, or both.

"(2) PENALTIES APPLICABLE TO PERSONS RECEIVING CONSIDERATION.—With respect to the imposition of a fine under paragraph (1), if the person involved violates subsection (a) or (b)(3), a fine shall be imposed in an amount not less than twice the amount of the valuable consideration received.

"(d) DEFINITIONS.—For purposes of this section:

"(1) The term 'human fetal tissue' has the meaning given such term in section 498A(f).

"(2) The term 'interstate commerce' has the meaning given such term in section 201(b) of the Federal Food, Drug, and Cosmetic Act.

"(3) The term 'valuable consideration' does not include reasonable payments associated with the transportation,

implantation, processing, preservation, quality control, or storage of human fetal tissue.".

42 USC 289g-1 note.

SEC. 113. NULLIFICATION OF MORATORIUM.

(a) IN GENERAL.—Except as provided in subsection (c), no official of the executive branch may impose a policy that the Department of Health and Human Services is prohibited from conducting or supporting any research on the transplantation of human fetal tissue for therapeutic purposes. Such research shall be carried out in accordance with section 498A of the Public Health Service Act (as added by section 111 of this Act), without regard to any such policy that may have been in effect prior to the date of the enactment of this Act.

(b) PROHIBITION AGAINST WITHHOLDING OF FUNDS IN CASES OF TECHNICAL AND SCIENTIFIC MERIT.—

(1) IN GENERAL.—Subject to subsection (b)(2) of section 492A of the Public Health Service Act (as added by section 101 of this Act), in the case of any proposal for research on the transplantation of human fetal tissue for therapeutic purposes, the Secretary of Health and Human Services may not withhold funds for the research if—

(A) the research has been approved for purposes of subsection (a) of such section 492A;

(B) the research will be carried out in accordance with section 498A of such Act (as added by section 111 of this Act); and

(C) there are reasonable assurances that the research will not utilize any human fetal tissue that has been obtained in violation of section 498B(a) of such Act (as added by section 112 of this Act).

(2) STANDING APPROVAL REGARDING ETHICAL STATUS.—In the case of any proposal for research on the transplantation of human fetal tissue for therapeutic purposes, the issuance in December 1988 of the Report of the Human Fetal Tissue Transplantation Research Panel shall be deemed to be a report—

(A) issued by an ethics advisory board pursuant to section 492A(b)(5)(B)(ii) of the Public Health Service Act (as added by section 101 of this Act); and

(B) finding, on a basis that is neither arbitrary nor capricious, that the nature of the research is such that it is not unethical to conduct or support the research.

(c) AUTHORITY FOR WITHHOLDING FUNDS FROM RESEARCH.—In the case of any research on the transplantation of human fetal tissue for therapeutic purposes, the Secretary of Health and Human Services may withhold funds for the research if any of the conditions specified in any of subparagraphs (A) through (C) of subsection (b)(1) are not met with respect to the research.

(d) DEFINITION.—For purposes of this section, the term "human fetal tissue" has the meaning given such term in section 498A(f) of the Public Health Service Act (as added by section 111 of this Act).

42 USC 289g-1 note.

SEC. 114. REPORT BY GENERAL ACCOUNTING OFFICE ON ADEQUACY OF REQUIREMENTS.

(a) IN GENERAL.—With respect to research on the transplantation of human fetal tissue for therapeutic purposes, the Comptrol-

ler General of the United States shall conduct an audit for the purpose of determining—

(1) whether and to what extent such research conducted or supported by the Secretary of Health and Human Services has been conducted in accordance with section 498A of the Public Health Service Act (as added by section 111 of this Act); and

(2) whether and to what extent there have been violations of section 498B of such Act (as added by section 112 of this Act).

(b) REPORT.—Not later than May 19, 1995, the Comptroller General of the United States shall complete the audit required in subsection (a) and submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the findings made pursuant to the audit.

PART III—MISCELLANEOUS REPEALS

SEC. 121. REPEALS.

(a) CERTAIN BIOMEDICAL ETHICS BOARD.—Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by striking part J. 42 USC 275.

(b) OTHER REPEALS.—Part G of title IV of the Public Health Service Act (42 U.S.C. 289 et seq.) is amended—

(1) in section 498, by striking subsection (c); and 42 USC 289g.

(2) by striking section 499; and 42 USC 289h.

(3) by redesignating section 499A as section 499. 42 USC 290b.

(c) NULLIFICATION OF CERTAIN PROVISIONS.—The provisions of Executive Order 12806 (57 Fed. Reg. 21589 (May 21, 1992)) shall not have any legal effect. The provisions of section 204(d) of part 46 of title 45 of the Code of Federal Regulations (45 CFR 46.204(d)) shall not have any legal effect. 42 USC 289g note.

Subtitle B—Clinical Research Equity Regarding Women and Minorities

PART I—WOMEN AND MINORITIES AS SUBJECTS IN CLINICAL RESEARCH

SEC. 131. REQUIREMENT OF INCLUSION IN RESEARCH.

Part G of title IV of the Public Health Service Act, as amended by section 101 of this Act, is amended by inserting after section 492A the following section:

"INCLUSION OF WOMEN AND MINORITIES IN CLINICAL RESEARCH

"SEC. 492B. (a) REQUIREMENT OF INCLUSION.— 42 USC 289a-2.

"(1) IN GENERAL.—In conducting or supporting clinical research for purposes of this title, the Director of NIH shall, subject to subsection (b), ensure that—

"(A) women are included as subjects in each project of such research; and

"(B) members of minority groups are included as subjects in such research.

"(2) OUTREACH REGARDING PARTICIPATION AS SUBJECTS.—The Director of NIH, in consultation with the Director of the Office of Research on Women's Health and the Director of the Office of Research on Minority Health, shall conduct or support outreach programs for the recruitment of women and members of minority groups as subjects in projects of clinical research.

"(b) INAPPLICABILITY OF REQUIREMENT.—The requirement established in subsection (a) regarding women and members of minority groups shall not apply to a project of clinical research if the inclusion, as subjects in the project, of women and members of minority groups, respectively—

"(1) is inappropriate with respect to the health of the subjects;

"(2) is inappropriate with respect to the purpose of the research; or

"(3) is inappropriate under such other circumstances as the Director of NIH may designate.

"(c) DESIGN OF CLINICAL TRIALS.—In the case of any clinical trial in which women or members of minority groups will under subsection (a) be included as subjects, the Director of NIH shall ensure that the trial is designed and carried out in a manner sufficient to provide for a valid analysis of whether the variables being studied in the trial affect women or members of minority groups, as the case may be, differently than other subjects in the trial.

"(d) GUIDELINES.—

"(1) IN GENERAL.—Subject to paragraph (2), the Director of NIH, in consultation with the Director of the Office of Research on Women's Health and the Director of the Office of Research on Minority Health, shall establish guidelines regarding the requirements of this section. The guidelines shall include guidelines regarding—

"(A) the circumstances under which the inclusion of women and minorities as subjects in projects of clinical research is inappropriate for purposes of subsection (b);

"(B) the manner in which clinical trials are required to be designed and carried out for purposes of subsection (c); and

"(C) the operation of outreach programs under subsection (a).

"(2) CERTAIN PROVISIONS.—With respect to the circumstances under which the inclusion of women or members of minority groups (as the case may be) as subjects in a project of clinical research is inappropriate for purposes of subsection (b), the following applies to guidelines under paragraph (1):

"(A)(i) In the case of a clinical trial, the guidelines shall provide that the costs of such inclusion in the trial is not a permissible consideration in determining whether such inclusion is inappropriate.

"(ii) In the case of other projects of clinical research, the guidelines shall provide that the costs of such inclusion in the project is not a permissible consideration in determining whether such inclusion is inappropriate unless the data regarding women or members of minority groups, respectively, that would be obtained in such project (in the event that such inclusion were required) have been

or are being obtained through other means that provide data of comparable quality.

"(B) In the case of a clinical trial, the guidelines may provide that such inclusion in the trial is not required if there is substantial scientific data demonstrating that there is no significant difference between—

"(i) the effects that the variables to be studied in the trial have on women or members of minority groups, respectively; and

"(ii) the effects that the variables have on the individuals who would serve as subjects in the trial in the event that such inclusion were not required.

"(e) DATE CERTAIN FOR GUIDELINES; APPLICABILITY.—

"(1) DATE CERTAIN.—The guidelines required in subsection (d) shall be established and published in the Federal Register not later than 180 days after the date of the enactment of the National Institutes of Health Revitalization Act of 1993. Federal Register, publication.

"(2) APPLICABILITY.—For fiscal year 1995 and subsequent fiscal years, the Director of NIH may not approve any proposal of clinical research to be conducted or supported by any agency of the National Institutes of Health unless the proposal specifies the manner in which the research will comply with this section.

"(f) REPORTS BY ADVISORY COUNCILS.—The advisory council of each national research institute shall prepare biennial reports describing the manner in which the institute has complied with this section. Each such report shall be submitted to the Director of the institute involved for inclusion in the biennial report under section 403.

"(g) DEFINITIONS.—For purposes of this section:

"(1) The term 'project of clinical research' includes a clinical trial.

"(2) The term 'minority group' includes subpopulations of minority groups. The Director of NIH shall, through the guidelines established under subsection (d), define the terms 'minority group' and 'subpopulation' for purposes of the preceding sentence.".

SEC. 132. PEER REVIEW.

Section 492 of the Public Health Service Act (42 U.S.C. 289a) is amended by adding at the end the following subsection:

"(c)(1) In technical and scientific peer review under this section of proposals for clinical research, the consideration of any such proposal (including the initial consideration) shall, except as provided in paragraph (2), include an evaluation of the technical and scientific merit of the proposal regarding compliance with section 492B.

"(2) Paragraph (1) shall not apply to any proposal for clinical research that, pursuant to subsection (b) of section 492B, is not subject to the requirement of subsection (a) of such section regarding the inclusion of women and members of minority groups as subjects in clinical research.".

SEC. 133. INAPPLICABILITY TO CURRENT PROJECTS. 42 USC 289a-2 note.

Section 492B of the Public Health Service Act, as added by section 131 of this Act, shall not apply with respect to projects of clinical research for which initial funding was provided prior to the date of the enactment of this Act. With respect to the inclusion of women and minorities as subjects in clinical research

conducted or supported by the National Institutes of Health, any policies of the Secretary of Health and Human Services regarding such inclusion that are in effect on the day before the date of the enactment of this Act shall continue to apply to the projects referred to in the preceding sentence.

PART II—OFFICE OF RESEARCH ON WOMEN'S HEALTH

SEC. 141. ESTABLISHMENT.

(a) IN GENERAL.—Title IV of the Public Health Service Act, as amended by the preceding provisions of this title, is amended—

42 USC 287c-3.

(1) by redesignating section 486 as section 485A;

42 USC 288-290b.

(2) by redesignating parts F through H as parts G through I, respectively; and

(3) by inserting after part E the following part:

"PART F—RESEARCH ON WOMEN'S HEALTH

42 USC 287d.

"SEC. 486. OFFICE OF RESEARCH ON WOMEN'S HEALTH.

"(a) ESTABLISHMENT.—There is established within the Office of the Director of NIH an office to be known as the Office of Research on Women's Health (in this part referred to as the 'Office'). The Office shall be headed by a director, who shall be appointed by the Director of NIH.

"(b) PURPOSE.—The Director of the Office shall—

"(1) identify projects of research on women's health that should be conducted or supported by the national research institutes;

"(2) identify multidisciplinary research relating to research on women's health that should be so conducted or supported;

"(3) carry out paragraphs (1) and (2) with respect to the aging process in women, with priority given to menopause;

"(4) promote coordination and collaboration among entities conducting research identified under any of paragraphs (1) through (3);

"(5) encourage the conduct of such research by entities receiving funds from the national research institutes;

"(6) recommend an agenda for conducting and supporting such research;

"(7) promote the sufficient allocation of the resources of the national research institutes for conducting and supporting such research;

"(8) assist in the administration of section 492B with respect to the inclusion of women as subjects in clinical research; and

"(9) prepare the report required in section 486B.

"(c) COORDINATING COMMITTEE.—

"(1) In carrying out subsection (b), the Director of the Office shall establish a committee to be known as the Coordinating Committee on Research on Women's Health (in this subsection referred to as the 'Coordinating Committee').

"(2) The Coordinating Committee shall be composed of the Directors of the national research institutes (or the designees of the Directors).

"(3) The Director of the Office shall serve as the chair of the Coordinating Committee.

"(4) With respect to research on women's health, the Coordinating Committee shall assist the Director of the Office in—

"(A) identifying the need for such research, and making an estimate each fiscal year of the funds needed to adequately support the research;

"(B) identifying needs regarding the coordination of research activities, including intramural and extramural multidisciplinary activities;

"(C) supporting the development of methodologies to determine the circumstances in which obtaining data specific to women (including data relating to the age of women and the membership of women in ethnic or racial groups) is an appropriate function of clinical trials of treatments and therapies;

"(D) supporting the development and expansion of clinical trials of treatments and therapies for which obtaining such data has been determined to be an appropriate function; and

"(E) encouraging the national research institutes to conduct and support such research, including such clinical trials.

"(d) ADVISORY COMMITTEE.—

"(1) In carrying out subsection (b), the Director of the Office shall establish an advisory committee to be known as the Advisory Committee on Research on Women's Health (in this subsection referred to as the 'Advisory Committee').

"(2) The Advisory Committee shall be composed of no fewer than 12, and not more than 18 individuals, who are not officers or employees of the Federal Government. The Director of the Office shall make appointments to the Advisory Committee from among physicians, practitioners, scientists, and other health professionals, whose clinical practice, research specialization, or professional expertise includes a significant focus on research on women's health. A majority of the members of the Advisory Committee shall be women.

"(3) The Director of the Office shall serve as the chair of the Advisory Committee.

"(4) The Advisory Committee shall—

"(A) advise the Director of the Office on appropriate research activities to be undertaken by the national research institutes with respect to—

"(i) research on women's health;

"(ii) research on gender differences in clinical drug trials, including responses to pharmacological drugs;

"(iii) research on gender differences in disease etiology, course, and treatment;

"(iv) research on obstetrical and gynecological health conditions, diseases, and treatments; and

"(v) research on women's health conditions which require a multidisciplinary approach;

"(B) report to the Director of the Office on such research;

"(C) provide recommendations to such Director regarding activities of the Office (including recommendations on the development of the methodologies described in subsection (c)(4)(C) and recommendations on priorities in carrying out research described in subparagraph (A)); and

"(D) assist in monitoring compliance with section 492B regarding the inclusion of women in clinical research.

Reports.

"(5)(A) The Advisory Committee shall prepare a biennial report describing the activities of the Committee, including findings made by the Committee regarding—

"(i) compliance with section 492B;

"(ii) the extent of expenditures made for research on women's health by the agencies of the National Institutes of Health; and

"(iii) the level of funding needed for such research.

"(B) The report required in subparagraph (A) shall be submitted to the Director of NIH for inclusion in the report required in section 403.

"(e) REPRESENTATION OF WOMEN AMONG RESEARCHERS.—The Secretary, acting through the Assistant Secretary for Personnel and in collaboration with the Director of the Office, shall determine the extent to which women are represented among senior physicians and scientists of the national research institutes and among physicians and scientists conducting research with funds provided by such institutes, and as appropriate, carry out activities to increase the extent of such representation.

"(f) DEFINITIONS.—For purposes of this part:

"(1) The term 'women's health conditions', with respect to women of all age, ethnic, and racial groups, means all diseases, disorders, and conditions (including with respect to mental health)—

"(A) unique to, more serious, or more prevalent in women;

"(B) for which the factors of medical risk or types of medical intervention are different for women, or for which it is unknown whether such factors or types are different for women; or

"(C) with respect to which there has been insufficient clinical research involving women as subjects or insufficient clinical data on women.

"(2) The term 'research on women's health' means research on women's health conditions, including research on preventing such conditions.

42 USC 287d-1.

"SEC. 486A. NATIONAL DATA SYSTEM AND CLEARINGHOUSE ON RESEARCH ON WOMEN'S HEALTH.

"(a) DATA SYSTEM.—

"(1) The Director of NIH, in consultation with the Director of the Office and the Director of the National Library of Medicine, shall establish a data system for the collection, storage, analysis, retrieval, and dissemination of information regarding research on women's health that is conducted or supported by the national research institutes. Information from the data system shall be available through information systems available to health care professionals and providers, researchers, and members of the public.

Public information.

"(2) The data system established under paragraph (1) shall include a registry of clinical trials of experimental treatments that have been developed for research on women's health. Such registry shall include information on subject eligibility criteria, sex, age, ethnicity or race, and the location of the trial site or sites. Principal investigators of such clinical trials shall

provide this information to the registry within 30 days after it is available. Once a trial has been completed, the principal investigator shall provide the registry with information pertaining to the results, including potential toxicities or adverse effects associated with the experimental treatment or treatments evaluated.

"(b) CLEARINGHOUSE.—The Director of NIH, in consultation with the Director of the Office and with the National Library of Medicine, shall establish, maintain, and operate a program to provide information on research and prevention activities of the national research institutes that relate to research on women's health.

"SEC. 486B. BIENNIAL REPORT. 42 USC 287d-2.

"(a) IN GENERAL.—With respect to research on women's health, the Director of the Office shall, not later than February 1, 1994, and biennially thereafter, prepare a report—

"(1) describing and evaluating the progress made during the preceding 2 fiscal years in research and treatment conducted or supported by the National Institutes of Health;

"(2) describing and analyzing the professional status of women physicians and scientists of such Institutes, including the identification of problems and barriers regarding advancements;

"(3) summarizing and analyzing expenditures made by the agencies of such Institutes (and by such Office) during the preceding 2 fiscal years; and

"(4) making such recommendations for legislative and administrative initiatives as the Director of the Office determines to be appropriate.

"(b) INCLUSION IN BIENNIAL REPORT OF DIRECTOR OF NIH.—The Director of the Office shall submit each report prepared under subsection (a) to the Director of NIH for inclusion in the report submitted to the President and the Congress under section 403.".

(b) REQUIREMENT OF SUFFICIENT ALLOCATION OF RESOURCES OF INSTITUTES.—Section 402(b) of the Public Health Service Act (42 U.S.C. 282(b)) is amended—

(1) in paragraph (10), by striking "and" after the semicolon at the end;

(2) in paragraph (11), by striking the period at the end and inserting "; and"; and

(3) by inserting after paragraph (11) the following paragraph:

"(12) after consultation with the Director of the Office of Research on Women's Health, shall ensure that resources of the National Institutes of Health are sufficiently allocated for projects of research on women's health that are identified under section 486(b).".

PART III—OFFICE OF RESEARCH ON MINORITY HEALTH

SEC. 151. ESTABLISHMENT.

Part A of title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended by adding at the end the following section:

"OFFICE OF RESEARCH ON MINORITY HEALTH

42 USC 283b.

"SEC. 404. (a) ESTABLISHMENT.—There is established within the Office of the Director of NIH an office to be known as the Office of Research on Minority Health (in this section referred to as the 'Office'). The Office shall be headed by a director, who shall be appointed by the Director of NIH.

"(b) PURPOSE.—The Director of the Office shall—

"(1) identify projects of research on minority health that should be conducted or supported by the national research institutes;

"(2) identify multidisciplinary research relating to research on minority health that should be so conducted or supported;

"(3) promote coordination and collaboration among entities conducting research identified under paragraph (1) or (2);

"(4) encourage the conduct of such research by entities receiving funds from the national research institutes;

"(5) recommend an agenda for conducting and supporting such research;

"(6) promote the sufficient allocation of the resources of the national research institutes for conducting and supporting such research; and

"(7) assist in the administration of section 492B with respect to the inclusion of members of minority groups as subjects in clinical research.".

Subtitle C—Research Integrity

SEC. 161. ESTABLISHMENT OF OFFICE OF RESEARCH INTEGRITY.

Section 493 of the Public Health Service Act (42 U.S.C. 289b) is amended to read as follows:

"OFFICE OF RESEARCH INTEGRITY

Regulations.

"SEC. 493. (a) IN GENERAL.—

"(1) ESTABLISHMENT OF OFFICE.—Not later than 90 days after the date of enactment of this section, the Secretary shall establish an office to be known as the Office of Research Integrity (referred to in this section as the 'Office'), which shall be established as an independent entity in the Department of Health and Human Services.

"(2) APPOINTMENT OF DIRECTOR.—The Office shall be headed by a Director, who shall be appointed by the Secretary, be experienced and specially trained in the conduct of research, and have experience in the conduct of investigations of research misconduct. The Secretary shall carry out this section acting through the Director of the Office. The Director shall report to the Secretary.

"(3) DEFINITIONS.—

"(A) The Secretary shall by regulation establish a definition for the term 'research misconduct' for purposes of this section.

"(B) For purposes of this section, the term 'financial assistance' means a grant, contract, or cooperative agreement.

"(b) EXISTENCE OF ADMINISTRATIVE PROCESSES AS CONDITION OF FUNDING FOR RESEARCH.—The Secretary shall by regulation

require that each entity that applies for financial assistance under this Act for any project or program that involves the conduct of biomedical or behavioral research submit in or with its application for such assistance—

"(1) assurances satisfactory to the Secretary that such entity has established and has in effect (in accordance with regulations which the Secretary shall prescribe) an administrative process to review reports of research misconduct in connection with biomedical and behavioral research conducted at or sponsored by such entity;

"(2) an agreement that the entity will report to the Director any investigation of alleged research misconduct in connection with projects for which funds have been made available under this Act that appears substantial; and

"(3) an agreement that the entity will comply with regulations issued under this section.

"(c) PROCESS FOR RESPONSE OF DIRECTOR.—The Secretary shall by regulation establish a process to be followed by the Director for the prompt and appropriate—

"(1) response to information provided to the Director respecting research misconduct in connection with projects for which funds have been made available under this Act;

"(2) receipt of reports by the Director of such information from recipients of funds under this Act;

"(3) conduct of investigations, when appropriate; and

"(4) taking of other actions, including appropriate remedies, with respect to such misconduct.

"(d) MONITORING BY DIRECTOR.—The Secretary shall by regulation establish procedures for the Director to monitor administrative processes and investigations that have been established or carried out under this section.".

SEC. 162. COMMISSION ON RESEARCH INTEGRITY.

Establishment.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall establish a commission to be known as the Commission on Research Integrity (in this section referred to as the "Commission").

(b) DUTIES.—The Commission shall develop recommendations for the Secretary of Health and Human Services on the administration of section 493 of the Public Health Service Act (as amended and added by section 161 of this Act).

(c) COMPOSITION.—The Commission shall be composed of 12 members to be appointed by the Secretary of Health and Human Services. Not more than 3 members of the Commission may be officers or employees of the United States. Of the members of the Commission—

(1) three shall be scientists with substantial accomplishments in biomedical or behavioral research;

(2) three shall be individuals with experience in investigating allegations of misconduct with respect to research;

(3) three shall be representatives of institutions of higher education at which biomedical or behavioral research is conducted; and

(4) three shall be individuals who are not described in paragraph (1), (2), or (3), at least one of whom shall be an attorney and at least one of whom shall be an ethicist.

(d) COMPENSATION.—Members of the Commission may not receive compensation for service on the Commission. Members may be reimbursed for travel, subsistence, and other necessary expenses incurred in carrying out the duties of the Commission.

(e) REPORT.—Not later than 120 days after the date on which the Commission is established under subsection (a), the Commission shall prepare and submit to the Secretary of Health and Human Services, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Labor and Human Resources of the Senate, a report containing the recommendations developed under subsection (b).

Regulations.

SEC. 163. PROTECTION OF WHISTLEBLOWERS.

Section 493 of the Public Health Service Act, as amended by section 161 of this Act, is amended by adding at the end the following subsection:

"(e) PROTECTION OF WHISTLEBLOWERS.—

"(1) IN GENERAL.—In the case of any entity required to establish administrative processes under subsection (b), the Secretary shall by regulation establish standards for preventing, and for responding to the occurrence of retaliation by such entity, its officials or agents, against an employee in the terms and conditions of employment in response to the employee having in good faith—

"(A) made an allegation that the entity, its officials or agents, has engaged in or failed to adequately respond to an allegation of research misconduct; or

"(B) cooperated with an investigation of such an allegation.

"(2) MONITORING BY SECRETARY.—The Secretary shall by regulation establish procedures for the Director to monitor the implementation of the standards established by an entity under paragraph (1) for the purpose of determining whether the procedures have been established, and are being utilized, in accordance with the standards established under such paragraph.

"(3) NONCOMPLIANCE.—The Secretary shall by regulation establish remedies for noncompliance by an entity, its officials or agents, which has engaged in retaliation in violation of the standards established under paragraph (1). Such remedies may include termination of funding provided by the Secretary for such project or recovery of funding being provided by the Secretary for such project, or other actions as appropriate.".

SEC. 164. REQUIREMENT OF REGULATIONS REGARDING PROTECTION AGAINST FINANCIAL CONFLICTS OF INTEREST IN CERTAIN PROJECTS OF RESEARCH.

Part H of title IV of the Public Health Service Act, as redesignated by section 141(a)(2) of this Act, is amended by inserting after section 493 the following new section:

"PROTECTION AGAINST FINANCIAL CONFLICTS OF INTEREST IN CERTAIN PROJECTS OF RESEARCH

42 USC 289b-1.

"SEC. 493A. (a) ISSUANCE OF REGULATIONS.—The Secretary shall by regulation define the specific circumstances that constitute the existence of a financial interest in a project on the part of an entity or individual that will, or may be reasonably expected to, create a bias in favor of obtaining results in such project that

are consistent with such financial interest. Such definition shall apply uniformly to each entity or individual conducting a research project under this Act. In the case of any entity or individual receiving assistance from the Secretary for a project of research described in subsection (b), the Secretary shall by regulation establish standards for responding to, including managing, reducing, or eliminating, the existence of such a financial interest. The entity may adopt individualized procedures for implementing the standards.

"(b) RELEVANT PROJECTS.—A project of research referred to in subsection (a) is a project of clinical research whose purpose is to evaluate the safety or effectiveness of a drug, medical device, or treatment and for which such entity is receiving assistance from the Secretary.

"(c) IDENTIFYING AND REPORTING TO SECRETARY.—The Secretary shall by regulation require that each entity described in subsection (a) that applies for assistance under this Act for any project described in subsection (b) submit in or with its application for such assistance—

"(1) assurances satisfactory to the Secretary that such entity has established and has in effect an administrative process under subsection (a) to identify financial interests (as defined under subsection (a)) that exist regarding the project; and

"(2) an agreement that the entity will report to the Secretary such interests identified by the entity and how any such interests identified by the entity will be managed or eliminated in order that the project in question will be protected from bias that may stem from such interests; and

"(3) an agreement that the entity will comply with regulations issued under this section.

"(d) MONITORING OF PROCESS.—The Secretary shall monitor the establishment and conduct of the administrative process established by an entity pursuant to subsection (a).

"(e) RESPONSE.—In any case in which the Secretary determines that an entity has failed to comply with subsection (c) regarding a project of research described in subsection (b), the Secretary—

"(1) shall require that, as a condition of receiving assistance, the entity disclose the existence of a financial interest (as defined under subsection (a)) in each public presentation of the results of such project; and

"(2) may take such other actions as the Secretary determines to be appropriate.

"(f) DEFINITIONS.—For purposes of this section:

"(1) The term 'financial interest' includes the receipt of consulting fees or honoraria and the ownership of stock or equity.

"(2) The term 'assistance', with respect to conducting a project of research, means a grant, contract, or cooperative agreement.".

SEC. 165. REGULATIONS.

42 USC 289b note.

(a) ISSUANCE OF FINAL RULES.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall, subject to paragraph (2), issue the final rule for each regulation required in section 493 or 493A of the Public Health Service Act.

(2) DEFINITION OF RESEARCH MISCONDUCT.—Not later than 90 days after the date on which the report required in section 162(e) is submitted to the Secretary, the Secretary shall issue the final rule for the regulations required in section 493 of the Public Health Service Act with respect to the definition of the term "research misconduct".

(b) APPLICABILITY TO ONGOING INVESTIGATIONS.—The final rule issued pursuant to subsection (a) for investigations under section 493 of the Public Health Service Act does not apply to investigations commenced before the date of the enactment of this Act under authority of such section as in effect before such date.

(c) DEFINITIONS.—For purposes of this section:

(1) The term "section 493 of the Public Health Service Act" means such section as amended by sections 161 and 163 of this Act, except as indicated otherwise in subsection (b).

(2) The term "section 493A of the Public Health Service Act" means such section as added by section 164 of this Act.

(3) The term "Secretary" means the Secretary of Health and Human Services.

TITLE II—NATIONAL INSTITUTES OF HEALTH IN GENERAL

SEC. 201. HEALTH PROMOTION RESEARCH DISSEMINATION.

Section 402(f) of the Public Health Service Act (42 U.S.C. 282(f)) is amended by striking "other public and private entities." and all that follows through the end and inserting "other public and private entities, including elementary, secondary, and post-secondary schools. The Associate Director shall—

"(1) annually review the efficacy of existing policies and techniques used by the national research institutes to disseminate the results of disease prevention and behavioral research programs;

"(2) recommend, coordinate, and oversee the modification or reconstruction of such policies and techniques to ensure maximum dissemination, using advanced technologies to the maximum extent practicable, of research results to such entities; and

Reports.

"(3) annually prepare and submit to the Director of NIH a report concerning the prevention and dissemination activities undertaken by the Associate Director, including—

"(A) a summary of the Associate Director's review of existing dissemination policies and techniques together with a detailed statement concerning any modification or restructuring, or recommendations for modification or restructuring, of such policies and techniques; and

"(B) a detailed statement of the expenditures made for the prevention and dissemination activities reported on and the personnel used in connection with such activities.".

SEC. 202. PROGRAMS FOR INCREASED SUPPORT REGARDING CERTAIN STATES AND RESEARCHERS.

Section 402 of the Public Health Service Act (42 U.S.C. 282) is amended by adding at the end the following subsection:

"(g)(1)(A) In the case of entities described in subparagraph (B), the Director of NIH, acting through the Director of the National Center for Research Resources, shall establish a program to enhance the competitiveness of such entities in obtaining funds from the national research institutes for conducting biomedical and behavioral research.

"(B) The entities referred to in subparagraph (A) are entities that conduct biomedical and behavioral research and are located in a State in which the aggregate success rate for applications to the national research institutes for assistance for such research by the entities in the State has historically constituted a low success rate of obtaining such funds, relative to such aggregate rate for such entities in other States.

"(C) With respect to enhancing competitiveness for purposes of subparagraph (A), the Director of NIH, in carrying out the program established under such subparagraph, may—

"(i) provide technical assistance to the entities involved, including technical assistance in the preparation of applications for obtaining funds from the national research institutes;

"(ii) assist the entities in developing a plan for biomedical or behavioral research proposals; and

"(iii) assist the entities in implementing such plan.

"(2) The Director of NIH shall establish a program of supporting projects of biomedical or behavioral research whose principal researchers are individuals who have not previously served as the principal researchers of such projects supported by the Director.".

SEC. 203. ESTABLISHMENT OF OFFICE OF BEHAVIORAL AND SOCIAL SCIENCES RESEARCH.

(a) IN GENERAL.—Part A of title IV of the Public Health Service Act, as amended by section 151 of this Act, is amended by adding at the end the following section:

"OFFICE OF BEHAVIORAL AND SOCIAL SCIENCES RESEARCH

"SEC. 404A. (a) There is established within the Office of the Director of NIH an office to be known as the Office of Behavioral and Social Sciences Research (in this section referred to as the 'Office'). The Office shall be headed by a director, who shall be appointed by the Director of NIH. 42 USC 283c.

"(b)(1) With respect to research on the relationship between human behavior and the development, treatment, and prevention of medical conditions, the Director of the Office shall—

"(A) coordinate research conducted or supported by the agencies of the National Institutes of Health; and

"(B) identify projects of behavioral and social sciences research that should be conducted or supported by the national research institutes, and develop such projects in cooperation with such institutes.

"(2) Research authorized under paragraph (1) includes research on teen pregnancy, infant mortality, violent behavior, suicide, and homelessness. Such research does not include neurobiological research, or research in which the behavior of an organism is observed for the purpose of determining activity at the cellular or molecular level.".

(b) REPORT.—Not later than February 1, 1994, the Director of the Office of Behavioral and Social Sciences Research (established in section 404A of the Public Health Service Act, as added by

subsection (a) of this section) shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the extent to which the national research institutes of the National Institutes of Health conduct and support behavioral research and social sciences research. In preparing the report, such Director shall (subject to subsection (b)(2) of such section 404A) state the definitions used in the report for the terms "behavioral research" and "social sciences research", and shall apply the definitions uniformly to such institutes for purposes of the report.

42 USC 283c note.

(c) EFFECTIVE DATES.—The amendment described in subsection (a) is made upon the date of the enactment of this Act and takes effect July 1, 1993. Subsection (b) takes effect on such date.

SEC. 204. CHILDREN'S VACCINE INITIATIVE.

Part A of title IV of the Public Health Service Act, as amended by section 203 of this Act, is amended by adding at the end the following section:

"CHILDREN'S VACCINE INITIATIVE

42 USC 283d.

"SEC. 404B. (a) DEVELOPMENT OF NEW VACCINES.—The Secretary, in consultation with the Director of the National Vaccine Program under title XXI and acting through the Directors of the National Institute for Allergy and Infectious Diseases, the National Institute for Child Health and Human Development, the National Institute for Aging, and other public and private programs, shall carry out activities, which shall be consistent with the global Children's Vaccine Initiative, to develop affordable new and improved vaccines to be used in the United States and in the developing world that will increase the efficacy and efficiency of the prevention of infectious diseases. In carrying out such activities, the Secretary shall, to the extent practicable, develop and make available vaccines that require fewer contacts to deliver, that can be given early in life, that provide long lasting protection, that obviate refrigeration, needles and syringes, and that protect against a larger number of diseases.

"(b) REPORT.—In the report required in section 2104, the Secretary, acting through the Director of the National Vaccine Program under title XXI, shall include information with respect to activities and the progress made in implementing the provisions of this section and achieving its goals.

"(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other amounts authorized to be appropriated for activities of the type described in this section, there are authorized to be appropriated to carry out this section $20,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.".

SEC. 205. PLAN FOR USE OF ANIMALS IN RESEARCH.

(a) IN GENERAL.—Part A of title IV of the Public Health Service Act, as amended by section 204 of this Act, is amended by adding at the end the following section:

"PLAN FOR USE OF ANIMALS IN RESEARCH

"SEC. 404C. (a) The Director of NIH, after consultation with the committee established under subsection (e), shall prepare a plan— 42 USC 283e.

"(1) for the National Institutes of Health to conduct or support research into—

"(A) methods of biomedical research and experimentation that do not require the use of animals;

"(B) methods of such research and experimentation that reduce the number of animals used in such research;

"(C) methods of such research and experimentation that produce less pain and distress in such animals; and

"(D) methods of such research and experimentation that involve the use of marine life (other than marine mammals);

"(2) for establishing the validity and reliability of the methods described in paragraph (1);

"(3) for encouraging the acceptance by the scientific community of such methods that have been found to be valid and reliable; and

"(4) for training scientists in the use of such methods that have been found to be valid and reliable.

"(b) Not later than October 1, 1993, the Director of NIH shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, the plan required in subsection (a) and shall begin implementation of the plan.

"(c) The Director of NIH shall periodically review, and as appropriate, make revisions in the plan required under subsection (a). A description of any revision made in the plan shall be included in the first biennial report under section 403 that is submitted after the revision is made.

"(d) The Director of NIH shall take such actions as may be appropriate to convey to scientists and others who use animals in biomedical or behavioral research or experimentation information respecting the methods found to be valid and reliable under subsection (a)(2).

"(e)(1) The Director of NIH shall establish within the National Institutes of Health a committee to be known as the Interagency Coordinating Committee on the Use of Animals in Research (in this subsection referred to as the 'Committee').

"(2) The Committee shall provide advice to the Director of NIH on the preparation of the plan required in subsection (a).

"(3) The Committee shall be composed of—

"(A) the Directors of each of the national research institutes and the Director of the Center for Research Resources (or the designees of such Directors); and

"(B) representatives of the Environmental Protection Agency, the Food and Drug Administration, the Consumer Product Safety Commission, the National Science Foundation, and such additional agencies as the Director of NIH determines to be appropriate, which representatives shall include not less than one veterinarian with expertise in laboratory-animal medicine.".

42 USC 289d note.

(b) CONFORMING AMENDMENT.—Section 4 of the Health Research Extension Act of 1985 (Public Law 99–158; 99 Stat. 880) is repealed.

SEC. 206. INCREASED PARTICIPATION OF WOMEN AND DISADVANTAGED INDIVIDUALS IN FIELDS OF BIOMEDICAL AND BEHAVIORAL RESEARCH.

Section 402 of the Public Health Service Act, as amended by section 202 of this Act, is amended by adding at the end the following subsection:

"(h) The Secretary, acting through the Director of NIH and the Directors of the agencies of the National Institutes of Health, shall, in conducting and supporting programs for research, research training, recruitment, and other activities, provide for an increase in the number of women and individuals from disadvantaged backgrounds (including racial and ethnic minorities) in the fields of biomedical and behavioral research.".

SEC. 207. REQUIREMENTS REGARDING SURVEYS OF SEXUAL BEHAVIOR.

Part A of title IV of the Public Health Service Act, as amended by section 205 of this Act, is amended by adding at the end the following section:

"REQUIREMENTS REGARDING SURVEYS OF SEXUAL BEHAVIOR

42 USC 283f.

"SEC. 404D. With respect to any survey of human sexual behavior proposed to be conducted or supported through the National Institutes of Health, the survey may not be carried out unless—

"(1) the proposal has undergone review in accordance with any applicable requirements of sections 491 and 492; and

"(2) the Secretary, in accordance with section 492A, makes a determination that the information expected to be obtained through the survey will assist—

"(A) in reducing the incidence of sexually transmitted diseases, the incidence of infection with the human immunodeficiency virus, or the incidence of any other infectious disease; or

"(B) in improving reproductive health or other conditions of health.".

SEC. 208. DISCRETIONARY FUND OF DIRECTOR OF NATIONAL INSTITUTES OF HEALTH.

Section 402 of the Public Health Service Act, as amended by section 206 of this Act, is amended by adding at the end the following subsection:

"(i)(1) There is established a fund, consisting of amounts appropriated under paragraph (3) and made available for the fund, for use by the Director of NIH to carry out the activities authorized in this Act for the National Institutes of Health. The purposes for which such fund may be expended include—

"(A) providing for research on matters that have not received significant funding relative to other matters, responding to new issues and scientific emergencies, and acting on research opportunities of high priority;

"(B) supporting research that is not exclusively within the authority of any single agency of such Institutes; and

"(C) purchasing or renting equipment and quarters for activities of such Institutes.

"(2) Not later than February 10 of each fiscal year, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the activities undertaken and expenditures made under this section during the preceding fiscal year. The report may contain such comments of the Secretary regarding this section as the Secretary determines to be appropriate. Reports.

"(3) For the purpose of carrying out this subsection, there are authorized to be appropriated $25,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.". Appropriation authorization.

SEC. 209. ESTABLISHMENT OF OFFICE OF ALTERNATIVE MEDICINE.

Part A of title IV of the Public Health Service Act, as amended by section 207 of this Act, is amended by adding at the end the following section:

"OFFICE OF ALTERNATIVE MEDICINE

"SEC. 404E. (a) There is established within the Office of the Director of NIH an office to be known as the Office of Alternative Medicine (in this section referred to as the 'Office'), which shall be headed by a director appointed by the Director of NIH. 42 USC 283g.

"(b) The purpose of the Office is to facilitate the evaluation of alternative medical treatment modalities, including acupuncture and Oriental medicine, homeopathic medicine, and physical manipulation therapies.

"(c) The Secretary shall establish an advisory council for the purpose of providing advice to the Director of the Office on carrying out this section. Section 222 applies to such council to the same extent and in the same manner as such section applies to committees or councils established under such section.

"(d) In carrying out subsection (b), the Director of the Office shall—

"(1) establish an information clearinghouse to exchange information with the public about alternative medicine; Public information.

"(2) support research training—

"(A) for which fellowship support is not provided under section 487; and

"(B) that is not residency training of physicians or other health professionals; and

"(3)(A) prepare biennial reports on the activities carried out or to be carried out by the Office; and Reports.

"(B) submit each such report to the Director of NIH for inclusion in the biennial report under section 403.".

SEC. 210. MISCELLANEOUS PROVISIONS.

(a) TERM OF OFFICE FOR MEMBERS OF ADVISORY COUNCILS.—Section 406(c) of the Public Health Service Act (42 U.S.C. 284a(c)) is amended in the second sentence by striking "until a successor has taken office" and inserting the following: "for 180 days after the date of such expiration".

(b) LITERACY REQUIREMENTS.—Section 402(e) of the Public Health Service Act (42 U.S.C. 282(e)) is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) in paragraph (4), by striking the period and inserting "; and"; and

(3) by adding at the end the following paragraph:

"(5) ensure that, after January 1, 1994, all new or revised health education and promotion materials developed or funded by the National Institutes of Health and intended for the general public are in a form that does not exceed a level of functional literacy, as defined in the National Literacy Act of 1991 (Public Law 102–73).".

(c) DAY CARE REGARDING CHILDREN OF EMPLOYEES.—Section 402 of the Public Health Service Act, as amended by section 208 of this Act, is amended by adding at the end the following subsection:

"(j)(1) The Director of NIH may establish a program to provide day care services for the employees of the National Institutes of Health similar to those services provided by other Federal agencies (including the availability of day care service on a 24-hour-a-day basis).

"(2) Any day care provider at the National Institutes of Health shall establish a sliding scale of fees that takes into consideration the income and needs of the employee.

"(3) For purposes regarding the provision of day care services, the Director of NIH may enter into rental or lease purchase agreements.".

TITLE III—GENERAL PROVISIONS RESPECTING NATIONAL RESEARCH INSTITUTES

SEC. 301. APPOINTMENT AND AUTHORITY OF DIRECTORS OF NATIONAL RESEARCH INSTITUTES.

(a) ESTABLISHMENT OF GENERAL AUTHORITY REGARDING DIRECT FUNDING.—

(1) IN GENERAL.—Section 405(b)(2) of the Public Health Service Act (42 U.S.C. 284(b)(2)) is amended—

(A) in subparagraph (A), by striking "and" after the semicolon at the end;

(B) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following subparagraph:

"(C) shall, subject to section 2353(d)(2), receive from the President and the Office of Management and Budget directly all funds appropriated by the Congress for obligation and expenditure by the Institute.".

(2) CONFORMING AMENDMENT.—Section 413(b)(9) of the Public Health Service Act (42 U.S.C. 285a–2(b)(9)) is amended—

(A) by striking "(A)" after "(9)"; and

(B) by striking "advisory council;" and all that follows and inserting "advisory council.".

(b) APPOINTMENT AND DURATION OF TECHNICAL AND SCIENTIFIC PEER REVIEW GROUPS.—Section 405(c) of the Public Health Service Act (42 U.S.C. 284(c)) is amended—

(1) by amending paragraph (3) to read as follows:

"(3) may, in consultation with the advisory council for the Institute and with the approval of the Director of NIH—

"(A) establish technical and scientific peer review groups in addition to those appointed under section 402(b)(6); and

"(B) appoint the members of peer review groups established under subparagraph (A); and"; and

(2) by adding after and below paragraph (4) the following: "The Federal Advisory Committee Act shall not apply to the duration of a peer review group appointed under paragraph (3).".

SEC. 302. PROGRAM OF RESEARCH ON OSTEOPOROSIS, PAGET'S DISEASE, AND RELATED BONE DISORDERS. Aged.

Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.), as amended by section 121(b) of Public Law 102–321 (106 Stat. 358), is amended by adding at the end the following section:

"RESEARCH ON OSTEOPOROSIS, PAGET'S DISEASE, AND RELATED BONE DISORDERS

"SEC. 409A. (a) ESTABLISHMENT.—The Directors of the National Institute of Arthritis and Musculoskeletal and Skin Diseases, the National Institute on Aging, the National Institute of Dental Research, and the National Institute of Diabetes and Digestive and Kidney Diseases, shall expand and intensify the programs of such Institutes with respect to research and related activities concerning osteoporosis, Paget's disease, and related bone disorders. 42 USC 284e.

"(b) COORDINATION.—The Directors referred to in subsection (a) shall jointly coordinate the programs referred to in such subsection and consult with the Arthritis and Musculoskeletal Diseases Interagency Coordinating Committee and the Interagency Task Force on Aging Research.

"(c) INFORMATION CLEARINGHOUSE.—

"(1) IN GENERAL.—In order to assist in carrying out the purpose described in subsection (a), the Director of NIH shall provide for the establishment of an information clearinghouse on osteoporosis and related bone disorders to facilitate and enhance knowledge and understanding on the part of health professionals, patients, and the public through the effective dissemination of information.

"(2) ESTABLISHMENT THROUGH GRANT OR CONTRACT.—For the purpose of carrying out paragraph (1), the Director of NIH shall enter into a grant, cooperative agreement, or contract with a nonprofit private entity involved in activities regarding the prevention and control of osteoporosis and related bone disorders.

"(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $40,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.".

SEC. 303. ESTABLISHMENT OF INTERAGENCY PROGRAM FOR TRAUMA RESEARCH.

(a) IN GENERAL.—Title XII of the Public Health Service Act (42 U.S.C. 300d et seq.), as amended by title VI of Public Law 102–321 (106 Stat. 433) and section 304 of Public Law 102–408 (106 Stat. 2084), is amended by adding at the end the following part:

"PART F—INTERAGENCY PROGRAM FOR TRAUMA RESEARCH

42 USC 300d-61. **"SEC. 1261. ESTABLISHMENT OF PROGRAM.**

"(a) IN GENERAL.—The Secretary, acting through the Director of the National Institutes of Health (in this section referred to as the 'Director'), shall establish a comprehensive program of conducting basic and clinical research on trauma (in this section referred to as the 'Program'). The Program shall include research regarding the diagnosis, treatment, rehabilitation, and general management of trauma.

"(b) PLAN FOR PROGRAM.—

"(1) IN GENERAL.—The Director, in consultation with the Trauma Research Interagency Coordinating Committee established under subsection (g), shall establish and implement a plan for carrying out the activities of the Program, including the activities described in subsection (d). All such activities shall be carried out in accordance with the plan. The plan shall be periodically reviewed, and revised as appropriate.

"(2) SUBMISSION TO CONGRESS.—Not later than December 1, 1993, the Director shall submit the plan required in paragraph (1) to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, together with an estimate of the funds needed for each of the fiscal years 1994 through 1996 to implement the plan.

"(c) PARTICIPATING AGENCIES; COORDINATION AND COLLABORATION.—The Director—

"(1) shall provide for the conduct of activities under the Program by the Directors of the agencies of the National Institutes of Health involved in research with respect to trauma;

"(2) shall ensure that the activities of the Program are coordinated among such agencies; and

"(3) shall, as appropriate, provide for collaboration among such agencies in carrying out such activities.

"(d) CERTAIN ACTIVITIES OF PROGRAM.—The Program shall include—

"(1) studies with respect to all phases of trauma care, including prehospital, resuscitation, surgical intervention, critical care, infection control, wound healing, nutritional care and support, and medical rehabilitation care;

"(2) basic and clinical research regarding the response of the body to trauma and the acute treatment and medical rehabilitation of individuals who are the victims of trauma; and

"(3) basic and clinical research regarding trauma care for pediatric and geriatric patients.

"(e) MECHANISMS OF SUPPORT.—In carrying out the Program, the Director, acting through the Directors of the agencies referred to in subsection (c)(1), may make grants to public and nonprofit entities, including designated trauma centers.

"(f) RESOURCES.—The Director shall assure the availability of appropriate resources to carry out the Program, including the plan established under subsection (b) (including the activities described in subsection (d)).

"(g) COORDINATING COMMITTEE.—

"(1) IN GENERAL.—There shall be established a Trauma Research Interagency Coordinating Committee (in this section referred to as the 'Coordinating Committee').

"(2) DUTIES.—The Coordinating Committee shall make recommendations regarding—

"(A) the activities of the Program to be carried out by each of the agencies represented on the Committee and the amount of funds needed by each of the agencies for such activities; and

"(B) effective collaboration among the agencies in carrying out the activities.

"(3) COMPOSITION.—The Coordinating Committee shall be composed of the Directors of each of the agencies that, under subsection (c), have responsibilities under the Program, and any other individuals who are practitioners in the trauma field as designated by the Director of the National Institutes of Health.

"(h) DEFINITIONS.—For purposes of this section:

"(1) The term 'designated trauma center' has the meaning given such term in section 1231(1).

"(2) The term 'Director' means the Director of the National Institutes of Health.

"(3) The term 'trauma' means any serious injury that could result in loss of life or in significant disability and that would meet pre-hospital triage criteria for transport to a designated trauma center.".

(b) CONFORMING AMENDMENT.—Section 402 of the Public Health Service Act, as amended by section 210(c) of this Act, is amended by adding at the end the following subsection:

"(k) The Director of NIH shall carry out the program established in part F of title XII (relating to interagency research on trauma).".

TITLE IV—NATIONAL CANCER INSTITUTE

SEC. 401. EXPANSION AND INTENSIFICATION OF ACTIVITIES REGARDING BREAST CANCER. Women.

Subpart 1 of part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) is amended by adding at the end the following section:

"BREAST AND GYNECOLOGICAL CANCERS

"SEC. 417. (a) EXPANSION AND COORDINATION OF ACTIVITIES.— 42 USC 285a-6.
The Director of the Institute, in consultation with the National Cancer Advisory Board, shall expand, intensify, and coordinate the activities of the Institute with respect to research on breast cancer, ovarian cancer, and other cancers of the reproductive system of women.

"(b) COORDINATION WITH OTHER INSTITUTES.—The Director of the Institute shall coordinate the activities of the Director under subsection (a) with similar activities conducted by other national research institutes and agencies of the National Institutes of Health to the extent that such Institutes and agencies have responsibilities that are related to breast cancer and other cancers of the reproductive system of women.

"(c) PROGRAMS FOR BREAST CANCER.—

"(1) IN GENERAL.—In carrying out subsection (a), the Director of the Institute shall conduct or support research to expand the understanding of the cause of, and to find a cure for, breast cancer. Activities under such subsection shall provide for an expansion and intensification of the conduct and support of—

"(A) basic research concerning the etiology and causes of breast cancer;

"(B) clinical research and related activities concerning the causes, prevention, detection and treatment of breast cancer;

"(C) control programs with respect to breast cancer in accordance with section 412, including community-based programs designed to assist women who are members of medically underserved populations, low-income populations, or minority groups;

"(D) information and education programs with respect to breast cancer in accordance with section 413; and

"(E) research and demonstration centers with respect to breast cancer in accordance with section 414, including the development and operation of centers for breast cancer research to bring together basic and clinical, biomedical and behavioral scientists to conduct basic, clinical, epidemiological, psychosocial, prevention and treatment research and related activities on breast cancer.

Not less than six centers shall be operated under subparagraph (E). Activities of such centers should include supporting new and innovative research and training programs for new researchers. Such centers shall give priority to expediting the transfer of research advances to clinical applications.

"(2) IMPLEMENTATION OF PLAN FOR PROGRAMS.—

"(A) The Director of the Institute shall ensure that the research programs described in paragraph (1) are implemented in accordance with a plan for the programs. Such plan shall include comments and recommendations that the Director of the Institute considers appropriate, with due consideration provided to the professional judgment needs of the Institute as expressed in the annual budget estimate prepared in accordance with section 413(9). The Director of the Institute, in consultation with the National Cancer Advisory Board, shall periodically review and revise such plan.

"(B) Not later than October 1, 1993, the Director of the Institute shall submit a copy of the plan to the President's Cancer Panel, the Secretary and the Director of NIH.

"(C) The Director of the Institute shall submit any revisions of the plan to the President's Cancer Panel, the Secretary, and the Director of NIH.

"(D) The Secretary shall provide a copy of the plan submitted under subparagraph (A), and any revisions submitted under subparagraph (C), to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate.

"(d) OTHER CANCERS.—In carrying out subsection (a), the Director of the Institute shall conduct or support research on ovarian cancer and other cancers of the reproductive system of women. Activities under such subsection shall provide for the conduct and support of—

"(1) basic research concerning the etiology and causes of ovarian cancer and other cancers of the reproductive system of women;

"(2) clinical research and related activities into the causes, prevention, detection and treatment of ovarian cancer and other cancers of the reproductive system of women;

"(3) control programs with respect to ovarian cancer and other cancers of the reproductive system of women in accordance with section 412;

"(4) information and education programs with respect to ovarian cancer and other cancers of the reproductive system of women in accordance with section 413; and

"(5) research and demonstration centers with respect to ovarian cancer and cancers of the reproductive system in accordance with section 414.

"(e) REPORT.—The Director of the Institute shall prepare, for inclusion in the biennial report submitted under section 407, a report that describes the activities of the National Cancer Institute under the research programs referred to in subsection (a), that shall include—

"(1) a description of the research plan with respect to breast cancer prepared under subsection (c);

"(2) an assessment of the development, revision, and implementation of such plan;

"(3) a description and evaluation of the progress made, during the period for which such report is prepared, in the research programs on breast cancer and cancers of the reproductive system of women;

"(4) a summary and analysis of expenditures made, during the period for which such report is made, for activities with respect to breast cancer and cancers of the reproductive system of women conducted and supported by the National Institutes of Health; and

"(5) such comments and recommendations as the Director considers appropriate.".

SEC. 402. EXPANSION AND INTENSIFICATION OF ACTIVITIES REGARDING PROSTATE CANCER.

Subpart 1 of part C of title IV of the Public Health Service Act, as amended by section 401 of this Act, is amended by adding at the end the following section:

"PROSTATE CANCER

"SEC. 417A. (a) EXPANSION AND COORDINATION OF ACTIVITIES.— 42 USC 285a-7.
The Director of the Institute, in consultation with the National Cancer Advisory Board, shall expand, intensify, and coordinate the activities of the Institute with respect to research on prostate cancer.

"(b) COORDINATION WITH OTHER INSTITUTES.—The Director of the Institute shall coordinate the activities of the Director under subsection (a) with similar activities conducted by other national research institutes and agencies of the National Institutes of Health

to the extent that such Institutes and agencies have responsibilities that are related to prostate cancer.

"(c) PROGRAMS.—

"(1) IN GENERAL.—In carrying out subsection (a), the Director of the Institute shall conduct or support research to expand the understanding of the cause of, and to find a cure for, prostate cancer. Activities under such subsection shall provide for an expansion and intensification of the conduct and support of—

"(A) basic research concerning the etiology and causes of prostate cancer;

"(B) clinical research and related activities concerning the causes, prevention, detection and treatment of prostate cancer;

"(C) prevention and control and early detection programs with respect to prostate cancer in accordance with section 412, particularly as it relates to intensifying research on the role of prostate specific antigen for the screening and early detection of prostate cancer;

"(D) an Inter-Institute Task Force, under the direction of the Director of the Institute, to provide coordination between relevant National Institutes of Health components of research efforts on prostate cancer;

"(E) control programs with respect to prostate cancer in accordance with section 412;

"(F) information and education programs with respect to prostate cancer in accordance with section 413; and

"(G) research and demonstration centers with respect to prostate cancer in accordance with section 414, including the development and operation of centers for prostate cancer research to bring together basic and clinical, biomedical and behavioral scientists to conduct basic, clinical, epidemiological, psychosocial, prevention and control, treatment, research, and related activities on prostate cancer.

Not less than six centers shall be operated under subparagraph (G). Activities of such centers should include supporting new and innovative research and training programs for new researchers. Such centers shall give priority to expediting the transfer of research advances to clinical applications.

"(2) IMPLEMENTATION OF PLAN FOR PROGRAMS.—

"(A) The Director of the Institute shall ensure that the research programs described in paragraph (1) are implemented in accordance with a plan for the programs. Such plan shall include comments and recommendations that the Director of the Institute considers appropriate, with due consideration provided to the professional judgment needs of the Institute as expressed in the annual budget estimate prepared in accordance with section 413(9). The Director of the Institute, in consultation with the National Cancer Advisory Board, shall periodically review and revise such plan.

"(B) Not later than October 1, 1993, the Director of the Institute shall submit a copy of the plan to the President's Cancer Panel, the Secretary, and the Director of NIH.

"(C) The Director of the Institute shall submit any revisions of the plan to the President's Cancer Panel, the Secretary, and the Director of NIH.

"(D) The Secretary shall provide a copy of the plan submitted under subparagraph (A), and any revisions submitted under subparagraph (C), to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate.".

SEC. 403. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Subpart 1 of part C of title IV of the Public Health Service Act, as amended by section 402 of this Act, is amended by adding at the end the following section:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 417B. (a) ACTIVITIES GENERALLY.—For the purpose of carrying out this subpart, there are authorized to be appropriated $2,728,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996. 42 USC 285a-8.

"(b) BREAST CANCER AND GYNECOLOGICAL CANCERS.—

"(1) BREAST CANCER.—

"(A) For the purpose of carrying out subparagraph (A) of section 417(c)(1), there are authorized to be appropriated $225,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996. Such authorizations of appropriations are in addition to the authorizations of appropriations established in subsection (a) with respect to such purpose.

"(B) For the purpose of carrying out subparagraphs (B) through (E) of section 417(c)(1), there are authorized to be appropriated $100,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996. Such authorizations of appropriations are in addition to the authorizations of appropriations established in subsection (a) with respect to such purpose.

"(2) OTHER CANCERS.—For the purpose of carrying out subsection (d) of section 417, there are authorized to be appropriated $75,000,000 for fiscal year 1994, and such sums as are necessary for each of the fiscal years 1995 and 1996. Such authorizations of appropriations are in addition to the authorizations of appropriations established in subsection (a) with respect to such purpose.

"(c) PROSTATE CANCER.—For the purpose of carrying out section 417A, there are authorized to be appropriated $72,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996. Such authorizations of appropriations are in addition to the authorizations of appropriations established in subsection (a) with respect to such purpose.

"(d) ALLOCATION REGARDING CANCER CONTROL.—

"(1) IN GENERAL.—Of the amounts appropriated for the National Cancer Institute for a fiscal year, the Director of the Institute shall make available not less than the applicable percentage specified in paragraph (2) for carrying out the cancer control activities authorized in section 412 and for which budget estimates are made under section 413(b)(9) for the fiscal year.

"(2) APPLICABLE PERCENTAGE.—The percentage referred to in paragraph (1) is—

"(A) 7 percent, in the case of fiscal year 1994;

"(B) 9 percent, in the case of fiscal year 1995; and

"(C) 10 percent, in the case of fiscal year 1996 and each subsequent fiscal year.".

(b) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 408 of the Public Health Service Act (42 U.S.C. 284c) is amended—

(A) by striking subsection (a);

(B) by redesignating subsection (b) as subsection (a);

(C) by redesignating paragraph (5) of subsection (a) (as so redesignated) as subsection (b); and

(D) by amending the heading for the section to read as follows:

"CERTAIN USES OF FUNDS".

(2) CROSS-REFERENCE.—Section 464F of the Public Health Service Act (42 U.S.C. 285m–6) is amended by striking "section 408(b)(1)" and inserting "section 408(a)(1)".

TITLE V—NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

SEC. 501. EDUCATION AND TRAINING.

Section 421(b) of the Public Health Service Act (42 U.S.C. 285b–3(b)) is amended—

(1) in paragraph (3), by striking "and" after the semicolon at the end;

(2) in paragraph (4), by striking the period at the end and inserting "; and"; and

(3) by inserting after paragraph (4) the following paragraph:

"(5) shall, in consultation with the advisory council for the Institute, conduct appropriate intramural training and education programs, including continuing education and laboratory and clinical research training programs.".

SEC. 502. CENTERS FOR THE STUDY OF PEDIATRIC CARDIOVASCULAR DISEASES.

Section 422(a)(1) of the Public Health Service Act (42 U.S.C. 285b–4(a)(1)) is amended—

(1) in subparagraph (B), by striking "and" at the end;

(2) in subparagraph (C), by striking the period and inserting "; and"; and

(3) by adding at the end the following subparagraph:

"(D) three centers for basic and clinical research into, training in, and demonstration of, advanced diagnostic, prevention, and treatment (including genetic studies, intrauterine environment studies, postnatal studies, heart arrhythmias, and acquired heart disease and preventive cardiology) for cardiovascular diseases in children.".

SEC. 503. NATIONAL CENTER ON SLEEP DISORDERS RESEARCH.

Subpart 2 of part C of title IV of the Public Health Service Act (42 U.S.C. 285b et seq.) is amended by adding at the end the following section:

"NATIONAL CENTER ON SLEEP DISORDERS RESEARCH

Establishment
42 USC 285b-7.

"SEC. 424. (a) Not later than 1 year after the date of the enactment of the National Institutes of Health Revitalization Act of 1993, the Director of the Institute shall establish the National Center on Sleep Disorders Research (in this section referred to as the 'Center'). The Center shall be headed by a director, who shall be appointed by the Director of the Institute.

"(b) The general purpose of the Center is—

"(1) the conduct and support of research, training, health information dissemination, and other activities with respect to sleep disorders, including biological and circadian rhythm research, basic understanding of sleep, chronobiological and other sleep related research; and

"(2) to coordinate the activities of the Center with similar activities of other Federal agencies, including the other agencies of the National Institutes of Health, and similar activities of other public entities and nonprofit entities.

"(c)(1) The Director of the National Institutes of Health shall establish a board to be known as the Sleep Disorders Research Advisory Board (in this section referred to as the 'Advisory Board').

"(2) The Advisory Board shall advise, assist, consult with, and make recommendations to the Director of the National Institutes of Health, through the Director of the Institute, and the Director of the Center concerning matters relating to the scientific activities carried out by and through the Center and the policies respecting such activities, including recommendations with respect to the plan required in subsection (c).

"(3)(A) The Director of the National Institutes of Health shall appoint to the Advisory Board 12 appropriately qualified representatives of the public who are not officers or employees of the Federal Government. Of such members, eight shall be representatives of health and scientific disciplines with respect to sleep disorders and four shall be individuals representing the interests of individuals with or undergoing treatment for sleep disorders.

"(B) The following officials shall serve as ex officio members of the Advisory Board:

"(i) The Director of the National Institutes of Health.

"(ii) The Director of the Center.

"(iii) The Director of the National Heart, Lung and Blood Institute.

"(iv) The Director of the National Institute of Mental Health.

"(v) The Director of the National Institute on Aging.

"(vi) The Director of the National Institute of Child Health and Human Development.

"(vii) The Director of the National Institute of Neurological Disorders and Stroke.

"(viii) The Assistant Secretary for Health.

"(ix) The Assistant Secretary of Defense (Health Affairs).

"(x) The Chief Medical Director of the Veterans' Administration.

"(4) The members of the Advisory Board shall, from among the members of the Advisory Board, designate an individual to serve as the chair of the Advisory Board.

"(5) Except as inconsistent with, or inapplicable to, this section, the provisions of section 406 shall apply to the advisory board established under this section in the same manner as such provisions apply to any advisory council established under such section.

"(d)(1) After consultation with the Director of the Center and the advisory board established under subsection (c), the Director of the National Institutes of Health shall develop a comprehensive plan for the conduct and support of sleep disorders research.

"(2) The plan developed under paragraph (1) shall identify priorities with respect to such research and shall provide for the coordination of such research conducted or supported by the agencies of the National Institutes of Health.

"(3) The Director of the National Institutes of Health (after consultation with the Director of the Center and the advisory board established under subsection (c)) shall revise the plan developed under paragraph (1) as appropriate.

"(e) The Director of the Center, in cooperation with the Centers for Disease Control and Prevention, is authorized to coordinate activities with the Department of Transportation, the Department of Defense, the Department of Education, the Department of Labor, and the Department of Commerce to collect data, conduct studies, and disseminate public information concerning the impact of sleep disorders and sleep deprivation.".

SEC. 504. AUTHORIZATION OF APPROPRIATIONS.

Subpart 2 of part C of title IV of the Public Health Service Act, as amended by section 503 of this Act, is amended by adding at the end the following section:

"AUTHORIZATION OF APPROPRIATIONS

42 USC 285b-8.

"SEC. 425. For the purpose of carrying out this subpart, there are authorized to be appropriated $1,500,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.".

SEC. 505. PREVENTION AND CONTROL PROGRAMS.

Section 419 of the Public Health Service Act (42 U.S.C. 285b–1) is amended by striking "The Director of the Institute" and all that follows and inserting the following: "(a) The Director of the Institute shall conduct and support programs for the prevention and control of heart, blood vessel, lung, and blood diseases. Such programs shall include community-based and population-based programs carried out in cooperation with other Federal agencies, with public health agencies of State or local governments, with nonprofit private entities that are community-based health agencies, or with other appropriate public or nonprofit private entities.

"(b) In carrying out programs under subsection (a), the Director of the Institute shall give special consideration to the prevention and control of heart, blood vessel, lung, and blood diseases in children, and in populations that are at increased risk with respect to such diseases.".

TITLE VI—NATIONAL INSTITUTE ON DIABETES AND DIGESTIVE AND KIDNEY DISEASES

SEC. 601. PROVISIONS REGARDING NUTRITIONAL DISORDERS.

Subpart 3 of part C of title IV of the Public Health Service Act (42 U.S.C. 285c et seq.) is amended by adding at the end the following section:

"NUTRITIONAL DISORDERS PROGRAM

"SEC. 434. (a) The Director of the Institute, in consultation with the Director of NIH, shall establish a program of conducting and supporting research, training, health information dissemination, and other activities with respect to nutritional disorders, including obesity. 42 USC 285c-8.

"(b) In carrying out the program established under subsection (a), the Director of the Institute shall conduct and support each of the activities described in such subsection.

"(c) In carrying out the program established under subsection (a), the Director of the Institute shall carry out activities to facilitate and enhance knowledge and understanding of nutritional disorders, including obesity, on the part of health professionals, patients, and the public through the effective dissemination of information.".

(b) DEVELOPMENT AND EXPANSION OF RESEARCH AND TRAINING CENTERS.—Section 431 of the Public Health Service Act (42 U.S.C. 285c–5) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following subsection:

"(d)(1) The Director of the Institute shall, subject to the extent of amounts made available in appropriations Acts, provide for the development or substantial expansion of centers for research and training regarding nutritional disorders, including obesity.

"(2) The Director of the Institute shall carry out paragraph (1) in collaboration with the Director of the National Cancer Institute and with the Directors of such other agencies of the National Institutes of Health as the Director of NIH determines to be appropriate.

"(3) Each center developed or expanded under paragraph (1) shall—

"(A) utilize the facilities of a single institution, or be formed from a consortium of cooperating institutions, meeting such research and training qualifications as may be prescribed by the Director;

"(B) conduct basic and clinical research into the cause, diagnosis, early detection, prevention, control and treatment of nutritional disorders, including obesity and the impact of nutrition and diet on child development;

"(C) conduct training programs for physicians and allied health professionals in current methods of diagnosis and treatment of such diseases and complications, and in research in such disorders; and

"(D) conduct information programs for physicians and allied health professionals who provide primary care for patients with such disorders or complications.".

TITLE VII—NATIONAL INSTITUTE ON ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

SEC. 701. JUVENILE ARTHRITIS.

(a) PURPOSE.—Section 435 of the Public Health Service Act (42 U.S.C. 285d) is amended by striking "and other programs" and all that follows and inserting the following: "and other programs with respect to arthritis and musculoskeletal and skin diseases (including sports-related disorders), with particular attention to the effect of these diseases on children.".

(b) PROGRAMS.—Section 436 (42 U.S.C. 285d–1) is amended—

(1) in subsection (a), by inserting after the second sentence, the following: "The plan shall place particular emphasis upon expanding research into better understanding the causes and the development of effective treatments for arthritis affecting children."; and

(2) in subsection (b)—

(A) by striking "and" at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting "; and"; and

(C) by adding at the end the following paragraph:

"(5) research into the causes of arthritis affecting children and the development, trial, and evaluation of techniques, drugs and devices used in the diagnosis, treatment (including medical rehabilitation), and prevention of arthritis in children.".

(c) CENTERS.—Section 441 of the Public Health Service Act (42 U.S.C. 286d–6) is amended by adding at the end the following subsection:

Establishment.

"(f) Not later than October 1, 1993, the Director shall establish a multipurpose arthritis and musculoskeletal disease center for the purpose of expanding the level of research into the cause, diagnosis, early detection, prevention, control, and treatment of, and rehabilitation of children with arthritis and musculoskeletal diseases.".

(d) ADVISORY BOARD.—

(1) TITLE.—Section 442(a) of the Public Health Service Act (42 U.S.C. 285d–7(a)) is amended by inserting after "Arthritis" the following: "and Musculoskeletal and Skin Diseases".

(2) COMPOSITION.—Section 442(b) of the Public Health Service Act (42 U.S.C. 285d–7(b)) is amended—

(A) in the matter preceding paragraph (1), by striking "eighteen" and inserting "twenty"; and

(B) in paragraph (1)(B)—

(i) by striking "six" and inserting "eight"; and

(ii) by striking "including" and all that follows and inserting the following: "including one member who is a person who has such a disease, one person who is the parent of an adult with such a disease, and two members who are parents of children with arthritis.".

(3) ANNUAL REPORT.—Section 442(j) of the Public Health Service Act (42 U.S.C. 285d–7(j)) is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting "; and"; and

(3) by adding at the end the following paragraph:

"(5) contains recommendations for expanding the Institute's funding of research directly applicable to the cause, diagnosis, early detection, prevention, control, and treatment of, and rehabilitation of children with arthritis and musculoskeletal diseases.".

TITLE VIII—NATIONAL INSTITUTE ON AGING

SEC. 801. ALZHEIMER'S DISEASE REGISTRY.

(a) IN GENERAL.—Section 12 of Public Law 99–158 (99 Stat. 885) is— 42 USC 285e–2 note.

(1) transferred to subpart 5 of part C of title IV of the Public Health Service Act (42 U.S.C. 285e et seq.);

(2) redesignated as section 445G; and 42 USC 285e–9.

(3) inserted after section 445F of such Act.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 445G of the Public Health Service Act, as transferred and inserted by subsection (a) of this section, is amended—

(1) by striking the section heading and all that follows through "may make a grant" in subsection (a) and inserting the following:

"ALZHEIMER'S DISEASE REGISTRY

"SEC. 445G. (a) IN GENERAL.—The Director of the Institute may make a grant"; and

(2) by striking subsection (c).

SEC. 802. AGING PROCESSES REGARDING WOMEN.

Subpart 5 of part C of title IV of the Public Health Service Act, as amended by section 801 of this Act, is amended by adding at the end the following section:

"AGING PROCESSES REGARDING WOMEN

"SEC. 445H. The Director of the Institute, in addition to other special functions specified in section 444 and in cooperation with the Directors of the other national research institutes and agencies of the National Institutes of Health, shall conduct research into the aging processes of women, with particular emphasis given to the effects of menopause and the physiological and behavioral changes occurring during the transition from pre- to post-menopause, and into the diagnosis, disorders, and complications related to aging and loss of ovarian hormones in women.". 42 USC 285e–10.

SEC. 803. AUTHORIZATION OF APPROPRIATIONS.

Subpart 5 of part C of title IV of the Public Health Service Act, as amended by section 802 of this Act, is amended by adding at the end the following section:

"AUTHORIZATION OF APPROPRIATIONS

42 USC 285e-11. "SEC. 445I. For the purpose of carrying out this subpart, there are authorized to be appropriated $500,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.".

SEC. 804. CONFORMING AMENDMENT.

Section 445C of the Public Health Service Act (42 U.S.C. 285e–5), as amended by section 9 of Public Law 102–507 (106 Stat. 3287), is amended—

(1) in subsection (b)(1), in the first sentence, by inserting after "Council" the following: "on Alzheimer's Disease (in this section referred to as the 'Council')"; and

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

"(e) For purposes of this section, the term 'Council on Alzheimer's Disease' means the council established in section 911(a) of Public Law 99–660.".

TITLE IX—NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

SEC. 901. TROPICAL DISEASES.

Section 446 of the Public Health Service Act (42 U.S.C. 285f) is amended by inserting before the period the following: ", including tropical diseases".

SEC. 902. CHRONIC FATIGUE SYNDROME.

(a) RESEARCH CENTERS.—Subpart 6 of part C of title IV of the Public Health Service Act (42 U.S.C. 285f) is amended by adding at the end the following section:

"RESEARCH CENTERS REGARDING CHRONIC FATIGUE SYNDROME

42 USC 285f-1. "SEC. 447. (a) The Director of the Institute, after consultation with the advisory council for the Institute, may make grants to, or enter into contracts with, public or nonprofit private entities for the development and operation of centers to conduct basic and clinical research on chronic fatigue syndrome.

"(b) Each center assisted under this section shall use the facilities of a single institution, or be formed from a consortium of cooperating institutions, meeting such requirements as may be prescribed by the Director of the Institute.".

42 USC 285f-1 note. (b) EXTRAMURAL STUDY SECTION.—Not later than 6 months after the date of enactment of this Act, the Secretary of Health and Human Services shall establish an extramural study section for chronic fatigue syndrome research.

42 USC 282 note. (c) REPRESENTATIVES.—The Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, shall ensure that appropriate individuals with expertise in chronic fatigue syndrome or neuromuscular diseases and representative of a variety of disciplines and fields within the research community are appointed to appropriate National Institutes of Health advisory committees and boards.

TITLE X—NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

Subtitle A—Research Centers With Respect to Contraception and Research Centers With Respect to Infertility

Women.

SEC. 1001. GRANTS AND CONTRACTS FOR RESEARCH CENTERS.

Subpart 7 of part C of title IV of the Public Health Service Act, as amended by section 3 of Public Law 101–613, is amended by adding at the end the following section:

"RESEARCH CENTERS WITH RESPECT TO CONTRACEPTION AND INFERTILITY

"SEC. 452A. (a) The Director of the Institute, after consultation with the advisory council for the Institute, shall make grants to, or enter into contracts with, public or nonprofit private entities for the development and operation of centers to conduct activities for the purpose of improving methods of contraception and centers to conduct activities for the purpose of improving methods of diagnosis and treatment of infertility. 42 USC 285g-5.

"(b) In carrying out subsection (a), the Director of the Institute shall, subject to the extent of amounts made available in appropriations Acts, provide for the establishment of three centers with respect to contraception and for two centers with respect to infertility.

"(c)(1) Each center assisted under this section shall, in carrying out the purpose of the center involved—

"(A) conduct clinical and other applied research, including—

"(i) for centers with respect to contraception, clinical trials of new or improved drugs and devices for use by males and females (including barrier methods); and

"(ii) for centers with respect to infertility, clinical trials of new or improved drugs and devices for the diagnosis and treatment of infertility in males and females;

"(B) develop protocols for training physicians, scientists, nurses, and other health and allied health professionals;

"(C) conduct training programs for such individuals;

"(D) develop model continuing education programs for such professionals; and

"(E) disseminate information to such professionals and the public.

"(2) A center may use funds provided under subsection (a) to provide stipends for health and allied health professionals enrolled in programs described in subparagraph (C) of paragraph (1), and to provide fees to individuals serving as subjects in clinical trials conducted under such paragraph.

"(d) The Director of the Institute shall, as appropriate, provide for the coordination of information among the centers assisted under this section.

"(e) Each center assisted under subsection (a) shall use the facilities of a single institution, or be formed from a consortium

of cooperating institutions, meeting such requirements as may be prescribed by the Director of the Institute.

"(f) Support of a center under subsection (a) may be for a period not exceeding 5 years. Such period may be extended for one or more additional periods not exceeding 5 years if the operations of such center have been reviewed by an appropriate technical and scientific peer review group established by the Director and if such group has recommended to the Director that such period should be extended.

Appropriation authorization.

"(g) For the purpose of carrying out this section, there are authorized to be appropriated $30,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.".

SEC. 1002. LOAN REPAYMENT PROGRAM FOR RESEARCH WITH RESPECT TO CONTRACEPTION AND INFERTILITY.

Part G of title IV of the Public Health Service Act, as redesignated by section 141(a)(2) of this Act, is amended by inserting after section 487A the following section:

"LOAN REPAYMENT PROGRAM FOR RESEARCH WITH RESPECT TO CONTRACEPTION AND INFERTILITY

42 USC 288-2.

"SEC. 487B. (a) The Secretary, in consultation with the Director of the National Institute of Child Health and Human Development, shall establish a program of entering into contracts with qualified health professionals (including graduate students) under which such health professionals agree to conduct research with respect to contraception, or with respect to infertility, in consideration of the Federal Government agreeing to repay, for each year of such service, not more than $20,000 of the principal and interest of the educational loans of such health professionals.

"(b) The provisions of sections 338B, 338C, and 338E shall, except as inconsistent with subsection (a) of this section, apply to the program established in subsection (a) to the same extent and in the same manner as such provisions apply to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III.

"(c) Amounts available for carrying out this section shall remain available until the expiration of the second fiscal year beginning after the fiscal year for which the amounts were made available.".

Subtitle B—Program Regarding Obstetrics and Gynecology

SEC. 1011. ESTABLISHMENT OF PROGRAM.

Subpart 7 of part C of title IV of the Public Health Service Act, as amended by section 1001 of this Act, is amended by adding at the end the following section:

"PROGRAM REGARDING OBSTETRICS AND GYNECOLOGY

42 USC 285g-6.

"SEC. 452B. The Director of the Institute shall establish and maintain within the Institute an intramural laboratory and clinical research program in obstetrics and gynecology.".

Subtitle C—Child Health Research Centers

SEC. 1021. ESTABLISHMENT OF CENTERS.

Subpart 7 of part C of title IV of the Public Health Service Act, as amended by section 1011 of this Act, is amended by adding at the end the following section:

"CHILD HEALTH RESEARCH CENTERS

"SEC. 452C. The Director of the Institute shall develop and support centers for conducting research with respect to child health. Such centers shall give priority to the expeditious transfer of advances from basic science to clinical applications and improving the care of infants and children.". 42 USC 285g-7.

Subtitle D—Study Regarding Adolescent Health

SEC. 1031. PROSPECTIVE LONGITUDINAL STUDY.

Subpart 7 of part C of title IV of the Public Health Service Act, as amended by section 1021 of this Act, is amended by adding at the end the following section:

"PROSPECTIVE LONGITUDINAL STUDY ON ADOLESCENT HEALTH

"SEC. 452D. (a) IN GENERAL.—Not later than October 1, 1993, the Director of the Institute shall commence a study for the purpose of providing information on the general health and well-being of adolescents in the United States, including, with respect to such adolescents, information on— 42 USC 285g-8.

"(1) the behaviors that promote health and the behaviors that are detrimental to health; and

"(2) the influence on health of factors particular to the communities in which the adolescents reside.

"(b) DESIGN OF STUDY.—

"(1) IN GENERAL.—The study required in subsection (a) shall be a longitudinal study in which a substantial number of adolescents participate as subjects. With respect to the purpose described in such subsection, the study shall monitor the subjects throughout the period of the study to determine the health status of the subjects and any change in such status over time.

"(2) POPULATION-SPECIFIC ANALYSES.—The study required in subsection (a) shall be conducted with respect to the population of adolescents who are female, the population of adolescents who are male, various socioeconomic populations of adolescents, and various racial and ethnic populations of adolescents. The study shall be designed and conducted in a manner sufficient to provide for a valid analysis of whether there are significant differences among such populations in health status and whether and to what extent any such differences are due to factors particular to the populations involved.

"(c) COORDINATION WITH WOMEN'S HEALTH INITIATIVE.—With respect to the national study of women being conducted by the Secretary and known as the Women's Health Initiative, the Secretary shall ensure that such study is coordinated with the compo-

nent of the study required in subsection (a) that concerns adolescent females, including coordination in the design of the 2 studies.".

TITLE XI—NATIONAL EYE INSTITUTE

SEC. 1101. CLINICAL AND HEALTH SERVICES RESEARCH ON EYE CARE AND DIABETES.

(a) IN GENERAL.—Subpart 9 of part C of title IV of the Public Health Service Act (42 U.S.C. 285i) is amended by adding at the end the following section:

"CLINICAL RESEARCH ON EYE CARE AND DIABETES

42 USC 285i-1.

"SEC. 456. (a) PROGRAM OF GRANTS.—The Director of the Institute, in consultation with the advisory council for the Institute, may award research grants to one or more Diabetes Eye Research Institutions for the support of programs in clinical or health services aimed at—

"(1) providing comprehensive eye care services for people with diabetes, including a full complement of preventive, diagnostic and treatment procedures;

"(2) developing new and improved techniques of patient care through basic and clinical research;

"(3) assisting in translation of the latest research advances into clinical practice; and

"(4) expanding the knowledge of the eye and diabetes through further research.

"(b) USE OF FUNDS.—Amounts received under a grant awarded under this section shall be used for the following:

"(1) Establishing the biochemical, cellular, and genetic mechanisms associated with diabetic eye disease and the earlier detection of pending eye abnormalities. The focus of work under this paragraph shall require that ophthalmologists have training in the most up-to-date molecular and cell biological methods.

"(2) Establishing new frontiers in technology, such as video-based diagnostic and research resources, to—

"(A) provide improved patient care;

"(B) provide for the evaluation of retinal physiology and its affect on diabetes; and

"(C) provide for the assessment of risks for the development and progression of diabetic eye disease and a more immediate evaluation of various therapies aimed at preventing diabetic eye disease.

Such technologies shall be designed to permit evaluations to be performed both in humans and in animal models.

"(3) The translation of the results of vision research into the improved care of patients with diabetic eye disease. Such translation shall require the application of institutional resources that encompass patient care, clinical research and basic laboratory research.

"(4) The conduct of research concerning the outcomes of eye care treatments and eye health education programs as they relate to patients with diabetic eye disease, including the evaluation of regional approaches to such research.

"(c) AUTHORIZED EXPENDITURES.—The purposes for which a grant under subsection (a) may be expended include equipment for the research described in such subsection.".

(b) CONFORMING AMENDMENT.—Section 455 of the Public Health Service Act (42 U.S.C. 285i) is amended in the second sentence by striking "The Director" and inserting "Subject to section 456, the Director".

TITLE XII—NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

SEC. 1201. RESEARCH ON MULTIPLE SCLEROSIS.

Subpart 10 of part C of title IV of the Public Health Service Act (42 U.S.C. 285j et seq.) is amended by adding at the end the following section:

"RESEARCH ON MULTIPLE SCLEROSIS

"SEC. 460. The Director of the Institute shall conduct and support research on multiple sclerosis, especially research on effects of genetics and hormonal changes on the progress of the disease.". 42 USC 285j-3.

TITLE XIII—NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

SEC. 1301. APPLIED TOXICOLOGICAL RESEARCH AND TESTING PROGRAM.

(a) IN GENERAL.—Subpart 12 of part C of title IV of the Public Health Service Act (42 U.S.C. 285l) is amended by adding at the end the following section: 42 USC 285*l*.

"APPLIED TOXICOLOGICAL RESEARCH AND TESTING PROGRAM

"SEC. 463A. (a) There is established within the Institute a program for conducting applied research and testing regarding toxicology, which program shall be known as the Applied Toxicological Research and Testing Program. Establishment. 42 USC 285*l*-1.

"(b) In carrying out the program established under subsection (a), the Director of the Institute shall, with respect to toxicology, carry out activities—

"(1) to expand knowledge of the health effects of environmental agents;

"(2) to broaden the spectrum of toxicology information that is obtained on selected chemicals;

"(3) to develop and validate assays and protocols, including alternative methods that can reduce or eliminate the use of animals in acute or chronic safety testing;

"(4) to establish criteria for the validation and regulatory acceptance of alternative testing and to recommend a process through which scientifically validated alternative methods can be accepted for regulatory use;

"(5) to communicate the results of research to government agencies, to medical, scientific, and regulatory communities, and to the public; and

"(6) to integrate related activities of the Department of Health and Human Services.".

42 USC 285*l*.

(b) TECHNICAL AMENDMENT.—Section 463 of the Public Health Service Act (42 U.S.C. 285l) is amended by inserting after "Sciences" the following: "(in this subpart referred to as the 'Institute')".

TITLE XIV—NATIONAL LIBRARY OF MEDICINE

Subtitle A—General Provisions

SEC. 1401. ADDITIONAL AUTHORITIES.

(a) IN GENERAL.—Section 465(b) of the Public Health Service Act (42 U.S.C. 286(b)) is amended—

(1) by striking "and" after the semicolon at the end of paragraph (5);

(2) by redesignating paragraph (6) as paragraph (8); and

(3) by inserting after paragraph (5) the following paragraphs:

"(6) publicize the availability from the Library of the products and services described in any of paragraphs (1) through (5);

"(7) promote the use of computers and telecommunications by health professionals (including health professionals in rural areas) for the purpose of improving access to biomedical information for health care delivery and medical research; and".

(b) LIMITATION REGARDING GRANTS.—Section 474(b)(2) of the Public Health Service Act (42 U.S.C. 286b–5(b)(2)) is amended by striking "$750,000" and inserting "$1,000,000".

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) REPEAL OF CERTAIN AUTHORITY.—Section 215 of the Department of Health and Human Services Appropriations Act, 1988, as contained in section 101(h) of Public Law 100–202 (101 Stat. 1329–275), is repealed.

42 USC 286.

42 USC 286 note.

(2) APPLICABILITY OF CERTAIN NEW AUTHORITY.—With respect to the authority established for the National Library of Medicine in section 465(b)(6) of the Public Health Service Act, as added by subsection (a) of this section, such authority shall be effective as if the authority had been established on December 22, 1987.

SEC. 1402. AUTHORIZATION OF APPROPRIATIONS.

(a) ESTABLISHMENT OF SINGLE AUTHORIZATION.—Subpart 1 of part D of title IV of the Public Health Service Act (42 U.S.C. 286 et seq.) is amended by adding at the end the following section:

"AUTHORIZATION OF APPROPRIATIONS

42 USC 286a–2.

"SEC. 468. (a) For the purpose of carrying out this part, there are authorized to be appropriated $150,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.

"(b) Amounts appropriated under subsection (a) and made available for grants or contracts under any of sections 472 through 476 shall remain available until the end of the fiscal year following the fiscal year for which the amounts were appropriated.".

(b) CONFORMING AMENDMENTS.—Part D of title IV of the Public Health Service Act (42 U.S.C. 286 et seq.) is amended by striking section 469 and section 478(c). 42 USC 286b, 286c.

Subtitle B—Financial Assistance

SEC. 1411. ESTABLISHMENT OF PROGRAM OF GRANTS FOR DEVELOPMENT OF EDUCATION TECHNOLOGIES.

Section 473 of the Public Health Service Act (42 U.S.C. 286b–4) is amended by adding at the end the following subsection:

"(c)(1) The Secretary shall make grants to public or nonprofit private institutions for the purpose of carrying out projects of research on, and development and demonstration of, new education technologies.

"(2) The purposes for which a grant under paragraph (1) may be made include projects concerning—

"(A) computer-assisted teaching and testing of clinical competence at health professions and research institutions;

"(B) the effective transfer of new information from research laboratories to appropriate clinical applications;

"(C) the expansion of the laboratory and clinical uses of computer-stored research databases; and

"(D) the testing of new technologies for training health care professionals.

"(3) The Secretary may not make a grant under paragraph (1) unless the applicant for the grant agrees to make the projects available with respect to—

"(A) assisting in the training of health professions students; and

"(B) enhancing and improving the capabilities of health professionals regarding research and teaching.".

Subtitle C—National Information Center on Health Services Research and Health Care Technology

SEC. 1421. ESTABLISHMENT OF CENTER.

Part D of title IV of the Public Health Service Act (42 U.S.C. 286 et seq.) is amended by adding at the end the following subpart:

"Subpart 4—National Information Center on Health Services Research and Health Care Technology

"NATIONAL INFORMATION CENTER

"SEC. 478A. (a) There is established within the Library an entity to be known as the National Information Center on Health Services Research and Health Care Technology (in this section referred to as the 'Center'). 42 USC 286d.

"(b) The purpose of the Center is the collection, storage, analysis, retrieval, and dissemination of information on health services research, clinical practice guidelines, and on health care technology, including the assessment of such technology. Such purpose includes developing and maintaining data bases and developing and implementing methods of carrying out such purpose.

"(c) The Director of the Center shall ensure that information under subsection (b) concerning clinical practice guidelines is collected and maintained electronically and in a convenient format. Such Director shall develop and publish criteria for the inclusion of practice guidelines and technology assessments in the information center database.

"(d) The Secretary, acting through the Center, shall coordinate the activities carried out under this section through the Center with related activities of the Administrator for Health Care Policy and Research.".

SEC. 1422. CONFORMING PROVISIONS.

(a) IN GENERAL.—Section 903 of the Public Health Service Act, as amended by section 3 of Public Law 102–410 (106 Stat. 2094), is amended by amending subsection (e) to read as follows:

42 USC 299a–1.

"(e) REQUIRED INTERAGENCY AGREEMENT.—The Administrator and the Director of the National Library of Medicine shall enter into an agreement providing for the implementation of section 478A.".

(b) RULE OF CONSTRUCTION.—The amendments made by section 3 of Public Law 102–410 (106 Stat. 2094), by section 1421 of this Act, and by subsection (a) of this section may not be construed as terminating the information center on health care technologies and health care technology assessment established under section 904 of the Public Health Service Act, as in effect on the day before the date of the enactment of Public Law 102–410. Such center shall be considered to be the center established in section 478A of the Public Health Service Act, as added by section 1421 of this Act, and shall be subject to the provisions of such section 478A.

42 USC 286d note.

TITLE XV—OTHER AGENCIES OF NATIONAL INSTITUTES OF HEALTH

Subtitle A—Division of Research Resources

SEC. 1501. REDESIGNATION OF DIVISION AS NATIONAL CENTER FOR RESEARCH RESOURCES.

Title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended—

42 USC 281.

(1) in section 401(b)(2)(B), by amending such subparagraph to read as follows:

"(B) The National Center for Research Resources."; and

(2) in part E—

(A) in the heading for subpart 1, by striking "Division of" and inserting "National Center for";

42 USC 287.

(B) in section 479, by striking "the Division of Research Resources" and inserting the following: "the National Center for Research Resources (in this subpart referred to as the 'Center')";

42 USC 287a, 287a–1.

(C) in sections 480 and 481, by striking "the Division of Research Resources" each place such term appears and inserting "the Center"; and

(D) in sections 480 and 481, as amended by subparagraph (C), by striking "the Division" each place such term appears and inserting "the Center".

SEC. 1502. BIOMEDICAL AND BEHAVIORAL RESEARCH FACILITIES.

Subpart 1 of part E of title IV of the Public Health Service Act (42 U.S.C. 287 et seq.) is amended by adding at the end the following section:

"BIOMEDICAL AND BEHAVIORAL RESEARCH FACILITIES

"SEC. 481A. (a) MODERNIZATION AND CONSTRUCTION OF FACILITIES.— 42 USC 287a-2.

"(1) IN GENERAL.—The Director of NIH, acting through the Director of the Center, may make grants to public and nonprofit private entities to expand, remodel, renovate, or alter existing research facilities or construct new research facilities, subject to the provisions of this section.

"(2) CONSTRUCTION AND COST OF CONSTRUCTION.—For purposes of this section, the terms 'construction' and 'cost of construction' include the construction of new buildings and the expansion, renovation, remodeling, and alteration of existing buildings, including architects' fees, but do not include the cost of acquisition of land or off-site improvements.

"(b) SCIENTIFIC AND TECHNICAL REVIEW BOARDS FOR MERIT-BASED REVIEW OF PROPOSALS.— Establishment.

"(1) IN GENERAL; APPROVAL AS PRECONDITION TO GRANTS.—

"(A) There is established within the Center a Scientific and Technical Review Board on Biomedical and Behavioral Research Facilities (referred to in this section as the 'Board').

"(B) The Director of the Center may approve an application for a grant under subsection (a) only if the Board has under paragraph (2) recommended the application for approval.

"(2) DUTIES.—

"(A) The Board shall provide advice to the Director of the Center and the advisory council established under section 480 (in this section referred to as the 'Advisory Council') on carrying out this section.

"(B) In carrying out subparagraph (A), the Board shall make a determination of the merit of each application submitted for a grant under subsection (a), after consideration of the requirements established in subsection (c), and shall report the results of the determination to the Director of the Center and the Advisory Council. Such determinations shall be conducted in a manner consistent with procedures established under section 492.

"(C) In carrying out subparagraph (A), the Board shall, in the case of applications recommended for approval, make recommendations to the Director and the Advisory Council on the amount that should be provided in the grant.

"(D) In carrying out subparagraph (A), the Board shall prepare an annual report for the Director of the Center and the Advisory Council describing the activities of the Board in the fiscal year for which the report is made. Each such report shall be available to the public, and shall— Reports. Public information.

"(i) summarize and analyze expenditures made under this section;

"(ii) provide a summary of the types, numbers, and amounts of applications that were recommended for grants under subsection (a) but that were not approved by the Director of the Center; and

"(iii) contain the recommendations of the Board for any changes in the administration of this section.

"(3) MEMBERSHIP.—

"(A) Subject to subparagraph (B), the Board shall be composed of 9 appointed members, and such ex officio members as the Director of the Center determines to be appropriate.

"(B) Not more than 3 individuals who are officers or employees of the Federal Government may serve as members of the Board.

"(4) CERTAIN REQUIREMENTS REGARDING MEMBERSHIP.—In selecting individuals for membership on the Board, the Director of the Center shall ensure that the members are individuals who, by virtue of their training or experience, are eminently qualified to perform peer review functions. In selecting such individuals for such membership, the Director of the Center shall ensure that the members of the Board collectively—

"(A) are experienced in the planning, construction, financing, and administration of entities that conduct biomedical or behavioral research sciences;

"(B) are knowledgeable in making determinations of the need of entities for biomedical or behavioral research facilities, including such facilities for the dentistry, nursing, pharmacy, and allied health professions;

"(C) are knowledgeable in evaluating the relative priorities for applications for grants under subsection (a) in view of the overall research needs of the United States; and

"(D) are experienced with emerging centers of excellence, as described in subsection (c)(3).

"(5) CERTAIN AUTHORITIES.—

"(A) In carrying out paragraph (2), the Board may convene workshops and conferences, and collect data as the Board considers appropriate.

"(B) In carrying out paragraph (2), the Board may establish subcommittees within the Board. Such subcommittees may hold meetings as determined necessary to enable the subcommittee to carry out its duties.

"(6) TERMS.—

"(A) Except as provided in subparagraph (B), each appointed member of the Board shall hold office for a term of 4 years. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which such member's predecessor was appointed shall be appointed for the remainder of the term of the predecessor.

"(B) Of the initial members appointed to the Board (as specified by the Director of the Center when making the appointments)—

"(i) 3 shall hold office for a term of 3 years;

"(ii) 3 shall hold office for a term of 2 years; and

"(iii) 3 shall hold office for a term of 1 year.

"(C) No member is eligible for reappointment to the Board until 1 year has elapsed after the end of the most recent term of the member.

"(7) COMPENSATION.—Members of the Board who are not officers or employees of the United States shall receive for each day the members are engaged in the performance of the functions of the Board compensation at the same rate received by members of other national advisory councils established under this title.

"(c) REQUIREMENTS FOR GRANTS.—

"(1) IN GENERAL.—The Director of the Center may make a grant under subsection (a) only if the applicant for the grant meets the following conditions:

"(A) The applicant is determined by such Director to be competent to engage in the type of research for which the proposed facility is to be constructed.

"(B) The applicant provides assurances satisfactory to the Director that—

"(i) for not less than 20 years after completion of the construction, the facility will be used for the purposes of research for which it is to be constructed;

"(ii) sufficient funds will be available to meet the non-Federal share of the cost of constructing the facility;

"(iii) sufficient funds will be available, when construction is completed, for the effective use of the facility for the research for which it is being constructed; and

"(iv) the proposed construction will expand the applicant's capacity for research, or is necessary to improve or maintain the quality of the applicant's research.

"(C) The applicant meets reasonable qualifications established by the Director with respect to—

"(i) the relative scientific and technical merit of the applications, and the relative effectiveness of the proposed facilities, in expanding the capacity for biomedical or behavioral research and in improving the quality of such research;

"(ii) the quality of the research or training, or both, to be carried out in the facilities involved;

"(iii) the need of the applicant for such facilities in order to maintain or expand the applicant's research and training mission;

"(iv) the congruence of the research activities to be carried out within the facility with the research and investigator manpower needs of the United States; and

"(v) the age and condition of existing research facilities and equipment.

"(D) The applicant has demonstrated a commitment to enhancing and expanding the research productivity of the applicant.

"(2) CONSIDERATION OF CERTAIN FACTORS.—In making grants under subsection (a), the Director of the Center may, in addition to the requirements established in paragraph (1), consider the following factors:

"(A) To what extent the applicant has the capacity to broaden the scope of research and research training programs of the applicant by promoting—

"(i) interdisciplinary research;

"(ii) research on emerging technologies, including those involving novel analytical techniques or computational methods; or

"(iii) other novel research mechanisms or programs.

"(B) To what extent the applicant has broadened the scope of research and research training programs of qualified institutions by promoting genomic research with an emphasis on interdisciplinary research, including research related to pediatric investigations.

"(3) INSTITUTIONS OF EMERGING EXCELLENCE.—Of the amounts appropriated under subsection (h) for a fiscal year, the Director of the Center shall make available 25 percent for grants under subsection (a) to applicants that, in addition to meeting the requirements established in paragraph (1), have demonstrated emerging excellence in biomedical or behavioral research, as follows:

"(A) The applicant has a plan for research or training advancement and possesses the ability to carry out the plan.

"(B) The applicant carries out research and research training programs that have a special relevance to a problem, concern, or unmet health need of the United States.

"(C) The applicant has been productive in research or research development and training.

"(D) The applicant—

"(i) has been designated as a center of excellence under section 739;

"(ii) is located in a geographic area whose population includes a significant number of individuals with a health-status deficit, and the applicant provides health services to such individuals; or

"(iii) is located in a geographic area in which a deficit in health care technology, services, or research resources may adversely affect health status of the population of the area in the future, and the applicant is carrying out activities with respect to protecting the health status of such population.

"(d) REQUIREMENT OF APPLICATION.—The Director of the Center may make a grant under subsection (a) only if an application for the grant is submitted to the Director and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Director determines to be necessary to carry out this section.

"(e) AMOUNT OF GRANT; PAYMENTS.—

"(1) AMOUNT.—The amount of any grant awarded under subsection (a) shall be determined by the Director of the Center, except that such amount shall not exceed—

"(A) 50 percent of the necessary cost of the construction of a proposed facility as determined by the Director; or

"(B) in the case of a multipurpose facility, 40 percent of that part of the necessary cost of construction that

the Director determines to be proportionate to the contemplated use of the facility.

"(2) RESERVATION OF AMOUNTS.—On approval of any application for a grant under subsection (a), the Director of the Center shall reserve, from any appropriation available therefore, the amount of such grant, and shall pay such amount, in advance or by way of reimbursement, and in such installments consistent with the construction progress, as the Director may determine appropriate. The reservation of the Director of any amount by the Director under this paragraph may be amended by the Director, either on the approval of an amendment of the application or on the revision of the estimated cost of construction of the facility.

"(3) EXCLUSION OF CERTAIN COSTS.—In determining the amount of any grant under this subsection (a), there shall be excluded from the cost of construction an amount equal to the sum of—

"(A) the amount of any other Federal grant that the applicant has obtained, or is assured of obtaining, with respect to construction that is to be financed in part by a grant authorized under this section; and

"(B) the amount of any non-Federal funds required to be expended as a condition of such other Federal grant.

"(4) WAIVER OF LIMITATIONS.—The limitations imposed by paragraph (1) may be waived at the discretion of the Director for applicants meeting the conditions described in paragraphs (1) and (2) of subsection (c).

"(f) RECAPTURE OF PAYMENTS.—If, not later than 20 years after the completion of construction for which a grant has been awarded under subsection (a)—

"(1) the applicant or other owner of the facility shall cease to be a public or nonprofit private entity; or

"(2) the facility shall cease to be used for the research purposes for which it was constructed (unless the Director determines, in accordance with regulations, that there is good cause for releasing the applicant or other owner from obligation to do so);

the United States shall be entitled to recover from the applicant or other owner of the facility the amount bearing the same ratio to the current value (as determined by an agreement between the parties or by action brought in the United States District Court for the district in which such facility is situated) of the facility as the amount of the Federal participation bore to the cost of the construction of such facility.

"(g) GUIDELINES.—Not later than 6 months after the date of the enactment of this section, the Director of the Center, after consultation with the Advisory Council, shall issue guidelines with respect to grants under subsection (a).

"(h) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $150,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.".

SEC. 1503. CONSTRUCTION PROGRAM FOR NATIONAL PRIMATE RESEARCH CENTER.

Subpart 1 of part E of title IV of the Public Health Service Act, as amended by section 1502 of this Act, is amended by adding at the end the following section:

"CONSTRUCTION OF REGIONAL CENTERS FOR RESEARCH ON PRIMATES

Grants.
Contracts.
42 USC 287a-3.

"SEC. 481B. (a) With respect to activities carried out by the National Center for Research Resources to support regional centers for research on primates, the Director of NIH shall, for each of the fiscal years 1994 through 1996, reserve from the amounts appropriated under section 481A(h) $5,000,000 for the purpose of making awards of grants and contracts to public or nonprofit private entities to construct, renovate, or otherwise improve such regional centers. The reservation of such amounts for any fiscal year is subject to the availability of qualified applicants for such awards.

"(b) The Director of NIH may not make a grant or enter into a contract under subsection (a) unless the applicant for such assistance agrees, with respect to the costs to be incurred by the applicant in carrying out the purpose described in such subsection, to make available (directly or through donations from public or private entities) non-Federal contributions in cash toward such costs in an amount equal to not less than $1 for each $4 of Federal funds provided in such assistance.".

Subtitle B—National Center for Nursing Research

SEC. 1511. REDESIGNATION OF NATIONAL CENTER FOR NURSING RESEARCH AS NATIONAL INSTITUTE OF NURSING RESEARCH.

(a) IN GENERAL.—Subpart 3 of part E of title IV of the Public Health Service Act (42 U.S.C. 287c et seq.) is amended—

42 USC 287c.

(1) in section 483—

(A) in the heading for the section, by striking "CENTER" and inserting "INSTITUTE"; and

(B) by striking "The general purpose" and all that follows through "is" and inserting the following: "The general purpose of the National Institute of Nursing Research (in this subpart referred to as the 'Institute') is";

42 USC 287c-1.

(2) in section 484, by striking "Center" each place such term appears and inserting "Institute";

42 USC 287c-2.

(3) in section 485—

(A) in subsection (a), in each of paragraphs (1) through (3), by striking "Center" each place such term appears and inserting "Institute";

(B) in subsection (b)—

(i) in paragraph (2)(A), by striking "Center" and inserting "Institute"; and

(ii) in paragraph (3)(A), in the first sentence, by striking "Center" and inserting "Institute"; and

(C) in subsections (d) through (g), by striking "Center" each place such term appears and inserting "Institute"; and

(4) in section 485A (as redesignated by section 141(a)(1) of this Act), by striking "Center" each place such term appears and inserting "Institute".

(b) CONFORMING AMENDMENTS.—

(1) ORGANIZATION OF NATIONAL INSTITUTES OF HEALTH.—Section 401(b) of the Public Health Service Act (42 U.S.C. 281(b)) is amended—

(A) in paragraph (1), by adding at the end the following subparagraph:

"(Q) The National Institute of Nursing Research."; and

(B) in paragraph (2), by striking subparagraph (D).

(2) TRANSFER OF STATUTORY PROVISIONS.—The Public Health Service Act, as amended by subsection (a) of this section and by section 124 of Public Law 102–321 (106 Stat. 364), is amended—

(A) by transferring sections 483 through 485A to part C of title IV; 42 USC 287c—287c–3, 285q—285q–3.

(B) by redesignating such sections as sections 464V through 464Y of such part; and

(C) by adding such sections, in the appropriate sequence, at the end of such part.

(3) HEADING FOR NEW SUBPART.—Title IV of the Public Health Service Act, as amended by the preceding provisions of this section, is amended—

(A) in part C, by inserting before section 464V the following:

"Subpart 17—National Institute of Nursing Research";

and

(B) by striking the subpart designation and heading for subpart 3 of part E.

(4) CROSS-REFERENCES.—Title IV of the Public Health Service Act, as amended by the preceding provisions of this section, is amended in subpart 17 of part C—

(A) in section 464W, by striking "section 483" and inserting "section 464V";

(B) in section 464X(g), by striking "section 486" and inserting "section 464Y"; and

(C) in section 464Y, in the last sentence, by striking "section 485(g)" and inserting "section 464X(g)".

SEC. 1512. STUDY ON ADEQUACY OF NUMBER OF NURSES. 42 USC 285q note.

(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Director of the National Institute of Nursing Research, shall enter into a contract with a public or nonprofit private entity to conduct a study for the purpose of determining whether and to what extent there is a need for an increase in the number of nurses in hospitals and nursing homes in order to promote the quality of patient care and reduce the incidence among nurses of work-related injuries and stress. Contracts.

(b) NATIONAL ACADEMY OF SCIENCES.—The Secretary shall request the Institute of Medicine of the National Academy of Sciences to enter into the contract under subsection (a) to conduct the study described in such subsection. If such Institute declines to conduct the study, the Secretary shall carry out such subsection through another public or nonprofit private entity.

(c) DEFINITIONS.—For purposes of this section:

(1) The term "nurse" means a registered nurse, a licensed practical nurse, a licensed vocational nurse, and a nurse assistant.

(2) The term "Secretary" means the Secretary of Health and Human Services.

(d) REPORT.—The Secretary shall ensure that, not later than 18 months after the date of the enactment of this Act, the study required in subsection (a) is completed and a report describing the findings made as a result of the study is submitted to the Committee on Energy and Commerce of the House of Representatives and to the Committee on Labor and Human Resources of the Senate.

Subtitle C—National Center for Human Genome Research

SEC. 1521. PURPOSE OF CENTER.

Title IV of the Public Health Service Act, as amended by section 141(a)(1) of this Act and by paragraphs (1)(B) and (3)(B) of section 1511(b) of this Act, is amended—

42 USC 281.

(1) in section 401(b)(2), by adding at the end the following subparagraph:

"(D) The National Center for Human Genome Research."; and

(2) in part E, by adding at the end the following subpart:

"Subpart 3—National Center for Human Genome Research

"PURPOSE OF THE CENTER

42 USC 287c.

"SEC. 485B. (a) The general purpose of the National Center for Human Genome Research (in this subpart referred to as the 'Center') is to characterize the structure and function of the human genome, including the mapping and sequencing of individual genes. Such purpose includes—

"(1) planning and coordinating the research goal of the genome project;

"(2) reviewing and funding research proposals;

"(3) developing training programs;

"(4) coordinating international genome research;

"(5) communicating advances in genome science to the public; and

"(6) reviewing and funding proposals to address the ethical and legal issues associated with the genome project (including legal issues regarding patents).

"(b) The Director of the Center may conduct and support research training—

"(1) for which fellowship support is not provided under section 487; and

"(2) that is not residency training of physicians or other health professionals.

"(c)(1) Except as provided in paragraph (2), of the amounts appropriated to carry out subsection (a) for a fiscal year, the Director of the Center shall make available not less than 5 percent for carrying out paragraph (6) of such subsection.

"(2) With respect to providing funds under subsection (a)(6) for proposals to address the ethical issues associated with the genome project, paragraph (1) shall not apply for a fiscal year if the Director of the Center certifies to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, that the Director has determined that an insufficient number of such proposals meet the applicable requirements of sections 491 and 492.".

TITLE XVI—AWARDS AND TRAINING

Subtitle A—National Research Service Awards

SEC. 1601. REQUIREMENT REGARDING WOMEN AND INDIVIDUALS FROM DISADVANTAGED BACKGROUNDS.

Section 487(a) of the Public Health Service Act (42 U.S.C. 288(a)(4)) is amended by adding at the end the following paragraph:

"(4) The Secretary shall carry out paragraph (1) in a manner that will result in the recruitment of women, and individuals from disadvantaged backgrounds (including racial and ethnic minorities), into fields of biomedical or behavioral research and in the provision of research training to women and such individuals.".

SEC. 1602. SERVICE PAYBACK REQUIREMENTS.

Section 487(c) of the Public Health Service Act (42 U.S.C. 288(c)) is amended by striking paragraphs (1) and (2) and inserting the following: "(1) Each individual who is awarded a National Research Service Award for postdoctoral research training shall, in accordance with paragraph (3), engage in research training, research, or teaching that is health-related (or any combination thereof) for the period specified in paragraph (2). Such period shall be served in accordance with the usual patterns of scientific employment.

"(2)(A) The period referred to in paragraph (1) is 12 months, or one month for each month for which the individual involved receives a National Research Service Award for postdoctoral research training, whichever is less.

"(B) With respect to postdoctoral research training, in any case in which an individual receives a National Research Service Award for more than 12 months, the 13th month and each subsequent month of performing activities under the Award shall be considered to be activities engaged in toward satisfaction of the requirement established in paragraph (1) regarding a period of service.".

Subtitle B—Acquired Immune Deficiency Syndrome

SEC. 1611. LOAN REPAYMENT PROGRAM.

(a) IN GENERAL.—Section 487A of the Public Health Service Act (42 U.S.C. 288–1) is amended to read as follows:

"LOAN REPAYMENT PROGRAM FOR RESEARCH WITH RESPECT TO ACQUIRED IMMUNE DEFICIENCY SYNDROME

Contracts.

"SEC. 487A. (a) IN GENERAL.—The Secretary shall carry out a program of entering into agreements with appropriately qualified health professionals under which such health professionals agree to conduct, as employees of the National Institutes of Health, research with respect to acquired immune deficiency syndrome in consideration of the Federal Government agreeing to repay, for each year of such service, not more than $20,000 of the principal and interest of the educational loans of such health professionals.

"(b) APPLICABILITY OF CERTAIN PROVISIONS.—With respect to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III, the provisions of such subpart shall, except as inconsistent with subsection (a) of this section, apply to the program established in such subsection (a) in the same manner and to the same extent as such provisions apply to the National Health Service Corps Loan Repayment Program established in such subpart.

"(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1994 through 1996.".

42 USC 288-1 note.

(b) APPLICABILITY.—The amendment made by subsection (a) does not apply to any agreement entered into under section 487A of the Public Health Service Act before the date of the enactment of this Act. Each such agreement continues to be subject to the terms of the agreement in effect on the day before such date.

Subtitle C—Loan Repayment for Research Generally

SEC. 1621. ESTABLISHMENT OF PROGRAM.

Part G of title IV of the Public Health Service Act, as redesignated by section 141(a)(2) of this Act and as amended by section 1002 of this Act, is amended by inserting after section 487B the following section:

"LOAN REPAYMENT PROGRAM FOR RESEARCH GENERALLY

Contracts.
42 USC 288-3.

"SEC. 487C. (a) IN GENERAL.—

"(1) AUTHORITY FOR PROGRAM.—Subject to paragraph (2), the Secretary shall carry out a program of entering into contracts with appropriately qualified health professionals under which such health professionals agree to conduct research, as employees of the National Institutes of Health, in consideration of the Federal Government agreeing to repay, for each year of such service, not more than $20,000 of the principal and interest of the educational loans of such health professionals.

"(2) LIMITATION.—The Secretary may not enter into an agreement with a health professional pursuant to paragraph (1) unless such professional—

"(A) has a substantial amount of educational loans relative to income; and

"(B) agrees to serve as an employee of the National Institutes of Health for purposes of paragraph (1) for a period of not less than 3 years.

"(b) APPLICABILITY OF CERTAIN PROVISIONS.—With respect to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III, the provisions of such subpart shall, except as inconsistent with subsection (a) of this section, apply to the program established in such subsection (a) in the same manner and to the same extent as such provisions apply to the National Health Service Corps Loan Repayment Program established in such subpart.".

Subtitle D—Scholarship and Loan Repayment Programs Regarding Professional Skills Needed by Certain Agencies

SEC. 1631. ESTABLISHMENT OF PROGRAMS FOR NATIONAL INSTITUTES OF HEALTH.

Part G of title IV of the Public Health Service Act, as redesignated by section 141(a)(2) of this Act and as amended by section 1621 of this Act, is amended by inserting after section 487C the following sections:

"UNDERGRADUATE SCHOLARSHIP PROGRAM REGARDING PROFESSIONS NEEDED BY NATIONAL RESEARCH INSTITUTES

"SEC. 487D. (a) ESTABLISHMENT OF PROGRAM.— 42 USC 288-4.

"(1) IN GENERAL.—Subject to section 487(a)(1)(C), the Secretary, acting through the Director of NIH, may carry out a program of entering into contracts with individuals described in paragraph (2) under which—

"(A) the Director of NIH agrees to provide to the individuals scholarships for pursuing, as undergraduates at accredited institutions of higher education, academic programs appropriate for careers in professions needed by the National Institutes of Health; and

"(B) the individuals agree to serve as employees of the National Institutes of Health, for the period described in subsection (c), in positions that are needed by the National Institutes of Health and for which the individuals are qualified.

"(2) INDIVIDUALS FROM DISADVANTAGED BACKGROUNDS.—The individuals referred to in paragraph (1) are individuals who—

"(A) are enrolled or accepted for enrollment as full-time undergraduates at accredited institutions of higher education; and

"(B) are from disadvantaged backgrounds.

"(b) FACILITATION OF INTEREST OF STUDENTS IN CAREERS AT NATIONAL INSTITUTES OF HEALTH.—In providing employment to individuals pursuant to contracts under subsection (a)(1), the Director of NIH shall carry out activities to facilitate the interest of the individuals in pursuing careers as employees of the National Institutes of Health.

"(c) PERIOD OF OBLIGATED SERVICE.—

"(1) DURATION OF SERVICE.—For purposes of subparagraph (B) of subsection (a)(1), the period of service for which an individual is obligated to serve as an employee of the National Institutes of Health is, subject to paragraph (2)(A), 12 months for each academic year for which the scholarship under such subsection is provided.

"(2) SCHEDULE FOR SERVICE.—

"(A) Subject to subparagraph (B), the Director of NIH may not provide a scholarship under subsection (a) unless the individual applying for the scholarship agrees that—

"(i) the individual will serve as an employee of the National Institutes of Health full-time for not less than 10 consecutive weeks of each year during which the individual is attending the educational institution involved and receiving such a scholarship;

"(ii) the period of service as such an employee that the individual is obligated to provide under clause (i) is in addition to the period of service as such an employee that the individual is obligated to provide under subsection (a)(1)(B); and

"(iii) not later than 60 days after obtaining the educational degree involved, the individual will begin serving full-time as such an employee in satisfaction of the period of service that the individual is obligated to provide under subsection (a)(1)(B).

"(B) The Director of NIH may defer the obligation of an individual to provide a period of service under subsection (a)(1)(B), if the Director determines that such a deferral is appropriate.

"(3) APPLICABILITY OF CERTAIN PROVISIONS RELATING TO APPOINTMENT AND COMPENSATION.—For any period in which an individual provides service as an employee of the National Institutes of Health in satisfaction of the obligation of the individual under subsection (a)(1)(B) or paragraph (2)(A)(i), the individual may be appointed as such an employee without regard to the provisions of title 5, United States Code, relating to appointment and compensation.

"(d) PROVISIONS REGARDING SCHOLARSHIP.—

"(1) APPROVAL OF ACADEMIC PROGRAM.—The Director of NIH may not provide a scholarship under subsection (a) for an academic year unless—

"(A) the individual applying for the scholarship has submitted to the Director a proposed academic program for the year and the Director has approved the program; and

"(B) the individual agrees that the program will not be altered without the approval of the Director.

"(2) ACADEMIC STANDING.—The Director of NIH may not provide a scholarship under subsection (a) for an academic year unless the individual applying for the scholarship agrees to maintain an acceptable level of academic standing, as determined by the educational institution involved in accordance with regulations issued by the Secretary.

"(3) LIMITATION ON AMOUNT.—The Director of NIH may not provide a scholarship under subsection (a) for an academic year in an amount exceeding $20,000.

"(4) AUTHORIZED USES.—A scholarship provided under subsection (a) may be expended only for tuition expenses, other reasonable educational expenses, and reasonable living expenses incurred in attending the school involved.

"(5) CONTRACT REGARDING DIRECT PAYMENTS TO INSTITUTION.—In the case of an institution of higher education with respect to which a scholarship under subsection (a) is provided, the Director of NIH may enter into a contract with the institution under which the amounts provided in the scholarship for tuition and other educational expenses are paid directly to the institution.

"(e) PENALTIES FOR BREACH OF SCHOLARSHIP CONTRACT.—The provisions of section 338E shall apply to the program established in subsection (a) to the same extent and in the same manner as such provisions apply to the National Health Service Corps Loan Repayment Program established in section 338B.

"(f) REQUIREMENT OF APPLICATION.—The Director of NIH may not provide a scholarship under subsection (a) unless an application for the scholarship is submitted to the Director and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Director determines to be necessary to carry out this section.

"(g) AVAILABILITY OF AUTHORIZATION OF APPROPRIATIONS.—Amounts appropriated for a fiscal year for scholarships under this section shall remain available until the expiration of the second fiscal year beginning after the fiscal year for which the amounts were appropriated.

"LOAN REPAYMENT PROGRAM REGARDING CLINICAL RESEARCHERS FROM DISADVANTAGED BACKGROUNDS

"SEC. 487E. (a) IMPLEMENTATION OF PROGRAM.— 42 USC 288-5.

"(1) IN GENERAL.—Subject to section 487(a)(1)(C), the Secretary, acting through the Director of NIH may, subject to paragraph (2), carry out a program of entering into contracts with appropriately qualified health professionals who are from disadvantaged backgrounds under which such health professionals agree to conduct clinical research as employees of the National Institutes of Health in consideration of the Federal Government agreeing to pay, for each year of such service, not more than $20,000 of the principal and interest of the educational loans of the health professionals.

"(2) LIMITATION.—The Director of NIH may not enter into a contract with a health professional pursuant to paragraph (1) unless such professional has a substantial amount of education loans relative to income.

"(3) APPLICABILITY OF CERTAIN PROVISIONS REGARDING OBLIGATED SERVICE.—Except to the extent inconsistent with this section, the provisions of sections 338C and 338E shall apply to the program established in paragraph (1) to the same extent and in the same manner as such provisions apply to the National Health Service Corps Loan Repayment Program established in section 338B.

"(b) AVAILABILITY OF AUTHORIZATION OF APPROPRIATIONS.—Amounts appropriated for a fiscal year for contracts under subsection (a) shall remain available until the expiration of the second fiscal year beginning after the fiscal year for which the amounts were appropriated.".

SEC. 1632. FUNDING.

Section 487(a)(1) of the Public Health Service Act (42 U.S.C. 288(a)(1)) is amended—

(1) in subparagraph (A), by striking "and" after the semicolon at the end;

(2) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(3) by inserting after subparagraph (B) the following subparagraph:

"(C) provide contracts for scholarships and loan repayments in accordance with sections 487D and 487E, subject to providing not more than an aggregate 50 such contracts during the fiscal years 1994 through 1996.".

Subtitle E—Funding

SEC. 1641. AUTHORIZATION OF APPROPRIATIONS.

Section 487(d) of the Public Health Service Act (42 U.S.C. 288(d)) is amended—

(1) in the first sentence, by amending the sentence to read as follows: "For the purpose of carrying out this section, there are authorized to be appropriated $400,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996."; and

(2) in paragraph (3)—

(A) by striking "one-half of one percent" each place such term appears and inserting "1 percent"; and

(B) by striking "780, 784, or 786," and inserting "747, 748, or 749,".

TITLE XVII—NATIONAL FOUNDATION FOR BIOMEDICAL RESEARCH

SEC. 1701. NATIONAL FOUNDATION FOR BIOMEDICAL RESEARCH.

Section 499 of the Public Health Service Act, as redesignated by section 121(b)(3) of this Act, is amended—

(1) in subsection (a)—

(A) by inserting ", acting through the Director of NIH," after "Secretary shall"; and

(B) by striking ", except for" and all that follows through "Transfer Act,";

(2) by redesignating subsections (c), (d), (e), (f), (g), (h), and (i) as subsections (d), (f), (g), (h), (i), (j), and (m), respectively;

(3) by striking subsection (b) and inserting the following subsections:

"(b) PURPOSE OF FOUNDATION.—The purpose of the Foundation shall be to support the National Institutes of Health in its mission, and to advance collaboration with biomedical researchers from universities, industry, and nonprofit organizations.

"(c) CERTAIN ACTIVITIES OF FOUNDATION.—

"(1) IN GENERAL.—In carrying out subsection (b), the Foundation may solicit and accept gifts, grants, and other donations, establish accounts, and invest and expend funds in sup-

port of the following activities with respect to the purpose described in such subsection:

"(A) A program to provide and administer endowed positions that are associated with the research program of the National Institutes of Health. Such endowments may be expended for the compensation of individuals holding the positions, for staff, equipment, quarters, travel, and other expenditures that are appropriate in supporting the endowed positions.

"(B) A program to provide and administer fellowships and grants to research personnel in order to work and study in association with the National Institutes of Health. Such fellowships and grants may include stipends, travel, health insurance benefits and other appropriate expenses. The recipients of fellowships shall be selected by the donors and the Foundation upon the recommendation of the National Institutes of Health employees in the laboratory where the fellow would serve, and shall be subject to the agreement of the Director of the National Institutes of Health and the Executive Director of the Foundation.

"(C) Supplementary programs to provide for—

"(i) scientists of other countries to serve in research capacities in the United States in association with the National Institutes of Health or elsewhere, or opportunities for employees of the National Institutes of Health or other public health officials in the United States to serve in such capacities in other countries, or both;

"(ii) the conduct and support of studies, projects, and research, which may include stipends, travel and other support for personnel in collaboration with national and international non-profit and for-profit organizations;

"(iii) the conduct and support of forums, meetings, conferences, courses, and training workshops that may include undergraduate, graduate, post-graduate, and post-doctoral accredited courses and the maintenance of accreditation of such courses by the Foundation at the State and national level for college or continuing education credits or for degrees;

"(iv) programs to support and encourage teachers and students of science at all levels of education and programs for the general public which promote the understanding of science;

"(v) programs for writing, editing, printing, publishing, and vending of books and other materials; and

"(vi) the conduct of other activities to carry out and support the purpose described in subsection (b).

"(2) FEES.—The Foundation may assess fees for the provision of professional, administrative and management services by the Foundation in amounts determined reasonable and appropriate by the Executive Director.

"(3) AUTHORITY OF FOUNDATION.—The Foundation shall be the sole entity responsible for carrying out the activities described in this subsection.";

(4) in subsection (d) (as so redesignated)—

(A) in paragraph (1)—

(i) by striking "members of the Foundation" in subparagraph (A) and inserting "appointed members of the Board";

(ii) by striking "Council" in subparagraph (B) and inserting "Board";

(iii) by striking "Council" in subparagraph (C) and inserting "Board"; and

(iv) by adding at the end the following subparagraphs:

"(D)(i) Not later than 30 days after the date of the enactment of the National Institutes of Health Revitalization Act of 1993, the Director of the National Institutes of Health shall convene a meeting of the ex officio members of the Board to—

"(I) incorporate the Foundation and establish the general policies of the Foundation for carrying out the purposes of subsection (b), including the establishment of the bylaws of the Foundation; and

"(II) appoint the members of the Board in accordance with subparagraph (C).

"(ii) Upon the appointment of the members of the Board under clause (i)(II), the terms of service of the ex officio members of the Board as members of the Board shall terminate.

"(E) The agreement of not less than three-fifths of the members of the ex officio members of the Board shall be required for the appointment of each member to the initial Board.

"(F) No employee of the National Institutes of Health shall be appointed as a member of the Board.

"(G) The Board may, through amendments to the bylaws of the Foundation, provide that the number of members of the Board shall be greater than the number specified in subparagraph (C).";

(B) in paragraph (2)—

(i) by striking "The ex officio" and inserting the following:

"(A) The ex officio";

(ii) by striking "an appointed member of the Board to serve as the Chair" and inserting "an individual to serve as the initial Chair"; and

(iii) by adding at the end the following subparagraph:

"(B) Upon the termination of the term of service of the initial Chair of the Board, the appointed members of the Board shall elect a member of the Board to serve as the Chair of the Board.";

(C) in paragraph (3)(A), by striking "(2)(C)" and inserting "(1)(C)"; and

(D) by adding at the end the following paragraphs:

"(5) MEETINGS AND QUORUM.—A majority of the members of the Board shall constitute a quorum for purposes of conducting the business of the Board.

"(6) CERTAIN BYLAWS.—

"(A) In establishing bylaws under this subsection, the Board shall ensure that the following are provided for:

"(i) Policies for the selection of the officers, employees, agents, and contractors of the Foundation.

"(ii) Policies, including ethical standards, for the acceptance, solicitation, and disposition of donations and grants to the Foundation and for the disposition of the assets of the Foundation. Policies with respect to ethical standards shall ensure that officers, employees and agents of the Foundation (including members of the Board) avoid encumbrances that would result in a conflict of interest, including a financial conflict of interest or a divided allegiance. Such policies shall include requirements for the provision of information concerning any ownership or controlling interest in entities related to the activities of the Foundation by such officers, employees and agents and their spouses and relatives.

"(iii) Policies for the conduct of the general operations of the Foundation.

"(iv) Policies for writing, editing, printing, publishing, and vending of books and other materials.

"(B) In establishing bylaws under this subsection, the Board shall ensure that such bylaws (and activities carried out under the bylaws) do not—

"(i) reflect unfavorably upon the ability of the Foundation or the National Institutes of Health to carry out its responsibilities or official duties in a fair and objective manner; or

"(ii) compromise, or appear to compromise, the integrity of any governmental agency or program, or any officer or employee involved in such program.";

(5) in subsection (i) (as so redesignated)—

(A) in paragraph (4), by inserting ", and define the duties of the officers and employees" before the semicolon at the end;

(B) by striking paragraph (5);

(C) by redesignating paragraphs (6) through (14), as paragraphs (5) through (13), respectively;

(D) in paragraph (7) (as so redesignated), by striking "this subtitle" and inserting "this part";

(E) by striking paragraph (8) (as so redesignated), and inserting the following paragraph:

"(8) establish a process for the selection of candidates for positions under subsection (c);"

(F) by inserting "solicit" after the paragraph designation in paragraph (11) (as so redesignated);

(G) by striking "and" at the end of paragraph (13) (as so redesignated);

(H) by inserting after paragraph (13) (as so redesignated), the following paragraph:

"(14) enter into such other contracts, leases, cooperative agreements, and other transactions as the Executive Director considers appropriate to conduct the activities of the Foundation; and"; and

(I) in paragraph (15), by striking "this subtitle" and inserting "this part";

(6) by inserting after subsection (j) (as so redesignated), the following subsections:

"(k) GENERAL PROVISIONS.—

"(1) FOUNDATION INTEGRITY.—The members of the Board shall be accountable for the integrity of the operations of the Foundation and shall ensure such integrity through the development and enforcement of criteria and procedures relating to standards of conduct (including those developed under subsection (d)(2)(B)(i)(II)), financial disclosure statements, conflict of interest rules, recusal and waiver rules, audits and other matter determined appropriate by the Board.

"(2) FINANCIAL CONFLICTS OF INTEREST.—Any individual who is an officer, employee, or member of the Board of the Foundation may not (in accordance with policies and requirements developed under subsection (d)(2)(B)(i)(II)) personally or substantially participate in the consideration or determination by the Foundation of any matter that would directly or predictably affect any financial interest of the individual or a relative (as such term is defined in section 109(16) of the Ethics in Government Act of 1978) of the individual, of any business organization or other entity, or of which the individual is an officer or employee, or is negotiating for employment, or in which the individual has any other financial interest.

"(3) AUDITS; AVAILABILITY OF RECORDS.—The Foundation shall—

"(A) provide for annual audits of the financial condition of the Foundation; and

"(B) make such audits, and all other records, documents, and other papers of the Foundation, available to the Secretary and the Comptroller General of the United States for examination or audit.

"(4) REPORTS.—

"(A) Not later than 5 months following the end of each fiscal year, the Foundation shall publish a report describing the activities of the Foundation during the preceding fiscal year. Each such report shall include for the fiscal year involved a comprehensive statement of the operations, activities, financial condition, and accomplishments of the Foundation.

"(B) With respect to the financial condition of the Foundation, each report under subparagraph (A) shall include the source, and a description of, all gifts or grants to the Foundation of real or personal property, and the source and amount of all gifts or grants to the Foundation of money. Each such report shall include a specification of any restrictions on the purposes for which gifts or grants to the Foundation may be used.

"(C) The Foundation shall make copies of each report submitted under subparagraph (A) available for public inspection, and shall upon request provide a copy of the report to any individual for a charge not exceeding the cost of providing the copy.

"(D) The Board shall annually hold a public meeting to summarize the activities of the Foundation and distribute written reports concerning such activities and the scientific results derived from such activities.

"(5) SERVICE OF FEDERAL EMPLOYEES.—Federal employees may serve on committees advisory to the Foundation and otherwise cooperate with and assist the Foundation in carrying

out its function, so long as the employees do not direct or control Foundation activities.

"(6) RELATIONSHIP WITH EXISTING ENTITIES.—The Foundation may, pursuant to appropriate agreements, merge with, acquire, or use the resources of existing nonprofit private corporations with missions similar to the purposes of the Foundation, such as the Foundation for Advanced Education in the Sciences.

"(7) INTELLECTUAL PROPERTY RIGHTS.—The Board shall adopt written standards with respect to the ownership of any intellectual property rights derived from the collaborative efforts of the Foundation prior to the commencement of such efforts.

"(8) NATIONAL INSTITUTES OF HEALTH AMENDMENTS OF 1990.—The activities conducted in support of the National Institutes of Health Amendments of 1990 (Public Law 101–613), and the amendments made by such Act, shall not be nullified by the enactment of this section.

"(9) LIMITATION OF ACTIVITIES.—The Foundation shall exist solely as an entity to work in collaboration with the research programs of the National Institutes of Health. The Foundation may not undertake activities (such as the operation of independent laboratories or competing for Federal research funds) that are independent of those of the National Institutes of Health research programs.

"(10) TRANSFER OF FUNDS.—The Foundation may not transfer funds to the National Institutes of Health.

"(l) DUTIES OF THE DIRECTOR.—

"(1) APPLICABILITY OF CERTAIN STANDARDS TO NON-FEDERAL EMPLOYEES.—In the case of any individual who is not an employee of the Federal Government and who serves in association with the National Institutes of Health, with respect to financial assistance received from the Foundation, the Foundation may not provide the assistance of, or otherwise permit the work at the National Institutes of Health to begin until a memorandum of understanding between the individual and the Director of the National Institutes of Health, or the designee of such Director, has been executed specifying that the individual shall be subject to such ethical and procedural standards of conduct relating to duties performed at the National Institutes of Health, as the Director of the National Institutes of Health determines is appropriate.

"(2) SUPPORT SERVICES.—The Director of the National Institutes of Health may provide facilities, utilities and support services to the Foundation if it is determined by the Director to be advantageous to the research programs of the National Institutes of Health.";

(7) in subsection (m) (as so redesignated), by amending the subsection to read as follows:

"(m) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this part, there is authorized to be appropriated an aggregate $200,000 for the fiscal years 1994 and 1995.

"(2) LIMITATION REGARDING OTHER FUNDS.—Amounts appropriated under any provision of law other than paragraph (1) may not be expended to establish or operate the Foundation."; and

(8) by adding at the end the following subsection:

"(n) REPORT ON ADEQUACY OF COMPLIANCE.—

"(1) IN GENERAL.—With respect to the mission and function of the Foundation, the Comptroller General of the United States shall conduct an audit to determine—

"(A) whether the Foundation is in compliance with the guidelines established under this section; and

"(B) whether the procedures utilized under this section are adequate to prevent conflicts of interest involving the Foundation, the employees of the Foundation or members of the Board of the Foundation.

"(2) REPORT.—Not later than 18 months after the date on which the Foundation is incorporated, the Comptroller General of the United States shall complete the audit required under paragraph (1) and prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate, a report describing the findings made with respect to such audit.".

TITLE XVIII—RESEARCH WITH RESPECT TO ACQUIRED IMMUNE DEFICIENCY SYNDROME

Subtitle A—Office of AIDS Research

SEC. 1801. ESTABLISHMENT OF OFFICE.

(a) IN GENERAL.—Part D of title XXIII of the Public Health Service Act (42 U.S.C. 300cc–41 et seq.) is amended—

(1) by striking the part designation and the heading for the part;

42 USC 300cc–41.

(2) by redesignating section 2351 as section 2354; and

(3) by inserting before section 2354 (as so redesignated) the following:

"PART D—OFFICE OF AIDS RESEARCH

"Subpart I—Interagency Coordination of Activities

42 USC 300cc–40.

"SEC. 2351. ESTABLISHMENT OF OFFICE.

"(a) IN GENERAL.—There is established within the National Institutes of Health an office to be known as the Office of AIDS Research. The Office shall be headed by a director, who shall be appointed by the Secretary.

"(b) DUTIES.—

"(1) INTERAGENCY COORDINATION OF AIDS ACTIVITIES.—With respect to acquired immune deficiency syndrome, the Director of the Office shall plan, coordinate, and evaluate research and other activities conducted or supported by the agencies of the National Institutes of Health. In carrying out the preceding sentence, the Director of the Office shall evaluate the AIDS activities of each of such agencies and shall provide for the periodic reevaluation of such activities.

"(2) CONSULTATIONS.—The Director of the Office shall carry out this subpart (including developing and revising the plan

required in section 2353) in consultation with the heads of the agencies of the National Institutes of Health, with the advisory councils of the agencies, and with the advisory council established under section 2352.

"(3) COORDINATION.—The Director of the Office shall act as the primary Federal official with responsibility for overseeing all AIDS research conducted or supported by the National Institutes of Health, and

"(A) shall serve to represent the National Institutes of Health AIDS Research Program at all relevant Executive branch task forces and committees; and

"(B) shall maintain communications with all relevant Public Health Service agencies and with various other departments of the Federal Government, to ensure the timely transmission of information concerning advances in AIDS research and the clinical treatment of acquired immune deficiency syndrome and its related conditions, between these various agencies for dissemination to affected communities and health care providers.

"SEC. 2352. ADVISORY COUNCIL; COORDINATING COMMITTEES.

42 USC 300cc-40a.

"(a) ADVISORY COUNCIL.—

"(1) IN GENERAL.—The Secretary shall establish an advisory council for the purpose of providing advice to the Director of the Office on carrying out this part. (Such council is referred to in this subsection as the 'Advisory Council'.)

"(2) COMPOSITION, COMPENSATION, TERMS, CHAIR, ETC.—Subsections (b) through (g) of section 406 apply to the Advisory Council to the same extent and in the same manner as such subsections apply to advisory councils for the national research institutes, except that—

"(A) in addition to the ex officio members specified in section 406(b)(2), there shall serve as such members of the Advisory Council a representative from the advisory council of each of the National Cancer Institute and the National Institute on Allergy and Infectious Diseases; and

"(B) with respect to the other national research institutes, there shall serve as ex officio members of such Council, in addition to such members specified in subparagraph (A), a representative from the advisory council of each of the 2 institutes that receive the greatest funding for AIDS activities.

"(b) INDIVIDUAL COORDINATING COMMITTEES REGARDING RESEARCH DISCIPLINES.—

"(1) IN GENERAL.—The Director of the Office shall establish, for each research discipline in which any activity under the plan required in section 2353 is carried out, a committee for the purpose of providing advice to the Director of the Office on carrying out this part with respect to such discipline. (Each such committee is referred to in this subsection as a 'coordinating committee'.)

"(2) COMPOSITION.—Each coordinating committee shall be composed of representatives of the agencies of the National Institutes of Health with significant responsibilities regarding the research discipline involved.

42 USC 300cc-40b.

"SEC. 2353. COMPREHENSIVE PLAN FOR EXPENDITURE OF APPROPRIATIONS.

"(a) IN GENERAL.—Subject to the provisions of this section and other applicable law, the Director of the Office, in carrying out section 2351, shall—

"(1) establish a comprehensive plan for the conduct and support of all AIDS activities of the agencies of the National Institutes of Health (which plan shall be first established under this paragraph not later than 12 months after the date of the enactment of the National Institutes of Health Revitalization Act of 1993);

"(2) ensure that the Plan establishes priorities among the AIDS activities that such agencies are authorized to carry out;

"(3) ensure that the Plan establishes objectives regarding such activities, describes the means for achieving the objectives, and designates the date by which the objectives are expected to be achieved;

"(4) ensure that all amounts appropriated for such activities are expended in accordance with the Plan;

"(5) review the Plan not less than annually, and revise the Plan as appropriate; and

"(6) ensure that the Plan serves as a broad, binding statement of policies regarding AIDS activities of the agencies, but does not remove the responsibility of the heads of the agencies for the approval of specific programs or projects, or for other details of the daily administration of such activities, in accordance with the Plan.

"(b) CERTAIN COMPONENTS OF PLAN.—With respect to AIDS activities of the agencies of the National Institutes of Health, the Director of the Office shall ensure that the Plan—

"(1) provides for basic research;

"(2) provides for applied research;

"(3) provides for research that is conducted by the agencies;

"(4) provides for research that is supported by the agencies;

"(5) provides for proposals developed pursuant to solicitations by the agencies and for proposals developed independently of such solicitations; and

"(6) provides for behavioral research and social sciences research.

"(c) BUDGET ESTIMATES.—

"(1) FULL-FUNDING BUDGET.—

"(A) With respect to a fiscal year, the Director of the Office shall prepare and submit directly to the President, for review and transmittal to the Congress, a budget estimate for carrying out the Plan for the fiscal year, after reasonable opportunity for comment (but without change) by the Secretary, the Director of the National Institutes of Health, and the advisory council established under section 2352. The budget estimate shall include an estimate of the number and type of personnel needs for the Office.

"(B) The budget estimate submitted under subparagraph (A) shall estimate the amounts necessary for the agencies of the National Institutes of Health to carry out all AIDS activities determined by the Director of the Office to be appropriate, without regard to the probability that such amounts will be appropriated.

"(2) ALTERNATIVE BUDGETS.—

"(A) With respect to a fiscal year, the Director of the Office shall prepare and submit to the Secretary and the Director of the National Institutes of Health the budget estimates described in subparagraph (B) for carrying out the Plan for the fiscal year. The Secretary and such Director shall consider each of such estimates in making recommendations to the President regarding a budget for the Plan for such year.

"(B) With respect to the fiscal year involved, the budget estimates referred to in subparagraph (A) for the Plan are as follows:

"(i) The budget estimate submitted under paragraph (1).

"(ii) A budget estimate developed on the assumption that the amounts appropriated will be sufficient only for—

"(I) continuing the conduct by the agencies of the National Institutes of Health of existing AIDS activities (if approved for continuation), and continuing the support of such activities by the agencies in the case of projects or programs for which the agencies have made a commitment of continued support; and

"(II) carrying out, of activities that are in addition to activities specified in subclause (I), only such activities for which the Director determines there is the most substantial need.

"(iii) Such other budget estimates as the Director of the Office determines to be appropriate.

"(d) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out AIDS activities under the Plan, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1994 through 1996.

"(2) RECEIPT OF FUNDS.—For the first fiscal year beginning after the date on which the Plan first established under section 2353(a)(1) has been in effect for 12 months, and for each subsequent fiscal year, the Director of the Office shall receive directly from the President and the Director of the Office of Management and Budget all funds available for AIDS activities of the National Institutes of Health.

"(3) ALLOCATIONS FOR AGENCIES.—

"(A) Each fiscal year the Director of the Office shall, from the amounts received under paragraph (2) for the fiscal year, allocate to the agencies of the National Institutes of Health (in accordance with the Plan) all amounts available for such year for carrying out the AIDS activities specified in subsection (c)(2)(B)(ii)(I) for such year. Such allocation shall, to the extent practicable, be made not later than 15 days after the date on which the Director receives amounts under paragraph (2).

"(B) Each fiscal year the Director of the Office shall, from the amounts received under paragraph (2) for the fiscal year, allocate to the agencies of the National Institutes of Health (in accordance with the Plan) all amounts available for such year for carrying out AIDS

activities that are not referred to in subparagraph (A). Such allocation shall, to the extent practicable, be made not later than 30 days after the date on which the Director receives amounts under paragraph (2).".

(b) CONFORMING AMENDMENTS.—Section 2354 of the Public Health Service Act, as redesignated by subsection (a)(2) of this section, is amended—

(1) in the heading for the section, by striking "**ESTABLISHMENT OF**" and inserting "**ADDITIONAL**";

(2) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "In carrying out" and all that follows and inserting the following: "In carrying out AIDS research, the Director of the Office—";

(B) by striking paragraphs (1) and (2) and redesignating paragraphs (3) through (8) as paragraphs (1) through (6);

(C) in paragraph (3) (as so redesignated), by striking "may" and all that follows in the matter preceding subparagraph (A) and inserting the following: "may support—";

(D) in paragraph (5) (as so redesignated)—

(i) in subparagraph (A)—

"(I) by striking "may" and all that follows through "acquire," and inserting "may acquire,"; and

"(II) by striking "Director" and all that follows through "determines" and inserting "Director of the Office determines";

(ii) in subparagraph (B), by striking "may" and all that follows through "make grants" and inserting "may make grants"; and

(iii) in subparagraph (C), by striking "may" and all that follows through "acquire," and inserting "may acquire,"; and

(E) in each of paragraphs (2), (3)(A), and (4) (as so redesignated), by striking "research relating to acquired immune deficiency syndrome" and inserting "AIDS research";

(3) in subsection (b), in the matter preceding paragraph (1), by striking "The Director" and all that follows through "shall" and inserting "The Director of the Office shall"; and

(4) in subsection (c), by striking "the Director" and all that follows through "shall" and inserting "the Director of the Office shall".

SEC. 1802. ESTABLISHMENT OF EMERGENCY DISCRETIONARY FUND.

Part D of title XXIII of the Public Health Service Act, as amended by section 1801 of this Act, is amended by adding at the end the following subpart:

"Subpart II—Emergency Discretionary Fund

42 USC 300cc-43.

"SEC. 2356. EMERGENCY DISCRETIONARY FUND.

"(a) IN GENERAL.—

"(1) ESTABLISHMENT.—There is established a fund consisting of such amounts as may be appropriated under subsection (g). Subject to the provisions of this section, the Director of

the Office, after consultation with the advisory council established under section 2352, may expend amounts in the Fund for the purpose of conducting and supporting such AIDS activities, including projects of AIDS research, as may be authorized in this Act for the National Institutes of Health.

"(2) PRECONDITIONS TO USE OF FUND.—Amounts in the Fund may be expended only if—

"(A) the Director identifies the particular set of AIDS activities for which such amounts are to be expended;

"(B) the set of activities so identified constitutes either a new project or additional AIDS activities for an existing project;

"(C) the Director of the Office has made a determination that there is a significant need for such set of activities; and

"(D) as of June 30 of the fiscal year preceding the fiscal year in which the determination is made, such need was not provided for in any appropriations Act passed by the House of Representatives to make appropriations for the Departments of Labor, Health and Human Services (including the National Institutes of Health), Education, and related agencies for the fiscal year in which the determination is made.

"(3) TWO-YEAR USE OF FUND FOR PROJECT INVOLVED.—In the case of an identified set of AIDS activities, obligations of amounts in the Fund may not be made for such set of activities after the expiration of the 2-year period beginning on the date on which the initial obligation of such amounts is made for such set.

"(b) PEER REVIEW.—With respect to an identified set of AIDS activities carried out with amounts in the Fund, this section may not be construed as waiving applicable requirements for peer review.

"(c) LIMITATIONS ON USE OF FUND.—

"(1) CONSTRUCTION OF FACILITIES.—Amounts in the Fund may not be used for the construction, renovation, or relocation of facilities, or for the acquisition of land.

"(2) CONGRESSIONAL DISAPPROVAL OF PROJECTS.—

"(A) Amounts in the Fund may not be expended for the fiscal year involved for an identified set of AIDS activities, or a category of AIDS activities, for which—

"(i)(I) amounts were made available in an appropriations Act for the preceding fiscal year; and

"(II) amounts are not made available in any appropriations Act for the fiscal year involved; or

"(ii) amounts are by law prohibited from being expended.

"(B) A determination under subparagraph (A)(i) of whether amounts have been made available in appropriations Acts for a fiscal year shall be made without regard to whether such Acts make available amounts for the Fund.

"(3) INVESTMENT OF FUND AMOUNTS.—Amounts in the Fund may not be invested.

"(d) APPLICABILITY OF LIMITATION REGARDING NUMBER OF EMPLOYEES.—The purposes for which amounts in the Fund may be expended include the employment of individuals necessary to carry out identified sets of AIDS activities approved under subsection (a). Any individual employed under the preceding sentence

may not be included in any determination of the number of full-time equivalent employees for the Department of Health and Human Services for the purpose of any limitation on the number of such employees established by law prior to, on, or after the date of the enactment of the National Institutes of Health Revitalization Act of 1993.

"(e) REPORT TO CONGRESS.—Not later than February 1 of each fiscal year, the Director of the Office shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report on the identified sets of AIDS activities carried out during the preceding fiscal year with amounts in the Fund. The report shall provide a description of each such set of activities and an explanation of the reasons underlying the use of the Fund for the set.

"(f) DEFINITIONS.—For purposes of this section:

"(1) The term 'Fund' means the fund established in subsection (a).

"(2) The term 'identified set of AIDS activities' means a particular set of AIDS activities identified under subsection (a)(2)(A).

"(g) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of providing amounts for the Fund, there is authorized to be appropriated $100,000,000 for each of the fiscal years 1994 through 1996.

"(2) AVAILABILITY.—Amounts appropriated for the Fund are available until expended.".

SEC. 1803. GENERAL PROVISIONS.

Part D of title XXIII of the Public Health Service Act, as amended by section 1802 of this Act, is amended by adding at the end the following subpart:

"Subpart III—General Provisions

42 USC 300cc-45.

"SEC. 2359. GENERAL PROVISIONS REGARDING THE OFFICE.

"(a) ADMINISTRATIVE SUPPORT FOR OFFICE.—The Secretary, acting through the Director of the National Institutes of Health, shall provide administrative support and support services to the Director of the Office and shall ensure that such support takes maximum advantage of existing administrative structures at the agencies of the National Institutes of Health.

"(b) EVALUATION AND REPORT.—

"(1) EVALUATION.—Not later than 5 years after the date of the enactment of National Institutes of Health Revitalization Act of 1993, the Secretary shall conduct an evaluation to—

"(A) determine the effect of this section on the planning and coordination of the AIDS research programs at the institutes, centers and divisions of the National Institutes of Health;

"(B) evaluate the extent to which this part has eliminated the duplication of administrative resources among such Institutes, centers and divisions; and

"(C) provide recommendations concerning future alterations with respect to this part.

"(2) REPORT.—Not later than 1 year after the date on which the evaluation is commenced under paragraph (1), the Secretary shall prepare and submit to the Committee on Labor and Human Resources of the Senate, and the Committee on Energy and Commerce of the House of Representatives, a report concerning the results of such evaluation.

"(c) DEFINITIONS.—For purposes of this part:

"(1) The term 'AIDS activities' means AIDS research and other activities that relate to acquired immune deficiency syndrome.

"(2) The term 'AIDS research' means research with respect to acquired immune deficiency syndrome.

"(3) The term 'Office' means the Office of AIDS Research.

"(4) The term 'Plan' means the plan required in section 2353(a)(1).".

Subtitle B—Certain Programs

SEC. 1811. REVISION AND EXTENSION OF CERTAIN PROGRAMS.

Title XXIII of the Public Health Service Act (42 U.S.C. 300cc et seq.) is amended—

(1) in section 2304(c)(1)— 42 USC 300c-3.

(A) in the matter preceding subparagraph (A), by inserting after "Director of such Institute" the following: "(and may provide advice to the Directors of other agencies of the National Institutes of Health, as appropriate)"; and

(B) in subparagraph (A), by inserting before the semicolon the following: ", including recommendations on the projects of research with respect to diagnosing immune deficiency and with respect to predicting, diagnosing, preventing, and treating opportunistic cancers and infectious diseases";

(2) in section 2311(a)(1), by inserting before the semicolon the following: ", including evaluations of methods of diagnosing immune deficiency and evaluations of methods of predicting, diagnosing, preventing, and treating opportunistic cancers and infectious diseases"; 42 USC 300cc-11.

(3) in section 2315—

(A) in subsection (a)(2), by striking "international research" and all that follows and inserting "international research and training concerning the natural history and pathogenesis of the human immunodeficiency virus and the development and evaluation of vaccines and treatments for acquired immune deficiency syndrome and opportunistic infections."; and 42 USC 300cc-15.

(B) in subsection (f), by striking "there are authorized" and all that follows and inserting "there are authorized to be appropriated such sums as may be necessary for each fiscal year.";

(4) in section 2318— 42 USC 300cc-18.

(A) in subsection (a)(1)—

(i) by inserting after "The Secretary" the following: ", acting through the Director of the National Institutes of Health and after consultation with the Administrator for Health Care Policy and Research,"; and

(ii) by striking "syndrome" and inserting "syndrome, including treatment and prevention of HIV infection and related conditions among women"; and

(B) in subsection (e), by striking "1991." and inserting the following: "1991, and such sums as may be necessary for each of the fiscal years 1994 through 1996.";

42 USC 300cc-20.

(5) in section 2320(b)(1)(A), by striking "syndrome" and inserting "syndrome and the natural history of such infection";

(6) in section 2320(e)(1), by striking "there are authorized" and all that follows and inserting "there are authorized to be appropriated such sums as may be necessary for each fiscal year.";

42 USC 300cc-31.

(7) in section 2341(d), by striking "there are authorized" and all that follows and inserting "there are authorized to be appropriated such sums as may be necessary for each fiscal year."; and

42 USC 300cc-51.

(8) in section 2361, by striking "For purposes" and all that follows and inserting the following:

"For purposes of this title:

"(1) The term 'infection', with respect to the etiologic agent for acquired immune deficiency syndrome, includes opportunistic cancers and infectious diseases and any other conditions arising from infection with such etiologic agent.

"(2) The term 'treatment', with respect to the etiologic agent for acquired immune deficiency syndrome, includes primary and secondary prophylaxis.".

TITLE XIX—STUDIES

SEC. 1901. LIFE-THREATENING ILLNESSES.

42 USC 282 note.

(a) THIRD-PARTY PAYMENTS REGARDING CERTAIN CLINICAL TRIALS AND CERTAIN LIFE-THREATENING ILLNESSES.—The Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, shall conduct a study for the purpose of—

(1) determining the policies of third-party payors regarding the payment of the costs of appropriate health services that are provided incident to the participation of individuals as subjects in clinical trials conducted in the development of drugs with respect to acquired immune deficiency syndrome, cancer, and other life-threatening illnesses; and

(2) developing recommendations regarding such policies.

42 USC 300cc note.

(b) VACCINES FOR HUMAN IMMUNODEFICIENCY VIRUS.—

(1) IN GENERAL.—The Secretary of Health and Human Services, acting through the National Institutes of Health, shall develop a plan for the appropriate inclusion of HIV-infected women, including pregnant women, HIV-infected infants, and HIV-infected children in studies conducted by or through the National Institutes of Health concerning the safety and efficacy of HIV vaccines for the treatment and prevention of HIV infection. Such plan shall ensure the full participation of other Federal agencies currently conducting HIV vaccine studies and require that such studies conform fully to the requirements of part 46 of title 45, Code of Federal Regulations.

(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Health and Human

Services shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives, and the Committee on Labor and Human Resources of the Senate, a report concerning the plan developed under paragraph (1).

(3) IMPLEMENTATION.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall implement the plan developed under paragraph (1), including measures for the full participation of other Federal agencies currently conducting HIV vaccine studies.

(4) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1994 through 1996.

SEC. 1902. MALNUTRITION IN THE ELDERLY.

42 USC 285e note.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the "Secretary"), acting through the National Institute on Aging, coordinating with the Agency for Health Care Policy and Research and, to the degree possible, in consultation with the head of the National Nutrition Monitoring and Related Research Program established by section 5311(a) of Public Law 101–445 (7 U.S.C. 5301 et seq.), shall conduct a 3-year nutrition screening and intervention activities study of the elderly.

(2) EFFICACY AND COST-EFFECTIVENESS OF NUTRITION SCREENING AND INTERVENTION ACTIVITIES.—In conducting the study, the Secretary shall determine the efficacy and cost-effectiveness of nutrition screening and intervention activities conducted in the elderly health and long-term care continuum, and of a program that would institutionalize nutrition screening and intervention activities. In evaluating such a program, the Secretary shall determine—

(A) if health or quality of life is measurably improved for elderly individuals who receive routine nutritional screening and treatment;

(B) if federally subsidized home or institutional care is reduced because of increased independence of elderly individuals resulting from improved nutritional status;

(C) if a multidisciplinary approach to nutritional care is effective in addressing the nutritional needs of elderly individuals; and

(D) if reimbursement for nutrition screening and intervention activities is a cost-effective approach to improving the health status of elderly individuals.

(3) POPULATIONS.—The populations of elderly individuals in which the study will be conducted shall include populations of elderly individuals who are—

(A) living independently, including—

(i) individuals who receive home and community-based services or family support;

(ii) individuals who do not receive additional services and support;

(iii) individuals with low incomes; and

(iv) individuals who are minorities;

(B) hospitalized, including individuals admitted from home and from institutions; and

(C) institutionalized in residential facilities such as nursing homes and adult homes.

(b) MALNUTRITION STUDY.—The Secretary, acting through the National Institute on Aging, shall conduct a 3-year study to determine the extent of malnutrition in elderly individuals in hospitals and long-term care facilities and in elderly individuals who are living independently.

(c) REPORT.—The Secretary shall submit a report to the Committee on Labor and Human Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives containing the findings resulting from the studies described in subsections (a) and (b), including a determination regarding whether a program that would institutionalize nutrition screening and intervention activities should be adopted, and the rationale for the determination.

(d) ADVISORY PANEL.—

(1) ESTABLISHMENT.—The Secretary, acting through the Director of the National Institute on Aging, shall establish an advisory panel that shall oversee the design, implementation, and evaluation of the studies described in subsections (a) and (b).

(2) COMPOSITION.—The advisory panel shall include representatives appointed for the life of the panel by the Secretary from the Health Care Financing Administration, the Social Security Administration, the National Center for Health Statistics, the Administration on Aging, the National Council on the Aging, the American Dietetic Association, the American Academy of Family Physicians, and such other agencies or organizations as the Secretary determines to be appropriate.

(3) COMPENSATION AND EXPENSES.—

(A) COMPENSATION.—Each member of the advisory panel who is not an employee of the Federal Government shall receive compensation for each day engaged in carrying out the duties of the panel, including time engaged in traveling for purposes of such duties. Such compensation may not be provided in an amount in excess of the maximum rate of basic pay payable for GS–18 of the General Schedule.

(B) TRAVEL EXPENSES.—Each member of the advisory panel shall receive travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, for each day the member is engaged in the performance of duties away from the home or regular place of business of the member.

(4) DETAIL OF FEDERAL EMPLOYEES.—On the request of the advisory panel, the head of any Federal agency shall detail, without reimbursement, any of the personnel of the agency to the advisory panel to assist the advisory panel in carrying out its duties. Any detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

(5) TECHNICAL ASSISTANCE.—On the request of the advisory panel, the head of a Federal agency shall provide such technical assistance to the advisory panel as the advisory panel determines to be necessary to carry out its duties.

(6) TERMINATION.—Notwithstanding section 15 of the Federal Advisory Committee Act (5 U.S.C. App.), the advisory panel shall terminate 3 years after the date of enactment of this Act.

SEC. 1903. RESEARCH ACTIVITIES ON CHRONIC FATIGUE SYNDROME. Reports. 42 USC 285f-1 note.

The Secretary of Health and Human Services shall, not later than October 1, 1993, and annually thereafter for the next 3 years, prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate, a report that summarizes the research activities conducted or supported by the National Institutes of Health concerning chronic fatigue syndrome. Such report should include information concerning grants made, cooperative agreements or contracts entered into, intramural activities, research priorities and needs, and a plan to address such priorities and needs.

SEC. 1904. REPORT ON MEDICAL USES OF BIOLOGICAL AGENTS IN DEVELOPMENT OF DEFENSES AGAINST BIOLOGICAL WARFARE. 42 USC 281 note.

The Secretary of Health and Human Services, in consultation with the Secretary of Defense and with the heads of other appropriate executive agencies, shall report to the House Energy and Commerce Committee and the Senate Labor and Human Resources Committee on the appropriateness and impact of the National Institutes of Health assuming responsibility for the conduct of all Federal research, development, testing, and evaluation functions relating to medical countermeasures against biowarfare threat agents. In preparing the report, the Secretary of Health and Human Services shall identify the extent to which such activities are carried out by agencies other than the National Institutes of Health, and assess the impact (positive and negative) of the National Institutes of Health assuming responsibility for such activities, including the impact under the Budget Enforcement Act and the Omnibus Budget Reconciliation Act of 1990 on existing National Institutes of Health research programs as well as other programs within the category of domestic discretionary spending. Such Secretary shall submit the report not later than 12 months after the date of the enactment of this Act. The Secretary shall provide a copy of the report to the House and Senate Committees on Armed Services.

SEC. 1905. PERSONNEL STUDY OF RECRUITMENT, RETENTION AND TURNOVER. 42 USC 282 note.

(a) STUDY OF PERSONNEL SYSTEM.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, shall conduct a study to review the retention, recruitment, vacancy and turnover rates of support staff, including firefighters, law enforcement, procurement officers, technicians, nurses and clerical employees, to ensure that the National Institutes of Health is adequately supporting the conduct of efficient, effective and high quality research for the American public. The Director of NIH shall work in conjunction with appropriate employee organizations and representatives in developing such a study.

(b) SUBMISSION TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services shall prepare and submit to the Committee Reports.

on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report containing the study conducted under subsection (a) together with the recommendations of the Secretary concerning the enactment of legislation to implement the results of such study.

SEC. 1906. PROCUREMENT.

(a) IN GENERAL.—The Director of the National Institutes of Health and the Administrator of the General Services Administration shall jointly conduct a study to develop a streamlined procurement system for the National Institutes of Health that complies with the requirements of Federal law.

(b) REPORT.—Not later than March 1, 1994, the officials specified in subsection (a) shall complete the study required in such subsection and shall submit to the Committee on Energy and Commerce of the House of Representatives, and the Committee on Labor and Human Resources of the Senate, a report describing the findings made as a result of the study.

42 USC 282 note.

SEC. 1907. CHRONIC PAIN CONDITIONS.

(a) IN GENERAL.—The Director of the National Institutes of Health (in this section referred to as the 'Director'), acting through the Director of the National Institute of Dental Research and as appropriate through the heads of other agencies of such Institutes, shall conduct a study for the purpose of determining the incidence in the United States of cases of chronic pain (including chronic pain resulting from back injuries) and the effect of such cases on the costs of health care in the United States.

(b) CERTAIN ELEMENTS OF STUDY.—The cases of chronic pain with respect to which the study required in subsection (a) is conducted shall include reflex sympathetic dystrophy syndrome, temporomandibular joint disorder, post-herpetic neuropathy, painful diabetic neuropathy, phantom pain, and post-stroke pain.

(c) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Director shall complete the study required in subsection (a) and submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the findings made as a result of the study.

42 USC 290aa-2 note.

SEC. 1908. RELATIONSHIP BETWEEN THE CONSUMPTION OF LEGAL AND ILLEGAL DRUGS.

(a) IN GENERAL.—The Secretary of Health and Human Services shall review and consider all existing relevant data and research concerning whether there is a relationship between an individual's receptivity to use or consume legal drugs and the consumption or abuse by the individual of illegal drugs. On the basis of such review, the Secretary shall determine whether additional research is necessary. If the Secretary determines additional research is required, the Secretary shall conduct a study of those subjects where the Secretary's review indicates additional research is needed, including, if necessary, a review of—

(1) the effect of advertising and marketing campaigns that promote the use of legal drugs on the public;

(2) the correlation of legal drug abuse with illegal drug abuse; and

(3) other matters that the Secretary determines appropriate.

(b) REPORT.—Not later than 12 months after the date of enactment of this Act, the Secretary shall prepare and submit, to the Committee on Energy and Commerce of the House of Representatives and Committee on Labor and Human Resources of the Senate, a report containing the results of the review conducted under subsection (b). If the Secretary determines additional research is required, no later than 2 years after the date of enactment of this Act, the Secretary shall prepare and submit, to the Committee on Energy and Commerce of the House of Representatives and Committee on Labor and Human Resources of the Senate, a report containing the results of the additional research conducted under subsection (b).

SEC. 1909. REDUCING ADMINISTRATIVE HEALTH CARE COSTS.

42 USC 299a note.

The Secretary of Health and Human Services, acting through the Agency for Health Care Policy and Research and, to the extent possible, in consultation with the Health Care Financing Administration, may fund research to develop a text-based standardized billing process, through the utilization of text-based information retrieval and natural language processing techniques applied to automatic coding and analysis of textual patient discharge summaries and other text-based electronic medical records, within a parallel general purpose (shared memory) high performance computing environment. The Secretary shall determine whether such a standardized approach to medical billing, through the utilization of the text-based hospital discharge summary as well as electronic patient records can reduce the administrative billing costs of health care delivery.

SEC. 1910. SENTINEL DISEASE CONCEPT STUDY.

42 USC 241 note.

(a) IN GENERAL.—The Secretary of Health and Human Services, in cooperation with the Agency for Toxic Substances and Disease Registry and the Centers for Disease Control and Prevention, shall design and implement a pilot sentinel disease surveillance system, and as appropriate, a follow-up system.

(b) PURPOSE.—The purpose of the study conducted under subsection (a) shall be to determine the applicability of and the difficulties associated with the implementation of the sentinel disease concept for identifying the relationship between the occupation of household members and the incidence of subsequent conditions or diseases in other members of the household.

(c) REPORT.—Not later than 4 years after the date of enactment of this Act, the Director of the National Institutes of Health shall prepare and submit to the appropriate committees of Congress, a report concerning the results of the study conducted under subsection (a).

SEC. 1911. POTENTIAL ENVIRONMENTAL AND OTHER RISKS CONTRIBUTING TO INCIDENCE OF BREAST CANCER.

42 USC 280e-3 note.

(a) REQUIREMENT OF STUDY.—

(1) IN GENERAL.—The Director of the National Cancer Institute (in this section referred to as the "Director"), in collaboration with the Director of the National Institute of Environmental Health Sciences, shall conduct a case-control study to assess biological markers of environmental and other potential risk factors contributing to the incidence of breast cancer in—

(A) the Counties of Nassau and Suffolk, in the State of New York; and

(B) the 2 counties in the northeastern United States that, as identified in the report specified in paragraph (2), had the highest age-adjusted mortality rate of such cancer that reflected not less than 30 deaths during the 5-year period for which findings are made in the report.

(2) RELEVANT REPORT.—The report referred to in paragraph (1)(B) is the report of the findings made in the study entitled "Survival, Epidemiology, and End Results", relating to cases of cancer during the years 1983 through 1987.

(b) CERTAIN ELEMENTS OF STUDY.—Activities of the Director in carrying out the study under subsection (a) shall include the use of a geographic system to evaluate the current and past exposure of individuals, including direct monitoring and cumulative estimates of exposure, to—

(1) contaminated drinking water;

(2) sources of indoor and ambient air pollution, including emissions from aircraft;

(3) electromagnetic fields;

(4) pesticides and other toxic chemicals;

(5) hazardous and municipal waste; and

(6) such other factors as the Director determines to be appropriate.

(c) REPORT.—Not later than 30 months after the date of the enactment of this Act, the Director shall complete the study required in subsection (a) and submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the findings made as a result of the study.

(d) FUNDING.—Of the amounts appropriated for fiscal years 1994 and 1995 for the National Institute of Environmental Health Sciences and the National Cancer Institute, the Director of the National Institutes of Health shall make available amounts for carrying out the study required in subsection (a).

42 USC 282 note.

SEC. 1912. SUPPORT FOR BIOENGINEERING RESEARCH.

(a) STUDY.—The Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, shall conduct a study for the purpose of—

(1) determining the sources and amounts of public and private funding devoted to basic research in bioengineering, including biomaterials sciences, cellular bioprocessing, tissue and rehabilitation engineering;

(2) evaluating whether that commitment is sufficient to maintain the innovative edge that the United States has in these technologies;

(3) evaluating the role of the National Institutes of Health or any other Federal agency to achieve a greater commitment to innovation in bioengineering; and

(4) evaluating the need for better coordination and collaboration among Federal agencies and between the public and private sectors.

In conducting such study, the Director shall work in conjunction with appropriate organizations and representatives including academics, industry leaders, bioengineering societies, and public agencies.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall prepare and submit to the Committee on Labor and Human Resources of the Senate, and the Committee on Energy and Commerce of the House of Representatives, a report containing the findings of the study conducted under subsection (a) together with recommendations concerning the enactment of legislation to implement the results of such study.

SEC. 1913. COST OF CARE IN LAST 6 MONTHS OF LIFE.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the "Secretary"), acting through the Agency for Health Care Policy and Research and, to the degree possible, in consultation with the Health Care Financing Administration, shall conduct a study, using the most recent National Medical Expenditure Survey database, to estimate the average amount of health care expenditures incurred during the last 6 months of life by—

(A) the population of individuals who are 65 years of age and older; and

(B) the total population, broken down based on noninstitutionalized and institutionalized populations.

(2) ELEMENTS OF STUDY.—The study conducted under paragraph (1) shall—

(A) be designed in a manner that will produce estimates of health care costs expended for health care provided to individuals during the last 6 months of life;

(B) be designed to produce estimates of such costs for the populations identified in subparagraphs (A) and (B) of paragraph (1);

(C) include a calculation of the estimated amount of total health care expenditures during such periods of time; and

(D) include a calculation of the estimate described in subparagraph (C)—

(i) as a percentage of the total national health care expenditures; and

(ii) for those age 65 years and over, as a percentage of the total Medicare expenditures for those age 65 years and over.

(b) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall prepare and submit to the Committee on Labor and Human Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives, a report containing the findings resulting from the study described in subsection (a).

(c) 1996 NATIONAL MEDICAL EXPENDITURE SURVEY.—

(1) IN GENERAL.—The Secretary, acting through the Agency for Health Care Policy and Research, shall ensure that the 1996 National Medical Expenditure Survey is designed in a manner that will produce an estimate of the amount expended for health care provided to individuals during the last 6 months of life.

(2) POPULATIONS.—In designing the Survey under paragraph (1), the Secretary shall ensure that such Survey produces the data required under such paragraph for the population

of individuals who are 65 years of age or older, broken down based on noninstitutionalized and institutionalized populations.

TITLE XX—MISCELLANEOUS PROVISIONS

SEC. 2001. DESIGNATION OF SENIOR BIOMEDICAL RESEARCH SERVICE IN HONOR OF SILVIO O. CONTE; LIMITATION ON NUMBER OF MEMBERS.

(a) IN GENERAL.—Section 228(a) of the Public Health Service Act (42 U.S.C. 237(a)), as added by section 304 of Public Law 101–509, is amended to read as follows:

"(a)(1) There shall be in the Public Health Service a Silvio O. Conte Senior Biomedical Research Service, not to exceed 500 members.

"(2) The authority established in paragraph (1) regarding the number of members in the Silvio O. Conte Senior Biomedical Research Service is in addition to any authority established regarding the number of members in the commissioned Regular Corps, in the Reserve Corps, and in the Senior Executive Service. Such paragraph may not be construed to require that the number of members in the commissioned Regular Corps, in the Reserve Corps, or in the Senior Executive Service be reduced to offset the number of members serving in the Silvio O. Conte Senior Biomedical Research Service (in this section referred to as the 'Service').".

(b) CONFORMING AMENDMENT.—Section 228 of the Public Health Service Act (42 U.S.C. 237), as added by section 304 of Public Law 101–509, is amended in the heading for the section by amending the heading to read as follows:

"SILVIO O. CONTE SENIOR BIOMEDICAL RESEARCH SERVICE".

42 USC 282 note.

SEC. 2002. MASTER PLAN FOR PHYSICAL INFRASTRUCTURE FOR RESEARCH.

Not later than June 1, 1994, the Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, shall present to the Congress a master plan to provide for the replacement or refurbishment of less than adequate buildings, utility equipment and distribution systems (including the resources that provide electrical and other utilities, chilled water, air handling, and other services that the Secretary, acting through the Director, deems necessary), roads, walkways, parking areas, and grounds that underpin the laboratory and clinical facilities of the National Institutes of Health. Such plan may make recommendations for the undertaking of new projects that are consistent with the objectives of this section, such as encircling the National Institutes of Health Federal enclave with an adequate chilled water conduit.

SEC. 2003. CERTAIN AUTHORIZATION OF APPROPRIATIONS.

Section 399L(a) of the Public Health Service Act (42 U.S.C. 280e–4(a)), as added by Public Law 102–515 (106 Stat. 3376), is amended—

(1) in the first sentence, by striking "the Secretary" and all that follows and inserting the following: "there are authorized to be appropriated $30,000,000 for fiscal year 1994, and

such sums as may be necessary for each of the fiscal years 1995 through 1996."; and

(2) in the second sentence, by striking "Out of any amounts used" and inserting "Of the amounts appropriated under the preceding sentence".

SEC. 2004. BUY-AMERICAN PROVISIONS.

42 USC 238f note.

(a) COMPLIANCE WITH BUY AMERICAN ACT.—No funds appropriated pursuant to this Act for any of the fiscal years 1994 through 1996 may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act").

(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided pursuant to this Act for any of the fiscal years 1994 through 1996, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance pursuant to this Act, the Secretary of Health and Human Services shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

SEC. 2005. PROHIBITION AGAINST FURTHER FUNDING FOR PROJECT ARIES.

Washington.

For fiscal year 1994 and each subsequent fiscal year, the project administered by the University of Washington at Seattle and known as Project Aries may not receive any funding from any agency of the National Institutes of Health (other than payments under awards made for fiscal year 1993 or prior fiscal years) unless—

(1) the proposal for funding for the project has undergone review in accordance with the applicable requirements of section 491 of the Public Health Service Act on restrictions regarding institutional review boards and ethics guidance;

(2) the proposal for funding for the project has undergone review in accordance with the applicable requirements of section 492 of such Act on restrictions regarding peer review;

(3) the Secretary of Health and Human Services, in accordance with section 492A of such Act (as added by section 101 of this Act), makes a determination that the project will assist—

(A) in reducing the incidence of infection with the human immunodeficiency virus;

(B) in reducing the incidence of sexually transmitted diseases; or

(C) in reducing the incidence of tuberculosis; and

(4) the data to be collected through the project cannot be obtained in any other manner.

SEC. 2006. LOAN REPAYMENT PROGRAM.

Chapter IX of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 391 et seq.), as amended by Public Law 101–635, is amended—

(1) by redesignating the second section 903 as section 904; and

21 USC 394.

(2) by adding at the end the following section:

21 USC 395. Contracts.

"SEC. 905. LOAN REPAYMENT PROGRAM.

"(a) IN GENERAL.—

"(1) AUTHORITY FOR PROGRAM.—Subject to paragraph (2), the Secretary shall carry out a program of entering into contracts with appropriately qualified health professionals under which such health professionals agree to conduct research, as employees of the Food and Drug Administration, in consideration of the Federal Government agreeing to repay, for each year of such service, not more than $20,000 of the principal and interest of the educational loans of such health professionals.

"(2) LIMITATION.—The Secretary may not enter into an agreement with a health professional pursuant to paragraph (1) unless such professional—

"(A) has a substantial amount of educational loans relative to income; and

"(B) agrees to serve as an employee of the Food and Drug Administration for purposes of paragraph (1) for a period of not less than 3 years.

"(b) APPLICABILITY OF CERTAIN PROVISIONS.—With respect to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III of the Public Health Service Act, the provisions of such subpart shall, except as inconsistent with subsection (a) of this section, apply to the program established in such subsection in the same manner and to the same extent as such provisions apply to the National Health Service Corps Loan Repayment Program.

"(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1994 through 1996.".

SEC. 2007. EXCLUSION OF ALIENS INFECTED WITH THE AGENT FOR ACQUIRED IMMUNE DEFICIENCY SYNDROME.

(a) EXCLUSION OF ALIENS ON HEALTH-RELATED GROUNDS.—Section 212(a)(1)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(1)(A)(i)) is amended by adding at the end the following: "which shall include infection with the etiologic agent for acquired immune deficiency syndrome,".

8 USC 1182 note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 30 days after the date of the enactment of this Act.

SEC. 2008. TECHNICAL CORRECTIONS.

(a) TITLE III.—Section 316 of the Public Health Service Act (42 U.S.C. 247a(c)) is amended by striking subsection (c).

(b) TITLE IV.—Title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended—

42 USC 284a.

(1) in section 406—

(A) in subsection (b)(2)(A), by striking "Veterans' Administration" each place such term appears and inserting "Department of Veterans Affairs"; and

(B) in subsection (h)(2)(A)(v), by striking "Veterans' Administration" and inserting "Department of Veterans Affairs";

(2) in section 408, in subsection (b) (as redesignated by section 501(c)(1)(C) of this Act), by striking "Veterans' Administration" and inserting "Department of Veterans Affairs"; 42 USC 284c.

(3) in section 421(b)(1), by inserting a comma after "may"; 42 USC 285b-3.

(4) in section 428(b), in the matter preceding paragraph (1), by striking "the the" and inserting "the"; 42 USC 285c-2.

(5) in section 430(b)(2)(A)(i), by striking "Veterans' Administration" and inserting "Department of Veterans Affairs"; 42 USC 285c-4.

(6) in section 439(b), by striking "Veterans' Administration" and inserting "Department of Veterans Affairs"; 42 USC 285d-4.

(7) in section 442(b)(2)(A), by striking "Veterans' Administration" and inserting "Department of Veterans Affairs"; 42 USC 285d-7.

(8) in section 464D(b)(2)(A), by striking "Veterans' Administration" and inserting "Department of Veterans Affairs"; 42 USC 285m-4.

(9) in section 464E— 42 USC 285m-5.

(A) in subsection (d), in the first sentence, by inserting "Coordinating" before "Committee"; and

(B) in subsection (e), by inserting "Coordinating" before "Committee" the first place such term appears;

(10) in section 464P(b)(6) (as added by section 123 of Public Law 102–321 (106 Stat. 362)), by striking "Administration" and inserting "Institute"; 42 USC 285o-4.

(11) in section 466(a)(1)(B), by striking "Veterans' Administration" and inserting "Department of Veterans Affairs"; 42 USC 286a.

(12) in section 480(b)(2)(A), by striking "Veterans' Administration" and inserting "Department of Veterans Affairs"; 42 USC 287a.

(13) in section 485(b)(2)(A), by striking "Veterans' Administration" and inserting "Department of Veterans Affairs"; 42 USC 285q-2.

(14) in section 487(d)(3), by striking "section 304(a)(3)" and inserting "section 304(a)"; and 42 USC 288.

(15) in section 496(a), by striking "Such appropriations," and inserting the following: "Appropriations to carry out the purposes of this title,". 42 USC 289e.

(c) TITLE XV.—

(1) LIMITED AUTHORITY REGARDING FOR-PROFIT ENTITIES.—Section 1501(b) of the Public Health Service Act (42 U.S.C. 300k(b)) is amended—

(A) by striking "STATES.—A State" and all that follows through "may expend" and inserting the following: "STATES.—

"(1) IN GENERAL.—A State receiving a grant under subsection (a) may, subject to paragraph (2), expend"; and

(B) by adding at the end the following paragraph:

"(2) LIMITED AUTHORITY REGARDING OTHER ENTITIES.—In addition to the authority established in paragraph (1) for a State with respect to grants and contracts, the State may provide for screenings under subsection (a)(1) through entering into contracts with private entities. The amount paid by a State to a private entity under the preceding sentence for a screening procedure may not exceed the amount that would be paid under part B of title XVIII of the Social Security Act if payment were made under such part for furnishing the procedure to a woman enrolled under such part.".

(2) CONFORMING AMENDMENT.—Section 1505(3) of the Public Health Service Act (42 U.S.C. 300n–1(3)) is amended by inserting before the semicolon the following: "(and additionally,

in the case of services and activities under section 1501(a)(1), with any similar services or activities of private entities)".

(d) TITLE XXIII.—Part A of title XXIII of the Public Health Service Act (42 U.S.C. 300cc et seq.) is amended—

42 USC 300cc-3.

(1) in section 2304—

(A) in the heading for the section, by striking "**CLINICAL RESEARCH REVIEW COMMITTEE**" and inserting "**RESEARCH ADVISORY COMMITTEE**"; and

(B) in subsection (a), by striking "AIDS Clinical Research Review Committee" and inserting "AIDS Research Advisory Committee";

42 USC 300cc-12.

(2) in section 2312(a)(2)(A), by striking "AIDS Clinical Research Review Committee" and inserting "AIDS Research Advisory Committee";

42 USC 300cc-14.

(3) in section 2314(a)(1), in the matter preceding subparagraph (A), by striking "Clinical Research Review Committee" and inserting "AIDS Research Advisory Committee";

42 USC 300cc-17.

(4) in section 2317(d)(1), by striking "Clinical Research Review Committee" and inserting "AIDS Research Advisory Committee established under section 2304"; and

42 USC 300cc-18.

(5) in section 2318(b)(3), by striking "Clinical Research Review Committee" and inserting "AIDS Research Advisory Committee".

(e) SECRETARY.—Section 2(c) of the Public Health Service Act (42 U.S.C. 201(c)) is amended by striking "Health, Education, and Welfare" and inserting "Health and Human Services".

(f) DEPARTMENT.—Section 201 of the Public Health Service Act (42 U.S.C. 202) is amended—

(1) by striking "Health, Education, and Welfare" and inserting "Health and Human Services"; and

(2) by striking "Surgeon General" and inserting "Assistant Secretary for Health".

(g) DEPARTMENT.—Section 202 of the Public Health Service Act (42 U.S.C. 203) is amended—

(1) by striking "Surgeon General" the second and subsequent times that such term appears and inserting "Secretary"; and

(2) by inserting ", and the Agency for Health Care Policy and Research" before the first period.

(h) VOLUNTEER SERVICES.—Section 223 of the Public Health Service Act (42 U.S.C. 217b) is amended by striking "Health, Education, and Welfare" and inserting "Health and Human Services".

(i) MISCELLANEOUS.—

(1) AMENDATORY INSTRUCTIONS.—

42 USC 256b.

(A) Section 602(a) of Public Law 102-585 (106 Stat. 4967) is amended by striking "by adding the following subpart" and inserting "by adding at the end the following subpart".

(B) Public Law 102-531 is amended—

42 USC 247b-3.

(i) in section 303(b) (106 Stat. 3488)—

(I) by striking "Part A of title III" and inserting "Part B of title III"; and

(II) by striking "241 et seq." and inserting "243 et seq.";

42 USC 247c-1.

(ii) in section 304 (106 Stat. 3490)—

(I) by striking "Part A of title III" and inserting "Part B of title III"; and

(II) by striking "241 et seq." and inserting "243 et seq.";

(iii) in section 306 (106 Stat. 3494), by striking "Part A of title III" and inserting "Part B of title III"; and 42 USC 247b-4.

(iv) in section 308 (106 Stat. 3495), by striking "Part A of title III" and inserting "Part B of title III"; 42 USC 247b-5.

(2) TITLE III OF PUBLIC HEALTH SERVICE ACT.—Title III of the Public Health Service Act (42 U.S.C. 241 et seq.), as amended by Public Law 102–321, Public Law 102–515, Public Law 102–531, and Public Law 102–585, by section 121(a) of this Act, and by paragraph (1) of this subsection, is amended—

(A) in part D— 42 USC 254b *et seq.*

(i) by transferring subpart VIII from the current placement of the subpart and inserting the subpart after subpart VII; and

(ii) by redesignating section 340B of subpart VIII as section 340C; and 42 USC 256c.

(B)(i) by redesignating parts K and L as parts J and K, respectively; and 42 USC 280b *et seq.*, 280c *et seq.*

(ii) by redesignating the part M added by Public Law 102–321 as part L. 42 USC 280d *et seq.*

(3) TITLE VII OF PUBLIC HEALTH SERVICE ACT.—Section 746(i)(1) of the Public Health Service Act (42 U.S.C. 293j(i)(1)), as added by section 102 of Public Law 102–408 (106 Stat. 1994) and amended by section 313(a)(2)(B) of Public Law 102–531 (106 Stat. 3507), is amended to read as if the amendment made by such section 313(a)(2)(B) had not been enacted.

SEC. 2009. BIENNIAL REPORT ON CARCINOGENS.

Section 301(b)(4) of the Public Health Service Act (42 U.S.C. 241(b)(4)) is amended by striking "an annual" and inserting "a biennial".

SEC. 2010. TRANSFER OF PROVISIONS OF TITLE XXVII.

(a) IN GENERAL.—The Public Health Service Act (42 U.S.C. 201 et seq.), as amended by section 101 of Public Law 101–381 and section 304 of Public Law 101–509, is amended—

(1) by transferring sections 2701 through 2714 to title II; 42 USC 300aaa—300aaa-13, 238–238m.

(2) by redesignating such sections as sections 231 through 244, respectively;

(3) by inserting such sections, in the appropriate sequence, after section 228;

(4) by inserting before section 201 the following heading:

"PART A—ADMINISTRATION"; and

(5) by inserting before section 231 (as redesignated by paragraph (2) of this subsection) the following heading:

"PART B—MISCELLANEOUS PROVISIONS".

(b) CONFORMING AMENDMENTS.—The Public Health Service Act (42 U.S.C. 201 et seq.) is amended—

(1) in the heading for title II, by inserting "AND MISCELLANEOUS PROVISIONS" after "ADMINISTRATION";

42 USC 284a. (2) in section 406(a)(2), by striking "2701" and inserting "231";

42 USC 286. (3) in section 465(f), by striking "2701" and inserting "231";

42 USC 287a. (4) in section 480(a)(2), by striking "2701" and inserting "231";

42 USC 285q-2. (5) in section 485(a)(2), by striking "2701" and inserting "231";

42 USC 289f. (6) in section 497, by striking "2701" and inserting "231";

42 USC 290aa-4. (7) in section 505(a)(2), by striking "2701" and inserting "231";

42 USC 299c-5. (8) in section 926(b), by striking "2711" each place such term appears and inserting "241"; and

(9) in title XXVII, by striking the heading for such title.

SEC. 2011. AUTHORIZATION OF APPROPRIATIONS.

Section 2602 of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621) is amended—

(1) in the first sentence of subsection (b), by striking "1993 and 1994" and inserting "1993, 1994, and 1995"; and

(2) in subsection (d), by striking "in each of the fiscal years 1993 and 1994" and inserting "for each of the fiscal years 1993, 1994, and 1995".

SEC. 2012. VACCINE INJURY COMPENSATION PROGRAM.

Section 2111(a) of the Public Health Service Act (42 U.S.C. 300aa–11(a)) is amended by adding at the end the following paragraph:

"(10) The Clerk of the United States Claims Court is authorized to continue to receive, and forward, petitions for compensation for a vaccine-related injury or death associated with the administration of a vaccine on or after October 1, 1992.".

SEC. 2013. TECHNICAL CORRECTIONS WITH RESPECT TO THE AGENCY FOR HEALTH CARE POLICY AND RESEARCH.

Title IX of the Public Health Service Act is amended—

(1) in section 904(d) (42 U.S.C. 299a–2(d))—

(A) by striking "IN GENERAL" in paragraph (1) and inserting "ADDITIONAL ASSESSMENTS";

(B) by redesignating paragraphs (1) and (2) as paragraphs (3) and (4), respectively;

(C) by inserting after the subsection designation the following paragraphs:

"(1) RECOMMENDATIONS WITH RESPECT TO HEALTH CARE TECHNOLOGY.—The Administrator shall make recommendations to the Secretary with respect to whether specific health care technologies should be reimbursable under federally financed health programs, including recommendations with respect to any conditions and requirements under which any such reimbursements should be made.

"(2) CONSIDERATIONS OF CERTAIN FACTORS.—In making recommendations respecting health care technologies, the Administrator shall consider the safety, efficacy, and effectiveness, and, as appropriate, the appropriate uses of such technologies. The Administrator shall also consider the cost effectiveness of such technologies where cost information is available and reliable."; and

(D) by adding at the end the following paragraph:

"(5) CONSULTATIONS.—In carrying out this subsection, the Administrator shall cooperate and consult with the Director of the National Institutes of Health, the Commissioner of Food and Drugs, and the heads of any other interested Federal department or agency."; and

(2) in section 914(a)(2)(C), by striking "904(c)(2)" and inserting "904(d)(2)". 42 USC 299b-3.

SEC. 2014. TECHNICAL CORRECTIONS WITH RESPECT TO THE HEALTH PROFESSIONS EDUCATION EXTENSION AMENDMENTS OF 1992.

(a) INSURED HEALTH EDUCATION ASSISTANCE LOANS TO GRADUATE STUDENTS.—Subpart I of part A of title VII of the Public Health Service Act (42 U.S.C. 292 et seq.), as added by section 102 of Public Law 102–408 (106 Stat. 1994), is amended—

(1) in section 705(a)(2)— 42 USC 292d.

(A) in subparagraph (G), by inserting "and" after the semicolon at the end;

(B) by striking subparagraph (H); and

(C) by redesignating subparagraph (I) as subparagraph (H); and

(2) in section 707— 42 USC 292f.

(A) in subsection (g), by amending paragraph (1) to read as follows:

"(1) after the expiration of the seven-year period beginning on the first date when repayment of such loan is required, exclusive of any period after such date in which the obligation to pay installments on the loan is suspended;"; and

(B) by adding at the end the following subsection:

"(j) SCHOOL COLLECTION ASSISTANCE.—An institution or postgraduate training program attended by a borrower may assist in the collection of any loan of that borrower made under this subpart which becomes delinquent, including providing information concerning the borrower to the Secretary and to past and present lenders and holders of the borrower's loans, contacting the borrower in order to encourage repayment, and withholding services in accordance with regulations issued by the Secretary under section 715(a)(7). The institution or postgraduate training program shall not be subject to section 809 of the Fair Debt Collection Practices Act for purposes of carrying out activities authorized by this section.".

(b) LOAN PROVISIONS.—Section 722 of the Public Health Service Act (42 U.S.C. 292r), as added by section 102 of Public Law 102–408 (106 Stat. 1994), is amended—

(1) in subsection (a), by amending the subsection to read as follows:

"(a) AMOUNT OF LOAN.—

"(1) IN GENERAL.—Loans from a student loan fund (established under an agreement with a school under section 721) may not, subject to paragraph (2), exceed for any student for a school year (or its equivalent) the sum of—

"(A) the cost of tuition for such year at such school, and

"(B) $2,500.

"(2) THIRD AND FOURTH YEARS OF MEDICAL SCHOOL.—For purposes of paragraph (1), the amount $2,500 may, in the case of the third or fourth year of a student at school of

medicine or osteopathic medicine, be increased to the extent necessary (including such $2,500) to pay the balances of loans that, from sources other than the student loan fund under section 721, were made to the individual for attendance at the school. The authority to make such an increase is subject to the school and the student agreeing that such amount (as increased) will be expended to pay such balances."; and

(2) in subsection (b)—

(A) in paragraph (1), by adding "and" after the semicolon at the end;

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2).

(c) MEDICAL SCHOOLS AND PRIMARY HEALTH CARE.—

(1) REQUIREMENTS FOR STUDENTS.—Section 723(a) of the Public Health Service Act (42 U.S.C. 292s(a)), as added by section 102 of Public Law 102–408 (106 Stat. 1994), is amended by adding at the end the following paragraph:

"(4) WAIVERS.—

"(A) With respect to the obligation of an individual under an agreement made under paragraph (1) as a student, the Secretary shall provide for the partial or total waiver or suspension of the obligation whenever compliance by the individual is impossible, or would involve extreme hardship to the individual, and if enforcement of the obligation with respect to the individual would be unconscionable.

"(B) For purposes of subparagraph (A), the obligation of an individual shall be waived if—

"(i) the status of the individual as a student of the school involved is terminated before graduation from the school, whether voluntarily or involuntarily; and

"(ii) the individual does not, after such termination, resume attendance at the school or begin attendance at any other school of medicine or osteopathic medicine.

"(C) If an individual resumes or begins attendance for purposes of subparagraph (B), the obligation of the individual under the agreement under paragraph (1) shall be considered to have been suspended for the period in which the individual was not in attendance.

"(D) This paragraph may not be construed as authorizing the waiver or suspension of the obligation of a student to repay, in accordance with section 722, loans from student loan funds under section 721.".

(2) REQUIREMENTS FOR SCHOOLS.—Section 723(b) of the Public Health Service Act (42 U.S.C. 292s(b)), as added by section 102 of Public Law 102–408 (106 Stat. 1994), is amended—

(A) in paragraph (1)—

(i) by striking "1994," and inserting "1997;"; and

(ii) by striking "4 years before" and inserting "3 years before";

(B) in paragraph (2)(B), by striking "15 percent" and inserting "25 percent"; and

(C) in paragraph (4)(B)—

(i) in clause (i), by striking "1994," and inserting "1997,"; and

(ii) in clause (ii), by striking "1995," and inserting "1998,".

(d) AUTHORIZATION OF APPROPRIATIONS REGARDING MEDICAL SCHOOLS.—Section 735 of the Public Health Service Act (42 U.S.C. 292y), as added by section 102 of Public Law 102–408 (106 Stat. 1994), is amended by adding at the end the following subsection:

"(f) FUNDING FOR CERTAIN MEDICAL SCHOOLS.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of making Federal capital contributions to student loan funds established under section 721 by schools of medicine or osteopathic medicine, there is authorized to be appropriated $10,000,000 for each of the fiscal years 1994 through 1996.

"(2) MINIMUM REQUIREMENTS.—

"(A) Subject to subparagraph (B), the Secretary may make a Federal capital contribution pursuant to paragraph (1) only if the school of medicine or osteopathic medicine involved meets the conditions described in subparagraph (A) of section 723(b)(2) or the conditions described in subparagraph (C) of such section.

"(B) For purposes of subparagraph (A), the conditions referred to in such subparagraph shall be applied with respect to graduates of the school involved whose date of graduation occurred approximately 3 years before June 30 of the fiscal year preceding the fiscal year for which the Federal capital contribution involved is made.

(e) PUBLIC HEALTH TRAINEESHIPS.—Section 761(b)(3) of the Public Health Service Act (42 U.S.C. 294(b)(3)), as added by section 102 of Public Law 102–408 (106 Stat. 1994), is amended by striking "and nutrition" and inserting "nutrition, and maternal and child health".

(f) TRAINEESHIPS FOR ADVANCED NURSE EDUCATION.—Section 830(a) of the Public Health Service Act, as added by section 206 of Public Law 102–408 (106 Stat. 2073), is amended— 42 USC 297.

(1) by striking "meet the cost of traineeships for individuals" and inserting the following: "meet the costs of—

"(1) traineeships for individuals";

(2) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following paragraph:

"(2) traineeships for participation in certificate nurse midwifery programs that conform to guidelines established by the Secretary under section 822(b).".

(g) CERTAIN GENERALLY APPLICABLE PROVISIONS.—Section 860(d) of the Public Health Service Act (42 U.S.C. 298b–7(d)), as added by section 209 of Public Law 102–408 (106 Stat. 2075), is amended in the first sentence by striking "821, 822, 830, and 831" and inserting "821, 822, and 827".

SEC. 2015. PROHIBITION AGAINST SHARP ADULT SEX SURVEY AND THE AMERICAN TEENAGE SEX SURVEY. 42 USC 283f note.

The Secretary of Health and Human Services may not during fiscal year 1993 or any subsequent fiscal year conduct or support the SHARP survey of adult sexual behavior or the American Teenage Study of adolescent sexual behavior. This section becomes effective on the date of the enactment of this Act. Effective date.

SEC. 2016. HEALTH SERVICES RESEARCH.

(a) DEFINITION.—Section 409 of the Public Health Service Act (42 U.S.C. 284d), as added by section 121(b) of Public Law 102–321 (106 Stat. 358), is amended by adding at the end the following sentence: "Such term does not include research on the efficacy of services to prevent, diagnose, or treat medical conditions.".

42 USC 285n note.

(b) REQUIRED ALLOCATIONS.—

(1) IN GENERAL.—With respect to the allocation for health services research required in each of the provisions of law specified in paragraph (2), the term "15 percent" appearing in each of such provisions is, in the case of allocations for fiscal year 1993, deemed to be 12 percent.

(2) RELEVANT PROVISIONS OF LAW.—The provisions of law referred to in paragraph (1) are—

(A) section 464H(d)(2) of the Public Health Service Act, as added by section 122 of Public Law 102–321 (106 Stat. 358);

(B) section 464L(d)(2) of the Public Health Service Act, as added by section 123 of Public Law 102–321 (106 Stat. 360); and

(C) section 464R(f)(2) of the Public Health Service Act, as added by section 124 of Public Law 102–321 (106 Stat. 364).

(c) REPORT.—Section 494A(b) of the Public Health Service Act (42 U.S.C. 289c–1(b)), as added by section 125 of Public Law 102–321 (106 Stat. 366), is amended by striking "May 3, 1993," and inserting "September 30, 1993,".

SEC. 2017. CHILDHOOD MENTAL HEALTH.

Part E of title V of the Public Health Service Act (42 U.S.C. 290ff et seq.), as added by section 119 of Public Law 102–321 (106 Stat. 349), is amended—

42 USC 290ff.

(1) in section 561—

(A) in subsection (a)(2), by striking "this subpart" and inserting "this part"; and

(B) in subsection (b)(1), by striking "is receiving such payments" each place such term appears and inserting "is such a grantee"; and

42 USC 290ff–4.

(2) in section 565—

(A) in subsection (c)(1), by striking "this subpart" and inserting "this part";

(B) in subsection (d), by striking "this subpart" and inserting "this part"; and

(C) in subsection (f)—

(i) in paragraph (1), by striking "this subpart" and inserting "this part"; and

(ii) by amending paragraph (2) to read as follows:

"(2) LIMITATION REGARDING TECHNICAL ASSISTANCE.—Not more than 10 percent of the amounts appropriated under paragraph (1) for a fiscal year may be expended for carrying out subsection (b).".

SEC. 2018. EXPENDITURES FROM CERTAIN ACCOUNT.

With respect to amounts appropriated in title II of Public Law 102–394 for buildings and facilities of the National Institutes of Health, the purposes for which such amounts may be expended include repairing, improving, or constructing (or any combination

thereof) roads on non-Federal property in close proximity to the main campus of the National Institutes of Health in Bethesda, Maryland, subject to the agreement of the appropriate officials of Montgomery County, Maryland, or the appropriate officials of the State of Maryland, or both, as the case may be. None of such amounts may be used for the non-Federal share of the cost of any project or activity under title 23, United States Code, the Intermodal Surface Transportation Efficiency Act of 1991, or any law amended by such Act.

TITLE XXI—EFFECTIVE DATES

SEC. 2101. EFFECTIVE DATES. 42 USC 201 note.

Subject to section 203(c), this Act and the amendments made by this Act take effect upon the date of the enactment of this Act.

Approved June 10, 1993.

LEGISLATIVE HISTORY—S. 1 (H.R. 4):

HOUSE REPORTS: No. 103-28, accompanying H.R. 4 (Comm. on Energy and Commerce) and No. 103-100 (Comm. of Conference).
SENATE REPORTS: No. 103-2 (Comm. on Labor and Human Resources).
CONGRESSIONAL RECORD, Vol. 139 (1993):
Feb. 16-18, considered and passed Senate.
Mar. 10, 11, H.R. 4 considered and passed House; S. 1, amended, passed in lieu.
May 25, House agreed to conference report.
May 28, Senate agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 29 (1993):
June 10, Presidential remarks.

○

Public Law 103-44
103d Congress

An Act

June 28, 1993
[H.R. 890]

To amend the Federal Deposit Insurance Act to improve the procedures for treating unclaimed insured deposits, and for other purposes.

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

SECTION 1. AMENDMENTS RELATING TO TREATMENT OF UNCLAIMED DEPOSITS AT INSURED BANKS AND SAVINGS ASSOCIATIONS.

Subsection (e) of section 12 of the Federal Deposit Insurance Act (12 U.S.C. 1822(e)) is amended to read as follows:

"(e) DISPOSITION OF UNCLAIMED DEPOSITS.—

"(1) NOTICES.—

"(A) FIRST NOTICE.—Within 30 days after the initiation of the payment of insured deposits under section 11(f), the Corporation shall provide written notice to all insured depositors that they must claim their deposit from the Corporation, or if the deposit has been transferred to another institution, from the transferee institution.

"(B) SECOND NOTICE.—A second notice containing this information shall be mailed by the Corporation to all insured depositors who have not responded to the first notice, 15 months after the Corporation initiates such payment of insured depositors.

"(C) ADDRESS.—The notices shall be mailed to the last known address of the depositor appearing on the records of the insured depository institution in default.

"(2) TRANSFER TO APPROPRIATE STATE.—If an insured depositor fails to make a claim for his, her, or its insured or transferred deposit within 18 months after the Corporation initiates the payment of insured deposits under section 11(f)—

"(A) any transferee institution shall refund the deposit to the Corporation, and all rights of the depositor against the transferee institution shall be barred; and

"(B) with the exception of United States deposits, the Corporation shall deliver the deposit to the custody of the appropriate State as unclaimed property, unless the appropriate State declines to accept custody. Upon delivery to the appropriate State, all rights of the depositor against the Corporation with respect to the deposit shall be barred and the Corporation shall be deemed to have made payment to the depositor for purposes of section 11(g)(1).

"(3) REFUSAL OF APPROPRIATE STATE TO ACCEPT CUSTODY.—If the appropriate State declines to accept custody of the deposit tendered pursuant to paragraph (2)(B), the deposit shall not

be delivered to any State, and the insured depositor shall claim the deposit from the Corporation before the receivership is terminated, or all rights of the depositor with respect to such deposit shall be barred.

"(4) TREATMENT OF UNITED STATES DEPOSITS.—If the deposit is a United States deposit it shall be delivered to the Secretary of the Treasury for deposit in the general fund of the Treasury. Upon delivery to the Secretary of the Treasury, all rights of the depositor against the Corporation with respect to the deposit shall be barred and the Corporation shall be deemed to have made payment to the depositor for purposes of section 11(g)(1).

"(5) REVERSION.—If a depositor does not claim the deposit delivered to the custody of the appropriate State pursuant to paragraph (2)(B) within 10 years of the date of delivery, the deposit shall be immediately refunded to the Corporation and become its property. All rights of the depositor against the appropriate State with respect to such deposit shall be barred as of the date of the refund to the Corporation.

"(6) DEFINITIONS.—For purposes of this subsection—

"(A) the term 'transferee institution' means the insured depository institution in which the Corporation has made available a transferred deposit pursuant to section 11(f)(1);

"(B) the term 'appropriate State' means the State to which notice was mailed under paragraph (1)(C), except that if the notice was not mailed to an address that is within a State it shall mean the State in which the depository institution in default has its main office; and

"(C) the term 'United States deposit' means an insured or transferred deposit for which the deposit records of the depository institution in default disclose that title to the deposit is held by the United States, any department, agency, or instrumentality of the Federal Government, or any officer or employee thereof in such person's official capacity.".

SEC. 2. EFFECTIVE DATE.

12 USC 1822 note.

(a) IN GENERAL.—The amendments made by section 1 of this Act shall only apply with respect to institutions for which the Corporation has initiated the payment of insured deposits under section 11(f) of the Federal Deposit Insurance Act after the date of enactment of this Act.

(b) SPECIAL RULE FOR RECEIVERSHIPS IN PROGRESS.—Section 12(e) of the Federal Deposit Insurance Act as in effect on the day before the date of enactment of this Act shall apply with respect to insured deposits in depository institutions for which the Corporation was first appointed receiver during the period between January 1, 1989 and the date of enactment of this Act, except that such section 12(e) shall not bar any claim made against the Corporation by an insured depositor for an insured or transferred deposit, so long as such claim is made prior to the termination of the receivership.

(c) INFORMATION TO STATES.—Within 120 days after the date of enactment of this Act, the Corporation shall provide, at the request of and for the sole use of any State, the name and last known address of any insured depositor (as shown on the records of the institution in default) eligible to make a claim against the

Corporation solely due to the operation of subsection (b) of this section.

(d) DEFINITION.—For purposes of this section, the term "Corporation" means the Federal Deposit Insurance Corporation, the Resolution Trust Corporation, or the Federal Savings and Loan Insurance Corporation, as appropriate.

Approved June 28, 1993.

LEGISLATIVE HISTORY—H.R. 890:

CONGRESSIONAL RECORD, Vol. 139 (1993):
Mar. 2, considered and passed House.
May 27, considered and passed Senate, amended.
June 9, House concurred in Senate amendments.

Public Law 103-45
103d Congress

An Act

To amend the Forest Resources Conservation and Shortage Relief Act of 1990 to permit States to adopt timber export programs, and for other purposes.

July 1, 1993
[H.R. 2343]

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

Forest Resources Conservation and Shortage Relief Amendments Act of 1993.
16 USC 620 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Forest Resources Conservation and Shortage Relief Amendments Act of 1993".

SEC. 2. RESTRICTION ON EXPORTS OF UNPROCESSED TIMBER FROM STATE AND OTHER PUBLIC LANDS.

Section 491 of the Forest Resources Conservation and Shortage Relief Act of 1990 (16 U.S.C. 620c) is amended—

(1) in subsection (a)—

(A) by striking "(e)" and inserting "(g)"; and

(B) by striking "in the amounts specified" and inserting "as provided";

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by inserting ", notwithstanding any other provision of law," after "prohibit"; and

(ii) by striking "not later than 21 days after the date of the enactment of this Act" and inserting ", effective June 1, 1993";

(B) in paragraph (2)—

(i) by striking subparagraph (A) and inserting the following new subparagraph:

"(A) The Secretary of Commerce shall issue an order referred to in subsection (a) to prohibit, notwithstanding any other provision of law, the export of unprocessed timber originating from public lands, effective during the period beginning on June 1, 1993, and ending on December 31, 1995.";

(ii) by striking subparagraphs (B) and (C); and

(iii) in subparagraph (D)—

(I) by redesignating such subparagraph as subparagraph (B); and

(II) by striking "total annual sales volume" and inserting "annual sales volume in that State of unprocessed timber originating from public lands";

(C) in paragraph (3)—

(i) by redesignating such paragraph as paragraph (4); and

(ii) by striking "States pursuant to this title" and inserting "the Secretary of Commerce pursuant to this title and the effectiveness of State programs authorized under subsection (d)"; and

(D) by inserting after paragraph (2) the following new paragraph:

"(3) PROHIBITION ON SUBSTITUTION.—

"(A) PROHIBITION.—Subject to subparagraph (B), each order of the Secretary of Commerce under paragraph (1) or (2) shall also prohibit, notwithstanding any other provision of law, any person from purchasing, directly or indirectly, unprocessed timber originating from public lands in a State if—

"(i) such unprocessed timber would be used in substitution for exported unprocessed timber originating from private lands in that State; or

"(ii) such person has, during the preceding 24-month period, exported unprocessed timber originating from private lands in that State.

"(B) EXEMPTION.—The prohibitions referred to in subparagraph (A) shall not apply in a State on or after the date on which—

"(i) the Governor of that State provides the Secretary of Commerce with notification of a prior program under subparagraph (C) of subsection (d)(2),

"(ii) the Secretary of Commerce approves a program of that State under subparagraph (A) of subsection (d)(2), or

"(iii) regulations of the Secretary of Commerce issued under subsection (c) to carry out this section take effect,

whichever occurs first.";

(3) by redesignating subsections (e) through (j) as subsections (g) through (l), respectively; and

(4) by striking subsections (c) and (d) and inserting the following:

"(c) FEDERAL PROGRAM.—

"(1) ADMINISTRATION BY THE SECRETARY OF COMMERCE.—

"(A) IN GENERAL.—Subject to subparagraph (B), the Secretary of Commerce shall, as soon as possible after the date of the enactment of the Forest Resources Conservation and Shortage Relief Amendments Act of 1993—

"(i) determine the species, grades, and geographic origin of unprocessed timber to be prohibited from export in each State that is subject to an order issued under subsection (a);

"(ii) administer the prohibitions consistent with this title;

"(iii) ensure that the species, grades, and geographic origin of unprocessed timber prohibited from export within each State is representative of the species, grades, and geographic origin of timber comprising the total timber sales program of the State; and

Regulations.

"(iv) issue such regulations as are necessary to carry out this section.

"(B) EXEMPTION.—The actions and regulations of the Secretary under subparagraph (A) shall not apply with respect to a State that is administering and enforcing a program under subsection (d).

"(2) COOPERATION WITH OTHER AGENCIES.—The Secretary of Commerce is authorized to enter into agreements with Federal and State agencies with appropriate jurisdiction to assist the Secretary in carrying out this title.

"(d) AUTHORIZED STATE PROGRAMS.—

"(1) AUTHORIZATION OF NEW STATE PROGRAMS.—Notwithstanding subsection (c), the Governor of any State may submit a program to the Secretary of Commerce for approval that—

"(A) implements, with respect to unprocessed timber originating from public lands in that State, the prohibition on exports set forth in the Secretary's order under subsection (a); and

"(B) ensures that the species, grades, and geographic origin of unprocessed timber prohibited from export within the State is representative of the species, grades, and geographic origin of timber comprising the total timber sales program of the State.

"(2) APPROVAL OF STATE PROGRAMS.—

"(A) PROGRAM APPROVAL.—Not later than 30 days after the submission of a program under paragraph (1), the Secretary of Commerce shall approve the program unless the Secretary finds that the program will result in the export of unprocessed timber from public lands in violation of this title and publishes that finding in the Federal Register. Federal Register, publication.

"(B) STATE PROGRAM IN LIEU OF FEDERAL PROGRAM.—If the Secretary of Commerce approves a program submitted under paragraph (1), the Governor of the State for which the program was submitted, or such other official of that State as the Governor may designate, may administer and enforce the program, which shall apply in that State in lieu of the regulations issued under subsection (c).

"(C) PRIOR STATE PROGRAMS.—Not later than 30 days after the date of the enactment of the Forest Resources Conservation and Shortage Relief Amendments Act of 1993, the Governor of any State that had, before May 4, 1993, issued regulations under this subsection as in effect before May 4, 1993, may provide the Secretary of Commerce with written notification that the State has a program that was in effect on May 3, 1993, and that meets the requirements of paragraph (1). Upon such notification, that State may administer and enforce that program in that State until the end of the 9-month period beginning on the date on which the Secretary of Commerce issues regulations under subsection (c), and that program shall, during the period in which it is so administered and enforced, apply in that State in lieu of the regulations issued under subsection (c). Such Governor may submit, with such notification, the program for approval by the Secretary under paragraph (1).

"(e) PRIOR CONTRACTS.—Nothing in this section shall apply to—

"(1) any contract for the purchase of unprocessed timber originating from public lands that was entered into before—

"(A) September 10, 1990, with respect to States with annual sales volumes of 400,000,000 board feet or less; or

"(B) January 1, 1991, with respect to States with annual sales volumes greater than 400,000,000 board feet; or

"(2) any contract under which exports of unprocessed timber were permitted pursuant to an order of the Secretary of Commerce in effect under this section before October 23, 1992.

"(f) WESTERN RED CEDAR.—Nothing in this section shall be construed to supersede section 7(i) of the Export Administration Act of 1979 (50 U.S.C. App. 2406(i)).".

Public lands.

SEC. 3. MONITORING AND ENFORCEMENT.

(a) MONITORING.—Section 492(a) of the Forest Resources Conservation and Shortage Relief Act of 1990 (16 U.S.C. 620d(a)) is amended—

(1) in paragraph (1), by striking "and" at the end of the paragraph;

(2) in paragraph (2), by striking the period at the end of the paragraph and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

Reports.

"(3) each person who acquires, either directly or indirectly, unprocessed timber originating from public lands in a State that is subject to an order issued by the Secretary of Commerce under section 491(a), other than a State that is administering and enforcing a program under section 491(d), shall report the receipt and disposition of the timber to the Secretary of Commerce, in such form as the Secretary may by rule prescribe, except that nothing in this paragraph shall be construed to hold any person responsible for reporting the disposition of any timber held by subsequent persons; and

"(4) each person who transfers to another person unprocessed timber originating from public lands in a State that is subject to an order issued by the Secretary of Commerce under section 491(a), other than a State that is administering and enforcing a program under section 491(d), shall, before completing the transfer—

"(A) provide to such other person a written notice, in such form as the Secretary of Commerce may prescribe, that shall identify the public lands from which the timber originated; and

"(B) receive from such other person—

"(i) a written acknowledgment of the notice, and

"(ii) a written agreement that the recipient of the timber will comply with the requirements of this title, in such form as the Secretary of Commerce may prescribe; and

"(C) provide to the Secretary of Commerce copies of all notices, acknowledgments, and agreements referred to in subparagraphs (A) and (B).".

(b) CIVIL PENALTIES.—Section 492(c) of the Forest Resources Conservation and Shortage Relief Act of 1990 is amended— 16 USC 620d.

(1) in paragraph (1)—

(A) by inserting "(A)" before "If the Secretary"; and

(B) by adding at the end the following:

"(B)(i) Subject to clause (ii), if the Secretary of Commerce finds, on the record and after an opportunity for a hearing, that a person, with willful disregard for the restrictions contained in an order of the Secretary under section 491(a) on exports of unprocessed timber from public lands, exported or caused to be exported unprocessed timber originating from public lands in violation of such order, the Secretary may assess against such person a civil penalty of not more than $500,000 for each violation, or 3 times the gross value of the unprocessed timber involved in the violation, whichever amount is greater.

"(ii) Clause (i) shall not apply with respect to exports of unprocessed timber originating from public lands in a State that is administering and enforcing a program under section 491(d).."; and

(2) in paragraph (2)—

(A) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively;

(B) by inserting "(A)" before "If the Secretary"; and

(C) by adding at the end the following:

"(B)(i) Subject to clause (ii), if the Secretary of Commerce finds, on the record and after an opportunity for a hearing, that a person has violated, on or after June 1, 1993, any provision of this title or any regulation issued under this title relating to the export of unprocessed timber originating from public lands (whether or not the violation caused the export of unprocessed timber from public lands in violation of this title), the Secretary may assess against such person a civil penalty to the same extent as the Secretary concerned may impose a penalty under clause (i), (ii), or (iii) of subparagraph (A).

"(ii) Clause (i) shall not apply with respect to unprocessed timber originating from public lands in a State that is administering and enforcing a program under section 491(d).".

16 USC 620c note.

SEC. 4. SEVERABILITY.

If any provision of this Act or the amendments made by this Act, or the application thereof to any person or circumstance is held invalid, the remainder of this Act and such amendments and the application of such provision to other persons not similarly situated or to other circumstances shall not be affected by such invalidation.

Approved July 1, 1993.

LEGISLATIVE HISTORY—H.R. 2343:

CONGRESSIONAL RECORD, Vol. 139 (1993):
June 14, considered and passed House.
June 17, considered and passed Senate.

Public Law 103-46
103d Congress

An Act

To increase the size of the Big Thicket National Preserve in the State of Texas by adding the Village Creek corridor unit, the Big Sandy corridor unit, and the Canyonlands unit.

July 1, 1993
[S. 80]

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

Big Thicket National Preserve Addition Act of 1993.
Conservation.
16 USC 698 note.

SECTION 1. SHORT TITLE.

This Act may be referred to as the "Big Thicket National Preserve Addition Act of 1993".

SEC. 2. ADDITIONS TO THE BIG THICKET NATIONAL PRESERVE.

(a) ADDITIONS.—Subsection (b) of the first section of the Act entitled "An Act to authorize the establishment of the Big Thicket National Preserve in the State of Texas, and for other purposes", approved October 11, 1974 (16 U.S.C. 698), hereafter referred to as the "Act", is amended as follows:

(1) Strike out "map entitled 'Big Thicket National Preserve'" and all that follows through "Secretary of the Interior (hereafter referred to as the 'Secretary')" and insert in lieu thereof "map entitled 'Big Thicket National Preserve', dated October 1992, and numbered 175–80008, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior, and the offices of the Superintendent of the preserve. After advising the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives, in writing, the Secretary of the Interior (hereafter referred to as the 'Secretary') may make minor revisions of the boundaries of the preserve when necessary by publication of a revised drawing or other boundary description in the Federal Register. The Secretary".

Federal Register, publication.

(2) Strike out "and" at the end of the penultimate undesignated paragraph relating to Little Pine Island-Pine Island Bayou corridor unit.

(3) Strike out the period in the ultimate undesignated paragraph relating to Lance Rosier unit and insert in lieu thereof ";".

(4) Add at the end thereof the following:

"Village Creek Corridor unit, Hardin County, Texas, comprising approximately four thousand seven hundred and ninety-three acres;

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"Big Sandy Corridor unit, Hardin, Polk, and Tyler Counties, Texas, comprising approximately four thousand four hundred and ninety-seven acres; and

"Canyonlands unit, Tyler County, Texas, comprising approximately one thousand four hundred and seventy-six acres.".

Real property.
16 USC 698.

(b) ACQUISITION.—(1) Subsection (c) of the first section of such Act is amended by striking out the first sentence and inserting in lieu thereof the following: "The Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, transfer from any other Federal agency, or exchange, any lands, waters, or interests therein which are located within the boundaries of the preserve: *Provided,* That privately owned lands located within the Village Creek Corridor, Big Sandy Corridor, and Canyonlands units may be acquired only with the consent of the owner: *Provided further,* That the Secretary may acquire lands owned by commercial timber companies only by donation or exchange: *Provided further,* That any lands owned by the State of Texas, or any political subdivisions thereof may be acquired by donation only.".

(2) Add at the end of the first section of such Act the following new subsections:

"(d) Within sixty days after the date of enactment of this subsection, the Secretary and the Secretary of Agriculture shall identify lands within their jurisdiction located within the vicinity of the preserve which may be suitable for exchange for commercial timber lands within the preserve. In so doing, the Secretary of Agriculture shall seek to identify for exchange National Forest lands that are near or adjacent to private lands that are already owned by the commercial timber companies. Such National Forest lands shall be located in the Sabine National Forest in Sabine County, Texas, in the Davy Crockett National Forest south of Texas State Highway 7, or in other sites deemed mutually agreeable, and within reasonable distance of the timber companies' existing mills. In exercising this exchange authority, the Secretary and the Secretary of Agriculture may utilize any authorities or procedures otherwise available to them in connection with land exchanges, and which are not inconsistent with the purposes of this Act. Land exchanges authorized pursuant to this subsection shall be of equal value and shall be completed as soon as possible, but no later than two years after date of enactment of this subsection.

"(e) With respect to the thirty-seven-acre area owned by the Louisiana-Pacific Corporation or its subsidiary, Kirby Forest Industries, Inc., on Big Sandy Creek in Hardin County, Texas, and now utilized as part of the Indian Springs Youth Camp (H.G. King Abstract 822), the Secretary shall not acquire such area without the consent of the owner so long as the area is used exclusively as a youth camp.".

Federal Register, publication.
16 USC 698 note.

(c) PUBLICATION OF BOUNDARY DESCRIPTION.—Not later than six months after the date of enactment of this subsection, the Secretary shall publish in the Federal Register a detailed description of the boundary of the Village Creek Corridor unit, the Big Sandy Corridor unit, and the Canyonlands unit of the Big Thicket National Preserve.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 6 of such Act is amended by adding at the end thereof the following new sentence: "Effective upon date of enactment of this sentence, there is authorized to be appropriated such sums as may be necessary to carry out the purposes of subsections (c) and (d) of the first section.". 16 USC 698e.

Approved July 1, 1993.

LEGISLATIVE HISTORY—S. 80:

HOUSE REPORTS: No. 103-142 (Comm. on Natural Resources).
SENATE REPORTS: No. 103-9 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 139 (1993):
Mar. 17, considered and passed Senate.
June 21, considered and passed House.

69-194 O - 94 - 9 : QL. 3 Part 1

Public Law 103-47
103d Congress

Joint Resolution

July 1, 1993
[S.J. Res. 88]

To designate July 1, 1993, as "National NYSP Day".

Whereas the National Youth Sports Program (hereafter referred to as "NYSP") is a highly effective and comprehensive youth sports and educational instruction program in the United States for economically disadvantaged youth, ages 10 to 16 years old;

Whereas over 69,000 economically disadvantaged young people participated in NYSP last year at United States colleges and universities in 153 cities, 44 States, and the District of Columbia;

Whereas NYSP provides over 70,000 medical and follow-up examinations as well as health instruction by medical professionals to enrolled youth;

Whereas NYSP provides hot United States Department of Agriculture-approved meals and snacks daily to all participating youth;

Whereas the NYSP staff includes professional instructors with undergraduate degrees who offer educational instruction in drug education, AIDS, higher education, nutrition and health, and math and science, and who offer counseling on such topics as career opportunities, teen pregnancy, anti-gang strategies, and suicide prevention in an effort to promote personal responsibility;

Whereas NYSP is administered by an advisory committee composed of community leaders and college and university personnel, and collaborates with local community action agencies and mayors' offices;

Whereas the NYSP partnership between the public and private sectors ensures that Federal funds are used to provide direct services for youth, that institutions of higher education contribute facilities and personnel and pay the indirect costs of the program, and that public and private businesses donate equipment and supplies; and

Whereas 1993 marks the 25th year that NYSP has provided economically disadvantaged youth with the opportunity to participate in healthy sports activities in order to encourage these youth to build good habits, to direct the competitive urge toward constructive ends, to stimulate the imagination to reach new goals, and to satisfy the human desire to belong: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That July 1, 1993, is designated as "National NYSP Day". The President is authorized and requested to issue a proclamation calling upon State and local jurisdictions, appropriate Federal agencies, and the people of the United States to observe the day with appropriate ceremonies and activities.

Approved July 1, 1993.

LEGISLATIVE HISTORY—S.J. Res. 88:

CONGRESSIONAL RECORD, Vol. 139 (1993):
May 27, considered and passed Senate.
June 29, considered and passed House.

Public Law 103-48
103d Congress

An Act

July 2, 1993
[H.R. 765]

To resolve the status of certain lands relinquished to the United States under the Act of June 4, 1897 (30 Stat. 11, 36), and for other purposes.

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

SECTION 1. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Pursuant to the invitation and requirements contained in the 15th paragraph under the heading "Surveying the Public Lands" in the Act of June 4, 1897 (30 Stat. 11, 36), as amended or supplemented by the Acts of June 6, 1900 (31 Stat. 588, 614), March 4, 1901 (31 Stat. 1010, 1037), and September 22, 1922 (42 Stat. 1067), certain landowners or entrymen within forest reserves acted to transfer their lands to the United States as the basis for an in lieu selection of other Federal lands (hereafter in this Act referred to as "lieu lands") in exchange for such lands within such reserves (hereafter in this Act referred to as "base lands").

(2) By the Act of March 3, 1905 (33 Stat. 1264), Congress repealed the in lieu selection provisions of the Act of June 4, 1897, as amended, and terminated the right to select lieu lands, but expressly preserved the rights of land owners who had valid pending applications for in lieu selections, most of which have subsequently been granted.

(3) Other persons affected by the Acts cited in paragraphs (1) and (2) who acted to transfer base lands, or their successors in interest, have never obtained either (A) a patent to the lieu lands or any other consideration for their relinquishment, or (B) a quitclaim of their base lands, notwithstanding relief legislation enacted in 1922 and 1930.

(4) By the Act of July 6, 1960 (74 Stat. 334), Congress established a procedure to compensate persons affected by the Acts cited in paragraphs (1) and (2) who had not received appropriate relief under prior legislation. However, no payments of such compensation were made under that Act.

(5) Section 4 of the Act of July 6, 1960, further provided that lands with respect to which compensation under that Act were or could have been made, and not previously disposed of by the United States, shall be a part of any national forest, national park, or other area withdrawn from the public domain wherein they are located.

(6) Absent further legislation, lengthy and expensive litigation will be required to resolve existing questions about the title to lands covered by section 4 of the 1960 Act.

(b) PURPOSE.—The purpose of this Act is to resolve the status of the title to base lands affected by the past legislation cited in subsection (a).

SEC. 2. IDENTIFICATION AND QUITCLAIM OF FEDERAL INTEREST IN BASE LANDS.

(a) QUITCLAIM.—Except as otherwise provided by this Act, and subject to valid existing rights, but notwithstanding any other provision of law, the United States hereby quitclaims to the listed owner or entryman, his heirs, devisees, successors, and assigns, all right, title, and interest of the United States in and to the base lands described on a final list published pursuant to subsection (d)(1), effective on the date of publication of such list.

(b) PREPARATION OF INITIAL LISTS.—(1) Not later than 6 months after the date of enactment of this Act, the Secretary of the Interior, with respect to lands under such Secretary's jurisdiction, and the Secretary of Agriculture with respect to National Forest System lands, shall each prepare an initial list of all parcels of base lands that were relinquished to the United States pursuant to the Act of June 4, 1897 (as amended), and for which selection or other rights under that Act or supplemental legislation were not realized or exercised.

(2) The initial lists prepared under paragraph (1) shall be based on information in the actual possession of the Secretaries of the Interior and Agriculture on the date of enactment of this Act, including information submitted to Congress pursuant to the directive contained in Senate Report No. 98–578, issued for the Fiscal Year 1985 Interior and Related Agencies Appropriation, as revised and updated. The initial lists shall be published and distributed for public review in accordance with procedures adopted by the Secretary concerned.

Public information.

(3) For a period of 180 days after publication of a list pursuant to paragraph (2), persons asserting that particular parcels omitted from such a list should have been included may request the Secretary concerned to add such parcels to the appropriate list. The Secretary concerned shall add to the list any such parcels which the Secretary determines meet the conditions specified in paragraph (1).

(c) NATIONALLY SIGNIFICANT LANDS.—(1) During preparation or revision of an initial list under subsection (b), the Secretary concerned shall identify those listed lands which are located wholly or partially within any conservation system unit and all other listed lands which Congress has designated for specific management or which the Secretary concerned decides, in the concerned Secretary's sole discretion, should be retained in order to meet public, resource protection, or administrative needs. For purposes of this paragraph, the term "conservation system unit" means any unit of the National Park System, National Wildlife Refuge System, National Wild and Scenic Rivers System, National Trails System, or National Wilderness Preservation System, a national forest monument, or a national conservation area, a national recreation area, or any lands being studied for possible designation as part of such a system or unit.

(2) The provisions of subsection (a) shall not apply to any lands identified by the Secretary concerned pursuant to paragraph (1). The Secretary concerned shall not include any such lands on any list prepared pursuant to subsection (d). Subject to valid exist-

ing rights arising from factors other than those described in subsection (b)(1), any right, title, and interest in and to lands identified pursuant to paragraph (1) and not previously vested in the United States is hereby vested and confirmed in the United States.

Public information.

(3) In the same manner as the initial list was published and distributed pursuant to subsection (b)(2), the Secretary concerned shall publish and distribute an identification of all lands in which right, title, and interest is vested and confirmed in the United States by paragraph (2).

(d) FINAL LISTS.—(1) As soon as possible after considering any requests made pursuant to subsection (b)(3) and the identification of lands pursuant to subsection (c), the Secretary of the Interior and the Secretary of Agriculture shall each publish a final list, consisting of lands included on each Secretary's initial list not identified pursuant to subsection (c)(1). Unless a Secretary has published a final list on or before the date 24 months after the date of publication, pursuant to subsection (b)(2), of such Secretary's initial list, the initial list prepared by such Secretary shall be deemed on such date to be the final list required to be published by such Secretary, and thereafter no lands included on such initial list shall be excluded from operation of subsection (a) except lands located wholly or partially within a conservation system unit or any other area which Congress has designated for specific management.

(2) If after publication of a final list a court makes a final decision that a parcel of land was arbitrarily and capriciously excluded from an initial list as provided by subsection (b), such parcel shall be deemed to have been included on a final list published pursuant to paragraph (1), unless such parcel is located wholly or partially inside a conservation system unit or any other area which Congress has designated for specific management, in which case such parcel shall be subject to the provisions of subsection (c)(2).

(e) ISSUANCE OF INSTRUMENTS.—(1) Except as otherwise provided in this Act, no later than 6 months after the date on which the Secretary concerned publishes a final list of lands pursuant to subsection (d), the Secretary concerned shall issue documents of disclaimer of interest confirming the quitclaim made by subsection (a) of this section of all right, title, and interest of the United States in and to the lands included on such final list, subject to valid existing rights arising from factors other than a relinquishment to the United States of the type described in subsection (b). Each such confirmatory document of disclaimer of interest shall operate to estop the United States from making any claim of right, title, or interest of the United States in and to the base lands described in the document of disclaimer of interest, shall be made in the name of the listed owner or entryman, his heirs, devisees, successors, and assigns, and shall be in a form suitable for recordation and shall be filed and recorded by the United States with the recorder of deeds or other like official of the county or counties within which the lands covered by such confirmatory document of disclaimer of interest are located so that the title to such lands may be determined in accordance with applicable State law.

(2) The United States shall not adjudicate and, notwithstanding any provision of law to the contrary, does not consent to be sued in any suit instituted to adjudicate the ownership of, or to quiet

title to, any base land included in a final list and described in a confirmatory document of disclaimer of interest.

(3) Neither the Secretary of the Interior nor the Secretary of Agriculture shall be required to inspect any lands included on a final list nor to inform any member of the public regarding the condition of such lands prior to the issuance of any confirmatory document of disclaimer of interest required by this subsection, and nothing in this Act shall be construed as affecting any valid rights with respect to lands covered by a confirmatory document of disclaimer of interest issued pursuant to this subsection that were in existence on the date of issuance of such confirmatory document of disclaimer of interest.

(4) For purposes of this Act, the term "document of disclaimer of interest" means a memorandum or other document, however styled or described, that references the quitclaim made by subsection (a) of this section and that meets the requirements for recordation established by applicable laws of the State in which the lands to which such document refers are located.

(f) WAIVER OF CERTAIN CLAIMS AGAINST THE UNITED STATES.—Any person or entity accepting the benefits of this Act or failing to act to seek such benefits within the time allotted by this Act with respect to any base or other lands shall be deemed to have waived any claims against the United States, its agents or contractors, with respect to such lands, or with respect to any revenues received by the United States from such lands prior to the date of enactment of this Act. All non-Federal, third party rights granted by the United States with respect to base lands shall remain effective subject to the terms and conditions of the authorizing document. The United States may reserve any rights-of-way currently occupied or used for Government purposes.

SEC. 3. OTHER CLAIMS.

(a) JURISDICTION AND DEADLINE.—(1) Subject to the requirements and limitations of this section, a party claiming right, title, or interest in or to land vested in the United States by section 2(c)(2) of this Act may file in the United States Claims Court a claim against the United States seeking compensation based on such vesting. Notwithstanding any other provision of law, the Claims Court shall have exclusive jurisdiction over such claim.

(2) A claim described in paragraph (1) shall be barred unless the petition thereon is filed within 1 year after the date of publication of a final list pursuant to section 2(d) of this Act.

(3) Nothing in this Act shall be construed as authorizing any claim to be brought in any court other than a claim brought in the United States Claims Court based upon the vesting of right, title, and interest in and to the United States made by section 2(c)(2) of this Act.

(b) LIMITATIONS, DEFENSES, AND AWARDS.—(1) Nothing in this Act shall be construed as diminishing any existing right, title, or interest of the United States in any lands covered by section 2(c), including but not limited to any such right, title, or interest established by the Act of July 6, 1960 (74 Stat. 334).

(2) Nothing in this Act shall be construed as precluding or limiting any defenses or claims (including but not limited to defenses based on applicable statutes of limitations, affirmative defenses relating to fraud or speculative practices, or claims by

the United States based on adverse possession) otherwise available to the United States.

(3) Nothing in this Act shall be construed as entitling any party to compensation from the United States. However, in the event of a final judgment of the United States Claims Court in favor of a party seeking such compensation, or in the event of a negotiated settlement agreement made between such a party and the Attorney General of the United States, the United States shall pay such compensation from the permanent judgment appropriation established pursuant to section 1304 of title 31, United States Code.

(c) SAVINGS CLAUSE.—This Act does not include within its scope selection rights required to be recorded under the Act of August 5, 1955 (69 Stat. 534), regardless of whether compensation authorized by the Act of August 31, 1964 (78 Stat. 751) was or was not received.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

Approved July 2, 1993.

LEGISLATIVE HISTORY—H.R. 765:

HOUSE REPORTS: No. 103-81, Pt. 1 (Comm. on Natural Resources).
CONGRESSIONAL RECORD, Vol. 139 (1993):
June 21, considered and passed House.
June 29, considered and passed Senate.

Public Law 103-49
103d Congress

An Act

To provide authority for the President to enter into trade agreements to conclude the Uruguay Round of multilateral trade negotiations under the auspices of the General Agreement on Tariffs and Trade, to extend tariff proclamation authority to carry out such agreements, and to apply congressional "fast track" procedures to a bill implementing such agreements.

July 2, 1993
[H.R. 1876]

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

SECTION. 1. EXTENSION OF URUGUAY ROUND TRADE AGREEMENT NEGOTIATING AND PROCLAMATION AUTHORITY AND OF "FAST TRACK" PROCEDURES TO IMPLEMENTING LEGISLATION.

Section 1102 of the Omnibus Trade and Competitiveness Act of 1988 (19 U.S.C. 2902) is amended by inserting at the end the following new subsection:

"(e) SPECIAL PROVISIONS REGARDING URUGUAY ROUND TRADE NEGOTIATIONS.—

"(1) IN GENERAL.—Notwithstanding the time limitations in subsections (a) and (b), if the Uruguay Round of multilateral trade negotiations under the auspices of the General Agreement on Tariffs and Trade has not resulted in trade agreements by May 31, 1993, the President may, during the period after May 31, 1993, and before April 16, 1994, enter into, under subsections (a) and (b), trade agreements resulting from such negotiations.

"(2) APPLICATION OF TARIFF PROCLAMATION AUTHORITY.—No proclamation under subsection (a) to carry out the provisions regarding tariff barriers of a trade agreement that is entered into pursuant to paragraph (1) may take effect before the effective date of a bill that implements the provisions regarding nontariff barriers of a trade agreement that is entered into under such paragraph.

"(3) APPLICATION OF IMPLEMENTING AND 'FAST TRACK' PROCEDURES.—Section 1103 applies to any trade agreement negotiated under subsection (b) pursuant to paragraph (1), except that—

"(A) in applying subsection (a)(1)(A) of section 1103 to any such agreement, the phrase 'at least 120 calendar days before the day on which he enters into the trade agreement (but not later than December 15, 1993),' shall be substituted for the phrase 'at least 90 calendar days before the day on which he enters into the trade agreement,'; and

"(B) no provision of subsection (b) of section 1103 other than paragraph (1)(A) applies to any such agreement and in applying such paragraph, 'April 16, 1994;' shall be substituted for 'June 1, 1991;'.

"(4) ADVISORY COMMITTEE REPORTS.—The report required under section 135(e)(1) of the Trade Act of 1974 regarding any trade agreement provided for under paragraph (1) shall be provided to the President, the Congress, and the United States Trade Representative not later than 30 days after the date on which the President notifies the Congress under section 1103(a)(1)(A) of his intention to enter into the agreement (but before January 15, 1994).".

Approved July 2, 1993.

LEGISLATIVE HISTORY—H.R. 1876 (S. 1003):

HOUSE REPORTS: No. 103-128, Pt. 1 (Comm. on Ways and Means) and Pt. 2 (Comm. on Rules).
SENATE REPORTS: No. 103-66 accompanying S. 1003 (Comm. on Finance).
CONGRESSIONAL RECORD, Vol. 139 (1993):
June 22, considered and passed House.
June 30, considered and passed Senate.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 29 (1993):
July 2, Presidential statement.

Public Law 103-50
103d Congress

An Act

Making supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes.

July 2, 1993
[H.R. 2118]

Supplemental Appropriations Act of 1993.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes, namely:

CHAPTER I

DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOOD SAFETY AND INSPECTION SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $4,000,000.

COMMODITY CREDIT CORPORATION

DISASTER ASSISTANCE

Notwithstanding any other provision of law, any Commodity Credit Corporation funds that were appropriated by Public Law 102-229 and Public Law 102-368 for losses of crop production in 1990, 1991, and 1992 and that are unexpended as of the date of enactment of this Act shall be made available to producers of 1990, 1991, 1992, and 1993 crops of agricultural commodities for losses of production due to the deterioration of the quality of such commodities caused by natural disasters, as determined by the Corporation prior to August 1, 1993, and for which the Secretary has received claims by August 1, 1993: *Provided,* That such funds shall also be made available to producers of the 1993 crops of agricultural commodities for crop losses caused by natural disasters which occurred prior to August 1, 1993, and for which the Secretary has received claims by August 1, 1993: *Provided further,* That such funds shall also be made available to producers for 1993, 1994, and 1995 crop losses if such losses are due to the occurrence of Hurricanes Andrew and Iniki and Typhoon Omar: *Provided further,* That such funds shall be made available under

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the same terms and conditions as authorized for 1990, 1991, and 1992 crop losses: *Provided further,* That no payments to producers under this Act shall be at a rate greater than the rate used in making payments under Public Law 102–229 and Public Law 102–368: *Provided further,* That a producer who received a disaster payment, adjusted for quality losses, on the 1990, 1991, and 1992 crops, shall be ineligible to receive an additional disaster payment for the crop year for which the previous disaster payment was received, unless additional pro rata disaster payments are made: *Provided further,* That any such funds shall remain available until September 30, 1993: *Provided further,* That no funds may be used pursuant to the last clause of the fifth proviso of the appropriation for the Commodity Credit Corporation in Public Law 102–368: *Provided further,* That a curly top virus condition in sugar beets resulting from damaging weather or related condition that adversely affects the beets shall be an eligible disaster condition for purposes of assistance provided under this paragraph: *Provided further,* That funds previously made available for use by the Agricultural Stabilization and Conservation Service with respect to the provision of cost-share assistance under title IV of the Agricultural Credit Act of 1978 may be used for the rehabilitation of oyster beds that were damaged by Hurricane Andrew.

SOIL CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for the "Emergency Watershed Protection Program", $3,328,000.

RURAL DEVELOPMENT ADMINISTRATION

(RESCISSION)

Of the funds made available under this heading in Public Law 102–341, $9,587,000 are rescinded. Such funds were made available for salaries and expenses.

RURAL DEVELOPMENT INSURANCE FUND PROGRAM ACCOUNT

For an additional amount for the "Rural Development Insurance Fund Program Account", for the cost of water and sewer direct loans, $35,543,000, to subsidize additional gross obligations for the principal amount of direct loans not to exceed $250,000,000: *Provided,* That with regard to the funds provided herein, the Secretary may use 1980 United States Census information to determine the eligibility of loan applications submitted prior to the availability of 1990 United States Census information.

RURAL WATER AND WASTE DISPOSAL GRANTS

For an additional amount for "Rural Water and Waste Disposal Grants", $35,000,000, to remain available until expended: *Provided,* That with regard to the funds provided herein, the Secretary may use 1980 United States Census information to determine the eligibility of grant applications submitted prior to the availability of 1990 United States Census information.

FARMERS HOME ADMINISTRATION

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING RESCISSIONS)

For an additional amount for the "Rural Housing Insurance Fund Program Account", $4,576,000 for the cost of guaranteed unsubsidized section 502 loans, for total loan principal not to exceed $250,000,000.

Of the amounts provided under this heading for the cost of low-income housing section 502 direct loans in Public Law 102–341, $64,826,000 are rescinded.

Of the amounts provided under this heading for the cost of section 515 rental housing loans in Public Law 102–341, $17,672,000 are rescinded.

Of the amounts provided under this heading for the cost of credit sales of acquired property in Public Law 102–341, $3,571,000 are rescinded.

RENTAL ASSISTANCE PROGRAM

For an additional amount for the "Rental Assistance Program", for expiring agreements and for servicing existing units without agreements, $66,287,000.

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

(RESCISSIONS)

Of the amounts provided under this heading for the cost of direct farm ownership loans in Public Law 102–341, $2,317,000 are rescinded.

Of the amounts provided under this heading for the cost of direct operating loans in Public Law 102–341, $15,000,000 are rescinded.

Of the amounts provided under this heading for the cost of emergency insured loans in Public Law 102–341, $15,000,000 are rescinded.

Of the amounts provided under this heading for the cost of credit sales of acquired property in Public Law 102–341, $3,511,000 are rescinded.

SALARIES AND EXPENSES

(RESCISSION)

Of the amounts provided under this heading in Public Law 102–341, $15,000,000 are rescinded.

AGRICULTURAL NATURAL DISASTER ASSISTANCE

(INCLUDING TRANSFERS OF FUNDS)

From amounts made available to the Farmers Home Administration in Public Law 102–368, the Secretary of Agriculture may transfer from the following accounts up to the specified maximum amounts as follows: Agricultural Credit Insurance Fund Program Account, $28,000,000; Rural Water and Waste Disposal Grants, $20,000,000; Emergency Community Water Assistance Grants, $5,000,000; and Rural Development Insurance Fund Program

Account, $10,000,000. Such funds shall be available through the end of fiscal year 1994 for—

(a) a program designed to reduce the interest rate on business and industry guaranteed loans, whereby with respect to loans guaranteed by the Secretary under which the rate of interest charged by any legally organized lending institution (hereinafter "lender") does not exceed by more than 100 basis points the prime rate as defined by the Secretary, the Secretary may enter into a contract with any such lender under which the lender will receive payments in such amounts as will during the term of such contract reduce the interest rate paid by a borrower by one percentage point: *Provided,* That the borrower would otherwise be unable to make payments on such loan when due;

(b) permanent replacement of temporary migrant housing and rental assistance under "Rural Housing for Domestic Farm Labor";

(c) utilization of section 9 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2105); and

(d) cost-share assistance in accordance with title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201–2205) for nurserymen, aquaculture farmers, and tropical fruit growers for the rehabilitation of fencing destroyed or damaged by Hurricane Andrew:

Provided further, That such amounts so transferred shall be available only in areas affected by Hurricane Andrew, Hurricane Iniki, and Typhoon Omar: *Provided further,* That the entire amount transferred is hereby designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FOOD AND NUTRITION SERVICE

SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For any fiscal year 1993 reallocation process, the Secretary may waive the 15 percent cap regulation to ensure additional funds are received by States most in need.

HUMAN NUTRITION INFORMATION SERVICE

(RESCISSION)

Of the amounts provided under this heading in Public Law 102–341, $2,250,000 are rescinded.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for "Salaries and Expenses", from fees collected pursuant to section 736 of the Federal Food, Drug, and Cosmetic Act, not to exceed $36,000,000, to remain available until expended: *Provided,* That fees derived from applications

received during fiscal year 1993 shall be subject to the fiscal year 1993 limitation.

For an additional amount for carrying out the Mammography Quality Standards Act, $3,000,000, of which $1,000,000 shall be transferred from the Centers for Disease Control and Prevention; $1,000,000 shall be transferred from the National Institutes of Health "National Cancer Institute"; and $1,000,000 shall be transferred from the Health Care Financing Administration "Program Management".

GENERAL PROVISION

SEC. 101. None of the funds in this Act, or any other Act, may be used to pay for the relocation of the Human Nutrition Information Service.

CHAPTER II

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

DEPARTMENT OF COMMERCE

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

The sum "$13,889,000" under this heading in Public Law 102–395, 106 Stat. 1852, is amended to read "$15,050,000".

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(RESCISSION)

Of the amounts provided under this heading in Public Law 102–395, $1,750,000 are rescinded and in addition, of the amounts also provided under this heading for a semitropical research facility located at Key Largo, Florida, in Public Law 101–515 and Public Law 102–140, $794,000 are rescinded.

GENERAL PROVISION

SEC. 201. No grant to any State or other eligible entity to cover the costs of tourism promotion needs arising from Hurricane Andrew, Hurricane Iniki, and other disasters, made with the funds provided to the Department of Commerce in Public Law 102–368 (106 Stat. 1140), shall be subject to a maximum or minimum dollar amount as established by regulations of the Department of Commerce.

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

Notwithstanding section 1346 of title 31, United States Code, or section 612 of the Treasury, Postal Service, and General Government Appropriations Act, 1993, funds made available for fiscal

year 1993 by this or any other Act shall be available for the interagency funding of debt collection tracking and reporting by the Department of Justice.

ASSETS FORFEITURE FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 102–395, $35,000,000 are rescinded.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $32,000,000, to remain available until expended, of which the entire amount is for necessary expenses of the Federal Bureau of Investigation for special programs in support of the Nation's security.

FEDERAL PRISON SYSTEM

BUILDINGS AND FACILITIES

(RESCISSION)

From unobligated balances available under this heading, $145,000,000 are rescinded.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For an additional amount for "Justice Assistance", $150,000,000, to remain available until expended, for grants authorized by chapter A of subpart 2 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, notwithstanding the limitations of section 511 of said Act: *Provided,* That such funds shall be available only for the cost of the salaries and benefits, excluding overtime payments, resulting from the hiring of additional sworn law enforcement personnel.

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

DEFENDER SERVICES

For an additional amount for "Defender Services", $55,000,000, to remain available until expended.

FEES OF JURORS AND COMMISSIONERS

For an additional amount for "Fees of Jurors and Commissioners", $5,500,000.

RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

MILITARY USEFUL VESSEL OBLIGATION GUARANTEES

(INCLUDING RESCISSION)

For an additional amount for "Military Useful Vessel Obligation Guarantees", $52,000,000, to remain available until expended: *Provided,* That not to exceed $4,000,000 of these funds may be transferred to and merged with the appropriation for Operations and Training for administrative expenses associated with the program.

Of the funds provided under this heading in Public Law 102–395, 106 Stat. 1860, $52,000,000 are rescinded.

BOARD FOR INTERNATIONAL BROADCASTING

ISRAEL RELAY STATION

(RESCISSION)

From obligated and unobligated balances available under this heading, $180,000,000 are rescinded.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $11,500,000, to remain available until expended.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–395 from offsetting collections to be earned by the Securities and Exchange Commission in fiscal year 1993, $11,700,000 are rescinded.

THOMAS JEFFERSON COMMEMORATION COMMISSION

SALARIES AND EXPENSES

(RESCISSION)

Of the amounts provided under this heading in Public Law 102–395, $100,000 are rescinded.

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $500,000, to remain available until expended.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–395, $2,000,000 are rescinded.

(BY TRANSFER)

For an additional amount for "Salaries and expenses", $14,000,000, to carry out section 24 of the Small Business Act, as amended, to be derived by transfer from amounts provided in Public Law 102–395 for the credit subsidy cost of the SBIC Program.

BUSINESS LOANS PROGRAM ACCOUNT

For an additional amount for "Business loans program account", for the cost of section 7(a) guaranteed loans (15 U.S.C. 636(a)), $175,000,000, to remain available until expended.

DISASTER LOANS PROGRAM ACCOUNT

(RESCISSION)

Of unobligated balances available under this heading, $80,657,000 are rescinded.

CHAPTER III

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", $7,100,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and maintenance, Army", $149,800,000.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and maintenance, Navy", $46,356,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and maintenance, Marine Corps", $122,192,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and maintenance, Air Force", $266,400,000.

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

For an additional amount for "Operation and maintenance, Defense Agencies", $2,000,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for "Operation and maintenance, Navy Reserve", $237,000.

REAL PROPERTY MAINTENANCE, DEFENSE

For an additional amount for "Real Property Maintenance, Defense", $29,098,000.

ENVIRONMENTAL RESTORATION, DEFENSE

Under the heading "Environmental Restoration, Defense" in the Department of Defense Appropriations Act, 1993 (Public Law 102–396), the third, fourth, and fifth provisos are repealed. 106 Stat. 1883.

HUMANITARIAN ASSISTANCE PROGRAM

For an additional amount for the "Humanitarian Assistance Program", $23,000,000: *Provided,* That not less than $23,000,000 shall be made available until expended to continue emergency relief operations for the Kurdish population and other minorities of northern Iraq: *Provided further,* That, notwithstanding any other provision of law, the Department of Defense is authorized to make grants to any individual, nonprofit private voluntary organization, government or government agency, or international or intergovernmental organization, to assist in meeting the humanitarian needs of the people of northern Iraq: *Provided further,* That, notwithstanding any other provision of law, items or articles procured for this humanitarian purpose may be grown or produced inside or outside the United States.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE BUSINESS OPERATIONS FUND

For an additional amount for "Defense Business Operations Fund", $293,500,000.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for "Defense Health Program", $299,900,000.

RELATED AGENCIES

NATIONAL SECURITY EDUCATION TRUST FUND

There is hereby appropriated out of funds in the National Security Education Trust Fund, $10,000,000, which shall remain available until expended, for the purposes set out in paragraph (1) of section 804(b) of the National Security Education Act of 1991 (title VIII of Public Law 102–183; 50 U.S.C. 1904(b)), and

may be obligated for such purposes notwithstanding any other provision of law.

DEFENSE REINVESTMENT FOR ECONOMIC GROWTH

For an additional amount for "Defense Reinvestment for Economic Growth", $50,000,000 to remain available for obligation through September 30, 1995, and to be expended not later than that date for projects that arise out of, or that are related to, the closure or realignment of the Philadelphia Naval Shipyard and Naval Base Complex.

GENERAL PROVISIONS—CHAPTER III

SEC. 301. Section 9032 of the Department of Defense Appropriations Act, 1993 (Public Law 102–396) is amended by inserting ", the California and Hawaii recompetition contract," after "pursuant to this general provision" in the next to the last proviso (relating to preemption provisions).

106 Stat. 1907.

SEC. 302. Section 9084 of the Department of Defense Appropriations Act, 1993 (Public Law 102–396) is amended by inserting "or any other beneficiary described by section 1086(c) of title 10, United States Code," after "or a dependent of such a member,", and by inserting ", or end stage renal disease" after "solely on the grounds of physical disability" in the paragraph preceding the first proviso.

106 Stat. 1920.

SEC. 303. Section 9165 of the Department of Defense Appropriations Act, 1993 (Public Law 102–396) is hereby repealed: *Provided,* That notwithstanding any other provision of law $10,000,000 appropriated for the fiscal year beginning October 1, 1991, for Research, Development, Test and Evaluation, Defense Agencies shall remain available until expended and may be obligated only for the purposes set out in section 9078 of Public Law 102–396.

106 Stat. 1948.

SEC. 304. In section 103 of the Classified Annex which is incorporated into the Department of Defense Appropriations Act, 1993 (Public Law 102–396) the clause "notwithstanding any other provision of law" is hereby deleted.

(RESCISSIONS)

SEC. 305. Of the funds provided in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts in the specified amounts:

Operation and Maintenance, Defense Agencies, $87,800,000;

Aircraft Procurement, Army, 1993/1995, $3,000,000;

Procurement of Weapons and Tracked Combat Vehicles, Army, 1991/1993, $578,000;

Other Procurement, Army, 1991/1993, $2,287,000;

Other Procurement, Army, 1993/1995, $13,800,000;

Aircraft Procurement, Navy, 1993/1995, $24,800,000;

Weapons Procurement, Navy, 1991/1993, $12,700,000;

Weapons Procurement, Navy, 1993/1995, $8,000,000;

Other Procurement, Navy, 1991/1993, $92,200,000;

Other Procurement, Navy, 1993/1995, $48,950,000;

Missile Procurement, Air Force, 1993/1995, $72,900,000;

Other Procurement, Air Force, 1993/1995, $96,800,000;

Procurement, Defense Agencies, 1993/1995, $23,200,000;

National Guard and Reserve Equipment, Defense, 1993/1995, $249,200,000;

Research, Development, Test and Evaluation, Navy, 1993/1994, $9,300,000;

Research, Development, Test and Evaluation, Air Force, 1993/1994, $145,492,000; and

Research, Development, Test and Evaluation, Defense Agencies, 1993/1994, $82,500,000.

SEC. 306. Section 9006 of the Department of Defense Appropriations Act, 1993 (Public Law 102–396) is amended by deleting "1,500,000,000" and inserting in lieu thereof "2,000,000,000". 106 Stat. 1901.

SEC. 307. Except for the amounts provided under the headings "Defense Reinvestment for Economic Growth", "Humanitarian Assistance Program", and "National Security Education Trust Fund", funds appropriated in this chapter shall be obligated by September 1, 1993, and expended not later than September 30, 1993.

SEC. 308. Section 9150 of the Department of Defense Appropriations Act, 1993 (Public Law 102–396) is amended by inserting "or transferring funds to assist and permit the State of Washington to acquire" after the word "acquiring". 106 Stat. 1942.

CHAPTER IV

DEPARTMENT OF THE INTERIOR AND RELATED AGENCY

DEPARTMENT OF THE INTERIOR

UNITED STATES FISH AND WILDLIFE SERVICE

CONSTRUCTION AND ANADROMOUS FISH

(INCLUDING RESCISSION)

Of the amounts provided under this heading in Public Law 101–121 and Public Law 101–512, $1,500,000 are rescinded: *Provided,* That of the $2,700,000 included under this head in Public Law 102–381 for construction of the Ottawa National Wildlife Refuge, Ohio, Metzger Marsh project, $2,600,000 shall be available as a grant from the United States Fish and Wildlife Service to Ducks Unlimited, Inc., for construction of the Federal portion of the dike and pumping station at Metzger Marsh.

LAND ACQUISITION

For an additional amount for "Land acquisition", $1,000,000, to remain available until expended.

NATIONAL PARK SERVICE

CONSTRUCTION

(RESCISSION)

Of the amounts provided under this heading in Public Law 102–154, $2,700,000 are rescinded.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Operation of Indian programs", $21,300,000 for school operations, which shall become available for obligation on July 1, 1993, and shall remain available for obligation until September 30, 1994, of which $3,900,000 shall be derived by transfer from unobligated balances available in the "Oil spill emergency fund" account.

MISCELLANEOUS PAYMENTS TO INDIANS

106 Stat. 1391.

The paragraph under this head in Public Law 102–381 is amended by adding the following before the last period: ", and (3) to reimburse Indian trust fund account holders for losses to their respective accounts where the claim for said loss(es) has been reduced by a judgment and/or settlement agreement approved by the Department of Justice".

MISCELLANEOUS PERMANENT APPROPRIATIONS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the "Alaska resupply program", $6,000,000, to remain available until expended, to be derived by transfer from the unobligated balances available in the "Oil spill emergency fund" account.

GENERAL PROVISION, DEPARTMENT OF THE INTERIOR

SEC. 401. EXTENSION OF ACQUISITION AUTHORITY FOR THE PETROGLYPH NATIONAL MONUMENT.—Section 104(b)(2) of Public Law 101–313 is amended by striking "three" and inserting "four" in lieu thereof.

16 USC 431 note.

RELATED AGENCY

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

(RESCISSION)

Of the amounts provided under this heading in Public Law 102–381, $3,000,000 for housing are rescinded.

CHAPTER V

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Training and employment services", $220,000,000, to be available upon enactment of this Act, to carry into effect the Job Training Partnership Act, of which $3,500,000 is for activities under part D of title IV of such Act, of which up to $1,000,000 may be transferred to the Program Administration account, of which $50,000,000 is for activities under part H of title IV of such Act to be available for obligation through June 30, 1994, and of which $166,500,000 is for activities under part B of title II of such Act.

(RESCISSION)

Of the amounts provided under this heading in Public Law 102–394 for carrying out title II, parts A and C, of the Job Training Partnership Act, $50,000,000 are rescinded.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

For an additional amount for "Community service employment for older Americans", $6,000,000, of which $4,680,000 is for national grants or contracts with public agencies and public or private nonprofit organizations under section 506(a)(1)(A) of the Older Americans Act of 1965, as amended; and of which $1,320,000 is for grants to States under section 506(a)(3) of said Act.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

VACCINE INJURY COMPENSATION

For an additional amount for payment of claims resolved by the United States Claims Court related to the administration of vaccines before October 1, 1988, $30,000,000, to remain available until expended.

ASSISTANT SECRETARY FOR HEALTH

PUBLIC HEALTH EMERGENCY FUND

For carrying out section 319(a) of the Public Health Service Act, $6,000,000, to remain available until expended.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For an additional amount for "Payments to Social Security Trust Funds" to reimburse the trust funds for administrative expenses to carry out sections 9704 and 9706 of the Internal Revenue Code of 1986, $10,000,000, to remain available until expended.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

LIMITATION ON ADMINISTRATIVE EXPENSES

For an additional amount, $10,000,000, to remain available until expended, to carry out sections 9704 and 9706 of the Internal Revenue Code of 1986.

DEPARTMENT OF EDUCATION

STUDENT FINANCIAL ASSISTANCE

For an additional amount for "Student financial assistance" for payment of awards made under subpart 1 of part A of title IV of the Higher Education Act of 1965, as amended, $341,000,000, which shall be available through September 30, 1994, only for such awards made for award year 1993–1994 and prior award years.

COMMUNITY INVESTMENT PROGRAM

(INCLUDING RESCISSION)

Of the amounts provided under title XII of Public Law 102–368, Additional Assistance to Distressed Communities, under the heading "Community Investment Program", $275,000,000 are rescinded and the remaining $225,000,000 shall not become available until September 30, 1993.

GENERAL PROVISIONS

SEC. 501. Funds appropriated pursuant to section 414(a) of the Immigration and Nationality Act under Public Law 102–170 for fiscal year 1992 shall be available for the costs of assistance provided and other activities conducted in such year and in fiscal year 1993.

29 USC 1782c.

SEC. 502. YOUTH FAIR CHANCE PROGRAM.—Section 494(b) of the Job Training Partnership Act is amended in paragraph (3) by striking "21" and inserting "30".

CHAPTER VI

DEPARTMENT OF DEFENSE—MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, NAVY

For an additional amount for "Military Construction, Navy" to cover the incremental costs arising from flood damage at Camp Pendleton, California, $3,000,000.

FAMILY HOUSING, NAVY AND MARINE CORPS

For an additional amount for "Family Housing, Navy and Marine Corps" to cover the incremental costs arising from flood damage at Camp Pendleton, California, $4,345,000.

HOMEOWNERS ASSISTANCE FUND, DEFENSE

(INCLUDING RESCISSION)

Of the funds appropriated for "Homeowners Assistance Fund, Defense" under Public Law 102–380, $133,000,000 is hereby rescinded.

For an additional amount for "Homeowners Assistance Fund, Defense", $133,000,000, to remain available until expended.

CHAPTER VII

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

(TRANSFERS OF FUNDS)

OFFICE OF THE ASSISTANT SECRETARY FOR TRANSPORTATION POLICY

For necessary expenses of the Office of the Assistant Secretary for Transportation Policy, $2,358,000 to be derived from amounts made available for the "Office of the Assistant Secretary for Policy and International Affairs" in the Department of Transportation and Related Agencies Appropriations Act, 1993.

OFFICE OF THE ASSISTANT SECRETARY FOR AVIATION AND INTERNATIONAL AFFAIRS

For necessary expenses of the Office of the Assistant Secretary for Aviation and International Affairs, $7,920,000 to be derived from amounts made available for the "Office of the Assistant Secretary for Policy and International Affairs" and the "Office of Essential Air Service" in the Department of Transportation and Related Agencies Appropriations Act, 1993.

OFFICE OF THE DIRECTOR OF PUBLIC AFFAIRS

Amounts made available for the Office of the Assistant Secretary for Public Affairs in the Department of Transportation and

Related Agencies Appropriations Act, 1993, which are unobligated on the date of enactment of this Act shall be transferred to and merged under this head.

OFFICE OF THE ASSISTANT SECRETARY FOR BUDGET AND PROGRAMS

(RESCISSION)

Of the funds appropriated for "Office of the Assistant Secretary for Budget and Programs" under Public Law 102–388, $237,000 are rescinded.

OFFICE OF THE ASSISTANT SECRETARY FOR GOVERNMENTAL AFFAIRS

(RESCISSION)

Of the funds appropriated for "Office of the Assistant Secretary for Governmental Affairs" under Public Law 102–388, $303,000 are rescinded.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

(RESCISSION)

Of the funds appropriated for "Transportation Planning, Research, and Development" under Public Law 102–388, $285,000 are rescinded.

OFFICE OF COMMERCIAL SPACE TRANSPORTATION

OPERATIONS AND RESEARCH

(RESCISSION)

Of the funds appropriated for "Office of Commercial Space Transportation, Operations and Research" under Public Law 102–388, $25,000 are rescinded.

COAST GUARD

OPERATING EXPENSES

(RESCISSION)

Of the funds appropriated for "Operating Expenses" under Public Law 102–388, $7,000,000 are rescinded.

OIL SPILL LIABILITY TRUST FUND

Not more than $7,000,000 shall be expended in fiscal year 1993 pursuant to section 6002(b) of the Oil Pollution Act of 1990 to carry out the provisions of section 1012(a)(4) of that Act.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(RESCISSION)

Of the funds appropriated for "Operations" under Public Law 102–388, $8,000,000 are rescinded.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the funds appropriated for "Facilities and Equipment" under Public Law 100–457, $48,300,000 are rescinded.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(AIRPORT AND AIRWAY TRUST FUND)

For an additional amount for liquidation of obligations, $100,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended.

FEDERAL RAILROAD ADMINISTRATION

RAILROAD SAFETY

(RESCISSION)

Of the funds appropriated for "Railroad Safety" under Public Law 102–388, $140,000 are rescinded.

NORTHEAST CORRIDOR IMPROVEMENT PROGRAM

(INCLUDING RESCISSION)

Of the funds appropriated for "Northeast Corridor Improvement Program" under Public Law 102–388, $204,100,000 are rescinded.

For an additional amount for "Northeast Corridor Improvement Program", $204,100,000, to remain available until expended.

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

For an additional amount for "Grants to the National Railroad Passenger Corporation", to remain available until expended, $20,000,000 for operating losses incurred by the Corporation and $25,000,000 for capital improvements.

FEDERAL TRANSIT ADMINISTRATION

ADMINISTRATIVE EXPENSES

(RESCISSION)

Of the funds appropriated for "Administrative Expenses" under Public Law 102–388, $305,000 are rescinded.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

(RESCISSION)

Of the funds appropriated for "Operations and Maintenance" under Public Law 102–388, $91,000 are rescinded.

RELATED AGENCY

INTERSTATE COMMERCE COMMISSION

SALARIES AND EXPENSES

(RESCISSION)

Of the funds appropriated for "Salaries and Expenses" under Public Law 102–388, $360,000 are rescinded.

GENERAL PROVISIONS

SEC. 701. Section 345 of the Department of Transportation and Related Agencies Appropriations Act, 1992, as amended by section 353 of the Department of Transportation and Related Agencies Appropriations Act, 1993, is amended by adding at the end thereof the following:

106 Stat. 1555.

"(7) The Metropolitan New York Aircraft Noise Mitigation Committee established under this section shall not be subject to the Federal Advisory Committee Act".

SEC. 702. Funds made available under the Department of Transportation and Related Agencies Appropriations Act, 1993, for the fuel cell buses program under the Federal Transit Administration's Discretionary grants account shall be transferred to that agency's Transit Planning and Research account and be administered in accordance with section 6 of the Federal Transit Act, as amended.

CHAPTER VIII

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT

DEPARTMENT OF THE TREASURY

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $4,000,000, for expenses arising from the Waco, Texas law enforcement operation.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Salaries and expenses", $1,618,000, to be derived by transfer from unobligated balances in the "Operation and Maintenance, air and marine interdiction programs" account.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

(RESCISSION)

Of the funds made available under this heading in Public Law 102–393, $3,400,000 are rescinded.

INTERNAL REVENUE SERVICE

PROCESSING TAX RETURNS AND ASSISTANCE

(RESCISSION)

Of the funds provided under this heading in Public Law 102–393, $1,674,000 are rescinded.

TAX LAW ENFORCEMENT

(RESCISSION)

Of the funds provided under this heading in Public Law 102–393, $3,972,000 are rescinded.

INFORMATION SYSTEMS

(RESCISSION)

Of the funds provided under this heading in Public Law 102–393, $1,427,000 are rescinded.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $11,277,000 for expenses associated with the protection of former President Bush, security for the residence of Vice President Gore, for the extraordinary expenses associated with the World Trade Center bombing, and other urgent activities.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $415,000, to remain available until expended.

THE WHITE HOUSE OFFICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $7,410,538, of which $2,100,000 is to be derived by transfer from the Office of National Drug Control Policy, "Salaries and expenses".

OFFICIAL RESIDENCE OF THE VICE PRESIDENT

OPERATING EXPENSES

Notwithstanding the limitation contained under this heading in Public Law 102–393, not to exceed $125,000 may be available for official entertainment expenses.

SPECIAL ASSISTANCE TO THE PRESIDENT

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $107,000.

NATIONAL CRITICAL MATERIALS COUNCIL

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–393, $50,000 are rescinded.

NATIONAL SPACE COUNCIL

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–389, $650,000 are rescinded.

INDEPENDENT AGENCIES

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $112,000.

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

(LIMITATIONS ON AVAILABILITY OF REVENUE)

(RESCISSION)

The funds made available for obligation under this heading in Public Law 102–393 for the following accounts are hereby reduced in the following amounts: "Rental of Space", $16,000,000 and "Installment and Acquisition Payments", $2,000,000: *Provided*, That the aggregate limitation on Federal Buildings Fund obligations

established in Public Law 102–393 is hereby reduced by such amounts: *Provided further,* That the amount deposited into the Fund is reduced by $5,900,000: *Provided further,* That of the funds provided under this heading in Public Law 101–509 for the Northern Virginia Naval Systems Commands, $25,000,000 are rescinded.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

For an additional amount for "Allowances and Office Staff for Former Presidents", $194,000.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

For an additional amount for "Operating Expenses", $2,997,000.

GENERAL PROVISIONS

SEC. 801. Not to exceed 2 per centum of any appropriations made available to the Executive Office of the President in fiscal year 1993 may be transferred between such appropriations with the exception of appropriations to the Office of National Drug Control Policy. Notwithstanding any authority to transfer funds between appropriations contained in this or any other Act, no transfer may increase or decrease any appropriation by more than 2 per centum and any such proposed transfers shall be approved in advance by the Committees on Appropriations of the House and Senate.

SEC. 802. Notwithstanding any provision of law, funds made available to the United States Customs Service by this or any other Act, may be transferred to State and local governmental agencies for law enforcement purposes.

SEC. 803. Section 617 of Public Law 102–393 is hereby repealed. 106 Stat. 1769.

SEC. 804. Notwithstanding any other provision of law, $2,000,000 made available by transfer to the Drug Enforcement Administration from the "Special Forfeiture Fund" account of the Office of National Drug Control Policy in Public Law 102–393 may be used for an expansion study of the El Paso Intelligence Center and for the operation and maintenance of the computer systems at the Center.

SEC. 805. Notwithstanding any other provision of law, the Comptroller General of the United States shall conduct a review of the action taken with respect to the White House travel office and shall submit the findings from such review to the Congress by no later than September 30, 1993. Reports.

CHAPTER IX

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

For an additional amount for "Compensation and pensions", $475,000,000, to remain available until expended.

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Medical care", $3,000,000, to be derived by transfer from amounts appropriated under the head "Medical administration and miscellaneous operating expenses" in Public Law 102–389.

Notwithstanding any other provision of law, not less than $9,315,000,000 of the sums appropriated under this heading in Public Law 102–389 shall be available only for expenses in the personnel compensation and benefits object classifications.

Notwithstanding any other provision of law, funds provided under this heading in Public Law 102–389 shall be available to establish and operate a geriatric research, education, and clinical center as directed in House Report 102–902.

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

Notwithstanding any other provisions of law, the national oversight quality assurance activities, described in section 104 of Public Law 102–405, shall be funded under this heading during the remainder of the fiscal year and in subsequent fiscal years.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

HOME INVESTMENT PARTNERSHIPS PROGRAM

(TRANSFERS OF FUNDS)

For additional amounts for the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended, subject to the terms provided under this head in the Dire Emergency Supplemental Appropriations Act, 1992, Public Law 102–368, to remain available until expended, $60,000,000, to be derived by transfer from the $100,000,000 appropriated in the second paragraph under the head "Annual contributions for assisted housing" in such Act.

For additional amounts for the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez

National Affordable Housing Act, as amended, subject to the terms provided under this head in the Dire Emergency Supplemental Appropriations Act, 1992, Public Law 102–368, $62,500,000, to remain available until expended: *Provided,* That up to $50,000,000 of the amounts required to fund the foregoing amount shall be derived by transfer from the Homeownership and Opportunity for People Everywhere Grants (HOPE grants) account and the remaining amounts shall be transferred from the Flexible Subsidy Fund, notwithstanding section 236(f)(3) of the National Housing Act and section 201(j) of the Housing and Community Development Amendments of 1978, as amended.

SEVERELY DISTRESSED PUBLIC HOUSING PROJECTS

(TRANSFER OF FUNDS)

For activities as set forth in the third paragraph under the head "Homeownership and opportunity for people everywhere grants (HOPE grants)" in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1993, $300,000,000, to remain available until expended, to be derived by transfer from amounts appropriated for the purpose under the foregoing head.

YOUTHBUILD PROGRAMS

(TRANSFER OF FUNDS)

For activities authorized by subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act, under the heading "HOPE for Youth: Youthbuild", $40,000,000, to remain available until expended, to be derived by transfer from amounts appropriated under the head "Homeownership and opportunity for people everywhere grants (HOPE grants)" in title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1993, Public Law 102–389.

FEDERAL HOUSING ADMINISTRATION

FHA—MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

The limitation on commitments to guarantee loans during fiscal year 1993 to carry out the purpose of section 203(b) of the National Housing Act, as amended, is increased by a loan principal of $42,854,000,000.

FHA—GENERAL INSURANCE AND SPECIAL RISK INSURANCE PROGRAM ACCOUNT

(INCLUDING TRANSFER AND RESCISSIONS OF FUNDS)

For an additional amount for the cost of guaranteed loans authorized by sections 238 and 519 of the National Housing Act, as amended (12 U.S.C. 1715z–3(b) and 1735c–(f)), up to $19,000,000: *Provided,* That notwithstanding section 236(f)(3) of such Act and section 201(j) of the Housing and Community Development Amendments of 1978, as amended, amounts required to fund the foregoing amount shall be derived by transfer from the Flexible Subsidy Fund during fiscal year 1993: *Provided further,* That prior to obliga-

tion of any funds from this transfer, such sums as may be necessary shall be rescinded from such Fund so that no amount so transferred shall increase departmental budget outlays or budget authority: *Provided further,* That of the amounts otherwise available under the Flexible Subsidy Fund during fiscal year 1993, an additional $2,000,000 are rescinded.

During fiscal year 1993 additional commitments to insure loans under this head shall not exceed a total principal, any part of which is to be guaranteed, of an additional $500,000,000.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

The limitation on new commitments during fiscal year 1993 to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(q)), is increased by an additional $30,000,000,000.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT GRANTS

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

For an additional amount for "Community development grants", for use only for the repair, renovation, or replacement, or other authorized community development activities affecting structures damaged or destroyed by Hurricane Andrew, Hurricane Iniki, Typhoon Omar, and other Presidentially-declared disasters, to remain available until September 30, 1995, $40,000,000, to be derived by transfer from the $100,000,000 appropriated in the second paragraph under the head "Annual contributions for assisted housing" in the Dire Emergency Supplemental Appropriations Act, 1992, Public Law 102–368: *Provided,* That the Secretary may waive entirely, or in any part, any requirement set forth in title I of the Housing and Community Development Act of 1974, except a requirement relating to fair housing and nondiscrimination, the environment, and labor standards, if the Secretary finds that such waiver will further the purposes of the use of the amount hereby transferred.

Of the unobligated balances of amounts heretofore made available for activities under section 107 of the Housing and Community Development Act of 1974, and without regard for any provision of subsection (a) of section 107 of such Act, or any earmarks for such section 107 set forth under this head in any prior appropriations Act, $45,000,000 are rescinded.

For an additional amount for "Community development grants", for use for authorized community development activities only in areas impacted by Hurricane Andrew, Hurricane Iniki, or Typhoon Omar, $45,000,000, to remain available until September 30, 1995: *Provided,* That the Secretary may waive entirely, or in any part, any requirement set forth in title I of the Housing and Community Development Act of 1974, except a requirement relating to fair housing and nondiscrimination, the environment, and labor standards, if the Secretary finds that such waiver will further the purposes of the use of the amount hereby appropriated.

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

The third, fourth, and fifth provisos under this head in title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1993, Public Law 102–389, are repealed. 106 Stat. 1589.

ADMINISTRATIVE PROVISIONS

The accounts under the head "Management and administration", except the account for the Office of Inspector General, in title II, Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1992, Public Law 102–139, and the amounts in such accounts, are hereby merged into "Salaries and expenses", for the purposes of administering such accounts in accordance with title 31, United States Code, subchapter IV, chapter 15.

The seventh paragraph under this heading in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1993, Public Law 102–389 (the second full paragraph at 106 Stat. 1591) is repealed.

Of the $260,000,000 earmarked in Public Law 102–389 for special purpose grants (106 Stat. 1571, 1584), $1,750,000 made available to Los Angeles, California, for a loan fund to be administered by a nonprofit community organization in support of small business revitalization that will create a beneficial impact on employment, income, savings, and the development of a stronger community economic base in South Central Los Angeles shall instead be made available to the Brotherhood Crusade Black United Front of Los Angeles for the same purpose.

Of the $260,000,000 earmarked in Public Law 102–389 for special purpose grants (106 Stat. 1571, 1584), $1,500,000 made available for a feasibility study on infrastructure improvements needed for the economic development of the Peoria, Illinois, area shall instead be made available for economic development in Marshall County, Illinois.

Of the $54,250,000 earmarked in Public Law 101–507 for special purpose grants (104 Stat. 1351, 1357), $1,350,000 made available for the Bickerdike Redevelopment Corporation for the rehabilitation of 70 units in three buildings, for rental to low-income tenants in the City of Chicago shall instead be made available for the Bickerdike Redevelopment Corporation, for the creation of rental subsidy for 70 units of affordable housing for rental to low-income tenants in the City of Chicago. The Rental Subsidy program is to be set up through a secure investment portfolio by Bickerdike whereby principal and interest earned will be used to subsidize rents for a period of years.

Notwithstanding any provision of law or regulation thereunder, the requirement that an amendment to an urban development action grant agreement must be integrally related to the approved project is hereby waived for project No. B84AB210149.

INDEPENDENT AGENCIES

ENVIRONMENTAL PROTECTION AGENCY

ABATEMENT, CONTROL, AND COMPLIANCE

(RESCISSION)

Of the funds appropriated for "Abatement, control, and compliance" in Public Law 102–389, $6,000,000 are rescinded.

PROGRAM AND RESEARCH OPERATIONS

For an additional amount for "Program and research operations", $3,000,000.

STATE REVOLVING FUNDS/CONSTRUCTION GRANTS

Title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1993, is amended in the paragraph under the subheading "State revolving funds/construction grants" under the heading "Environmental Protection Agency" by striking "necessary work to remove and reroute the existing sewer lines at" and inserting "improvements related to the sewer system that services".

106 Stat. 1599.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND DEVELOPMENT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Research and development", $5,000,000, to remain available until September 30, 1994, to be derived by transfer from amounts provided under the head "Construction of facilities" in Public Law 102–389.

Funds made available under this heading in Public Law 102–389 for the restructured Space Station Freedom program may be made available for the redesigned Space Station program without limitation.

SPACE FLIGHT, CONTROL AND DATA COMMUNICATIONS

(RESCISSION)

Of the amounts provided under this heading in Public Law 102–389, $27,200,000 are rescinded.

RESEARCH AND PROGRAM MANAGEMENT

For an additional amount for "Research and program management", $20,000,000, to remain available until September 30, 1994.

CHAPTER XI

ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

CONSTRUCTION, GENERAL

Using funds heretofore appropriated in Public Law 102–377, the Chief of Engineers, United States Army Corps of Engineers, is directed to use $750,000 to undertake work on the Cliff Walk, Rhode Island, project as provided in the Conference Report accompanying H.R. 5373 (Public Law 102–377).

ADMINISTRATIVE PROVISION

Using funds heretofore appropriated under "Construction, general", the Secretary of the Army, acting through the Chief of Engineers, is directed to augment, reprogram, transfer or apply such additional sums as necessary to continue construction and cover anticipated contract earnings on any project which received an appropriation or allowance within the appropriation in fiscal year 1993 in order to avoid terminating any contracts and to avoid schedule delays.

CHAPTER XII

GENERAL PROVISIONS

SEC. 1201. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 1202. (a) ACQUISITION OF PROPERTY.—Section 1(a) of the Act entitled "An Act to authorize the Architect of the Capitol to acquire certain property", approved August 3, 1992, is amended to read as follows:

40 USC 174b–1 note.

"(a) ACQUISITION OF PROPERTY.—(1) The Architect of the Capitol, under the direction of the Senate Committee on Rules and Administration, may acquire, on behalf of the United States Government, by purchase, condemnation, transfer or otherwise, as an addition to the United States Capitol Grounds, such real property in the District of Columbia as may be necessary to carry out the provisions of this Act. Real property acquired for purposes of this Act, may, in the discretion of the Architect of the Capitol, extend to the outer face of the curbs of such property so acquired, including alleys or parts of alleys and streets within the lot lines and curblines surrounding such real property, together with any or all improvements thereon.

District of Columbia.

"(2) Subject to the approval by the Committee on Appropriations of the Senate, an amount necessary to enable the Architect of the Capitol to carry out the provisions of this section may be transferred from any appropriation under the heading 'SENATE' and the subheadings 'SALARIES, OFFICERS AND EMPLOYEES', and 'OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER', and the subheadings 'CONTINGENT EXPENSES OF THE SENATE' and 'SER-

GEANT AT ARMS AND DOORKEEPER OF THE SENATE' to the account appropriated under the heading 'ARCHITECT OF THE CAPITOL' and the subheadings 'CAPITOL BUILDINGS AND GROUNDS' and 'SENATE OFFICE BUILDINGS'.".

40 USC 174b-1 note.

(b) FACILITIES.—The first sentence of subsection (d) of section 1 of such Act is amended—

(1) by inserting "(1)" immediately after "to make expenditures for"; and

(2) by inserting immediately before the period at the end thereof a semicolon and the following: "and (2) for the construction on such real property of any facilities thereon as authorized under subsection (f)".

SEC. 1203. (a)(1) Section 320 of the Legislative Branch Appropriations Act, 1993 (40 U.S.C. 214d; Public Law 102–392; 106 Stat. 1725) is amended—

(A) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively; and

(B) by inserting after subsection (g) the following new subsection:

"(h)(1) Subject to the provisions of paragraph (2), the Secretary of the Senate shall pay such amounts to the Senate day care center equal to the tax on employers under section 3111 of the Internal Revenue Code of 1986 with respect to each employee of the Senate day care center. Such payments shall be made from the appropriations account, within the contingent fund of the Senate, 'Miscellaneous Items'.

"(2) The Senate day care center shall provide appropriate documentation to the Secretary of the Senate of payment by such center of the tax described under paragraph (1), before the Secretary of the Senate may pay any amount to such center as provided under paragraph (1).".

Effective date. 40 USC 214d note.

(2) The amendments made by paragraph (1) shall take effect on the first day of the first month beginning on or after the date of the enactment of this Act.

40 USC 214d.

(b)(1) Section 320(b)(1) of the Legislative Branch Appropriations Act, 1993 (Public Law 102–392; 106 Stat. 1725) is amended by striking out "the date of the enactment of this Act" and inserting in lieu thereof "January 1, 1993".

Effective date. 40 USC 214d note.

(2) The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act.

2 USC 1209.

SEC. 1204. (a) Section 309(a) of Public Law 102–166 is amended to read as follows:

"(a) IN GENERAL.—Any party aggrieved by a final decision entered pursuant to the provisions of section 308(d)(2) may petition for review by the United States Court of Appeals for the Federal Circuit. A decision may not be reviewed under this section unless a timely request for review of such decision was filed under section 308(a).".

Effective date. 2 USC 1209 note.

(b) The amendment made by this section shall take effect upon the date of the enactment of this Act, except that such amendment shall not affect any proceeding or suit commenced before the effective date and in all such proceedings or suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this section had not been enacted.

SEC. 1205. (a) There is established in the contingent fund of the Senate the "Settlements and Awards Reserve" appropriation account— 2 USC 1207a.

(1) into which shall be deposited appropriated funds and amounts transferred by the Secretary of the Senate from funds available to the Secretary for disbursement by the Secretary; and

(2) that shall be available as provided in subsection (b).

(b) The appropriation account established by subsection (a) shall be available for the payment of awards under section 307 of Public Law 102–166 and payments pursuant to agreements under section 310 of such Act.

(c) There are authorized to be appropriated such sums as are necessary for the purposes of subsection (b).

This Act may be cited as the "Supplemental Appropriations Act of 1993".

Approved July 2, 1993.

LEGISLATIVE HISTORY—H.R. 2118:

HOUSE REPORTS: No. 103-91, Pt. 1 and Pt. 2 (Comm. on Appropriations) and No. 103-165 (Comm. of Conference).
SENATE REPORTS: No. 103-54 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 139 (1993):
May 26, considered and passed House.
June 17, 22, considered and passed Senate, amended.
July 1, House and Senate agreed to conference report.
May 28, Senate agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 29 (1993):
July 3, Presidential statement.

○

Public Law 103-51
103d Congress

An Act

July 16, 1993
[H.R. 588]

To designate the facility of the United States Postal Service located at 20 South Main in Beaver, Utah, as the "Abe Murdock United States Post Office Building".

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

SECTION 1. DESIGNATION.

The facility of the United States Postal Service located at 20 South Main in Beaver, Utah, is designated as the "Abe Murdock United States Post Office Building".

SEC. 2. LEGAL REFERENCES.

Any reference in any law, regulation, document, record, map, or other paper of the United States to the facility referred to in section 1 is deemed to be a reference to the "Abe Murdock United States Post Office Building".

Approved July 16, 1993.

LEGISLATIVE HISTORY—H.R. 588:

CONGRESSIONAL RECORD, Vol. 139 (1993):
May 24, considered and passed House.
July 1, considered and passed Senate.

69-139 O - 93 (51)

Public Law 103-52
103d Congress

Joint Resolution

July 16, 1993
[H.J. Res. 213]

Designating July 2, 1993 and July 2, 1994 as "National Literacy Day".

Whereas forty-two million Americans today read at a level which is less than necessary for full survival needs;

Whereas there are thirty million adults in the United States who cannot read, whose resources are left untapped, and who are unable to offer their full contribution to society;

Whereas illiteracy is growing rapidly, as two million three hundred thousand persons, including one million two hundred thousand legal and illegal immigrants, one million high school dropouts, and one hundred thousand refugees, are added to the pool of illiterates annually;

Whereas the annual cost of illiteracy to the United States in terms of welfare expenditures, crime, prison expenses, lost revenues, and industrial and military accidents has been estimated at $225,000,000,000;

Whereas the competitiveness of the United States is eroded by the presence in the workplace of millions of Americans who are functionally or technologically illiterate;

Whereas there is a direct correlation between the number of illiterate adults unable to perform at the standard necessary for available employment and the money allocated to child welfare and unemployment compensation;

Whereas the percentage of illiterates in proportion to population size is higher for blacks and Hispanics, resulting in increased economic and social discrimination against these minorities;

Whereas the prison population represents the single highest concentration of adult illiteracy;

Whereas one million children in the United States between the ages of twelve and seventeen cannot read above a third grade level, 13 per centum of all seventeen-year-olds are functionally illiterate, and 15 per centum of graduates of urban high schools read at less than a sixth grade level;

Whereas 85 per centum of the juveniles who appear in criminal court are functionally illiterate;

Whereas the 47 per centum illiteracy rate among black youths is expected to increase;

Whereas one-half of all heads of households cannot read past the eighth grade level and one-third of all mothers on welfare are functionally illiterate;

Whereas the cycle of illiteracy continues because the children of illiterate parents are often illiterate themselves because of the lack of support they receive from their home environment;

Whereas Federal, State, municipal, and private literacy programs have only been able to reach 5 per centum of the total illiterate population;

Whereas it is vital to call attention to the problem of illiteracy, to understand the severity of the problem and its detrimental effects on our society, and to reach those who are illiterate and unaware of the free services and help available to them; and

Whereas it is also necessary to recognize and thank the thousands of volunteers who are working to promote literacy and provide support to the millions of illiterates in need of assistance: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That July 2, 1993 and July 2, 1994 are designated as "National Literacy Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

Approved July 16, 1993.

LEGISLATIVE HISTORY—H.J. Res. 213 (S.J. Res. 106):

CONGRESSIONAL RECORD, Vol. 139 (1993):
June 29, considered and passed House.
July 1, considered and passed Senate.

Public Law 103-53
103d Congress

Joint Resolution

Designating July 17 through July 23, 1993, as "National Veterans Golden Age Games Week".

July 22, 1993
[H.J. Res. 190]

Whereas from July 17, 1993, through July 23, 1993, the Department of Veterans Affairs Medical Center at Mountain Home, Tennessee, will host the seventh annual Veterans Golden Age Games;

Whereas the games are a national multi-event sports and recreational competition for veterans, age 55 and over, who are currently receiving medical care from the Department of Veterans Affairs;

Whereas sports and recreation are integral components in the rehabilitative medicine programs offered at Veterans Administration hospitals, and help improve the health and quality of life for older veterans;

Whereas veteran athletes from across the United States will compete in events and competitions at the games;

Whereas the National Veterans Golden Age Games Program serves as a showcase for the prevention and therapeutic medical value that sports and recreation provide in the lives of all older Americans; and

Whereas the games provide further recognition of the valiant service given to the Nation by its veterans: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That July 17 through July 23, 1993, is designated as "National Veterans Golden Age Games Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate programs, ceremonies, and activities.

Approved July 22, 1993.

LEGISLATIVE HISTORY—H.J. Res. 190:

CONGRESSIONAL RECORD, Vol. 139 (1993):
July 13, considered and passed House.
July 15, considered and passed Senate.

Public Law 103-54
103d Congress

An Act

July 28, 1993
[H.R. 2561]

To authorize the transfer of naval vessels to certain foreign countries.

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

SECTION 1. AUTHORITY TO TRANSFER NAVAL VESSELS TO CERTAIN COUNTRIES.

(a) ARGENTINA.—The Secretary of the Navy is authorized to transfer to the Government of Argentina the auxiliary repair dry dock (ARD 23). Such transfer shall be on a grant basis under section 519 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321m; relating to transfers of excess defense articles).

(b) AUSTRALIA.—The Secretary of the Navy is authorized to transfer to the Government of Australia the "CHARLES F. ADAMS" class guided missile destroyer GOLDSBOROUGH (DDG 20). Such transfer shall be on a sales basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761; relating to the foreign military sales program).

(c) CHILE.—The Secretary of the Navy is authorized to transfer to the Government of Chile the auxiliary repair dry dock (ARD 32). Such transfer shall be on a sales basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761; relating to the foreign military sales program).

(d) GREECE.—The Secretary of the Navy is authorized to transfer to the Government of Greece the "CHARLES F. ADAMS" class guided missile destroyer RICHARD E. BYRD (DDG 23). Such transfer shall be on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j; relating to transfers of excess defense articles).

(e) TAIWAN.—The Secretary of the Navy is authorized to transfer to the Coordination Council for North American Affairs (which is the Taiwan instrumentality designated pursuant to section 10(a) of the Taiwan Relations Act) the auxiliary repair dry dock WINDSOR (ARD 22). Such transfer shall be on a sales basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761; relating to the foreign military sales program).

(f) TURKEY.—(1) The Secretary of the Navy is authorized to transfer to the Government of Turkey the "KNOX" class frigates REASONER (FF 1063), FANNING (FF 1076), THOMAS C. HART (FF 1092), and CAPODANNO (FF 1093). Such transfers shall be on lease basis under chapter 6 of the Arms Export Control Act (22 U.S.C. 2796 and following).

(2) The Secretary of the Navy is authorized to transfer to the Government of Turkey the "KNOX" class frigate ELMER MONTGOMERY (FF 1082). Such transfer shall be on a grant

basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j; relating to transfers of excess defense articles).

SEC. 2. WAIVER OF REQUIREMENTS FOR NOTIFICATION TO CONGRESS.

The following provisions do not apply with respect to the transfers authorized by this Act:

(1) In case of a grant under section 516 of the Foreign Assistance Act of 1961, subsection (c) of that section and any similar provision.

(2) In case of a grant under section 519 of the Foreign Assistance Act of 1961, subsection (c) of that section and any similar provision.

(3) In the case of a sale under section 21 of the Arms Export Control Act, section 546 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1993 (Public Law 102–391) and any similar, successor provision.

(4) In the case of a lease under section 61 of the Arms Export Control Act, section 62 of that Act (except that section 62 of that Act shall apply to any renewal of the lease).

SEC. 3. COSTS OF TRANSFERS.

Any expense of the United States in connection with a transfer authorized by this Act shall be charged to the recipient.

SEC. 4. EXPIRATION OF AUTHORITY.

The authority granted by section 1 of this Act shall expire at the end of the 2-year period beginning on the date of the enactment of this Act, except that leases entered into during that period under subsection (f)(1) of that section may be renewed.

Approved July 28, 1993.

LEGISLATIVE HISTORY—H.R. 2561:

CONGRESSIONAL RECORD, Vol. 139 (1993):
July 13, considered and passed House.
July 21, considered and passed Senate.

Public Law 103-55
103d Congress

An Act

July 28, 1993
[H.R. 1189]

To entitle certain armored car crew members to lawfully carry a weapon in any State while protecting the security of valuable goods in interstate commerce in the service of an armored car company.

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

Armored Car Industry Reciprocity Act of 1993.
15 USC 5901 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Armored Car Industry Reciprocity Act of 1993".

15 USC 5901.

SEC. 2. FINDINGS.

Congress finds that—

(1) the distribution of goods and services to consumers in the United States requires the free flow of currency, bullion, securities, food stamps, and other items of unusual value in interstate commerce;

(2) the armored car industry transports and protects such items in interstate commerce, including daily transportation of currency and food stamps valued at more than $1,000,000,000;

(3) armored car crew members are often subject to armed attack by individuals attempting to steal such items;

(4) to protect themselves and the items they transport, such crew members are armed with weapons;

(5) various States require both weapons training and a criminal record background check before licensing a crew member to carry a weapon; and

(6) there is a need for each State to reciprocally accept weapons licenses of other States for armored car crew members to assure the free and safe transport of valuable items in interstate commerce.

15 USC 5902.

SEC. 3. STATE RECIPROCITY OF WEAPONS LICENSES ISSUED TO ARMORED CAR COMPANY CREW MEMBERS.

(a) IN GENERAL.—If an armored car crew member employed by an armored car company has in effect a license issued by the appropriate State agency (in the State in which such member is primarily employed by such company) to carry a weapon while acting in the services of such company in that State, and such State agency meets the minimum State requirements under subsection (b), then such crew member shall be entitled to lawfully carry any weapon to which such license relates in any State while such crew member is acting in the service of such company.

(b) MINIMUM STATE REQUIREMENTS.—A State agency meets the minimum State requirements of this subsection if in issuing a weapons license to an armored car crew member described in subsection (a), the agency requires the crew member to provide information on an annual basis to the satisfaction of the agency that—

(1) the crew member has received classroom and range training in weapons safety and marksmanship during the current year by a qualified instructor for each weapon that the crew member is licensed to carry; and

(2) the receipt or possession of a weapon by the crew member would not violate Federal law, determined on the basis of a criminal record background check conducted during the current year.

SEC. 4. RELATION TO OTHER LAWS. 15 USC 5903.

This Act shall supersede any provision of State law (or the law of any political subdivision of a State) that is inconsistent with this Act.

SEC. 5. DEFINITIONS. 15 USC 5904.

As used in this Act:

(1) The term "armored car crew member" means an individual who provides protection for goods transported by an armored car company.

(2) The term "armored car company" means a company—

(A) subject to regulation under subchapter II of chapter 105 of title 49, United States Code; and

(B) holding the appropriate certificate, permit, or license issued under subchapter II of chapter 109 of such title, in order to engage in the business of transporting and protecting currency, bullion, securities, precious metals, food stamps, and other articles of unusual value in interstate commerce.

(3) The term "State" means any State of the United States or the District of Columbia.

Approved July 28, 1993.

LEGISLATIVE HISTORY—H.R. 1189 (S. 608):

HOUSE REPORTS: No. 103-62 (Comm. on Energy and Commerce).
SENATE REPORTS: No. 103-67 accompanying S. 608 (Comm. on Commerce, Science, and Transportation).
CONGRESSIONAL RECORD, Vol. 139 (1993):
May 18, considered and passed House.
June 30, considered and passed Senate, amended.
July 13, House concurred in Senate amendment.

Public Law 103-56
103d Congress

An Act

Aug. 2, 1993
[H.R. 843]

To withdraw certain lands located in the Coronado National Forest from the mining and mineral leasing laws of the United States, and for other purposes.

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

Cave Creek Canyon Protection Act of 1993.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Cave Creek Canyon Protection Act of 1993".

SEC. 2. WITHDRAWAL OF LANDS WITHIN CAVE CREEK CANYON DRAINAGE.

(a) WITHDRAWAL.—Subject to valid existing rights, after the date of enactment of this Act lands within the Cave Creek Canyon Drainage are withdrawn from entry, location, or patent under the general mining laws, the operation of the mineral and geothermal leasing laws and the mineral material disposal laws.

(b) DEFINITION.—For the purposes of this Act, the term "Cave Creek Canyon Drainage" means lands and interest in lands owned by the United States within the area depicted on the map of record entitled "Cave Creek Mineral Withdrawal", dated November 1, 1991. The map shall be on file and available for public inspection in the offices of the Forest Service, Department of Agriculture.

Approved August 2, 1993.

LEGISLATIVE HISTORY—H.R. 843:

HOUSE REPORTS: No. 103-85 (Comm. on Natural Resources).
SENATE REPORTS: No. 103-100 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 139 (1993):
May 11, considered and passed House.
July 26, considered and passed Senate.

69-139 O - 93 (56)

Public Law 103-57
103d Congress

An Act

To provide for planning and design of a National Air and Space Museum extension at Washington Dulles International Airport.

Aug. 2, 1993
[H.R. 847]

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

SECTION 1. PLAN FOR NATIONAL AIR AND SPACE MUSEUM EXTENSION.

20 USC 77 note.

The Board of Regents of the Smithsonian Institution shall have authority to plan and design an extension of the National Air and Space Museum at Washington Dulles International Airport.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

20 USC 77 note.

There is authorized to be appropriated for fiscal years beginning after September 30, 1993, a total of $8,000,000 to carry out this Act.

Approved August 2, 1993.

LEGISLATIVE HISTORY—H.R. 847 (S. 535):

SENATE REPORTS: No. 103-28 accompanying S. 535 (Comm. on Rules and Administration).
CONGRESSIONAL RECORD, Vol. 139 (1993):
June 9, S. 535 considered and passed Senate.
June 28, H.R. 847 considered and passed House.
July 22, considered and passed Senate.

Public Law 103-58
103d Congress

An Act

Aug. 2, 1993
[H.R. 1347]

To modify the boundary of Hot Springs National Park.

16 USC 361g.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, **That the boundary of Hot Springs National Park is modified as depicted on the map entitled "Proposed Boundary Map", numbered 128/80015, and dated August 5, 1985.**

Approved August 2, 1993.

LEGISLATIVE HISTORY—H.R. 1347:

HOUSE REPORTS: No. 103-144 (Comm. on Natural Resources).
SENATE REPORTS: No. 103-97 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 139 (1993):
June 21, considered and passed House.
July 21, considered and passed Senate.

69-139 O - 93 (58)

Public Law 103-59
103d Congress

An Act

Aug. 2, 1993
[H.R. 2683]

To extend the operation of the migrant student record transfer system.

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

Contracts.
20 USC 2783 note.

SECTION 1. EXTENSION OF RECORD TRANSFER SYSTEM.

(a) PROGRAM EXTENSION.—Notwithstanding any other provision of Federal law, the Secretary of Education shall extend the contract for the operation of the migrant student record transfer system under section 1203(a)(2)(A) of the Elementary and Secondary Education Act of 1965 to operate such system until such time as the Secretary of Education determines is necessary, but shall not extend such contract beyond June 30, 1995, without conducting a competition.

(b) PROGRAM MODIFICATION.—Major modification of such system may be made only after consultation with the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate.

Approved August 2, 1993.

LEGISLATIVE HISTORY—H.R. 2683:

CONGRESSIONAL RECORD, Vol. 139 (1993):
July 26, considered and passed House.
July 28, considered and passed Senate.

Public Law 103-60
103d Congress

Joint Resolution

Aug. 2, 1993
[S.J. Res. 54]

Designating April 9, 1994, as "National Former Prisoner of War Recognition Day".

Whereas the United States has fought in many wars;
Whereas thousands of members of the Armed Forces of the United States who served in such wars were captured by the enemy and held as prisoners of war;
Whereas many such prisoners of war were subjected to brutal and inhumane treatment by their captors in violation of international codes and customs for the treatment of prisoners of war and died, or were disabled, as a result of such treatment; and
Whereas the great sacrifices of such prisoners of war and their families deserve national recognition: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 9, 1994, is designated as "National Former Prisoner of War Recognition Day" in honor of the members of the Armed Forces of the United States who have been held as prisoners of war, and the President is authorized and requested to issue a proclamation calling upon the people of the United States to commemorate such day with appropriate ceremonies and activities.

Approved August 2, 1993.

LEGISLATIVE HISTORY—S.J. Res. 54:

CONGRESSIONAL RECORD, Vol. 139 (1993):
Mar. 26, considered and passed Senate.
July 13, considered and passed House, amended.
July 21, Senate concurred in House amendments.

Public Law 103-61
103d Congress

Joint Resolution

To designate August 1, 1993, as "Helsinki Human Rights Day".

Aug. 2, 1993
[S.J. Res. 111]

Whereas August 1, 1993, is the 18th anniversary of the signing of the Final Act of the Conference on Security and Cooperation in Europe (CSCE) (hereafter referred to as the "Helsinki Accords");

Whereas the participating States have declared that "the protection and promotion of human rights and fundamental freedoms and the strengthening of democratic institutions continue to be a vital basis for our comprehensive security";

Whereas the participating States have declared that "respect for human rights and fundamental freedoms, including the rights of persons belonging to national minorities, democracy, the rule of law, economic liberty, social justice, and environmental responsibility are our common aims";

Whereas the participating States have acknowledged that "there is still much work to be done in building democratic and pluralistic societies, where diversity is fully protected and respected in practice";

Whereas the war in Bosnia-Hercegovina has resulted in organized, systematic, and premeditated war crimes and genocide and threatens stability and security in Europe;

Whereas growing ethnic tensions, civil unrest, and egregious human rights violations in several of the newly admitted CSCE states, most notably in Tajikistan, are resulting in significant violations of CSCE commitments; and

Whereas the CSCE has contributed to positive developments in Europe by promoting and furthering respect for the human rights and fundamental freedoms of all individuals and groups and provides an appropriate framework for the further development of such rights and freedoms and genuine security and cooperation among the participating States: Now, therefore, be it

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

SECTION 1. HELSINKI HUMAN RIGHTS DAY.

(a) DESIGNATION.—August 1, 1993, the 18th anniversary of the signing of the Final Act of the Conference on Security and Cooperation in Europe, is designated as "Helsinki Human Rights Day".

(b) PROCLAMATION.—The President is authorized and requested to issue a proclamation reasserting America's commitment to full implementation of the human rights and humanitarian provisions

of the Helsinki Accords, urging all signatory States to abide by their obligations under the Helsinki Accords, and encouraging the people of the United States to join the President and Congress in observance of Helsinki Human Rights Day with appropriate programs, ceremonies, and activities.

(c) HUMAN RIGHTS.—The President is requested to convey to all signatories of the Helsinki Accords that respect for human rights and fundamental freedoms continues to be a vital element of further progress in the ongoing Helsinki process; and to develop new proposals to advance the human rights objectives of the Helsinki process, and in so doing to address the major problems that remain.

SEC. 2. TRANSMITTAL.

The Secretary of State is directed to transmit copies of this joint resolution to the Ambassadors or representatives to the United States of the other 52 Helsinki signatory States.

Approved August 2, 1993.

LEGISLATIVE HISTORY—S.J. Res. 111:

CONGRESSIONAL RECORD, Vol. 139 (1993):
July 23, considered and passed Senate.
July 26, considered and passed House.

Public Law 103-62
103d Congress

An Act

To provide for the establishment of strategic planning and performance measurement in the Federal Government, and for other purposes.

Aug. 3, 1993
[S. 20]

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

Government Performance and Results Act of 1993.
31 USC 1101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Government Performance and Results Act of 1993".

31 USC 1115 note.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) waste and inefficiency in Federal programs undermine the confidence of the American people in the Government and reduces the Federal Government's ability to address adequately vital public needs;

(2) Federal managers are seriously disadvantaged in their efforts to improve program efficiency and effectiveness, because of insufficient articulation of program goals and inadequate information on program performance; and

(3) congressional policymaking, spending decisions and program oversight are seriously handicapped by insufficient attention to program performance and results.

(b) PURPOSES.—The purposes of this Act are to—

(1) improve the confidence of the American people in the capability of the Federal Government, by systematically holding Federal agencies accountable for achieving program results;

(2) initiate program performance reform with a series of pilot projects in setting program goals, measuring program performance against those goals, and reporting publicly on their progress;

(3) improve Federal program effectiveness and public accountability by promoting a new focus on results, service quality, and customer satisfaction;

(4) help Federal managers improve service delivery, by requiring that they plan for meeting program objectives and by providing them with information about program results and service quality;

(5) improve congressional decisionmaking by providing more objective information on achieving statutory objectives, and on the relative effectiveness and efficiency of Federal programs and spending; and

(6) improve internal management of the Federal Government.

SEC. 3. STRATEGIC PLANNING.

Chapter 3 of title 5, United States Code, is amended by adding after section 305 the following new section:

"§ 306. Strategic plans

"(a) No later than September 30, 1997, the head of each agency shall submit to the Director of the Office of Management and Budget and to the Congress a strategic plan for program activities. Such plan shall contain—

"(1) a comprehensive mission statement covering the major functions and operations of the agency;

"(2) general goals and objectives, including outcome-related goals and objectives, for the major functions and operations of the agency;

"(3) a description of how the goals and objectives are to be achieved, including a description of the operational processes, skills and technology, and the human, capital, information, and other resources required to meet those goals and objectives;

"(4) a description of how the performance goals included in the plan required by section 1115(a) of title 31 shall be related to the general goals and objectives in the strategic plan;

"(5) an identification of those key factors external to the agency and beyond its control that could significantly affect the achievement of the general goals and objectives; and

"(6) a description of the program evaluations used in establishing or revising general goals and objectives, with a schedule for future program evaluations.

"(b) The strategic plan shall cover a period of not less than five years forward from the fiscal year in which it is submitted, and shall be updated and revised at least every three years.

"(c) The performance plan required by section 1115 of title 31 shall be consistent with the agency's strategic plan. A performance plan may not be submitted for a fiscal year not covered by a current strategic plan under this section.

"(d) When developing a strategic plan, the agency shall consult with the Congress, and shall solicit and consider the views and suggestions of those entities potentially affected by or interested in such a plan.

"(e) The functions and activities of this section shall be considered to be inherently Governmental functions. The drafting of strategic plans under this section shall be performed only by Federal employees.

"(f) For purposes of this section the term 'agency' means an Executive agency defined under section 105, but does not include the Central Intelligence Agency, the General Accounting Office, the Panama Canal Commission, the United States Postal Service, and the Postal Rate Commission.".

SEC. 4. ANNUAL PERFORMANCE PLANS AND REPORTS.

(a) BUDGET CONTENTS AND SUBMISSION TO CONGRESS.—Section 1105(a) of title 31, United States Code, is amended by adding at the end thereof the following new paragraph:

"(29) beginning with fiscal year 1999, a Federal Government performance plan for the overall budget as provided for under section 1115.".

(b) PERFORMANCE PLANS AND REPORTS.—Chapter 11 of title 31, United States Code, is amended by adding after section 1114 the following new sections:

"§ 1115. Performance plans

"(a) In carrying out the provisions of section 1105(a)(29), the Director of the Office of Management and Budget shall require each agency to prepare an annual performance plan covering each program activity set forth in the budget of such agency. Such plan shall—

"(1) establish performance goals to define the level of performance to be achieved by a program activity;

"(2) express such goals in an objective, quantifiable, and measurable form unless authorized to be in an alternative form under subsection (b);

"(3) briefly describe the operational processes, skills and technology, and the human, capital, information, or other resources required to meet the performance goals;

"(4) establish performance indicators to be used in measuring or assessing the relevant outputs, service levels, and outcomes of each program activity;

"(5) provide a basis for comparing actual program results with the established performance goals; and

"(6) describe the means to be used to verify and validate measured values.

"(b) If an agency, in consultation with the Director of the Office of Management and Budget, determines that it is not feasible to express the performance goals for a particular program activity in an objective, quantifiable, and measurable form, the Director of the Office of Management and Budget may authorize an alternative form. Such alternative form shall—

"(1) include separate descriptive statements of—

"(A)(i) a minimally effective program, and

"(ii) a successful program, or

"(B) such alternative as authorized by the Director of the Office of Management and Budget,

with sufficient precision and in such terms that would allow for an accurate, independent determination of whether the program activity's performance meets the criteria of the description; or

"(2) state why it is infeasible or impractical to express a performance goal in any form for the program activity.

"(c) For the purpose of complying with this section, an agency may aggregate, disaggregate, or consolidate program activities, except that any aggregation or consolidation may not omit or minimize the significance of any program activity constituting a major function or operation for the agency.

"(d) An agency may submit with its annual performance plan an appendix covering any portion of the plan that—

"(1) is specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy; and

"(2) is properly classified pursuant to such Executive order.

"(e) The functions and activities of this section shall be considered to be inherently Governmental functions. The drafting of performance plans under this section shall be performed only by Federal employees.

"(f) For purposes of this section and sections 1116 through 1119, and sections 9703 and 9704 the term—

"(1) 'agency' has the same meaning as such term is defined under section 306(f) of title 5;

"(2) 'outcome measure' means an assessment of the results of a program activity compared to its intended purpose;

"(3) 'output measure' means the tabulation, calculation, or recording of activity or effort and can be expressed in a quantitative or qualitative manner;

"(4) 'performance goal' means a target level of performance expressed as a tangible, measurable objective, against which actual achievement can be compared, including a goal expressed as a quantitative standard, value, or rate;

"(5) 'performance indicator' means a particular value or characteristic used to measure output or outcome;

"(6) 'program activity' means a specific activity or project as listed in the program and financing schedules of the annual budget of the United States Government; and

"(7) 'program evaluation' means an assessment, through objective measurement and systematic analysis, of the manner and extent to which Federal programs achieve intended objectives.

"§ 1116. Program performance reports

"(a) No later than March 31, 2000, and no later than March 31 of each year thereafter, the head of each agency shall prepare and submit to the President and the Congress, a report on program performance for the previous fiscal year.

"(b)(1) Each program performance report shall set forth the performance indicators established in the agency performance plan under section 1115, along with the actual program performance achieved compared with the performance goals expressed in the plan for that fiscal year.

"(2) If performance goals are specified in an alternative form under section 1115(b), the results of such program shall be described in relation to such specifications, including whether the performance failed to meet the criteria of a minimally effective or successful program.

"(c) The report for fiscal year 2000 shall include actual results for the preceding fiscal year, the report for fiscal year 2001 shall include actual results for the two preceding fiscal years, and the report for fiscal year 2002 and all subsequent reports shall include actual results for the three preceding fiscal years.

"(d) Each report shall—

"(1) review the success of achieving the performance goals of the fiscal year;

"(2) evaluate the performance plan for the current fiscal year relative to the performance achieved toward the performance goals in the fiscal year covered by the report;

"(3) explain and describe, where a performance goal has not been met (including when a program activity's performance is determined not to have met the criteria of a successful program activity under section 1115(b)(1)(A)(ii) or a corresponding level of achievement if another alternative form is used)—

"(A) why the goal was not met;

"(B) those plans and schedules for achieving the established performance goal; and

"(C) if the performance goal is impractical or infeasible, why that is the case and what action is recommended;

"(4) describe the use and assess the effectiveness in achieving performance goals of any waiver under section 9703 of this title; and

"(5) include the summary findings of those program evaluations completed during the fiscal year covered by the report.

"(e) An agency head may include all program performance information required annually under this section in an annual financial statement required under section 3515 if any such statement is submitted to the Congress no later than March 31 of the applicable fiscal year.

"(f) The functions and activities of this section shall be considered to be inherently Governmental functions. The drafting of program performance reports under this section shall be performed only by Federal employees.

"§ 1117. Exemption

"The Director of the Office of Management and Budget may exempt from the requirements of sections 1115 and 1116 of this title and section 306 of title 5, any agency with annual outlays of $20,000,000 or less.".

SEC. 5. MANAGERIAL ACCOUNTABILITY AND FLEXIBILITY.

(a) MANAGERIAL ACCOUNTABILITY AND FLEXIBILITY.—Chapter 97 of title 31, United States Code, is amended by adding after section 9702, the following new section:

"§ 9703. Managerial accountability and flexibility

"(a) Beginning with fiscal year 1999, the performance plans required under section 1115 may include proposals to waive administrative procedural requirements and controls, including specification of personnel staffing levels, limitations on compensation or remuneration, and prohibitions or restrictions on funding transfers among budget object classification 20 and subclassifications 11, 12, 31, and 32 of each annual budget submitted under section 1105, in return for specific individual or organization accountability to achieve a performance goal. In preparing and submitting the performance plan under section 1105(a)(29), the Director of the Office of Management and Budget shall review and may approve any proposed waivers. A waiver shall take effect at the beginning of the fiscal year for which the waiver is approved.

"(b) Any such proposal under subsection (a) shall describe the anticipated effects on performance resulting from greater managerial or organizational flexibility, discretion, and authority, and shall quantify the expected improvements in performance resulting from any waiver. The expected improvements shall be compared to current actual performance, and to the projected level of performance that would be achieved independent of any waiver.

"(c) Any proposal waiving limitations on compensation or remuneration shall precisely express the monetary change in compensation or remuneration amounts, such as bonuses or awards, that shall result from meeting, exceeding, or failing to meet performance goals.

"(d) Any proposed waiver of procedural requirements or controls imposed by an agency (other than the proposing agency or the Office of Management and Budget) may not be included in a

performance plan unless it is endorsed by the agency that established the requirement, and the endorsement included in the proposing agency's performance plan.

"(e) A waiver shall be in effect for one or two years as specified by the Director of the Office of Management and Budget in approving the waiver. A waiver may be renewed for a subsequent year. After a waiver has been in effect for three consecutive years, the performance plan prepared under section 1115 may propose that a waiver, other than a waiver of limitations on compensation or remuneration, be made permanent.

"(f) For purposes of this section, the definitions under section 1115(f) shall apply.".

SEC. 6. PILOT PROJECTS.

(a) PERFORMANCE PLANS AND REPORTS.—Chapter 11 of title 31, United States Code, is amended by inserting after section 1117 (as added by section 4 of this Act) the following new section:

"§ 1118. Pilot projects for performance goals

"(a) The Director of the Office of Management and Budget, after consultation with the head of each agency, shall designate not less than ten agencies as pilot projects in performance measurement for fiscal years 1994, 1995, and 1996. The selected agencies shall reflect a representative range of Government functions and capabilities in measuring and reporting program performance.

"(b) Pilot projects in the designated agencies shall undertake the preparation of performance plans under section 1115, and program performance reports under section 1116, other than section 1116(c), for one or more of the major functions and operations of the agency. A strategic plan shall be used when preparing agency performance plans during one or more years of the pilot period.

Reports.

"(c) No later than May 1, 1997, the Director of the Office of Management and Budget shall submit a report to the President and to the Congress which shall—

"(1) assess the benefits, costs, and usefulness of the plans and reports prepared by the pilot agencies in meeting the purposes of the Government Performance and Results Act of 1993;

"(2) identify any significant difficulties experienced by the pilot agencies in preparing plans and reports; and

"(3) set forth any recommended changes in the requirements of the provisions of Government Performance and Results Act of 1993, section 306 of title 5, sections 1105, 1115, 1116, 1117, 1119 and 9703 of this title, and this section.".

(b) MANAGERIAL ACCOUNTABILITY AND FLEXIBILITY.—Chapter 97 of title 31, United States Code, is amended by inserting after section 9703 (as added by section 5 of this Act) the following new section:

"§ 9704. Pilot projects for managerial accountability and flexibility

"(a) The Director of the Office of Management and Budget shall designate not less than five agencies as pilot projects in managerial accountability and flexibility for fiscal years 1995 and 1996. Such agencies shall be selected from those designated as pilot projects under section 1118 and shall reflect a representative

range of Government functions and capabilities in measuring and reporting program performance.

"(b) Pilot projects in the designated agencies shall include proposed waivers in accordance with section 9703 for one or more of the major functions and operations of the agency.

"(c) The Director of the Office of Management and Budget shall include in the report to the President and to the Congress required under section 1118(c)—

"(1) an assessment of the benefits, costs, and usefulness of increasing managerial and organizational flexibility, discretion, and authority in exchange for improved performance through a waiver; and

"(2) an identification of any significant difficulties experienced by the pilot agencies in preparing proposed waivers.

"(d) For purposes of this section the definitions under section 1115(f) shall apply.".

(c) PERFORMANCE BUDGETING.—Chapter 11 of title 31, United States Code, is amended by inserting after section 1118 (as added by section 6 of this Act) the following new section:

"§ 1119. Pilot projects for performance budgeting

"(a) The Director of the Office of Management and Budget, after consultation with the head of each agency shall designate not less than five agencies as pilot projects in performance budgeting for fiscal years 1998 and 1999. At least three of the agencies shall be selected from those designated as pilot projects under section 1118, and shall also reflect a representative range of Government functions and capabilities in measuring and reporting program performance.

"(b) Pilot projects in the designated agencies shall cover the preparation of performance budgets. Such budgets shall present, for one or more of the major functions and operations of the agency, the varying levels of performance, including outcome-related performance, that would result from different budgeted amounts.

"(c) The Director of the Office of Management and Budget shall include, as an alternative budget presentation in the budget submitted under section 1105 for fiscal year 1999, the performance budgets of the designated agencies for this fiscal year.

"(d) No later than March 31, 2001, the Director of the Office of Management and Budget shall transmit a report to the President and to the Congress on the performance budgeting pilot projects which shall— Reports.

"(1) assess the feasibility and advisability of including a performance budget as part of the annual budget submitted under section 1105;

"(2) describe any difficulties encountered by the pilot agencies in preparing a performance budget;

"(3) recommend whether legislation requiring performance budgets should be proposed and the general provisions of any legislation; and

"(4) set forth any recommended changes in the other requirements of the Government Performance and Results Act of 1993, section 306 of title 5, sections 1105, 1115, 1116, 1117, and 9703 of this title, and this section.

"(e) After receipt of the report required under subsection (d), the Congress may specify that a performance budget be submitted as part of the annual budget submitted under section 1105.".

SEC. 7. UNITED STATES POSTAL SERVICE.

Part III of title 39, United States Code, is amended by adding at the end thereof the following new chapter:

"CHAPTER 28—STRATEGIC PLANNING AND PERFORMANCE MANAGEMENT

"Sec.

"2801. Definitions.
"2802. Strategic plans.
"2803. Performance plans.
"2804. Program performance reports.
"2805. Inherently Governmental functions.

"§ 2801. Definitions

"For purposes of this chapter the term—

"(1) 'outcome measure' refers to an assessment of the results of a program activity compared to its intended purpose;

"(2) 'output measure' refers to the tabulation, calculation, or recording of activity or effort and can be expressed in a quantitative or qualitative manner;

"(3) 'performance goal' means a target level of performance expressed as a tangible, measurable objective, against which actual achievement shall be compared, including a goal expressed as a quantitative standard, value, or rate;

"(4) 'performance indicator' refers to a particular value or characteristic used to measure output or outcome;

"(5) 'program activity' means a specific activity related to the mission of the Postal Service; and

"(6) 'program evaluation' means an assessment, through objective measurement and systematic analysis, of the manner and extent to which Postal Service programs achieve intended objectives.

"§ 2802. Strategic plans

"(a) No later than September 30, 1997, the Postal Service shall submit to the President and the Congress a strategic plan for its program activities. Such plan shall contain—

"(1) a comprehensive mission statement covering the major functions and operations of the Postal Service;

"(2) general goals and objectives, including outcome-related goals and objectives, for the major functions and operations of the Postal Service;

"(3) a description of how the goals and objectives are to be achieved, including a description of the operational processes, skills and technology, and the human, capital, information, and other resources required to meet those goals and objectives;

"(4) a description of how the performance goals included in the plan required under section 2803 shall be related to the general goals and objectives in the strategic plan;

"(5) an identification of those key factors external to the Postal Service and beyond its control that could significantly affect the achievement of the general goals and objectives; and

"(6) a description of the program evaluations used in establishing or revising general goals and objectives, with a schedule for future program evaluations.

"(b) The strategic plan shall cover a period of not less than five years forward from the fiscal year in which it is submitted, and shall be updated and revised at least every three years.

"(c) The performance plan required under section 2803 shall be consistent with the Postal Service's strategic plan. A performance plan may not be submitted for a fiscal year not covered by a current strategic plan under this section.

"(d) When developing a strategic plan, the Postal Service shall solicit and consider the views and suggestions of those entities potentially affected by or interested in such a plan, and shall advise the Congress of the contents of the plan.

"§ 2803. Performance plans

"(a) The Postal Service shall prepare an annual performance plan covering each program activity set forth in the Postal Service budget, which shall be included in the comprehensive statement presented under section 2401(g) of this title. Such plan shall—

"(1) establish performance goals to define the level of performance to be achieved by a program activity;

"(2) express such goals in an objective, quantifiable, and measurable form unless an alternative form is used under subsection (b);

"(3) briefly describe the operational processes, skills and technology, and the human, capital, information, or other resources required to meet the performance goals;

"(4) establish performance indicators to be used in measuring or assessing the relevant outputs, service levels, and outcomes of each program activity;

"(5) provide a basis for comparing actual program results with the established performance goals; and

"(6) describe the means to be used to verify and validate measured values.

"(b) If the Postal Service determines that it is not feasible to express the performance goals for a particular program activity in an objective, quantifiable, and measurable form, the Postal Service may use an alternative form. Such alternative form shall—

"(1) include separate descriptive statements of—

"(A) a minimally effective program, and

"(B) a successful program,

with sufficient precision and in such terms that would allow for an accurate, independent determination of whether the program activity's performance meets the criteria of either description; or

"(2) state why it is infeasible or impractical to express a performance goal in any form for the program activity.

"(c) In preparing a comprehensive and informative plan under this section, the Postal Service may aggregate, disaggregate, or consolidate program activities, except that any aggregation or consolidation may not omit or minimize the significance of any program activity constituting a major function or operation.

"(d) The Postal Service may prepare a non-public annex to its plan covering program activities or parts of program activities relating to—

"(1) the avoidance of interference with criminal prosecution; or

"(2) matters otherwise exempt from public disclosure under section 410(c) of this title.

"§ 2804. Program performance reports

"(a) The Postal Service shall prepare a report on program performance for each fiscal year, which shall be included in the annual comprehensive statement presented under section 2401(g) of this title.

"(b)(1) The program performance report shall set forth the performance indicators established in the Postal Service performance plan, along with the actual program performance achieved compared with the performance goals expressed in the plan for that fiscal year.

"(2) If performance goals are specified by descriptive statements of a minimally effective program activity and a successful program activity, the results of such program shall be described in relationship to those categories, including whether the performance failed to meet the criteria of either category.

"(c) The report for fiscal year 2000 shall include actual results for the preceding fiscal year, the report for fiscal year 2001 shall include actual results for the two preceding fiscal years, and the report for fiscal year 2002 and all subsequent reports shall include actual results for the three preceding fiscal years.

"(d) Each report shall—

"(1) review the success of achieving the performance goals of the fiscal year;

"(2) evaluate the performance plan for the current fiscal year relative to the performance achieved towards the performance goals in the fiscal year covered by the report;

"(3) explain and describe, where a performance goal has not been met (including when a program activity's performance is determined not to have met the criteria of a successful program activity under section 2803(b)(2))—

"(A) why the goal was not met;

"(B) those plans and schedules for achieving the established performance goal; and

"(C) if the performance goal is impractical or infeasible, why that is the case and what action is recommended; and

"(4) include the summary findings of those program evaluations completed during the fiscal year covered by the report.

"§ 2805. Inherently Governmental functions

"The functions and activities of this chapter shall be considered to be inherently Governmental functions. The drafting of strategic plans, performance plans, and program performance reports under this section shall be performed only by employees of the Postal Service.".

31 USC 1115 note.

SEC. 8. CONGRESSIONAL OVERSIGHT AND LEGISLATION.

(a) IN GENERAL.—Nothing in this Act shall be construed as limiting the ability of Congress to establish, amend, suspend, or annul a performance goal. Any such action shall have the effect of superseding that goal in the plan submitted under section 1105(a)(29) of title 31, United States Code.

(b) GAO REPORT.—No later than June 1, 1997, the Comptroller General of the United States shall report to Congress on the implementation of this Act, including the prospects for compliance by Federal agencies beyond those participating as pilot projects under sections 1118 and 9704 of title 31, United States Code.

SEC. 9. TRAINING.

31 USC 1115 note.

The Office of Personnel Management shall, in consultation with the Director of the Office of Management and Budget and the Comptroller General of the United States, develop a strategic planning and performance measurement training component for its management training program and otherwise provide managers with an orientation on the development and use of strategic planning and program performance measurement.

SEC. 10. APPLICATION OF ACT.

31 USC 1115 note.

No provision or amendment made by this Act may be construed as—

(1) creating any right, privilege, benefit, or entitlement for any person who is not an officer or employee of the United States acting in such capacity, and no person who is not an officer or employee of the United States acting in such capacity shall have standing to file any civil action in a court of the United States to enforce any provision or amendment made by this Act; or

(2) superseding any statutory requirement, including any requirement under section 553 of title 5, United States Code.

SEC. 11. TECHNICAL AND CONFORMING AMENDMENTS.

(a) AMENDMENT TO TITLE 5, UNITED STATES CODE.—The table of sections for chapter 3 of title 5, United States Code, is amended by adding after the item relating to section 305 the following:

"306. Strategic plans.".

(b) AMENDMENTS TO TITLE 31, UNITED STATES CODE.—

(1) AMENDMENT TO CHAPTER 11.—The table of sections for chapter 11 of title 31, United States Code, is amended by adding after the item relating to section 1114 the following:

"1115. Performance plans.
"1116. Program performance reports.
"1117. Exemptions.
"1118. Pilot projects for performance goals.
"1119. Pilot projects for performance budgeting.".

(2) AMENDMENT TO CHAPTER 97.—The table of sections for chapter 97 of title 31, United States Code, is amended by adding after the item relating to section 9702 the following:

"9703. Managerial accountability and flexibility.
"9704. Pilot projects for managerial accountability and flexibility.".

(c) AMENDMENT TO TITLE 39, UNITED STATES CODE.—The table of chapters for part III of title 39, United States Code, is amended by adding at the end thereof the following new item:

"28. Strategic planning and performance management ..... 2801".

Approved August 3, 1993.

LEGISLATIVE HISTORY—S. 20 (H.R. 826):

HOUSE REPORTS: No. 103-106, Pt. 1, accompanying H.R. 826 (Comm. on Government Operations).
SENATE REPORTS: No. 103-58 (Comm. on Governmental Affairs).
CONGRESSIONAL RECORD, Vol. 139 (1993):
May 25, H.R. 826 considered and passed House.
June 23, S. 20 considered and passed Senate.
July 15, considered and passed House.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 29 (1993):
Aug. 3, Presidential remarks.

Public Law 103-63
103d Congress

An Act

To establish the Spring Mountains National Recreation Area in Nevada, and for other purposes.

Aug. 4, 1993
[H.R. 63]

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

Spring Mountains National Recreation Area Act. Conservation. 16 USC 460hhh note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Spring Mountains National Recreation Area Act".

16 USC 460hhh.

SEC. 2. DEFINITIONS.

As used in this Act:

(1) NATIONAL FOREST LANDS.—The term "National Forest lands" means lands included in the National Forest System (as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a))).

(2) RECREATION AREA.—The term "Recreation Area" means the Spring Mountains National Recreation Area established by this Act.

(3) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

16 USC 460hhh-1.

SEC. 3. PURPOSES.

The purposes of this Act are to—

(1) preserve scenic, scientific, historic, cultural, natural, wilderness, watershed, riparian, wildlife, threatened and endangered species, and other values contributing to public enjoyment and biological diversity in the Spring Mountains of Nevada;

(2) ensure appropriate conservation and management of natural and recreation resources in the Spring Mountains; and

(3) provide for the development of public recreation opportunities in the Spring Mountains for the enjoyment of present and future generations.

16 USC 460hhh-2.

SEC. 4. ESTABLISHMENT OF RECREATION AREA.

(a) IN GENERAL.—Subject to valid existing rights, there is established the Spring Mountains National Recreation Area in Nevada.

(b) BOUNDARIES AND MAP.—The Recreation Area shall consist of approximately 316,000 acres of federally owned lands and interests therein in the Toiyabe National Forest, as generally depicted on a map entitled "Spring Mountain National Recreation Area—Proposed", numbered NV–CH, and dated August 2, 1992.

(c) MAP FILING.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map of the Recreation Area with the Committee on Energy and Natural Resources of

the Senate and the Committee on Natural Resources of the House of Representatives.

(d) PUBLIC INSPECTION.—The map shall be on file and available for public inspection in the offices of the Chief of the Forest Service, Department of Agriculture.

(e) DISCREPANCIES.—In the case of any discrepancy between or among the acreage referred to in subsection (b) and the map described in subsection (b), the map described in subsection (b) shall control any question concerning the boundaries of the Recreation Area.

16 USC 460hhh-3.

SEC. 5. MANAGEMENT.

(a) IN GENERAL.—The Secretary, acting through the Chief of the Forest Service, shall manage the Recreation Area in accordance with the laws, rules, and regulations pertaining to the National Forest System and this Act to provide for—

(1) the conservation of scenic, scientific, historic, cultural, and other values contributing to public enjoyment;

(2) the conservation of fish and wildlife populations and habitat, including the use of prescribed fire to improve or maintain habitat;

(3) the protection of watersheds and the maintenance of free flowing streams and the quality of ground and surface waters in accordance with applicable law;

(4) public outdoor recreation benefits, including, but not limited to, hunting, fishing, trapping, hiking, horseback riding, backpacking, rock climbing, camping, and nature study;

(5) wilderness areas as designated by Congress; and

(6) the management and use of natural resources in a manner compatible with the purposes for which the Recreation Area is established.

(b) HUNTING, TRAPPING, AND FISHING.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall permit hunting, trapping, fishing, and habitat management within the Recreation Area in accordance with the laws of the United States and the State of Nevada.

(2) EXCEPTIONS.—The Secretary, in consultation with the Nevada Department of Wildlife, may designate zones where and periods when hunting, trapping, or fishing shall not be permitted for reasons of public safety, administration, or public use and enjoyment.

(c) GRAZING.—The grazing of livestock on Federal lands may be permitted to continue pursuant to Federal law and subject to such reasonable regulations, policies, and practices as the Secretary considers necessary.

(d) PREVENTIVE MEASURES.—Nothing in this Act shall preclude such reasonable measures as the Secretary considers necessary to protect the land and resources from fire or insect or disease infestation in the Recreation Area.

16 USC 460hhh-4.

SEC. 6. MANAGEMENT PLAN.

(a) IN GENERAL.—

(1) PROCEDURES.—Not later than 3 full fiscal years after the date of enactment of this Act, the Secretary shall develop a general management plan for the Recreation Area as an amendment to the Toiyabe National Forest Land and Resource Management Plan. Such an amendment shall reflect the establishment of the Recreation Area and be consistent with

the provisions of this Act, except that nothing in this Act shall require the Secretary to revise the Toiyabe National Forest Land and Resource Management Plan pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974. The provisions of the national forest land and resource management plan relating to the recreation area shall also be available to the public in a document separate from the rest of the forest plan.

(2) CONTENTS.—The management plan described in paragraph (1) shall be developed with full public participation and shall include—

(A) implementation plans for a continuing program of interpretation and public education about the resources and values of the Recreation Area;

(B) proposals for public facilities to be developed, expanded, or improved for the Recreation Area, including one or more visitor centers to accommodate both local and out-of-State visitors;

(C) plans for the management of natural and cultural resources in the Recreation Area, with emphasis on the preservation and long-term scientific use of archaeological resources, with priority in development given to the enforcement of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.) and the National Historic Preservation Act (16 U.S.C. 470 et seq.) within the Recreation Area;

(D) wildlife and fish resource management plans for the Recreation Area prepared in consultation with appropriate departments of the State of Nevada and using other available studies of the Recreation Area;

(E) recreation management plans for the Recreation Area in consultation with appropriate departments of the State of Nevada;

(F) wild horse and burro herd management plans for the Recreation Area prepared in consultation with appropriate departments and commissions of the State of Nevada; and

(G) an inventory of all lands within the Recreation Area not presently managed as National Forest lands that will permit the Secretary to evaluate possible future acquisitions.

(3) CONSULTATION.—The plans for the management of natural and cultural resources described in paragraph (2)(C) shall be prepared in consultation with the Advisory Council on Historic Preservation established by title II of the National Historic Preservation Act (16 U.S.C. 470i et seq.) and the Nevada State Department of Conservation and Natural Resources, Division of Historic Preservation and Archaeology.

(b) WILDERNESS STUDY AREAS.—

(1) RECOMMENDATIONS.—The general management plan for the Recreation Area shall include the recommendations of the Bureau of Land Management as to the suitability or nonsuitability for preservation as wilderness those lands within the Recreation Area identified as the Mt. Stirling, La Madre Mountains, and Pine Creek Wilderness Study Areas on the Bureau of Land Management Wilderness Status Map, dated March 1990.

(2) MANAGEMENT.—Pending submission of a recommendation and until otherwise directed by Act of Congress, the Secretary, acting through the Chief of the Forest Service, shall manage the lands and waters within the wilderness study areas referred to in paragraph (1) so as to maintain their potential for inclusion within the National Wilderness Preservation System.

16 USC 460hhh-5.

SEC. 7. ACQUISITION OF LANDS.

(a) IN GENERAL.—The Secretary is authorized to acquire lands and interests therein within the boundaries of the Recreation Area by donation, purchase with donated or appropriated funds, exchange, or transfer from another Federal agency, except that such lands or interests owned by the State of Nevada or a political subdivision thereof may be acquired only by donation or exchange.

(b) INCORPORATION OF ACQUIRED LANDS.—Any lands, waters, or interests in lands or interests therein located within the Recreation Area that are acquired by the United States or administratively transferred to the Secretary after the date of enactment of this Act shall be incorporated into the Recreation Area and managed in accordance with the laws, rules, and regulations applicable to the National Forest System and the provisions of this Act.

(c) LAND AND WATER CONSERVATION FUND.—For purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9), where such boundaries are established for units of the National Forest System, such established boundaries shall be treated as if they were the boundaries of the National Forests as of January 1, 1965. Money appropriated from the Land and Water Conservation Fund shall be available for the acquisition of lands and interests therein in furtherance of the purposes of this Act.

16 USC 460hhh-6.

SEC. 8. WITHDRAWAL.

(a) IN GENERAL.—Subject to valid existing rights and except for lands described in subsection (b), all Federal lands within the Recreation Area are withdrawn from—

(1) all forms of entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) operation under the mineral leasing and geothermal leasing laws.

(b) EXCEPTION.—The lands referred to in subsection (a) are described as follows:

W½E½ and W½, Sec. 27, T23S, R58E, Mt. Diablo Meridian.

Intergovernmental relations. 16 USC 460hhh-7.

SEC. 9. COOPERATIVE AGREEMENTS.

In order to encourage unified and cost-effective management and interpretation of natural and cultural resources in southern Nevada, the Secretary may enter into cooperative agreements with other Federal, State, and local agencies, and with nonprofit entities, that provide for the management and interpretation of natural and cultural resources.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS. 16 USC 460hhh-8.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

Approved August 4, 1993.

LEGISLATIVE HISTORY—H.R. 63:

HOUSE REPORTS: No. 103-59 (Comm. on Natural Resources).
SENATE REPORTS: No. 103-63 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 139 (1993):
Apr. 20, considered and passed House.
June 29, considered and passed Senate, amended.
July 26, House concurred in Senate amendments.

Public Law 103-64
103d Congress

An Act

Aug. 4, 1993
[H.R. 236]

To establish the Snake River Birds of Prey National Conservation Area in the State of Idaho, and for other purposes.

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

Environmental protection.
Public lands.
16 USC 460iii.

SECTION 1. FINDINGS.

The Congress finds the following:

(1) The public lands managed by the Bureau of Land Management in the State of Idaho within the Snake River Birds of Prey Area contain one of the densest known nesting populations of eagles, falcons, owls, hawks, and other birds of prey (raptors) in North America.

(2) These public lands constitute a valuable national biological and educational resource since birds of prey are important components of the ecosystem and indicators of environmental quality, and contribute significantly to the quality of wildlife and human communities.

(3) These public lands also contain important historic and cultural resources (including significant archaeological resources) as well as other resources and values, all of which should be protected and appropriately managed.

(4) A military training area within the Snake River Birds of Prey Area, known as the Orchard Training Area, has been used since 1953 by reserve components of the Armed Forces. Military use of this area is currently governed by a Memorandum of Understanding between the Bureau of Land Management and the State of Idaho Military Division, dated May 1985. Operating under this Memorandum of Understanding, the Idaho National Guard has provided valuable assistance to the Bureau of Land Management with respect to fire control and other aspects of management of the Orchard Training Area and the other lands in the Snake River Birds of Prey Area. Military use of the lands within the Orchard Training Area should continue in accordance with such Memorandum of Understanding (or extension or renewal thereof), to the extent consistent with section 4(e) of this Act, because this would be in the best interest of training of the reserve components (an important aspect of national security) and of the local economy.

(5) Protection of the conservation area as a home for raptors can best and should be accomplished by the Secretary of the Interior, acting through the Bureau of Land Management, under a management plan that—

(A) emphasizes management, protection, and rehabilitation of habitat for these raptors and of other resources and values of the area;

(B) provides for continued military use, consistent with the requirements of section 4(e) of this Act, of the Orchard Training Area by reserve components of the Armed Forces;

(C) addresses the need for public educational and interpretive opportunities;

(D) allows for diverse appropriate uses of lands in the area to the extent consistent with the maintenance and enhancement of raptor populations and habitats and protection and sound management of other resources and values of the area; and

(E) demonstrates management practices and techniques that may be useful to other areas of the public lands and elsewhere.

(6) There exists near the conservation area a facility, the World Center for Birds of Prey operated by The Peregrine Fund, Inc., where research, public education, recovery, and reestablishment operations exist for endangered raptor species. There also exists at Boise State University a raptor study program which attracts national and international graduate and undergraduate students.

(7) The Bureau of Land Management and Boise State University, together with other State, Federal, and private entities, have formed the Raptor Research and Technical Assistance Center to be housed at Boise State University, which provides a unique adjunct to the conservation area for raptor management, recovery, research, and public visitation, interpretation, and education.

(8) Consistent with requirements of sections 202 and 302 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712 and 1732), the Secretary has developed a comprehensive management plan and, based on such plan, has implemented a management program for the public lands included in the conservation area established by this Act.

(9) Additional authority and guidance must be provided to assure that essential raptor habitat remains in public ownership, to facilitate sound and effective planning and management, to provide for effective public interpretation and education, to ensure continued study of the relationship of humans and these raptors, to preserve the unique and irreplaceable habitat of the conservation area, and to conserve and properly manage the other natural resources of the area in concert with maintenance of this habitat.

(10) An ongoing research program funded by the Bureau of Land Management and the National Guard is intended to provide information to be used in connection with future decisionmaking concerning management of all uses, including continued military use, of public lands within the Snake River Birds of Prey Area.

(11) Public lands in the Snake River Birds of Prey Area have been used for domestic livestock grazing for more than a century, with resultant benefits to community stability and contributions to the local and State economies. It has not been demonstrated that continuation of this use would be incompatible with appropriate protection and sound management of

raptor habitat and the other resource values of these lands; therefore, subject to the determination provided for in section 4(f), it is expected that such grazing will continue in accordance with applicable regulations of the Secretary and the management plan for the conservation area.

(12) Hydroelectric facilities for the generation and transmission of electricity exist within the Snake River Birds of Prey Area pursuant to a license(s) issued by the Federal Energy Regulatory Commission, or its predecessor, the Federal Power Commission.

16 USC 460iii-1.

SEC. 2. DEFINITIONS.

As used in this Act:

(1) The term "Secretary" means the Secretary of the Interior.

(2) The term "conservation area" means the Snake River Birds of Prey National Conservation Area established by section 3.

(3) The term "raptor" or "raptors" means individuals or populations of eagles, falcons, owls, hawks, and other birds of prey.

(4) The term "raptor habitat" includes the habitat of the raptor prey base as well as the nesting and hunting habitat of raptors within the conservation area.

(5) The term "Memorandum of Understanding" means the Memorandum of Understanding #ID–237, dated May 1985, between the State of Idaho Military Division and the Bureau of Land Management.

(6) The term "Orchard Training Area" means that area generally so depicted on the map referred to in section 3(b), and as described in the Memorandum of Understanding as well as the air space over the same.

(7) The term "Impact Area" means that area which was used for the firing of live artillery projectiles and is used for live fire ranges of all types and, therefore, poses a danger to public safety and which is generally so depicted on the map referred to in section 3(b).

(8) The term "Artillery Impact Area" means that area within the Impact Area into which live projectiles are fired, which is generally described as that area labeled as such on the map referred to in section 3(b).

(9) The term "the plan" means the comprehensive management plan developed for the conservation area, dated August 30, 1985, together with such revisions thereto as may be required in order to implement this Act.

(10) The term "hydroelectric facilities" means all facilities related to the generation, transmission, and distribution of hydroelectric power and which are subject to, and authorized by, a license(s), and any and all amendments thereto, issued by the Federal Energy Regulatory Commission.

16 USC 460iii-2.

SEC. 3. ESTABLISHMENT OF NATIONAL CONSERVATION AREA.

(a) ESTABLISHMENT AND PURPOSES.—(1) There is hereby established the Snake River Birds of Prey National Conservation Area (hereafter referred to as the "conservation area").

(2) The purposes for which the conservation area is established, and shall be managed, are to provide for the conservation, protection, and enhancement of raptor populations and habitats and the

natural and environmental resources and values associated therewith, and of the scientific, cultural, and educational resources and values of the public lands in the conservation area.

(3) Subject to the provisions of subsection (d) of this section and section 4, uses of the public lands in the conservation area existing on the date of enactment of this Act shall be allowed to continue.

(b) AREA INCLUDED.—The conservation area shall consist of approximately 482,457 acres of federally owned lands and interests therein managed by the Bureau of Land Management as generally depicted on the map entitled "Snake River Birds of Prey National Conservation Area", dated November 1991.

(c) MAP AND LEGAL DESCRIPTION.—As soon as is practicable after enactment of this Act, the map referred to in subsection (b) and a legal description of the conservation area shall be filed by the Secretary with the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate. Each such map shall have the same force and effect as if included in this Act; except that the Secretary may correct clerical and typographical errors in such map and legal description. Each such map shall be on file and available for public inspection in the office of the Director and the Idaho State Director of the Bureau of Land Management of the Department of the Interior.

(d) WITHDRAWALS.—Subject to valid existing rights, the Federal lands within the conservation area are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws; and from entry, application, and selection under the Act of March 3, 1877 (Ch. 107, 19 Stat. 377, 43 U.S.C. 321 et seq.; commonly referred to as the "Desert Lands Act"), section 4 of the Act of August 18, 1894 (Ch. 301, 28 Stat. 422; 43 U.S.C. 641; commonly referred to as the "Carey Act"), the Act of July 3, 1890 (Ch. 656, 26 Stat. 215; commonly referred to as the "State of Idaho Admissions Act"), section 2275 of the Revised Statutes, as amended (43 U.S.C. 851), and section 2276 of the Revised Statutes, as amended (43 U.S.C. 852). The Secretary shall return to the applicants any such applications pending on the date of enactment of this Act, without further action. Subject to valid existing rights, as of the date of enactment of this Act, lands within the Birds of Prey Conservation Area are withdrawn from location under the general mining laws, the operation of the mineral and geothermal leasing laws, and the mineral material disposal laws, except that mineral materials subject to disposal may be made available from existing sites to the extent compatible with the purposes for which the conservation area is established.

SEC. 4. MANAGEMENT AND USE. 16 USC 460iii-3.

(a) IN GENERAL.—(1)(A) Within 1 year after the date of enactment of this Act, the Secretary shall make any revisions in the existing management plan for the conservation area as necessary to assure its conformance with this Act, and no later than January 1, 1996, shall finalize a new management plan for the conservation area.

(B) Thereafter, the Secretary shall review the plan at least once every 5 years and shall make such revisions as may be necessary or appropriate.

(C) In reviewing and revising the plan, the Secretary shall provide for appropriate public participation.

(2) Except as otherwise specifically provided in section 3(d) and subsections (d), (e), and (f) of this section, the Secretary shall allow only such uses of lands in the conservation area as the Secretary determines will further the purposes for which the Conservation Area is established.

(b) MANAGEMENT GUIDANCE.—After each review pursuant to subsection (a), the Secretary shall make such revisions as may be needed so that the plan and management program to implement the plan include, in addition to any other necessary or appropriate provisions, provisions for—

(1) protection for the raptor populations and habitats and the scientific, cultural, and educational resources and values of the public lands in the conservation area;

(2) identifying levels of continued military use of the Orchard Training Area compatible with paragraph (1) of this subsection;

(3) public use of the conservation area consistent with the purposes of this Act;

(4) interpretive and educational opportunities for the public;

(5) a program for continued scientific investigation and study to provide information to support sound management in accordance with this Act, to advance knowledge of raptor species and the resources and values of the conservation area, and to provide a process for transferring to other areas of the public lands and elsewhere this knowledge and management experience;

(6) such vegetative enhancement and other measures as may be necessary to restore or enhance prey habitat;

(7) the identification of levels, types, timing, and terms and conditions for the allowable nonmilitary uses of lands within the conservation area that will be compatible with the protection, maintenance, and enhancement of raptor populations and habitats and the other purposes for which the conservation area is established; and

(8) assessing the desirability of imposing appropriate fees for public uses (including, but not limited to, recreational use) of lands in the conservation area, which are not now subject to fees, to be used to further the purposes for which the conservation area is established.

(c) VISITORS CENTER.—The Secretary, acting through the Director of the Bureau of Land Management, is authorized to establish, in cooperation with other public or private entities as the Secretary may deem appropriate, a visitors center designed to interpret the history and the geological, ecological, natural, cultural, and other resources of the conservation area and the biology of the raptors and their relationships to man.

(d) VISITORS USE OF AREA.—In addition to the Visitors Center, the Secretary may provide for visitor use of the public lands in the conservation area to such extent and in such manner as the Secretary considers consistent with the protection of raptors and raptor habitat, public safety, and the purposes for which the conservation area is established. To the extent practicable, the Secretary shall make available to visitors and other members of the

public a map of the conservation area and such other educational and interpretive materials as may be appropriate.

(e) NATIONAL GUARD USE OF THE AREA.—(1) Pending completion of the ongoing research concerning military use of lands in the conservation area, or until the date 5 years after the date of enactment of this Act, whichever is the shorter period, the Secretary shall permit continued military use of those portions of the conservation area known as the Orchard Training Area in accordance with the Memorandum of Understanding, to the extent consistent with the use levels identified pursuant to subsection (b)(2) of this section.

(2) Upon completion of the ongoing research concerning military use of lands in the conservation area, the Secretary shall review the management plan and make such additional revisions therein as may be required to assure that it meets the requirements of this Act.

(3) Upon completion of the ongoing research concerning military use of lands in the conservation area, the Secretary shall submit to the Committees on Natural Resources and Merchant Marine and Fisheries of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report of the results of such research. Reports.

(4) Nothing in this Act shall preclude minor adjustment of the boundaries of the Orchard Training Area in accordance with provisions of the Memorandum of Understanding.

(5) After completion of the ongoing research concerning military use of lands in the Orchard Training Area or after the date 5 years after the date of enactment of this Act, whichever first occurs, the Secretary shall continue to permit military use of such lands, unless the Secretary, on the basis of such research, determines such use is not compatible with the purposes set forth in section 3(a)(2). Any such use thereafter shall be permitted in accordance with the Memorandum of Understanding, which may be extended or renewed by the Secretary so long as such use continues to meet the requirements of subsection (b)(2) of this section.

(6) In accordance with the Memorandum of Understanding, the Secretary shall require the State of Idaho Military Division to insure that military units involved maintain a program of decontamination.

(7) Nothing in this Act shall be construed as by itself precluding the extension or renewal of the Memorandum of Understanding, or the construction of any improvements or buildings in the Orchard Training Area so long as the requirements of this subsection are met.

(f) LIVESTOCK GRAZING.—(1) So long as the Secretary determines that domestic livestock grazing is compatible with the purposes for which the conservation area is established, the Secretary shall permit such use of public lands within the conservation area, to the extent such use of such lands is compatible with such purposes. Determinations as to compatibility shall be made in connection with the initial revision of management plans for the conservation area and in connection with each plan review required by section 4(a)(1)(B).

(2) Any livestock grazing on public lands within the conservation area, and activities the Secretary determines necessary to carry out proper and practical grazing management programs on such lands (such as animal damage control activities) shall be

managed in accordance with the Act of June 28, 1934 (43 U.S.C. 315 et seq.; commonly referred to as the "Taylor Grazing Act"), section 402 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1752), other laws applicable to such use and programs on the public lands, and the management plan for the conservation area.

(g) COOPERATIVE AGREEMENTS.—The Secretary is authorized to provide technical assistance to, and to enter into such cooperative agreements and contracts with, the State of Idaho and with local governments and private entities as the Secretary deems necessary or desirable to carry out the purposes and policies of this Act.

(h) AGRICULTURAL PRACTICES.—Nothing in this Act shall be construed as constituting a grant of authority to the Secretary to restrict recognized agricultural practices or other activities on private land adjacent to or within the conservation area boundary.

(i) HYDROELECTRIC FACILITIES.—Notwithstanding any provision of this Act, or regulations and management plans undertaken pursuant to its provisions, the Federal Energy Regulatory Commission shall retain its current jurisdiction concerning all aspects of the continued and future operation of hydroelectric facilities, licensed or relicensed under the Federal Power Act (16 U.S.C. 791a et seq.), located within the boundaries of the conservation area.

16 USC 460iii-4.

SEC. 5. ADDITIONS.

(a) ACQUISITIONS.—(1) The Secretary is authorized to acquire lands and interests therein within the boundaries of the conservation area by donation, purchase with donated or appropriated funds, exchange, or transfer from another Federal agency, except that such lands or interests owned by the State of Idaho or a political subdivision thereof may be acquired only by donation or exchange.

(2) Any lands located within the boundaries of the conservation area that are acquired by the United States on or after the date of enactment of this Act shall become a part of the conservation area and shall be subject to this Act.

(b) PURCHASE OF LANDS.—In addition to the authority in section 318(d) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1748) and notwithstanding section 7(a) of the Land and Water Conservation Fund Act of 1964 (16 U.S.C. 4601–9(a)), monies appropriated from the Land and Water Conservation Fund may be used as authorized in section 5(b) of the Endangered Species Act of 1973 (16 U.S.C. 1534(b)), for the purposes of acquiring lands or interests therein within the conservation area for administration as public lands as a part of the conservation area.

(c) LAND EXCHANGES.—The Secretary shall, within 4 years after the date of enactment of this Act, study, identify, and initiate voluntary land exchanges which would resolve ownership related land use conflicts within the conservation area.

16 USC 460iii-5.

SEC. 6. OTHER LAWS AND ADMINISTRATIVE PROVISIONS.

(a) OTHER LAWS.—(1) Nothing in this Act shall be construed to supersede, limit, or otherwise affect administration and enforcement of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or to limit the applicability of the National Trails System Act to any lands within the conservation area.

(2) Except as otherwise specifically provided in this Act, nothing in this Act shall be construed as limiting the applicability to lands in the conservation area of laws applicable to public lands generally,

including but not limited to the National Historic Preservation Act, the Archaeological Resources Protection Act of 1979, or the Native American Graves Protection and Repatriation Act.

(3) Nothing in this Act shall be construed as by itself altering the status of any lands that on the date of enactment of this Act were not managed by the Bureau of Land Management.

(4) Nothing in this Act shall be construed as prohibiting the Secretary from engaging qualified persons to use public lands within the conservation area for the propagation of plants (including seeds) to be used for vegetative enhancement of the conservation area in accordance with the plan and in furtherance of the purposes for which the conservation area is established.

(b) RELEASE.—The Congress finds and directs that the public lands within the Snake River Birds of Prey Natural Area established as a natural area in October 1971 by Public Land Order 5133 have been adequately studied and found unsuitable for wilderness designation pursuant to section 603 of the Federal Land Policy and Management Act of 1976. Such lands are hereby released from further management pursuant to section 603(c) of such an Act and shall be managed in accordance with other applicable provisions of law, including this Act.

(c) EXISTING ADMINISTRATIVE WITHDRAWAL TERMINATED.—Public Land Orders 5133 dated October 12, 1971, and 5777 dated November 21, 1980, issued by the Secretary are hereby revoked subject to subsections (d)(3) and (d)(4).

(d) WATER.—(1) The Congress finds that the United States is currently a party in an adjudication of rights to waters of the Snake River, including water rights claimed by the United States on the basis of the reservation of lands for purposes of conservation of fish and wildlife and that consequently there is no need for this Act to effect a reservation by the United States of rights with respect to such waters in order to fulfill the purposes for which the conservation area is established.

(2) Nothing in this Act or any action taken pursuant thereto shall constitute either an expressed or implied reservation of water or water rights for any purpose.

(3) Nothing in this Act shall be construed as effecting a relinquishment or reduction of any of the water rights held or claimed by the United States within the State of Idaho or elsewhere on or before the date of enactment of this Act.

(4) The Secretary and all other officers of the United States shall take all steps necessary to protect all water rights claimed by the United States in the Snake River adjudication now pending in the district court of the State of Idaho in which the United States is joined under section 208 of the Act of July 10, 1952 (66 Stat. 560; 43 U.S.C. 666; commonly referred to as the "McCarran Amendment").

16 USC 460iii-6.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

Approved August 4, 1993.

LEGISLATIVE HISTORY—H.R. 236:

HOUSE REPORTS: No. 103-80, Pt. 1 (Comm. on Natural Resources).
SENATE REPORTS: No. 103-108 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 139 (1993):
May 11, considered and passed House.
July 28, considered and passed Senate.

Public Law 103-65
103d Congress

An Act

To extend the period during which chapter 12 of title 11 of the United States Code remains in effect, and for other purposes.

Aug. 6, 1993
[H.R. 416]

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

Bankruptcy.

SECTION 1. EXTENSION OF TIME PERIOD.

The first sentence of section 302(f) of the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (Public Law 99-554; 100 Stat. 3124) is amended by striking "1993" and inserting "1998".

28 USC 581 note.

SEC. 2. FILING OF PLAN.

Section 1221 of title 11, United States Code, is amended by striking "an extension is substantially justified" and inserting "the need for an extension is attributable to circumstances for which the debtor should not justly be held accountable".

SEC. 3. EFFECTIVE DATE; APPLICATION OF AMENDMENT MADE BY SECTION 2.

11 USC 1221 note.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) APPLICATION OF AMENDMENT MADE BY SECTION 2.—The amendment made by section 2 shall not apply with respect to cases commenced under title 11 of the United States Code before the date of the enactment of this Act.

Approved August 6, 1993.

LEGISLATIVE HISTORY—H.R. 416:

HOUSE REPORTS: No. 103-32 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 139 (1993):
Mar. 16, considered and passed House.
Aug. 3, considered and passed Senate.

Public Law 103-66
103d Congress

An Act

Aug. 10, 1993
[H.R. 2264]

To provide for reconciliation pursuant to section 7 of the concurrent resolution on the budget for fiscal year 1994.

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

Omnibus Budget Reconciliation Act of 1993.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Omnibus Budget Reconciliation Act of 1993".

SEC. 2. TABLE OF CONTENTS.

The table of contents is as follows:

TITLE I—AGRICULTURE AND RELATED PROVISIONS

TITLE II—ARMED SERVICES PROVISIONS

TITLE III—BANKING AND HOUSING PROVISIONS

TITLE IV—STUDENT LOANS AND ERISA PROVISIONS

TITLE V—TRANSPORTATION AND PUBLIC WORKS PROVISIONS

TITLE VI—COMMUNICATIONS LICENSING AND SPECTRUM ALLOCATION PROVISIONS

TITLE VII—NUCLEAR REGULATORY COMMISSION PROVISIONS

TITLE VIII—PATENT AND TRADEMARK OFFICE PROVISIONS

TITLE IX—MERCHANT MARINE PROVISIONS

TITLE X—NATURAL RESOURCES PROVISIONS

TITLE XI—CIVIL SERVICE AND POST OFFICE PROVISIONS

TITLE XII—VETERANS' AFFAIRS PROVISIONS

TITLE XIII—REVENUE, HEALTH CARE, HUMAN RESOURCES, INCOME SECURITY, CUSTOMS AND TRADE PROVISIONS, FOOD STAMP PROGRAM, AND TIMBER SALE PROVISIONS

TITLE XIV—BUDGET PROCESS PROVISIONS

Agricultural Reconciliation Act of 1993.

TITLE I—AGRICULTURAL PROGRAMS

SEC. 1001. SHORT TITLE AND TABLE OF CONTENTS.

7 USC 1421 note.

(a) SHORT TITLE.—This title may be cited as the "Agricultural Reconciliation Act of 1993".

(b) TABLE OF CONTENTS.—The table of contents of this title is as follows:

Sec. 1001. Short title and table of contents.

Subtitle A—Commodity Programs

Sec. 1101. Upland cotton program.
Sec. 1102. Wheat program.
Sec. 1103. Feed grain program.
Sec. 1104. Rice program.
Sec. 1105. Dairy program.
Sec. 1106. Tobacco program.
Sec. 1107. Sugar program.
Sec. 1108. Oilseeds program.
Sec. 1109. Peanut program.
Sec. 1110. Honey program.
Sec. 1111. Wool and mohair program.

Subtitle B—Rural Electrification

Sec. 1201. Refinancing and prepayment of FFB loans.

Subtitle C—Agricultural Trade

Sec. 1301. Acreage reduction requirements.
Sec. 1302. Market promotion program.

Subtitle D—Miscellaneous

Sec. 1401. Admission, entrance, and recreation fees.
Sec. 1402. Environmental conservation acreage reserve program amendments.
Sec. 1403. Federal crop insurance.

Subtitle A—Commodity Programs

SEC. 1101. UPLAND COTTON PROGRAM.

(a) IN GENERAL.—Section 103B of the Agricultural Act of 1949 (7 U.S.C. 1444–2) is amended—

(1) in the section heading, by striking "1995" and inserting "1997";

(2) in subsections (a)(1), (b)(1), (c)(1)(A), (c)(1)(B)(ii), and (o), by striking "1995" each place it appears and inserting "1997";

(3) in subparagraphs (B)(i), (D)(i), (E)(i), and (F)(i) of subsection (a)(5), by striking "1996" each place it appears and inserting "1998";

(4) in subsection (c)(1)(D)—

(A) in the subparagraph heading, by striking "50/92 PROGRAM" and inserting "50/85 PROGRAM";

(B) by inserting after "8 percent" both places it appears the following: "for each of the 1991 through 1993 crops, and 15 percent for each of the 1994 through 1997 crops (except as provided in clause (v)(II)),"; and

(C) in clause (v)—

(i) by striking "(v) PREVENTED PLANTING.—If" and inserting the following:

"(v) PREVENTED PLANTING AND REDUCED YIELDS.—

"(I) 1991 THROUGH 1993 CROPS.—In the case of each of the 1991 through 1993 crops of upland cotton, if"; and

(ii) by adding at the end the following new subclause:

"(II) 1994 THROUGH 1997 CROPS.—In the case of each of the 1994 through 1997 crops of upland

cotton, producers on a farm shall be eligible to receive deficiency payments as provided in clause (iii) if an acreage limitation program under subsection (e) is in effect for the crop and—

"(aa) the producers have been determined by the Secretary (in accordance with section 503(c)) to be prevented from planting the crop or have incurred a reduced yield for the crop (due to a natural disaster) and the producers elect to devote a portion of the maximum payment acres for upland cotton (as calculated under subparagraph (C)(ii)) equal to more than 8 percent of the upland cotton acreage, to conservation uses; or

"(bb) the producers elect to devote a portion of the maximum payment acres for upland cotton (as calculated under subparagraph (C)(ii)) equal to more than 8 percent of the upland cotton acreage, to alternative crops as provided in subparagraph (E).''; and

(5) in subsection (e)(1)(D), by inserting after "30 percent" the following: "for each of the 1991 through 1994 crops, 29½ percent for each of the 1995 and 1996 crops, and 29 percent for the 1997 crop".

(b) PROVISIONS NECESSARY TO THE OPERATION OF THE PROGRAM.—

(1) DEFICIENCY AND LAND DIVERSION PAYMENTS.—Section 114 of the Agricultural Act of 1949 (7 U.S.C. 1445j) is amended by striking "1995" each place it appears in subsections (a)(1) and (c) and inserting "1997".

(2) ACREAGE BASE AND YIELD SYSTEM.—Title V of such Act (7 U.S.C. 1461 et seq.) is amended—

(A) in section 503 (7 U.S.C. 1463)—

(i) in subsection (c)(3)—

(I) by striking "0/92 or 50/92"; and

(II) by striking "1995" and inserting "1997"; and

(ii) in subsection (h)(2)(A), by striking "1995" each place it appears and inserting "1997";

(B) in paragraphs (1) and (2) of section 505(b) (7 U.S.C. 1465(b)), by striking "1995" each place it appears and inserting "1997"; and

(C) in section 509 (7 U.S.C. 1469), by striking "1995" and inserting "1997".

(3) PAYMENT LIMITATIONS.—The Food Security Act of 1985 (Public Law 99–198; 99 Stat. 1354) is amended—

(A) in paragraphs (1)(A), (1)(B), and (2)(A) of section 1001 (7 U.S.C. 1308), by striking "1995" each place it appears and inserting "1997"; and

(B) in section 1001C(a) (7 U.S.C. 1308–3(a)), by striking "1995" both places it appears and inserting "1997".

SEC. 1102. WHEAT PROGRAM.

Section 107B(c)(1)(E) of the Agricultural Act of 1949 (7 U.S.C. 1445b–3a(c)(1)(E)) is amended—

(1) in the subparagraph heading, by striking "0/92 PROGRAM" and inserting "0/85 PROGRAM";

(2) in clause (i), by inserting after "8 percent" both places it appears the following: "for each of the 1991 through 1993 crops, and 15 percent for each of the 1994 through 1997 crops (except as provided in clause (vii))."; and

(3) by adding at the end of the subparagraph the following new clause:

"(vii) EXCEPTIONS TO 0/85.—In the case of each of the 1994 through 1997 crops of wheat, producers on a farm shall be eligible to receive deficiency payments as provided in clause (ii) if an acreage limitation program under subsection (e) is in effect for the crop and—

"(I)(aa) the producers have been determined by the Secretary (in accordance with section 503(c)) to be prevented from planting the crop or have incurred a reduced yield for the crop (due to a natural disaster); and

"(bb) the producers elect to devote a portion of the maximum payment acres for wheat (as calculated under subparagraph (C)(ii)) equal to more than 8 percent of the wheat acreage, to conservation uses; or

"(II) the producers elect to devote a portion of the maximum payment acres for wheat (as calculated under subparagraph (C)(ii)) equal to more than 8 percent of the wheat acreage, to alternative crops as provided in subparagraph (F).".

SEC. 1103. FEED GRAIN PROGRAM.

Section 105B(c)(1)(E) of the Agricultural Act of 1949 (7 U.S.C. 1444f(c)(1)(E)) is amended—

(1) in the subparagraph heading, by striking "0/92 PROGRAM" and inserting "0/85 PROGRAM";

(2) in clause (i), by inserting after "8 percent" both places it appears the following: "for each of the 1991 through 1993 crops, and 15 percent for each of the 1994 through 1997 crops (except as provided in clause (vii))."; and

(3) by adding at the end of the subparagraph the following new clause:

"(vii) EXCEPTIONS TO 0/85.—In the case of each of the 1994 through 1997 crops of feed grains, producers on a farm shall be eligible to receive deficiency payments as provided in clause (ii) if an acreage limitation program under subsection (e) is in effect for the crop and—

"(I)(aa) the producers have been determined by the Secretary (in accordance with section 503(c)) to be prevented from planting the crop or have incurred a reduced yield for the crop (due to a natural disaster); and

"(bb) the producers elect to devote a portion of the maximum payment acres for feed grains (as calculated under subparagraph (C)(ii)) equal to more than 8 percent of the feed grain acreage, to conservation uses; or

"(II) the producers elect to devote a portion of the maximum payment acres for feed grains

(as calculated under subparagraph (C)(ii)) equal to more than 8 percent of the feed grain acreage, to alternative crops as provided in subparagraph (F).".

SEC. 1104. RICE PROGRAM.

Section 101B(c)(1)(D) of the Agricultural Act of 1949 (7 U.S.C. 1441–2(c)(1)(D)) is amended—

(1) in the subparagraph heading, by striking "50/92 PROGRAM" and inserting "50/85 PROGRAM";

(2) in clause (i), by inserting after "8 percent" both places it appears the following: "for each of the 1991 through 1993 crops, and 15 percent for each of the 1994 through 1997 crops (except as provided in clause (v)(II)),"; and

(3) in clause (v)—

(A) by striking "(v) PREVENTED PLANTING.—If" and inserting the following:

"(v) PREVENTED PLANTING AND REDUCED YIELDS.—

"(I) 1991 THROUGH 1993 CROPS.—In the case of each of the 1991 through 1993 crops of rice, if"; and

(B) by adding at the end the following new subclause:

"(II) 1994 THROUGH 1997 CROPS.—In the case of each of the 1994 through 1997 crops of rice, producers on a farm shall be eligible to receive deficiency payments as provided in clause (iii) if an acreage limitation program under subsection (e) is in effect for the crop and—

"(aa) the producers have been determined by the Secretary (in accordance with section 503(c)) to be prevented from planting the crop or have incurred a reduced yield for the crop (due to a natural disaster) and the producers elect to devote a portion of the maximum payment acres for rice (as calculated under subparagraph (C)(ii)) equal to more than 8 percent of the rice acreage, to conservation uses; or

"(bb) the producers elect to devote a portion of the maximum payment acres for rice (as calculated under subparagraph (C)(ii)) equal to more than 8 percent of the rice acreage, to alternative crops as provided in subparagraph (E).".

SEC. 1105. DAIRY PROGRAM.

(a) IN GENERAL.—Section 204 of the Agricultural Act of 1949 (7 U.S.C. 1446e) is amended—

(1) in the section heading, by striking "1995" and inserting "1996";

(2) in subsections (a), (b), (d)(1)(A), (d)(2)(A), (d)(3), (g)(1), and (k), by striking "1995" each place it appears and inserting "1996";

(3) in subsection (c)(3)—

(A) in the first sentence of subparagraph (A), by striking "The Secretary" and inserting "Subject to subparagraph (B), the Secretary";

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following new subparagraph:

"(B) GUIDELINES.—In the case of purchases of butter and nonfat dry milk that are made by the Secretary under this section on or after the date of enactment of the Omnibus Budget Reconciliation Act of 1993, in allocating the rate of price support between the purchase prices of butter and nonfat dry milk under this paragraph, the Secretary may not—

"(i) offer to purchase butter for more than $0.65 per pound; or

"(ii) offer to purchase nonfat dry milk for less than $1.034 per pound.";

(4) in subsection (h)(2)—

(A) by striking "and" at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting "; and"; and

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

"(C) during each of calendar years 1996 and 1997, 10 cents per hundredweight of milk marketed, which rate shall be adjusted on or before May 1 of the respective calendar year in the manner provided in subparagraph (B).."; and

(5) in subsection (g)(2), by striking "1994" and inserting "1996".

(b) PROVISIONS NECESSARY TO THE OPERATION OF THE PROGRAM.—Section 101(b) of the Agriculture and Food Act of 1981 (7 U.S.C. 608c note) is amended by striking "1995" and inserting "1996".

(c) REDUCTION IN PRICE RECEIVED.— 7 USC 1446e note.

(1) DEFINITIONS.—As used in this subsection:

(A) BOVINE GROWTH HORMONE.—The term "bovine growth hormone" means a synthetic growth hormone produced through the process of recombinant DNA techniques that is intended for use in bovine animals.

(B) DATE OF APPROVAL.—The term "date of approval" means the date the Food and Drug Administration, pursuant to authority under section 512 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b), first approves an application with respect to the use of bovine growth hormone.

(2) REDUCTION IN PRICE RECEIVED.—In order to offset the economic effects of the sale of bovine growth hormone, the Secretary of Agriculture shall decrease the amount of the reduction in price received by producers specified in subparagraph (B) or (C) (as appropriate) of section 204(h)(2) of the Agricultural Act of 1949 (7 U.S.C. 1446e(h)(2)) by 10 percent during the period beginning on the date of approval and ending 90 days after the date of approval and, during the period, it shall be unlawful for a person to sell bovine growth hormone for commercial agricultural purposes.

SEC. 1106. TOBACCO PROGRAM.

(a) DOMESTIC MARKETING ASSESSMENT.—Part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1311 et seq.) is amended by adding at the end the following new section:

Business and industry.
Exports and imports.
7 USC 1314i.

"SEC. 320C. DOMESTIC MARKETING ASSESSMENT.

"(a) CERTIFICATION.—A domestic manufacturer of cigarettes shall certify to the Secretary, for each calendar year, the percentage of the quantity of tobacco used by the manufacturer to produce cigarettes during the year that is produced in the United States.

"(b) PENALTIES.—

"(1) IN GENERAL.—Subject to subsection (f), a domestic manufacturer of cigarettes that has failed, as determined by the Secretary after notice and opportunity for a hearing, to use in the manufacture of cigarettes during a calendar year a quantity of tobacco grown in the United States that is at least 75 percent of the total quantity of tobacco used by the manufacturer, or to comply with subsection (a), shall be subject to the requirements of subsections (c), (d), and (e).

"(2) FAILURE TO CERTIFY.—For purposes of this section, if a manufacturer fails to comply with subsection (a), the manufacturer shall be presumed to have used only imported tobacco in the manufacture of cigarettes produced by the manufacturer.

"(3) REPORTS AND RECORDS.—

"(A) IN GENERAL.—The Secretary shall require manufacturers of domestic cigarettes to make such reports and maintain such records as are necessary to carry out this section. If the reports and records are insufficient, the Secretary may request other persons to provide supplemental information.

"(B) EXAMINATIONS.—For the purpose of ascertaining the correctness of any report or record required under this section, or of obtaining further information required under this section, the Secretary and the Office of Inspector General may examine such records, books, and other materials as the Secretary has reason to believe may be relevant. In the case of a manufacturer of domestic cigarettes, the Secretary may charge a fee to the manufacturer to cover the reasonable costs of any such examination.

"(C) PENALTIES.—Any person who fails to provide information required under this paragraph or who provides false information under this paragraph shall be subject to section 1001 of title 18, United States Code.

"(D) CONFIDENTIALITY.—Section 320A(c) shall apply to information submitted by manufacturers of domestic cigarettes and other persons under this paragraph.

"(E) DISCLOSURE.—Notwithstanding any other provision of law, information on the percentage or quantity of domestic or imported tobacco in cigarettes or on the volume of cigarette production that is submitted under this section shall be exempt from disclosure under section 552 of title 5, United States Code.

"(c) DOMESTIC MARKETING ASSESSMENT.—

"(1) IN GENERAL.—A domestic manufacturer of cigarettes described in subsection (b) shall remit to the Commodity Credit

Corporation a nonrefundable marketing assessment in accordance with this subsection.

"(2) AMOUNT.—The amount of an assessment imposed on a manufacturer under this subsection shall be determined by multiplying—

"(A) the quantity by which the quantity of imported tobacco used by the manufacturer to produce cigarettes during a preceding calendar year exceeds 25 percent of the quantity of all tobacco used by the manufacturer to produce cigarettes during the preceding calendar year; by

"(B) the difference between—

"(i) ½ of the sum of—

"(I) the average price per pound received by domestic producers for Burley tobacco during the preceding calendar year; and

"(II) the average price per pound received by domestic producers for Flue-cured tobacco during the preceding calendar year; and

"(ii) the average price per pound of unmanufactured imported tobacco during the preceding calendar year, as determined by the Secretary.

"(3) COLLECTION.—An assessment imposed under this subsection shall be—

"(A) collected by the Secretary and transmitted to the Commodity Credit Corporation; and

"(B) enforced in the same manner as provided in section 320B.

"(d) PURCHASE OF BURLEY TOBACCO.—

"(1) IN GENERAL.—A domestic manufacturer of cigarettes described in subsection (b) shall purchase from the inventories of the producer-owned cooperative marketing associations for Burley tobacco described in section 320B(a)(2), at the applicable list price published by the association, the quantity of tobacco described in paragraph (2).

"(2) QUANTITY.—Subject to paragraph (3), the quantity of Burley tobacco required to be purchased by a manufacturer during a calendar year under this subsection shall equal ½ of the quantity of imported tobacco used by the manufacturer to produce cigarettes during the preceding calendar year that exceeds 25 percent of the quantity of all tobacco used by the manufacturer to produce cigarettes during the preceding calendar year.

"(3) LIMITATION.—If the total quantity of Burley tobacco required to be purchased by all manufacturers under paragraph (2) would reduce the inventories of the producer-owned cooperative marketing associations for Burley tobacco to less than the reserve stock level for Burley tobacco, the Secretary shall reduce the quantity of tobacco required to be purchased by manufacturers under paragraph (2), on a pro rata basis, to ensure that the inventories will not be less than the reserve stock level for Burley tobacco.

"(4) NONCOMPLIANCE.—If a manufacturer fails to purchase from the inventories of the producer-owned cooperative marketing associations the quantity of Burley tobacco required under this subsection, the manufacturer shall be subject to a penalty of 75 percent of the average market price (calculated to the nearest whole cent) for Burley tobacco for the immediately

preceding year on the quantity of tobacco as to which the failure occurs.

"(5) PURCHASE REQUIREMENTS.—Tobacco purchased by a manufacturer under this subsection shall not be included in determining the quantity of tobacco purchased by the manufacturer under section 320B.

"(e) PURCHASE OF FLUE-CURED TOBACCO.—

"(1) IN GENERAL.—A domestic manufacturer of cigarettes described in subsection (b) shall purchase from the inventories of the producer-owned cooperative marketing association for Flue-cured tobacco described in section 320B(a)(2), at the applicable list price published by the association, the quantity of tobacco described in paragraph (2).

"(2) QUANTITY.—Subject to paragraph (3), the quantity of Flue-cured tobacco required to be purchased by a manufacturer during a calendar year under this subsection shall equal ½ of the quantity of imported tobacco used by the manufacturer to produce cigarettes during the preceding calendar year that exceeds 25 percent of the quantity of all tobacco used by the manufacturer to produce cigarettes during the preceding calendar year.

"(3) LIMITATION.—If the total quantity of Flue-cured tobacco required to be purchased by all manufacturers under paragraph (2) would reduce the inventories of the producer-owned cooperative marketing association for Flue-cured tobacco to less than the reserve stock level for Flue-cured tobacco, the Secretary shall reduce the quantity of tobacco required to be purchased by manufacturers under paragraph (2), on a pro rata basis, to ensure that the inventories will not be less than the reserve stock level for Flue-cured tobacco.

"(4) NONCOMPLIANCE.—If a manufacturer fails to purchase from the inventories of the producer-owned cooperative marketing association the quantity of Flue-cured tobacco required under this subsection, the manufacturer shall be subject to a penalty of 75 percent of the average market price (calculated to the nearest whole cent) for Flue-cured tobacco for the immediately preceding year on the quantity of tobacco as to which the failure occurs.

"(5) PURCHASE REQUIREMENTS.—Tobacco purchased by a manufacturer under this subsection shall not be included in determining the quantity of tobacco purchased by the manufacturer under section 320B.

"(f) CROP LOSSES DUE TO DISASTERS.—

"(1) IN GENERAL.—If the Secretary, in consultation with producer-owned cooperative marketing associations, determines that because of drought, insect or disease infestation, or other natural disaster, or other condition beyond the control of producers, the total quantity of a crop of domestic Burley tobacco or Flue-cured tobacco that is harvested and suitable for marketing is substantially less than the expected yield for the crop, and that pool inventories for the kind of tobacco involved have been depleted, effective for the calendar year following the year in which the crop loss occurs, the Secretary may reduce the minimum percentage of domestic tobacco specified in subsection (a) to a percentage below 75 percent, as determined by the Secretary, that reflects the reduced availability of domestic supplies of the kind of tobacco involved.

"(2) DETERMINATION OF EXPECTED YIELD.—For purposes of paragraph (1), the Secretary shall determine the expected yield for a crop of Burley tobacco or Flue-cured tobacco by taking into consideration—

"(A) the total acreage planted to the crop (including acreage that the producers were prevented from planting because of a condition referred to in paragraph (1)); and

"(B) normal farm yields established for the crop.

"(3) DEADLINE FOR DETERMINATIONS.—The Secretary shall make determinations under paragraph (1) about crop losses and announce the reduced percentage of the domestic tobacco pool not later than November 30 of the year in which the applicable crop of Burley tobacco or Flue-cured tobacco is harvested.".

(b) BUDGET DEFICIT ASSESSMENT.—

(1) IN GENERAL.—Section 106 of the Agricultural Act of 1949 (7 U.S.C. 1445) is amended by adding at the end the following new subsection:

"(h)(1) Effective only for each of the 1994 through 1998 crops of tobacco, an importer of tobacco that is produced outside the United States shall remit to the Commodity Credit Corporation a nonrefundable marketing assessment in an amount equal to the product obtained by multiplying—

"(A) the number of pounds of tobacco that is imported by the importer; by

"(B) the sum of—

"(i) the per pound marketing assessment imposed on purchasers of domestic Burley tobacco pursuant to subsection (g); and

"(ii) the per pound marketing assessment imposed on purchasers of domestic Flue-cured tobacco pursuant to subsection (g).

"(2) An assessment imposed under this subsection shall be paid by the importer.

"(3)(A) The importer shall remit the assessment at such time and in such manner as may be prescribed by the Secretary.

"(B) If the importer fails to comply with subparagraph (A), the importer shall be liable, in addition, for a marketing penalty at a rate equal to 37.5 percent of the sum of the average market price (calculated to the nearest whole cent) of Flue-cured and Burley tobacco for the immediately preceding year on the quantity of tobacco as to which the failure occurs.

"(C) This subsection shall be enforced in the same manner as subparagraphs (B) and (C) of paragraph (1), and paragraphs (2) and (3), of section 106A(h).

"(4) Any penalty collected by the Secretary under this subsection shall be deposited for use by the Commodity Credit Corporation.".

(2) IMPORTER ASSESSMENTS FOR NO NET COST TOBACCO FUND.—Section 106A of such Act (7 U.S.C. 1445–1) is amended—

(A) in subsection (c), by inserting "and importers" after "purchasers";

(B) in subsection (d)(1)(A)—

(i) by striking "and" at the end of clause (i); and

(ii) by inserting after clause (ii) the following new clause:

"(iii) each importer of Flue-cured or Burley tobacco shall pay to the appropriate association, for deposit in the Fund of the association, an assessment, in an amount that is equal to the product obtained by multiplying—

"(I) the number of pounds of tobacco that is imported by the importer; by

"(II) the sum of the amount of per pound producer contributions and purchaser assessments that are payable by domestic producers and purchasers of Flue-cured and Burley tobacco under clauses (i) and (ii); and";

(C) in subsection (d)(2)—

(i) by inserting "or importer" after "or purchaser";

(ii) by striking "and" at the end of subparagraph (B);

(iii) by inserting "and" at the end of subparagraph (C); and

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

"(D) if the tobacco involved is imported by an importer, from the importer."; and

(D) in subsection (h)(1)—

(i) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

(ii) by inserting after subparagraph (A) the following new subparagraph:

"(B) Each importer who fails to pay to the association an assessment as required by subsection (d)(2) at such time and in such manner as may be prescribed by the Secretary, shall be liable, in addition to any amount due, for a marketing penalty at a rate equal to 75 percent of the average market price (calculated to the nearest whole cent) for the respective kind of tobacco for the immediately preceding year on the quantity of tobacco as to which the failure occurs.".

(3) IMPORTER ASSESSMENTS TO NO NET COST TOBACCO ACCOUNT.—Section 106B of such Act (7 U.S.C. 1445–2) is amended—

(A) in subsection (c)(1), by striking "producers and purchasers" and inserting "producers, purchasers, and importers";

(B) in subsection (d)(1)—

(i) by designating the first and second sentences as subparagraphs (A) and (B), respectively; and

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

"(C) The Secretary shall also require (in lieu of any requirement under section 106A(d)(1)) that each importer of Flue-cured and Burley tobacco shall pay to the Corporation, for deposit in the Account of the association, an assessment, as determined under paragraph (2) and collected under paragraph (3), with respect to purchases of all such kinds of tobacco imported by the importer.";

(C) in subsection (d)(2), by adding at the end the following new subparagraph:

"(C) The amount of the assessment to be paid by importers shall be an amount that is equal to the product obtained by multiplying—

"(i) the number of pounds of tobacco that is imported by the importer; by

"(ii) the sum of the amount of per pound producer and purchaser assessments that are payable by domestic producers and purchasers of the respective kind of tobacco under this paragraph.";

(D) in subsection (d)(3), by adding at the end the following new subparagraph:

"(D) If Flue-cured or Burley tobacco is imported by an importer, any importer assessment required by subsection (d) shall be collected from the importer."; and

(E) in subsection (j)(1)—

(i) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

(ii) by inserting after subparagraph (A) the following new subparagraph:

"(B) Each importer who fails to pay to the Corporation an assessment as required by subsection (d) at such time and in such manner as may be prescribed by the Secretary, shall be liable, in addition to any amount due, to a marketing penalty at a rate equal to 75 percent of the average market price (calculated to the nearest whole cent) for the respective kind of tobacco for the immediately preceding year on the quantity of tobacco as to which the failure occurs.".

(c) FEES FOR INSPECTING IMPORTED TOBACCO.—The second sentence of section 213(d) of the Tobacco Adjustment Act of 1983 (7 U.S.C. 511r(d)) is amended by inserting before the period at the end the following: ", and which shall be comparable to fees and charges fixed and collected for services provided in connection with tobacco produced in the United States".

(d) EXTENSION OF QUOTA REDUCTION FLOORS.—

(1) BURLEY TOBACCO.—Section 319(c)(3)(C)(ii) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1314e(c)(3)(C)(ii)) is amended—

(A) by striking "1993" and inserting "1996"; and

(B) by inserting before the period at the end the following: ", except that, in the case of each of the 1995 and 1996 crops of Burley tobacco, the Secretary may waive the requirements of this clause if the Secretary determines that the requirements would likely result in inventories of the producer-owned cooperative marketing associations for Burley tobacco described in section 320B(a)(2) to exceed 150 percent of the reserve stock level for Burley tobacco".

(2) FLUE-CURED TOBACCO.—Section 317(a)(1)(C)(ii) of such Act (7 U.S.C. 1314c(a)(1)(C)(ii)) is amended—

(A) by striking "1993" and inserting "1996"; and

(B) by inserting before the period at the end the following: ", except that, in the case of each of the 1995 and 1996 crops of Flue-cured tobacco, the Secretary may waive the requirements of this clause if the Secretary determines that the requirements would likely result in inventories of the producer-owned cooperative marketing association for Flue-cured tobacco described in section 320B(a)(2) to exceed 150 percent of the reserve stock level for Flue-cured tobacco".

SEC. 1107. SUGAR PROGRAM.

(a) IN GENERAL.—Section 206 of the Agricultural Act of 1949 (7 U.S.C. 1446g) is amended—

(1) in the section heading, by striking "1995" and inserting "1997";

(2) in subsections (a), (c), (d)(1), and (j), by striking "1995" each place it appears and inserting "1997"; and

(3) in subsection (i)—

(A) in paragraph (1), by striking "equal to" and all that follows through the period at the end and inserting the following: "equal to—

"(A) in the case of marketings during each of fiscal years 1992 through 1994, 1.0 percent of the loan level established under subsection (b) per pound of raw cane sugar (but not more than .18 cents per pound of raw cane sugar), processed by the processor from domestically produced sugarcane or sugarcane molasses, that has been marketed (including the transfer or delivery of the sugar to a refinery for further processing or marketing); and

"(B) in the case of marketings during each of fiscal years 1995 through 1998, 1.1 percent of the loan level established under subsection (b) per pound of raw cane sugar (but not more than .198 cents per pound of raw cane sugar), processed by the processor from domestically produced sugarcane or sugarcane molasses, that has been marketed (including the transfer or delivery of the sugar to a refinery for further processing or marketing).";

(B) in paragraph (2), by striking "equal to" and all that follows through the period at the end and inserting the following: "equal to—

"(A) in the case of marketings during each of fiscal years 1992 through 1994, 1.0722 percent of the loan level established under subsection (b) per pound of beet sugar (but not more than .193 cents per pound of beet sugar), processed by the processor from domestically produced sugar beets or sugar beet molasses, that has been marketed; and

"(B) in the case of marketings during each of fiscal years 1995 through 1998, 1.1794 percent of the loan level established under subsection (b) per pound of beet sugar (but not more than .2123 cents per pound of beet sugar), processed by the processor from domestically produced sugar beets or sugar beet molasses, that has been marketed."; and

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

"(6) EXCESS MARKETINGS.—In addition to the assessment required under paragraph (1) or (2), a processor who knowingly markets sugar in excess of the allocated allotment of the processor under section 359d of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359dd) shall pay an assessment in an amount that is double the applicable assessment required under paragraph (1) or (2) per pound of sugar marketed.".

(b) PROVISIONS NECESSARY TO THE OPERATION OF THE PROGRAM.—Section 359b of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359bb) is amended—

(1) in subsection (a)(1), by striking "1996" and inserting "1998"; and

(2) in subsection (d)—

(A) by striking paragraph (1) and inserting the following new paragraph:

"(1) IN GENERAL.—During any fiscal year or portion thereof for which marketing allotments have been established, no processor of sugar beets or sugarcane shall market a quantity of sugar in excess of the allocation established for such processor, except to enable another processor to fulfill an allocation established for such other processor or to facilitate the exportation of such sugar."; and

(B) in paragraph (3), by inserting "knowingly" after "who" each place it appears.

SEC. 1108. OILSEEDS PROGRAM.

Section 205 of the Agricultural Act of 1949 (7 U.S.C. 1446f) is amended—

(1) in subsection (c)—

(A) in paragraph (1), by inserting after "$5.02 per bushel" the following: "for each of the 1991 through 1993 crops and $4.92 per bushel for each of the 1994 through 1997 crops"; and

(B) in paragraph (2), by inserting after "$0.089 per pound" the following: "for each of the 1991 through 1993 crops and $0.087 per pound for each of the 1994 through 1997 crops";

(2) in subsection (h), by striking "mature on the last day of the 9th month following the month the application for the loan is made." and inserting the following: "mature—

"(1) in the case of each of the 1991 through 1993 crops, on the last day of the 9th month following the month the application for the loan is made; and

"(2) in the case of each of the 1994 through 1997 crops, on the last day of the 9th month following the month the application for the loan is made, except that the loan may not mature later than the last day of the fiscal year in which the application is made."; and

(3) in subsection (m), by adding at the end the following new paragraph:

"(3) APPLICABILITY.—This subsection shall apply only to each of the 1991 through 1993 crops of oilseeds.".

SEC. 1109. PEANUT PROGRAM.

(a) IN GENERAL.—Section 108B of the Agricultural Act of 1949 (7 U.S.C. 1445c-3) is amended—

(1) in the section heading, by striking "1995" and inserting "1997";

(2) in subsections (a)(1), (a)(2), (b)(1), (g)(1), and (h), by striking "1995" each place it appears and inserting "1997"; and

(3) in subsection (g)—

(A) in paragraph (1), by inserting after "1 percent" both places it appears the following: "for each of the 1991 through 1993 crops, 1.1 percent for each of the 1994 and 1995 crops, 1.15 percent for the 1996 crop, and 1.2 percent for the 1997 crop,"; and

(B) in paragraph (2)(A), by striking clauses (i) and (ii) and inserting the following new clauses:

"(i) collect from the producer a marketing assessment equal to the quantity of peanuts acquired multiplied by—

"(I) in the case of each of the 1991 through 1993 crops, .5 percent of the applicable national average support rate;

"(II) in the case of each of the 1994 and 1995 crops, .55 percent of the applicable national average support rate;

"(III) in the case of the 1996 crop, .6 percent of the applicable national average support rate; and

"(IV) in the case of the 1997 crop, .65 percent of the applicable national average support rate;

"(ii) pay, in addition to the amount collected under clause (i), a marketing assessment in an amount equal to the quantity of peanuts acquired multiplied by—

"(I) in the case of each of the 1991 through 1993 crops, .5 percent of the applicable national average support rate; and

"(II) in the case of each of the 1994 through 1997 crops, .55 percent of the applicable national average support rate; and".

(b) ASSESSMENT UNDER PEANUT MARKETING AGREEMENT.—Section 8b(b)(1) of the Agricultural Adjustment Act (7 U.S.C. 608b(b)(1)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended—

(1) by striking "and" at the end of subparagraph (A);

(2) by striking the period at the end of subparagraph (B) and inserting "; and"; and

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

"(C) any assessment (except with respect to any assessment for the indemnification of losses on rejected peanuts) imposed under the agreement shall—

"(i) apply to peanut handlers (as defined by the Secretary) who have not entered into such an agreement with the Secretary in addition to those handlers who have entered into the agreement; and

"(ii) be paid to the Secretary.".

(c) PROVISIONS NECESSARY TO THE OPERATION OF THE PROGRAM.—Part VI of subtitle B of title III of the Agricultural Adjustment Act of 1938 is amended—

(1) in section 358–1 (7 U.S.C. 1358–1)—

(A) in the section heading, by striking "1995" and inserting "1997"; and

(B) in subsections (a)(1), (b)(1)(A), (b)(1)(B), (b)(2)(A), (b)(2)(C), (b)(3)(A), and (f), by striking "1995" each place it appears and inserting "1997"; and

(2) in section 358e (7 U.S.C. 1359a)—

(A) in the section heading, by striking "1995" and inserting "1997"; and

(B) in subsection (i), by striking "1995" and inserting "1997".

SEC. 1110. HONEY PROGRAM.

Section 207 of the Agricultural Act of 1949 (7 U.S.C. 1446h) is amended—

(1) by striking "1995" each place it appears in subsections (a), (c)(1), and (j) and inserting "1998";

(2) in subsection (a), by striking "than 53.8 cents per pound." and inserting "than—

"(1) 53.8 cents per pound for each of the 1991 through 1993 crop years;

"(2) 50 cents per pound for each of the 1994 and 1995 crop years;

"(3) 49 cents per pound for the 1996 crop year;

"(4) 48 cents per pound for the 1997 crop year; and

"(5) 47 cents per pound for the 1998 crop year.";

(3) in subsection (e)(1)—

(A) by striking "and" at the end of subparagraph (C); and

(B) by striking subparagraph (D) and inserting the following new subparagraphs:

"(D) $125,000 in the 1994 crop year;

"(E) $100,000 in the 1995 crop year;

"(F) $75,000 in the 1996 crop year; and

"(G) $50,000 in each of the 1997 and 1998 crop years."; and

(4) in subsection (i)(1), by striking "1995" and inserting "1993".

SEC. 1111. WOOL AND MOHAIR PROGRAM.

The National Wool Act of 1954 (7 U.S.C. 1781 et seq.) is amended—

(1) in section 703 (7 U.S.C. 1782), by striking "1995" both places it appears in subsections (a) and (b)(2) and inserting "1997";

(2) in section 704 (7 U.S.C. 1783)—

(A) in subsection (b)(1)—

(i) by striking "and" at the end of subparagraph (C); and

(ii) by striking subparagraph (D) and inserting the following new subparagraphs:

"(D) $125,000 for the 1994 marketing year;

"(E) $100,000 for the 1995 marketing year;

"(F) $75,000 for the 1996 marketing year; and

"(G) $50,000 for the 1997 marketing year."; and

(B) in subsection (c), by striking "through 1995" and inserting "and 1992"; and

(3) in section 706 (7 U.S.C. 1785), by inserting after the second sentence the following new sentence: "In determining the net sales proceeds and national payment rates for shorn wool and shorn mohair, the Secretary shall not deduct marketing charges for commissions, coring, or grading.".

Subtitle B—Rural Electrification

SEC. 1201. REFINANCING AND PREPAYMENT OF FFB LOANS.

(a) IN GENERAL.—Title III of the Rural Electrification Act of 1936 (7 U.S.C. 931 et seq.) is amended by inserting after section 306B (7 U.S.C. 936b) the following new section:

7 USC 936c.

"SEC. 306C. REFINANCING AND PREPAYMENT OF FFB LOANS.

"(a) IN GENERAL.—A borrower of a loan made by the Federal Financing Bank and guaranteed under section 306 may, at the option of the borrower, refinance or prepay the loan or an advance on the loan, or any portion of the loan or advance.

"(b) PENALTY.—

"(1) DETERMINATION OF PENALTY.—A penalty shall be assessed against a borrower that refinances or prepays a loan or loan advance, or any portion of a loan or advance, under this section. Except as provided in paragraph (2), the penalty shall be equal to the lesser of—

"(A) the difference between the outstanding principal balance of the loan being refinanced and the present value of the loan discounted at a rate equal to the then current cost of funds to the Department of the Treasury for obligations of comparable maturity to the loan being refinanced or prepaid;

"(B) 100 percent of the amount of interest for 1 year on the outstanding principal balance of the loan or loan advance, or any portion of the loan or advance, being refinanced, multiplied by the ratio that—

"(i) the number of quarterly payment dates between the date of the refinancing or prepayment and the maturity date for the loan advance; bears to

"(ii) the number of quarterly payment dates between the first quarterly payment date that occurs 12 years after the end of the year in which the amount being refinanced was advanced and the maturity date of the loan advance; and

"(C)(i) the present value of 100 percent of the amount of interest for 1 year on the outstanding principal balance of the loan or loan advance, or any portion of the loan or advance, being refinanced or prepaid; plus

"(ii) for the interval between the date of the refinancing or prepayment and the first quarterly payment date that occurs 12 years after the end of the year in which the amount being refinanced or prepaid was advanced, the present value of the difference between—

"(I) each payment scheduled for the interval on the loan amount being refinanced or prepaid; and

"(II) the payment amounts that would be required during the interval on the amounts being refinanced or prepaid if the interest rate on the loan were equal to the then current cost of funds to the Department of the Treasury for obligations of comparable maturity to the loan being refinanced or prepaid.

"(2) LIMITATION.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the penalty provided by paragraph (1)(A) shall be required for refinancing or prepayment under this section.

"(B) EXCEPTION.—In the case of a loan advanced under an agreement that permits the refinancing or prepayment of the loan advance based on the payment of 1 year of interest on the outstanding principal balance of the loan advance, a borrower may, in lieu of the penalty required by paragraph (1)(A), pay a penalty as provided by—

"(i) paragraph (1)(B), if the loan advance has reached the 12-year maturity required under the loan agreement for the refinancing or prepayment; or

"(ii) paragraph (1)(C), if the loan advance has not reached the 12-year maturity required under the loan agreement for the refinancing or prepayment.

"(3) FINANCING OF PENALTY.—

"(A) IN GENERAL.—In the case of a refinancing under this section, a borrower may, at the option of the borrower, meet the penalty requirements of paragraph (1) by—

"(i) making a payment in the amount of the required penalty at the time of the refinancing; or

"(ii) increasing the outstanding principal balance of the loan advance guaranteed by the Administrator that is being refinanced under this section by the amount of the penalty.

"(B) INCREASED PRINCIPAL.—If a borrower meets the penalty requirements of paragraph (1) by increasing the outstanding principal balance of the loan advance that is being refinanced, the borrower shall make a payment at the time of the refinancing equal to 2.5 percent of the amount of the penalty that is added to the outstanding principal balance of the loan.

"(c) LOAN TERMS AND CONDITIONS AFTER REFINANCING.—

"(1) IN GENERAL.—On the payment of a penalty as provided by subsection (b), the loan or loan advance, or any portion of the loan or advance, shall be refinanced at the interest rate described in paragraph (2) for a term selected by the borrower pursuant to paragraph (3), except that this paragraph shall not apply if the loan advance, or any portion of the advance, is prepaid by the borrower.

"(2) INTEREST RATE.—The interest rate on a loan refinanced under this section shall be determined to be equal to the then current cost of funds to the Department of the Treasury for obligations of comparable maturity to a term selected by the borrower pursuant to paragraph (3).

"(3) LOAN TERM.—Subject to paragraph (4), the borrower of a loan that is refinanced under this section—

"(A) shall select the term for which an interest rate shall be determined pursuant to paragraph (2); and

"(B) at the end of the term (and any succeeding term selected by the borrower under this paragraph), may renew the loan for another term selected by the borrower.

"(4) MAXIMUM TERM.—The borrower may not select a term pursuant to paragraph (3) that ends after the maturity date set for the loan before the refinancing of the loan under this section.

"(5) EXISTING LOANS.—In the case of the refinancing of a loan of a borrower pursuant to this section and the inclusion of a penalty in the outstanding principal balance of the refinanced loan pursuant to subsection (b)(3)—

"(A) the refinancing and inclusion of the penalty shall not be subject to appropriations or limited by the amount provided during a fiscal year for new loans, loan guarantees, or other credit activity;

"(B) the request of the borrower for the refinancing under this section may not be denied or delayed; and

"(C) the borrower may not be limited in the selection of any refinancing or prepayment option provided by this section to the borrower.".

7 USC 936c note. (b) REGULATIONS.—Not later than 45 days after the date of enactment of this section, the Administrator of the Rural Electrification Administration shall issue interim final regulations to carry out the amendment made by subsection (a).

Subtitle C—Agricultural Trade

SEC. 1301. ACREAGE REDUCTION REQUIREMENTS.

(a) IN GENERAL.—Section 1104 of the Omnibus Budget Reconciliation Act of 1990 (7 U.S.C. 1445b–3a note) is amended—

(1) in subsection (a), by striking paragraph (2) and inserting the following new paragraph:

"(2) corn under which the acreage planted to corn for harvest on a farm would be limited to the corn crop acreage base for the farm for the crop reduced by not less than 7½ percent."; and

(2) in subsection (b)(2), by striking "grain sorghum, and barley,".

(b) READJUSTMENT OF SUPPORT LEVELS.—Section 1302 of such Act (7 U.S.C. 1421 note) is amended—

(1) in subsection (b)—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;

(2) in subsection (c), by striking "and other programs"; and

(3) in subsection (d)—

(A) in paragraph (1)—

(i) by striking subparagraph (A); and

(ii) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively;

(B) in paragraph (2), by striking "(A), (B), and (C)" and inserting "(A) and (B)"; and

(C) in paragraph (3)—

(i) by striking "measures specified in subparagraph (A) of paragraph (1) and"; and

(ii) by striking "(B) or (C)" and inserting "(A) or (B)".

SEC. 1302. MARKET PROMOTION PROGRAM.

(a) REDUCTION OF FUNDING LEVEL.—Section 211(c)(1) of the Agricultural Trade Act of 1978 (7 U.S.C. 5641(c)(1)) is amended by striking "through 1995" and inserting "through 1993, and not less than $110,000,000 for each of the fiscal years 1994 through 1997,".

7 USC 5623 note. (b) SECRETARIAL ACTIONS TO ACHIEVE SAVINGS.—In order to enable the Secretary of Agriculture to achieve the savings required in the market promotion program established by section 203 of the Agricultural Trade Act of 1978 (7 U.S.C. 5623) as a result of the amendments made by this section:

7 USC 5623. (1) UNFAIR TRADE PRACTICES.—Paragraph (2) of section 203(c) of such Act is amended to read as follows:

"(2) UNFAIR TRADE PRACTICES.—

"(A) REQUIREMENT.—Except as provided in subparagraph (B), the Secretary shall provide assistance under this section only to counter or offset the adverse effects of a subsidy, import quota, or other unfair trade practice of a foreign country.

"(B) EXCEPTION.—The Secretary shall waive the requirements of this paragraph in the case of activities conducted by small entities operating through the regional State-related organizations.".

(2) GUIDELINES.—The Secretary of Agriculture should implement changes in the market promotion program established by section 203 of such Act, beginning with fiscal year 1994, in order to improve the effectiveness of the program and to meet the following objectives:

(A) PRIORITY.—In providing assistance for branded promotion, the Secretary should give priority to small-sized entities.

(B) GRADUATION.—The Secretary should not provide assistance under the program to promote a specific branded product in a single market for more than 5 years unless the Secretary determines that further assistance is necessary in order to meet the objectives of the program.

(C) CONTRIBUTION LEVEL.—

(i) IN GENERAL.—The Secretary should require a minimum contribution level of 10 percent from an eligible trade organization that receives assistance for nonbranded promotion.

(ii) INCREASES IN CONTRIBUTION LEVEL.—The Secretary may increase the contribution level in any subsequent year that an eligible trade organization receives assistance for nonbranded promotion.

(D) ADDITIONALITY.—The Secretary should require each participant in the program to certify that any Federal funds received supplement, but do not supplant, private or third party participant funds or other contributions to program activities.

(E) INDEPENDENT AUDITS.—If as a result of an evaluation or audit of activities of a participant under the program, the Secretary determines that a further review is justified in order to ensure compliance with the requirements of the program, the Secretary should require the participant to contract for an independent audit of the program activities, including activities of any subcontractor.

(3) TOBACCO.—No funds made available under the market promotion program may be used for activities to develop, maintain, or expand foreign markets for tobacco.

(c) REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary of Agriculture shall issue regulations to implement this section and the amendments made by this section. 7 USC 5623 note.

Subtitle D—Miscellaneous

SEC. 1401. ADMISSION, ENTRANCE, AND RECREATION FEES. 16 USC 460*l*-6c.

(a) DEFINITIONS.—As used in this section:

(1) AREA OF CONCENTRATED PUBLIC USE.—The term "area of concentrated public use" means an area administered by the Secretary that meets each of the following criteria:

(A) The area is managed primarily for outdoor recreation purposes.

(B) Facilities and services necessary to accommodate heavy public use are provided in the area.

(C) The area contains at least 1 major recreation attraction.

(D) Public access to the area is provided in such a manner that admission fees can be efficiently collected at 1 or more centralized locations.

(2) BOAT LAUNCHING FACILITY.—The term "boat launching facility" includes any boat launching facility, regardless of whether specialized facilities or services, such as mechanical or hydraulic boat lifts or facilities, are provided.

(3) CAMPGROUND.—The term "campground" means any campground where a majority of the following amenities are provided, as determined by the Secretary:

(A) Tent or trailer spaces.

(B) Drinking water.

(C) An access road.

(D) Refuse containers.

(E) Toilet facilities.

(F) The personal collection of recreation use fees by an employee or agent of the Secretary.

(G) Reasonable visitor protection.

(H) If campfires are permitted in the campground, simple devices for containing the fires.

(4) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(b) AUTHORITY TO IMPOSE FEES.—The Secretary may charge—

(1) admission or entrance fees at national monuments, national volcanic monuments, national scenic areas, and areas of concentrated public use administered by the Secretary; and

(2) recreation use fees at lands administered by the Secretary in connection with the use of specialized outdoor recreation sites, equipment, services, and facilities, including visitors' centers, picnic tables, boat launching facilities, and campgrounds.

(c) AMOUNT OF FEES.—The amount of the admission, entrance, and recreation fees authorized to be imposed under this section shall be determined by the Secretary.

SEC. 1402. ENVIRONMENTAL CONSERVATION ACREAGE RESERVE PROGRAM AMENDMENTS.

(a) ENVIRONMENTAL CONSERVATION ACREAGE RESERVE PROGRAM.—Section 1230(b) of the Food Security Act of 1985 (16 U.S.C. 3830(b)) is amended by striking "to place in" and all that follows through "acres".

(b) CONSERVATION RESERVE PROGRAM.—Section 1231(d) of such Act (16 U.S.C. 3831(d)) is amended—

(1) by striking "may" and inserting "shall";

(2) by striking "the amount of acres specified in section 1230(b)" and inserting "a total of 38,000,000 acres during the 1986 through 1995 calendar years"; and

(3) by striking "each of calendar years 1994 and 1995" and inserting "the 1995 calendar year".

(c) WETLANDS RESERVE PROGRAM.—Section 1237 of such Act (16 U.S.C. 3837) is amended—

(1) by striking subsection (b) and inserting the following new subsection:

"(b) MINIMUM ENROLLMENT.—The Secretary shall enroll into the wetlands reserve program—

"(1) a total of not less than 330,000 acres by the end of the 1995 calendar year; and

"(2) a total of not less than 975,000 acres during the 1991 through 2000 calendar years."; and

(2) in subsection (c), by striking "1995" and inserting "2000".

SEC. 1403. FEDERAL CROP INSURANCE.

(a) ACTUARIAL SOUNDNESS.—Section 506 of the Federal Crop Insurance Act (7 U.S.C. 1506) is amended by adding at the end the following new subsection:

"(n) ACTUARIAL SOUNDNESS.—The Corporation shall take such actions as are necessary to improve the actuarial soundness of Federal multiperil crop insurance coverage made available under this title to achieve, on and after October 1, 1995, an overall projected loss ratio of not greater than 1.1, including—

"(1) instituting appropriate requirements for documentation of the actual production history of insured producers to establish recorded or appraised yields for Federal crop insurance coverage that more accurately reflect the associated actuarial risk, except that the Corporation may not carry out this paragraph in a manner that would prevent beginning farmers from obtaining adequate Federal crop insurance, as determined by the Corporation;

"(2) establishing in counties, to the extent practicable, a crop insurance option based on area yields in a manner that allows an insured producer to qualify for an indemnity if a loss has occurred in a specified area in which the farm of the insured producer is located;

"(3) establishing a database that contains the social security account and employee identification numbers of participating producers and using the numbers to identify insured producers who are high risk for actuarial purposes and insured producers who have not documented at least 4 years of production history, to assess the performance of insurance providers, and for other purposes permitted by law; and

"(4) taking any other measures authorized by law to improve the actuarial soundness of the Federal crop insurance program while maintaining fairness and effective coverage for agricultural producers.".

(b) CONFORMING AMENDMENTS.—

(1) REINSURANCE.—Section 508(h) of such Act (7 U.S.C. 1508(h)) is amended by striking the fifth sentence and inserting the following new sentence: "The Corporation shall also pay operating and administrative costs to insurers of policies on which the Corporation provides reinsurance in an amount determined by the Corporation.".

(2) AREA YIELD PLAN.—Section 508 of such Act (7 U.S.C. 1508) is amended by adding at the end the following new subsection:

"(n) AREA YIELD PLAN.—

"(1) IN GENERAL.—Notwithstanding any other provision of this title, the Corporation may offer, only as an option to individual crop insurance coverage available under this Act, a crop insurance plan based on an area yield that allows an insured producer to qualify for an indemnity if a loss has occurred in an area, as specified by the Corporation, in which the farm of the producer is located.

"(2) LEVEL OF COVERAGE.—Under a plan offered under paragraph (1), an insured producer shall be allowed to select the level of production at which an indemnity will be paid consistent with terms and conditions established by the Corporation.".

(3) YIELD COVERAGE.—Section 508A of such Act (7 U.S.C. 1508a) is amended—

(A) in subsection (a)(1), by striking "may" and inserting "shall"; and

(B) in subsection (b)—

(i) in paragraph (1)(A)—

(I) by striking "A crop insurance contract" and all that follows through "producer—" and inserting "Under regulations issued by the Corporation, a crop insurance contract offered under this title to an eligible insured producer of a commodity with respect to which the Corporation provides crop insurance coverage shall make available to the producer either—";

(II) by striking "or" at the end of clause (i);

(III) in clause (ii)—

(aa) by striking "5" and inserting "4 building to 10"; and

(bb) by striking the period at the end and inserting "; or"; and

(IV) by adding at the end the following new clause:

"(iii) yield coverage based on—

"(I) not less than 65 percent of the transitional yield of the producer (adjusted to reflect actual experience), as specified in regulations issued by the Corporation based on production history requirements; or

"(II) the area yield under section 508(n) for the crop established under the program for the commodity involved.";

(ii) in paragraph (1)(B)—

(I) by striking "two" and inserting "3"; and

(II) by inserting after "subparagraph (A)" the following: ", where available (as determined by the Corporation),";

(iii) in paragraph (2)—

(I) by striking "5" and inserting "4 building to 10"; and

(II) by inserting after "previous crops," the following: "not less than 65 percent of the transi-

tional yield of the producer (adjusted to reflect actual experience), or the area yield,"; and

(iv) in paragraph (3)(A)(i), by inserting after "farm program yield" the following: ", not less than 65 percent of the transitional yield of the producer (adjusted to reflect actual experience), as specified in regulations issued by the Corporation based on production history requirements, or the area yield under section 508(n), whichever is applicable,".

(c) EFFECTIVE DATE.— 7 USC 1506 note.

(1) IN GENERAL.—Except as provided in paragraph (2), this section and the amendments made by this section shall become effective on October 1, 1993.

(2) REGULATIONS.—Not later than 30 days after the date of enactment of this Act, the Secretary of Agriculture shall publish, for public comment, proposed regulations to implement the amendments made by this section.

TITLE II—ARMED SERVICES PROVISIONS

SEC. 2001. LIMITATION ON COST-OF-LIVING ADJUSTMENTS FOR MILITARY RETIREES.

Section 1401a(b) of title 10, United States Code, is amended—

(1) in paragraph (2), by striking out "The Secretary" and inserting in lieu thereof "Except as provided in paragraph (6), the Secretary"; and

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

"(6) SPECIAL RULES FOR PARAGRAPH (2) FOR FISCAL YEARS 1994 THROUGH 1998.—

"(A) FISCAL YEAR 1994.—In the case of an increase in the retired pay of a member or former member referred to in paragraph (2) that, pursuant to paragraph (1), becomes effective on December 1, 1993, the initial month for which such increase is payable as part of such retired pay shall (notwithstanding such December 1 effective date) be March 1994.

"(B) FISCAL YEARS 1995 THROUGH 1998.—In the case of an increase in retired pay of a member or former member referred to in paragraph (2) that, pursuant to paragraph (1), becomes effective on December 1 of 1994, 1995, 1996, or 1997, the initial month for which such increase is payable as part of such retired pay shall (notwithstanding such December 1 effective date) be September of the following year.

"(C) INAPPLICABILITY TO DISABILITY RETIREES.—Subparagraphs (A) and (B) do not apply with respect to the retired pay of a member retired under chapter 61 of this title.".

TITLE III—BANKING AND HOUSING PROVISIONS

SEC. 3001. NATIONAL DEPOSITOR PREFERENCE.

(a) IN GENERAL.—Section 11(d)(11) of the Federal Deposit Insurance Act (12 U.S.C. 1821(d)(11)) is amended to read as follows:

"(11) DEPOSITOR PREFERENCE.—

"(A) IN GENERAL.—Subject to section 5(e)(2)(C), amounts realized from the liquidation or other resolution of any insured depository institution by any receiver appointed for such institution shall be distributed to pay claims (other than secured claims to the extent of any such security) in the following order of priority:

"(i) Administrative expenses of the receiver.

"(ii) Any deposit liability of the institution.

"(iii) Any other general or senior liability of the institution (which is not a liability described in clause (iv) or (v)).

"(iv) Any obligation subordinated to depositors or general creditors (which is not an obligation described in clause (v)).

"(v) Any obligation to shareholders or members arising as a result of their status as shareholders or members (including any depository institution holding company or any shareholder or creditor of such company).

"(B) EFFECT ON STATE LAW.—

"(i) IN GENERAL.—The provisions of subparagraph (A) shall not supersede the law of any State except to the extent such law is inconsistent with the provisions of such subparagraph, and then only to the extent of the inconsistency.

"(ii) PROCEDURE FOR DETERMINATION OF INCONSISTENCY.—Upon the Corporation's own motion or upon the request of any person with a claim described in subparagraph (A) or any State which is submitted to the Corporation in accordance with procedures which the Corporation shall prescribe, the Corporation shall determine whether any provision of the law of any State is inconsistent with any provision of subparagraph (A) and the extent of any such inconsistency.

"(iii) JUDICIAL REVIEW.—The final determination of the Corporation under clause (ii) shall be subject to judicial review under chapter 7 of title 5, United States Code.

"(C) ACCOUNTING REPORT.—Any distribution by the Corporation in connection with any claim described in subparagraph (A)(v) shall be accompanied by the accounting report required under paragraph (15)(B).".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 11(c)(13) of the Federal Deposit Insurance Act (12 U.S.C. 1821(c)(13)) is amended—

(A) in subparagraph (A), by striking "subject to subparagraph (B),";

(B) by inserting "and" after the semicolon at the end of subparagraph (A);

(C) by striking subparagraph (B); and

(D) by redesignating subparagraph (C) as subparagraph (B).

(2) Section 11(g)(4) of the Federal Deposit Insurance Act (12 U.S.C. 1921(g)(4)) is amended by striking "If the Corporation" and inserting "Subject to subsection (d)(11), if the Corporation". 12 USC 1821.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to insured depository institutions for which a receiver is appointed after the date of the enactment of this Act. 12 USC 1821 note.

SEC. 3002. TRANSFER OF FEDERAL RESERVE SURPLUSES.

(a) IN GENERAL.—The 1st undesignated paragraph of section 7 of the Federal Reserve Act (12 U.S.C. 289) is amended to read as follows:

"(a) DIVIDENDS AND SURPLUS FUNDS OF RESERVE BANKS.—

"(1) STOCKHOLDER DIVIDENDS.—

"(A) IN GENERAL.—After all necessary expenses of a Federal reserve bank have been paid or provided for, the stockholders of the bank shall be entitled to receive an annual dividend of 6 percent on paid-in capital stock.

"(B) DIVIDEND CUMULATIVE.—The entitlement to dividends under subparagraph shall be cumulative.

"(2) DEPOSIT OF NET EARNINGS IN SURPLUS FUND.—That portion of net earnings of each Federal reserve bank which remains after dividend claims under subparagraph (A) have been fully met shall be deposited in the surplus fund of the bank.

"(3) PAYMENT TO TREASURY.—During fiscal years 1997 and 1998, any amount in the surplus fund of any Federal reserve bank in excess of the amount equal to 3 percent of the total paid-in capital and surplus of the member banks of such bank shall be transferred to the Board for transfer to the Secretary of the Treasury for deposit in the general fund of the Treasury.".

(b) ADDITIONAL TRANSFERS FOR FISCAL YEARS 1997 AND 1998.— 12 USC 289 note.

(1) IN GENERAL.—In addition to the amounts required to be transferred from the surplus funds of the Federal reserve banks pursuant to section 7(a)(3) of the Federal Reserve Act, the Federal reserve banks shall transfer from such surplus funds to the Board of Governors of the Federal Reserve System for transfer to the Secretary of the Treasury for deposit in the general fund of the Treasury, a total amount of $106,000,000 in fiscal year 1997 and a total amount of $107,000,000 in fiscal year 1998.

(2) ALLOCATION BY FED.—Of the total amount required to be paid by the Federal reserve banks under paragraph (1) for fiscal year 1997 or 1998, the Board of Governors of the Federal Reserve System shall determine the amount each such bank shall pay in such fiscal year.

(3) REPLENISHMENT OF SURPLUS FUND PROHIBITED.—No Federal reserve bank may replenish such bank's surplus fund by the amount of any transfer by such bank under paragraph (1) during fiscal years 1997 and 1998.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) The penultimate undesignated paragraph of section 7 of the Federal Reserve Act (12 U.S.C. 290) is amended by

striking "The net earnings derived" and inserting "(b) USE OF EARNINGS TRANSFERRED TO THE TREASURY.—The net earnings derived".

(2) The last undesignated paragraph of section 7 of the Federal Reserve Act (12 U.S.C. 531) is amended by striking "Federal reserve banks" and inserting "(c) EXEMPTION FROM TAXATION.—Federal reserve banks".

SEC. 3003. USE OF RETURN DATA FOR INCOME VERIFICATION UNDER CERTAIN HOUSING ASSISTANCE PROGRAMS.

Section 904 of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 3544) is amended as follows:

(1) DEFINITION.—In subsection (a), by adding at the end the following:

"(4) PROGRAM OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.—The term 'program of the Department of Housing and Urban Development' includes Indian housing programs assisted under title II of the United States Housing Act of 1937.".

(2) CONSENT FORMS.—In subsection (b)—

(A) in paragraph (1), by striking "and" at the end;

(B) in paragraph (2), by striking the period at the end and inserting "; and";

(C) by inserting after paragraph (2) the following new paragraph:

"(3) sign a consent form approved by the Secretary authorizing the Secretary to request the Commissioner of Social Security and the Secretary of the Treasury to release information pursuant to section 6103(l)(7)(D)(ix) of the Internal Revenue Code of 1986 with respect to such applicant or participant for the sole purpose of the Secretary verifying income information pertinent to the applicant's or participant's eligibility or level of benefits."; and

(D) in the last sentence, by striking "This" and inserting the following: "Except as provided in this subsection, this".

(3) APPLICANT, PARTICIPANT, AND PUBLIC HOUSING AGENCY PROTECTIONS.—In subsection (c)(2)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i)—

(I) by inserting after "compensation law" the following: "or pursuant to section 6103(l)(7)(D)(ix) of the Internal Revenue Code of 1986 from the Commissioner of Social Security or the Secretary of the Treasury"; and

(II) by inserting "(in the case of information obtained pursuant to such section 303(i))" before "representatives"; and

(ii) in clause (ii), by inserting "or public housing agency" after "owner" each place it appears; and

(B) in subparagraph (B), by inserting after "wages" each place it appears the following: ", other earnings or income,".

(4) PENALTY.—In subsection (c)(3)—

(A) in subparagraph (A), by inserting "or section 6103(l)(7)(D)(ix) of the Internal Revenue Code of 1986 with-

out consent pursuant to subsection (b) of this section or" after "Social Security Act"; and

(B) in the first sentence of subparagraph (B)—

(i) by striking clause (i) and inserting the following: "(i) a negligent or knowing disclosure of information referred to in this section, section 303(i) of the Social Security Act, or section 6103(l)(7)(D)(ix) of the Internal Revenue Code of 1986 about such person by an officer or employee of any public housing agency or owner (or employee thereof), which disclosure is not authorized by this section, such section 303(i), such section 6103(l)(7)(D)(ix), or any regulation implementing this section, such section 303(i), or such section 6103(l)(7)(D)(ix), or for which consent, pursuant to subsection (b) of this section, has not been granted, or"; and

(ii) in clause (ii), by inserting "such section 6103(l)(7)(D)(ix)," after "303(i),".

(5) CONFORMING AMENDMENT.—The heading of subsection (c) of section 904 of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 is amended by striking "STATE EMPLOYMENT". 42 USC 3544.

SEC. 3004. GNMA REMIC GUARANTEE FEES.

Section 306(g)(3) of the National Housing Act (12 U.S.C. 1721(g)(3)) is amended by adding at the end the following new subparagraph:

"(E)(i) Notwithstanding subparagraphs (A) through (D), fees charged for the guarantee of, or commitment to guarantee, multiclass securities backed by a trust or pool of securities or notes guaranteed by the Association under this subsection, and other related fees shall be charged by the Association in an amount the Association deems appropriate. The Association shall take such action as may be necessary to reasonably assure that such portion of the benefit, resulting from the Association's multiclass securities program, as the Association determines is appropriate accrues to mortgagors who execute eligible mortgages after the date of the enactment of this subparagraph.

"(ii) The Association shall provide for the initial implementation of the program for which fees are charged under the first sentence of clause (i) by notice published in the Federal Register. The notice shall be effective upon publication and shall provide an opportunity for public comment. Not later than 12 months after publication of the notice, the Association shall issue regulations for such program based on the notice, comments received, and the experience of the Association in carrying out the program during such period. Federal Register, publication. Effective date. Regulations.

"(iii) The Association shall consult with persons or entities in such manner as the Association deems appropriate to ensure the efficient commencement and operation of the multiclass securities program.

"(iv) No State or local law, and no Federal law (except Federal law enacted expressly in limitation of this clause after the effective date of this subparagraph) shall preclude or limit the exercise by the Association of its power to contract with persons or entities, and its rights to enforce such contracts, for the purpose of ensuring the efficient commencement and continued operation of the multiclass securities program.".

12 USC 1709 note.

SEC. 3005. MUTUAL MORTGAGE INSURANCE FUND PREMIUMS.

To improve the actuarial soundness of the Mutual Mortgage Insurance Fund under the National Housing Act, the Secretary of Housing and Urban Development shall increase the rate at which the Secretary earns the single premium payment collected at the time of insurance of a mortgage that is an obligation of such Fund (with respect to the rate in effect on the date of the enactment of this Act). In establishing such increased rate, the Secretary shall consider any current audit findings and reserve analyses and information regarding the expected average duration of mortgages that are obligations of such Fund and may consider any other information that the Secretary determines to be appropriate.

TITLE IV—STUDENT LOAN AND ERISA PROVISIONS

SEC. 4001. TABLE OF CONTENTS.

The table of contents for this title is as follows:

TITLE IV—STUDENT LOAN AND ERISA PROVISIONS

Sec. 4001. Table of contents.

Subtitle A—Direct Student Loan Provisions

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CHAPTER 1—FEDERAL DIRECT STUDENT LOAN PROGRAM

Sec. 4021. Federal direct student loan program.

CHAPTER 2—CONFORMING AMENDMENTS TO THE HIGHER EDUCATION ACT OF 1965

Sec. 4041. Preserving loan access.
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Sec. 4044. Assignment of loans.
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Sec. 4101. Reduction of borrower interest rates.
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Sec. 4107. Reinsurance fees and administrative cost allowance.
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Sec. 4110. Secretary's equitable share.
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Subtitle C—Cost Sharing by States

Sec. 4201. Cost sharing by States.

Subtitle D—Group Health Plans

Sec. 4301. Standards for group health plan coverage.

Subtitle A—Direct Student Loan Provisions

Student Loan Reform Act of 1993.

SEC. 4011. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This subtitle may be cited as the "Student Loan Reform Act of 1993". 20 USC 1001 note.

(b) REFERENCES.—References in this subtitle and subtitles B and C to "the Act" are references to the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

CHAPTER 1—FEDERAL DIRECT STUDENT LOAN PROGRAM

SEC. 4021. FEDERAL DIRECT STUDENT LOAN PROGRAM.

Part D of title IV (20 U.S.C. 1087a) is amended to read as follows:

"PART D—FEDERAL DIRECT STUDENT LOAN PROGRAM

"SEC. 451. PROGRAM AUTHORITY. 20 USC 1087a.

There are hereby made available, in accordance with the provisions of this part, such sums as may be necessary to make loans to all eligible students (and the eligible parents of such students) in attendance at participating institutions of higher education selected by the Secretary, to enable such students to pursue their courses of study at such institutions during the period beginning July 1, 1994. Such loans shall be made by participating institutions, or consortia thereof, that have agreements with the Secretary to originate loans, or by alternative originators designated by the Secretary to make loans for students in attendance at participating institutions (and their parents).

"SEC. 452. FUNDS FOR ORIGINATION OF DIRECT STUDENT LOANS. 20 USC 1087b.

"(a) IN GENERAL.—The Secretary shall provide, on the basis of the need and the eligibility of students at each participating institution, and parents of such students, for such loans, funds for student and parent loans under this part—

"(1) directly to an institution of higher education that has an agreement with the Secretary under section 454(a) to participate in the direct student loan programs under this part and that also has an agreement with the Secretary under section 454(b) to originate loans under this part; or

"(2) through an alternative originator designated by the Secretary to students (and parents of students) attending institutions of higher education that have an agreement with the Secretary under section 454(a) but that do not have an agreement with the Secretary under section 454(b).

"(b) FEES FOR ORIGINATION SERVICES.—

"(1) FEES FOR INSTITUTIONS.—The Secretary shall pay fees to institutions of higher education (or a consortium of such institutions) with agreements under section 454(b), in an amount established by the Secretary, to assist in meeting the costs of loan origination. Such fees—

"(A) shall be paid by the Secretary based on all the loans made under this part to a particular borrower in the same academic year;

"(B) shall be subject to a sliding scale that decreases the per borrower amount of such fees as the number of borrowers increases; and

"(C)(i) for academic year 1994–1995, shall not exceed a program-wide average of $10 per borrower for all the loans made under this part to such borrower in the same academic year; and

"(ii) for succeeding academic years, shall not exceed such average fee as the Secretary shall establish pursuant to regulations.

"(2) FEES FOR ALTERNATIVE ORIGINATORS.—The Secretary shall pay fees for loan origination services to alternative originators of loans made under this part in an amount established by the Secretary in accordance with the terms of the contract described in section 456(b) between the Secretary and each such alternative originator.

"(c) NO ENTITLEMENT TO PARTICIPATE OR ORIGINATE.—No institution of higher education shall have a right to participate in the programs authorized by this part, to originate loans, or to perform any program function under this part. Nothing in this subsection shall be construed so as to limit the entitlement of an eligible student attending a participating institution (or the eligible parent of such student) to borrow under this part.

"(d) DELIVERY OF LOAN FUNDS.—Loan funds shall be paid and delivered to an institution by the Secretary prior to the beginning of the payment period established by the Secretary in a manner that is consistent with payment and delivery of basic grants under subpart 1 of part A of this title.

20 USC 1087c.

"SEC. 453. SELECTION OF INSTITUTIONS FOR PARTICIPATION AND ORIGINATION.

"(a) PHASE-IN OF PROGRAM.—

Contracts.

"(1) GENERAL AUTHORITY.—The Secretary shall enter into agreements pursuant to section 454(a) with institutions of higher education to participate in the direct student loan program under this part, and agreements pursuant to section 454(b) with institutions of higher education, or consortia thereof, to originate loans in such program, for academic years beginning on or after July 1, 1994. Alternative origination services, through which an entity other than the participating institution at which the student is in attendance originates the loan, shall be provided by the Secretary, through 1 or more contracts under section 456(b) or such other means as the Secretary may provide, for students attending participating institutions that do not originate direct student loans under this part. Such agreements for the academic year 1994–1995 shall, to the extent feasible, be entered into not later than January 1, 1994.

"(2) TRANSITION PROVISIONS.—In order to ensure an expeditious but orderly transition from the loan programs under part B of this title to the direct student loan program under this part, the Secretary shall, in the exercise of the Secretary's discretion, determine the number of institutions with which the Secretary shall enter into agreements under subsections

(a) and (b) of section 454 for any academic year, except that the Secretary shall exercise such discretion so as to achieve the following goals:

"(A) for academic year 1994–1995, loans made under this part shall represent 5 percent of the new student loan volume for such year;

"(B) for academic year 1995–1996, loans made under this part shall represent 40 percent of the new student loan volume for such year;

"(C) for academic years 1996–1997 and 1997–1998, loans made under this part shall represent 50 percent of the new student loan volume for such years; and

"(D) for the academic year that begins in fiscal year 1998, loans made under this part shall represent 60 percent of the new student loan volume for such year.

"(3) EXCEPTION.—The Secretary may exceed the percentage goals described in subparagraphs (C) or (D) of paragraph (2) if the Secretary determines that a higher percentage is warranted by the number of institutions of higher education that desire to participate in the program under this part and that meet the eligibility requirements for such participation.

"(4) NEW STUDENT LOAN VOLUME.—For the purpose of this subsection, the term 'new student loan volume' means the estimated sum of all loans (other than consolidation loans) that will be made, insured or guaranteed under this part and part B in the year for which the determination is made. The Secretary shall base the estimate described in the preceding sentence on the most recent program data available.

"(b) SELECTION CRITERIA.—

"(1) APPLICATION.—Each institution of higher education desiring to participate in the direct student loan program under this part shall submit an application satisfactory to the Secretary containing such information and assurances as the Secretary may require.

"(2) SELECTION PROCEDURE.—The Secretary shall select institutions for participation in the direct student loan program under this part, and shall enter into agreements with such institutions under section 454(a), from among those institutions that submit the applications described in paragraph (1), and meet such other eligibility requirements as the Secretary shall prescribe, by, to the extent possible— Contracts.

"(A)(i) categorizing such institutions according to anticipated loan volume, length of academic program, control of the institution, highest degree offered, size of student enrollment, geographic location, annual loan volume, and default experience; and

"(ii) beginning in academic year 1995–1996 selecting institutions that are reasonably representative of each of the categories described pursuant to clause (i); and

"(B) if the Secretary determines it necessary to carry out the purposes of this part, selecting additional institutions.

"(c) SELECTION CRITERIA FOR ORIGINATION.—

"(1) IN GENERAL.—The Secretary may enter into a supplemental agreement with an institution (or a consortium of such institutions) that—

"(A) has an agreement under subsection 454(a);

"(B) desires to originate loans under this part; and

"(C) meets the criteria described in paragraph (2).

"(2) TRANSITION SELECTION CRITERIA.—For academic year 1994–1995, the Secretary may approve an institution to originate loans only if such institution—

"(A) made loans under part E of this title in academic year 1993–1994 and did not exceed the applicable maximum default rate under section 462(g) for the most recent fiscal year for which data are available;

"(B) is not on the reimbursement system of payment for any of the programs under subpart 1 or 3 of part A, part C, or part E of this title;

"(C) is not overdue on program or financial reports or audits required under this title;

"(D) is not subject to an emergency action, or a limitation, suspension, or termination under section 428(b)(1)(T), 432(h), or 487(c);

"(E) in the opinion of the Secretary, has not had significant deficiencies identified by a State postsecondary review entity under subpart 1 of part H of this title;

"(F) in the opinion of the Secretary, has not had severe performance deficiencies for any of the programs under this title, including such deficiencies demonstrated by audits or program reviews submitted or conducted during the 5 calendar years immediately preceding the date of application;

"(G) provides an assurance that such institution has no delinquent outstanding debts to the Federal Government, unless such debts are being repaid under or in accordance with a repayment arrangement satisfactory to the Federal Government, or the Secretary in the Secretary's discretion determines that the existence or amount of such debts has not been finally determined by the cognizant Federal agency; and

"(H) meets such other criteria as the Secretary may establish to protect the financial interest of the United States and to promote the purposes of this part.

Federal Register, publication.

"(3) REGULATIONS GOVERNING APPROVAL AFTER TRANSITION.—For academic year 1995–1996 and subsequent academic years, the Secretary shall promulgate and publish in the Federal Register regulations governing the approval of institutions to originate loans under this part in accordance with section 457(a)(2).

"(d) ELIGIBLE INSTITUTIONS.—The Secretary may not select an institution of higher education for participation under this section unless such institution is an eligible institution under section 435(a).

"(e) CONSORTIA.—Subject to such requirements as the Secretary may prescribe, eligible institutions of higher education (as determined under subsection (d)) with agreements under section 454(a) may apply to the Secretary as consortia to originate loans under this part for students in attendance at such institutions. Each such institution shall be required to meet the requirements of subsection (c) with respect to loan origination.

"SEC. 454. AGREEMENTS WITH INSTITUTIONS. 20 USC 1087d.

"(a) PARTICIPATION AGREEMENTS.—An agreement with any institution of higher education for participation in the direct student loan program under this part shall—

"(1) provide for the establishment and maintenance of a direct student loan program at the institution under which the institution will—

"(A) identify eligible students who seek student financial assistance at such institution in accordance with section 484;

"(B) estimate the need of each such student as required by part F of this title for an academic year, except that, any loan obtained by a student under this part with the same terms as loans made under section 428H (except as otherwise provided in this part), or a loan obtained by a parent under this part with the same terms as loans made under section 428B (except as otherwise provided in this part), or obtained under any State-sponsored or private loan program, may be used to offset the expected family contribution of the student for that year;

"(C) provide a statement that certifies the eligibility of any student to receive a loan under this part that is not in excess of the annual or aggregate limit applicable to such loan, except that the institution may, in exceptional circumstances identified by the Secretary, refuse to certify a statement that permits a student to receive a loan under this part, or certify a loan amount that is less than the student's determination of need (as determined under part F of this title), if the reason for such action is documented and provided in written form to such student;

"(D) set forth a schedule for disbursement of the proceeds of the loan in installments, consistent with the requirements of section 428G; and

"(E) provide timely and accurate information—

"(i) concerning the status of student borrowers (and students on whose behalf parents borrow under this part) while such students are in attendance at the institution and concerning any new information of which the institution becomes aware for such students (or their parents) after such borrowers leave the institution, to the Secretary for the servicing and collecting of loans made under this part; and

"(ii) if the institution does not have an agreement with the Secretary under subsection (b), concerning student eligibility and need, as determined under subparagraphs (A) and (B), to the Secretary as needed for the alternative origination of loans to eligible students and parents in accordance with this part;

"(2) provide assurances that the institution will comply with requirements established by the Secretary relating to student loan information with respect to loans made under this part;

"(3) provide that the institution accepts responsibility and financial liability stemming from its failure to perform its functions pursuant to the agreement;

"(4) provide that students at the institution and their parents (with respect to such students) will be eligible to partici-

pate in the programs under part B of this title at the discretion of the Secretary for the period during which such institution participates in the direct student loan program under this part, except that a student or parent may not receive loans under both this part and part B for the same period of enrollment;

"(5) provide for the implementation of a quality assurance system, as established by the Secretary and developed in consultation with institutions of higher education, to ensure that the institution is complying with program requirements and meeting program objectives;

"(6) provide that the institution will not charge any fees of any kind, however described, to student or parent borrowers for origination activities or the provision of any information necessary for a student or parent to receive a loan under this part, or any benefits associated with such loan; and

"(7) include such other provisions as the Secretary determines are necessary to protect the interests of the United States and to promote the purposes of this part.

"(b) ORIGINATION.—An agreement with any institution of higher education, or consortia thereof, for the origination of loans under this part shall—

"(1) supplement the agreement entered into in accordance with subsection (a);

"(2) include provisions established by the Secretary that are similar to the participation agreement provisions described in paragraphs (1)(E)(ii), (2), (3), (4), (5), (6), and (7) of subsection (a), as modified to relate to the origination of loans by the institution or consortium;

"(3) provide that the institution or consortium will originate loans to eligible students and parents in accordance with this part; and

"(4) provide that the note or evidence of obligation on the loan shall be the property of the Secretary.

"(c) WITHDRAWAL AND TERMINATION PROCEDURES.—The Secretary shall establish procedures by which institutions or consortia may withdraw or be terminated from the program under this part.

20 USC 1087e.

"SEC. 455. TERMS AND CONDITIONS OF LOANS.

"(a) IN GENERAL.—

"(1) PARALLEL TERMS, CONDITIONS, BENEFITS, AND AMOUNTS.—Unless otherwise specified in this part, loans made to borrowers under this part shall have the same terms, conditions, and benefits, and be available in the same amounts, as loans made to borrowers under sections 428, 428B, and 428H of this title.

"(2) DESIGNATION OF LOANS.—Loans made to borrowers under this part that, except as otherwise specified in this part, have the same terms, conditions, and benefits as loans made to borrowers under—

"(A) section 428 shall be known as 'Federal Direct Stafford Loans';

"(B) section 428B shall be known as 'Federal Direct PLUS Loans'; and

"(C) section 428H shall be known as 'Federal Direct Unsubsidized Stafford Loans'.

"(b) INTEREST RATE.—

"(1) RATES FOR FDSL AND FDUSL.—For Federal Direct Stafford Loans and Federal Direct Unsubsidized Stafford Loans for which the first disbursement is made on or after July 1, 1994, the applicable rate of interest shall, during any 12-month period beginning on July 1 and ending on June 30, be determined on the preceding June 1 and be equal to—

"(A) the bond equivalent rate of 91-day Treasury bills auctioned at the final auction held prior to such June 1; plus

"(B) 3.1 percent,

except that such rate shall not exceed 8.25 percent.

"(2) IN SCHOOL AND GRACE PERIOD RULES.—(A) Notwithstanding the provisions of paragraph (1), but subject to paragraph (3), with respect to any Federal Direct Stafford Loan or Federal Direct Unsubsidized Stafford Loan for which the first disbursement is made on or after July 1, 1995, the applicable rate of interest for interest which accrues—

"(i) prior to the beginning of the repayment period of the loan; or

"(ii) during the period in which principal need not be paid (whether or not such principal is in fact paid) by reason of a provision described in section 428(b)(1)(M) or 427(a)(2)(C),

shall not exceed the rate determined under subparagraph (B).

"(B) For the purpose of subparagraph (A), the rate determined under this subparagraph shall, during any 12-month period beginning on July 1 and ending on June 30, be determined on the preceding June 1 and be equal to—

"(i) the bond equivalent rate of 91-day Treasury bills auctioned at the final auction prior to such June 1; plus

"(ii) 2.5 percent,

except that such rate shall not exceed 8.25 percent.

"(3) OUT-YEAR RULE.—Notwithstanding paragraphs (1) and (2), for Federal Direct Stafford Loans and Federal Direct Unsubsidized Stafford Loans made on or after July 1, 1998, the applicable rate of interest shall, during any 12-month period beginning on July 1 and ending on June 30, be determined on the preceding June 1 and be equal to—

"(A) the bond equivalent rate of the security with a comparable maturity as established by the Secretary; plus

"(B) 1.0 percent,

except that such rate shall not exceed 8.25 percent.

"(4) RATES FOR FDPLUS.—(A) For Federal Direct PLUS Loans for which the first disbursement is made on or after July 1, 1994, the applicable rate of interest shall, during any 12-month period beginning on July 1 and ending on June 30, be determined on the preceding June 1 and be equal to—

"(i) the bond equivalent rate of 52-week Treasury bills auctioned at final auction held prior to such June 1; plus

"(ii) 3.1 percent,

except that such rate shall not exceed 9 percent.

"(B) For Federal Direct PLUS loans made on or after July 1, 1998, the applicable rate of interest shall, during any 12-month period beginning on July 1 and ending on June 30, be determined on the preceding June 1 and be equal to—

"(i) the bond equivalent rate of the security with a comparable maturity as established by the Secretary; plus

"(ii) 2.1 percent,

except that such rate shall not exceed 9 percent.

"(5) PUBLICATION.—The Secretary shall determine the applicable rates of interest under this subsection after consultation with the Secretary of the Treasury and shall publish such rate in the Federal Register as soon as practicable after the date of determination.

"(c) LOAN FEE.—The Secretary shall charge the borrower of a loan made under this part an origination fee of 4.0 percent of the principal amount of loan.

"(d) REPAYMENT PLANS.—

"(1) DESIGN AND SELECTION.—Consistent with criteria established by the Secretary, the Secretary shall offer a borrower of a loan made under this part a variety of plans for repayment of such loan, including principal and interest on the loan. The borrower shall be entitled to accelerate, without penalty, repayment on the borrower's loans under this part. The borrower may choose—

"(A) a standard repayment plan, with a fixed annual repayment amount paid over a fixed period of time, consistent with subsection (a)(1) of this section;

"(B) an extended repayment plan, with a fixed annual repayment amount paid over an extended period of time, except that the borrower shall annually repay a minimum amount determined by the Secretary in accordance with section 428(b)(1)(L);

"(C) a graduated repayment plan, with annual repayment amounts established at 2 or more graduated levels and paid over a fixed or extended period of time, except that the borrower's scheduled payments shall not be less than 50 percent, nor more than 150 percent, of what the amortized payment on the amount owed would be if the loan were repaid under the standard repayment plan; and

"(D) an income contingent repayment plan, with varying annual repayment amounts based on the income of the borrower, paid over an extended period of time prescribed by the Secretary, not to exceed 25 years, except that the plan described in this subparagraph shall not be available to the borrower of a Federal Direct PLUS loan.

"(2) SELECTION BY SECRETARY.—If a borrower of a loan made under this part does not select a repayment plan described in paragraph (1), the Secretary may provide the borrower with a repayment plan described in subparagraph (A), (B), or (C) of paragraph (1).

"(3) CHANGES IN SELECTIONS.—The borrower of a loan made under this part may change the borrower's selection of a repayment plan under paragraph (1), or the Secretary's selection of a plan for the borrower under paragraph (2), as the case may be, under such terms and conditions as may be established by the Secretary.

"(4) ALTERNATIVE REPAYMENT PLANS.—The Secretary may provide, on a case by case basis, an alternative repayment plan to a borrower of a loan made under this part who demonstrates to the satisfaction of the Secretary that the terms and conditions of the repayment plans available under paragraph (1) are not adequate to accommodate the borrower's

exceptional circumstances. In designing such alternative repayment plans, the Secretary shall ensure that such plans do not exceed the cost to the Federal Government, as determined on the basis of the present value of future payments by such borrowers, of loans made using the plans available under paragraph (1).

"(5) REPAYMENT AFTER DEFAULT.—The Secretary may require any borrower who has defaulted on a loan made under this part to—

"(A) pay all reasonable collection costs associated with such loan; and

"(B) repay the loan pursuant to an income contingent repayment plan.

"(e) INCOME CONTINGENT REPAYMENT.—

"(1) INFORMATION AND PROCEDURES.—The Secretary may obtain such information as is reasonably necessary regarding the income of a borrower (and the borrower's spouse, if applicable) of a loan made under this part that is, or may be, repaid pursuant to income contingent repayment, for the purpose of determining the annual repayment obligation of the borrower. Returns and return information (as defined in section 6103 of the Internal Revenue Code of 1986) may be obtained under the preceding sentence only to the extent authorized by section 6103(l)(13) of such Code. The Secretary shall establish procedures for determining the borrower's repayment obligation on that loan for such year, and such other procedures as are necessary to implement effectively income contingent repayment.

"(2) REPAYMENT BASED ON ADJUSTED GROSS INCOME.—A repayment schedule for a loan made under this part and repaid pursuant to income contingent repayment shall be based on the adjusted gross income (as defined in section 62 of the Internal Revenue Code of 1986) of the borrower or, if the borrower is married and files a Federal income tax return jointly with the borrower's spouse, on the adjusted gross income of the borrower and the borrower's spouse.

"(3) ADDITIONAL DOCUMENTS.—A borrower who chooses, or is required, to repay a loan made under this part pursuant to income contingent repayment, and for whom adjusted gross income is unavailable or does not reasonably reflect the borrower's current income, shall provide to the Secretary other documentation of income satisfactory to the Secretary, which documentation the Secretary may use to determine an appropriate repayment schedule.

"(4) REPAYMENT SCHEDULES.—Income contingent repayment schedules shall be established by regulations promulgated by the Secretary and shall require payments that vary in relation to the appropriate portion of the annual income of the borrower (and the borrower's spouse, if applicable) as determined by the Secretary. Regulations.

"(5) CALCULATION OF BALANCE DUE.—The balance due on a loan made under this part that is repaid pursuant to income contingent repayment shall equal the unpaid principal amount of the loan, any accrued interest, and any fees, such as late charges, assessed on such loan. The Secretary may promulgate regulations limiting the amount of interest that may be capitalized on such loan, and the timing of any such capitalization.

"(6) NOTIFICATION TO BORROWERS.—The Secretary shall establish procedures under which a borrower of a loan made under this part who chooses or is required to repay such loan pursuant to income contingent repayment is notified of the terms and conditions of such plan, including notification of such borrower—

"(A) that the Internal Revenue Service will disclose to the Secretary tax return information as authorized under section 6103(l)(13) of the Internal Revenue Code of 1986; and

"(B) that if a borrower considers that special circumstances, such as a loss of employment by the borrower or the borrower's spouse, warrant an adjustment in the borrower's loan repayment as determined using the information described in subparagraph (A), or the alternative documentation described in paragraph (3), the borrower may contact the Secretary, who shall determine whether such adjustment is appropriate, in accordance with criteria established by the Secretary.

"(f) DEFERMENT.—

"(1) EFFECT ON PRINCIPAL AND INTEREST.—A borrower of a loan made under this part who meets the requirements described in paragraph (2) shall be eligible for a deferment, during which periodic installments of principal need not be paid, and interest—

"(A) shall not accrue, in the case of a—

"(i) Federal Direct Stafford Loan; or

"(ii) a Federal Direct Consolidation Loan that consolidated only Federal Direct Stafford Loans, or a combination of such loans and Federal Stafford Loans for which the student borrower received an interest subsidy under section 428; or

"(B) shall accrue and be capitalized or paid by the borrower, in the case of a Federal Direct PLUS Loan, a Federal Direct Unsubsidized Stafford Loan, or a Federal Direct Consolidation Loan not described in subparagraph (A)(ii).

"(2) ELIGIBILITY.—A borrower of a loan made under this part shall be eligible for a deferment during any period—

"(A) during which the borrower—

"(i) is carrying at least one-half the normal full-time work load for the course of study that the borrower is pursuing, as determined by the eligible institution (as such term is defined in section 435(a)) the borrower is attending; or

"(ii) is pursuing a course of study pursuant to a graduate fellowship program approved by the Secretary, or pursuant to a rehabilitation training program for individuals with disabilities approved by the Secretary,

except that no borrower shall be eligible for a deferment under this subparagraph, or a loan made under this part (other than a Federal Direct PLUS Loan or a Federal Direct Consolidation Loan), while serving in a medical internship or residency program;

"(B) not in excess of 3 years during which the borrower is seeking and unable to find full-time employment;

"(C) not in excess of 3 years during which the Secretary determines, in accordance with regulations prescribed under section 435(o), that the borrower has experienced or will experience an economic hardship.

"(g) FEDERAL DIRECT CONSOLIDATION LOANS.—A borrower of a loan made under this part may consolidate such loan with the loans described in section 428C(a)(4) only under such terms and conditions as the Secretary shall establish pursuant to section 457(a)(1) or regulations promulgated under this part. Loans made under this subsection shall be known as 'Federal Direct Consolidation Loans'.

"(h) BORROWER DEFENSES.—Notwithstanding any other provision of State or Federal law, the Secretary shall specify in regulations (except as authorized under section 457(a)(1)) which acts or omissions of an institution of higher education a borrower may assert as a defense to repayment of a loan made under this part, except that in no event may a borrower recover from the Secretary, in any action arising from or relating to a loan made under this part, an amount in excess of the amount such borrower has repaid on such loan. Regulations.

"(i) LOAN APPLICATION AND PROMISSORY NOTE.—The common financial reporting form required in section 483(a)(1) shall constitute the application for loans made under this part (other than a Federal Direct PLUS loan). The Secretary shall develop, print, and distribute to participating institutions a standard promissory note and loan disclosure form.

"(j) LOAN DISBURSEMENT.—

"(1) IN GENERAL.—Proceeds of loans to students under this part shall be applied to the student's account for tuition and fees, and, in the case of institutionally owned housing, to room and board. Loan proceeds that remain after the application of the previous sentence shall be delivered to the borrower by check or other means that is payable to and requires the endorsement or other certification by such borrower.

"(2) PAYMENT PERIODS.—The Secretary shall establish periods for the payments described in paragraph (1) in a manner consistent with payment of basic grants under subpart 1 of part A of this title.

"(k) FISCAL CONTROL AND FUND ACCOUNTABILITY.—

"(1) IN GENERAL.—(A) An institution shall maintain financial records in a manner consistent with records maintained for other programs under this title.

"(B) Except as otherwise required by regulations of the Secretary, or in a notice under section 457(a)(1), an institution may maintain loan funds under this part in the same account as other Federal student financial assistance.

"(2) PAYMENTS AND REFUNDS.—Payments and refunds shall be reconciled in a manner consistent with the manner set forth for the submission of a payment summary report required of institutions participating in the program under subpart 1 of part A, except that nothing in this paragraph shall prevent such reconciliations on a monthly basis.

"(3) TRANSACTION HISTORIES.—All transaction histories under this part shall be maintained using the same system designated by the Secretary for the provision of basic grants under subpart 1 of part A of this title.

20 USC 1087f.

"SEC. 456. CONTRACTS.

"(a) CONTRACTS FOR SUPPLIES AND SERVICES.—

"(1) IN GENERAL.—The Secretary shall, to the extent practicable, award contracts for origination, servicing, and collection described in subsection (b). In awarding such contracts, the Secretary shall ensure that such services and supplies are provided at competitive prices.

"(2) ENTITIES.—The entities with which the Secretary may enter into contracts shall include only entities which the Secretary determines are qualified to provide such services and supplies and will comply with the procedures applicable to the award of such contracts. In the case of awarding contracts for the origination, servicing, and collection of loans under this part, the Secretary shall enter into contracts only with entities that have extensive and relevant experience and demonstrated effectiveness. The entities with which the Secretary may enter into such contracts shall include, where practicable, agencies with agreements with the Secretary under sections 428(b) and (c), if such agencies meet the qualifications as determined by the Secretary under this subsection and if those agencies have such experience and demonstrated effectiveness. In awarding contracts to such State agencies, the Secretary shall, to the extent practicable and consistent with the purposes of this part, give special consideration to State agencies with a history of high quality performance to perform services for institutions of higher education within their State.

"(3) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as a limitation of the authority of any State agency to enter into an agreement for the purposes of this section as a member of a consortium of State agencies.

"(b) CONTRACTS FOR ORIGINATION, SERVICING, AND DATA SYSTEMS.—The Secretary may enter into contracts for—

"(1) the alternative origination of loans to students attending institutions of higher education with agreements to participate in the program under this part (or their parents), if such institutions do not have agreements with the Secretary under section 454(b);

"(2) the servicing and collection of loans made under this part;

"(3) the establishment and operation of 1 or more data systems for the maintenance of records on all loans made under this part;

"(4) services to assist in the orderly transition from the loan programs under part B to the direct student loan program under this part; and

"(5) such other aspects of the direct student loan program as the Secretary determines are necessary to ensure the successful operation of the program.

20 USC 1087g.

"SEC. 457. REGULATORY ACTIVITIES.

"(a) NOTICE IN LIEU OF REGULATIONS FOR FIRST YEAR OF PROGRAM.—

Federal Register, publication.

"(1) NOTICE IN LIEU OF REGULATIONS FOR FIRST YEAR OF PROGRAM.—The Secretary shall publish in the Federal Register whatever standards, criteria, and procedures, consistent with the provisions of this part, the Secretary, in consultation with members of the higher education community, determines are

reasonable and necessary to the successful implementation of the first year of the direct student loan program authorized by this part. Section 431 of the General Education Provisions Act shall not apply to the publication of such standards, criteria, and procedures.

"(2) NEGOTIATED RULEMAKING.—Beginning with academic year 1995–1996, all standards, criteria, procedures, and regulations implementing this part as amended by the Student Loan Reform Act of 1993 shall, to the extent practicable, be subject to negotiated rulemaking, including all such standards, criteria, procedures, and regulations promulgated from the date of enactment of such Act.

"(b) CLOSING DATE FOR APPLICATIONS FROM INSTITUTIONS.—The Secretary shall establish a date not later than October 1, 1993, as the closing date for receiving applications from institutions of higher education desiring to participate in the first year of the direct loan program under this part.

"(c) PUBLICATION OF LIST OF PARTICIPATING INSTITUTIONS.—Not later than January 1, 1994, the Secretary shall publish in the Federal Register a list of the institutions of higher education selected to participate in the first year of the direct loan program under this part.

"SEC. 458. FUNDS FOR ADMINISTRATIVE EXPENSES. 20 USC 1087h.

"(a) IN GENERAL.—Each fiscal year, there shall be available to the Secretary of Education from funds available pursuant to section 422(g) and from funds not otherwise appropriated, funds to be obligated for administrative costs under this part, including the costs of the transition from the loan programs under part B to the direct student loan programs under this part (including the costs of annually assessing the program under this part and the progress of the transition) and transition support (including administrative costs) for the expenses of guaranty agencies in servicing outstanding loans in their portfolios and in guaranteeing new loans, not to exceed (from such funds not otherwise appropriated) $260,000,000 in fiscal year 1994, $345,000,000 in fiscal year 1995, $550,000,000 in fiscal year 1996, $595,000,000 in fiscal year 1997, and $750,000,000 in fiscal year 1998. If in any fiscal year the Secretary determines that additional funds for administrative expenses are needed as a result of such transition or the expansion of the direct student loan programs under this part, the Secretary is authorized to use funds available under this section for a subsequent fiscal year for such expenses, except that the total expenditures by the Secretary (from such funds not otherwise appropriated) shall not exceed $2,500,000,000 in fiscal years 1994 through 1998. The Secretary is also authorized to carry over funds available under this section to a subsequent fiscal year.

"(b) AVAILABILITY.—Funds made available under subsection (a) shall remain available until expended.

"(c) BUDGET JUSTIFICATION.—No funds may be expended under this section unless the Secretary includes in the Department of Education's annual budget justification to Congress a detailed description of the specific activities for which the funds made available by this section have been used in the prior and current years (if applicable), the activities and costs planned for the budget year, and the projection of activities and costs for each remaining year

for which administrative expenses under this section are made available.

"(d) NOTIFICATION.—In the event the Secretary finds it necessary to use the authority provided to the Secretary under subsection (a) to draw funds for administrative expenses from a future year's funds, no funds may be expended under this section unless the Secretary immediately notifies the Committees on Appropriations of the Senate and of the House of Representatives, and the Labor and Human Resources Committee of the Senate and the Education and Labor Committee of the House of Representatives, of such action and explain the reasons for such action.".

CHAPTER 2—CONFORMING AMENDMENTS TO THE HIGHER EDUCATION ACT OF 1965

SEC. 4041. PRESERVING LOAN ACCESS.

(a) ADVANCES TO GUARANTY AGENCIES FOR LENDER-OF-LAST-RESORT SERVICES.—

(1) AMENDMENT.—Section 428(j) of the Act (20 U.S.C. 1078(j)) is amended by striking paragraph (3) and inserting the following:

"(3) ADVANCES TO GUARANTY AGENCIES FOR LENDER-OF-LAST-RESORT SERVICES DURING TRANSITION TO DIRECT LENDING.—(A) In order to ensure the availability of loan capital during the transition from the Federal Family Education Loan Program under this part to the Federal Direct Student Loan Program under part D of this title, the Secretary is authorized to provide a guaranty agency with additional advance funds in accordance with section 422(c)(7), with such restrictions on the use of such funds as are determined appropriate by the Secretary, in order to ensure that the guaranty agency will make loans as the lender-of-last-resort. Such agency shall make such loans in accordance with this subsection and the requirements of the Secretary.

"(B) Notwithstanding any other provision in this part, a guaranty agency serving as a lender-of-last-resort under this paragraph shall be paid a fee, established by the Secretary, for making such loans in lieu of interest and special allowance subsidies, and shall be required to assign such loans to the Secretary on demand. Upon such assignment, the portion of the advance represented by the loans assigned shall be considered repaid by such guaranty agency.".

(2) CONFORMING AMENDMENTS.—

(A) ADVANCES TO GUARANTEE AGENCIES.—Section 422(c)(7) of the Act (20 U.S.C. 1072(c)(7)) is amended by striking all beginning with "to a guaranty agency" through the period and inserting "to a guaranty agency—

"(A) in accordance with section 428(j), in order to ensure that the guaranty agency shall make loans as the lender-of-last-resort during the transition from the Federal Family Education Loan Program under this part to the Federal Direct Student Loan Program under part D of this title; or

"(B) if the Secretary is seeking to terminate the guaranty agency's agreement, or assuming the guaranty agency's functions, in accordance with section 428(c)(10)(F)(v), in order to assist the agency in meeting its immediate

cash needs, ensure the uninterrupted payment of claims, or ensure that the guaranty agency shall make loans as described in subparagraph (A);".

(B) RULES AND OPERATING PROCEDURES.—Section 428(j)(2) of the Act (20 U.S.C. 1078(j)(2)) is amended—

(i) in subparagraph (A), by inserting before the semicolon at the end the following: "and ensure a response within 60 days after the student's original complete application is filed under this subsection";

(ii) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively; and

(iii) by inserting after subparagraph (A) the following new subparagraph:

"(B) consistent with standards established by the Secretary, students applying for loans under this subsection shall not be subject to additional eligibility requirements or requests for additional information beyond what is required under this title in order to receive a loan under this part from an eligible lender, nor be required to receive more than two rejections from eligible lenders in order to obtain a loan under this subsection;".

(b) LENDER REFERRAL SERVICES.—Section 428(e) of the Act (20 U.S.C. 1078(e)) is amended—

(1) in paragraph (1)—

(A) by amending the paragraph heading to read as follows: "IN GENERAL; AGREEMENTS WITH GUARANTY AGENCIES.—";

(B) by inserting the subparagraph designation "(A)" immediately before "The Secretary";

(C) by striking "in any State" and inserting "with which the Secretary has an agreement under subparagraph (B)"; and

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

"(B)(i) The Secretary may enter into agreements with guaranty agencies that meet standards established by the Secretary to provide lender referral services in geographic areas specified by the Secretary. Such guaranty agencies shall be paid in accordance with paragraph (3) for such services.

"(ii) The Secretary shall publish in the Federal Register whatever standards, criteria, and procedures, consistent with the provisions of this part and part D of this title, the Secretary determines are reasonable and necessary to provide lender referral services under this subsection and ensure loan access to student and parent borrowers during the transition from the loan programs under this part to the direct student loan programs under part D of this title. Section 431 of the General Education Provisions Act shall not apply to the publication of such standards, criteria, and procedures.";

Federal Register, publication.

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking "in a State" and inserting "with which the Secretary has an agreement under paragraph (1)(B)";

(B) by amending subparagraph (A) to read as follows:

"(A)(i) such student is either a resident of, or is accepted for enrollment in, or is attending, an eligible

institution located in a geographic area for which the Secretary (I) determines that loans are not available to all eligible students, and (II) has entered into an agreement with a guaranty agency under paragraph (1)(B) to provide lender referral services; and";

(3) in paragraph (3), by striking "The" and inserting "From funds available for costs of transition under section 458 of the Act, the"; and

(4) by striking paragraph (5).

(c) LENDER-OF-LAST-RESORT FUNCTIONS OF STUDENT LOAN MARKETING ASSOCIATION.—Subsection (q) of section 439 of the Act (20 U.S.C. 1087–2(q)) is amended to read as follows:

"(q) LENDER-OF-LAST-RESORT.—

"(1) ACTION AT REQUEST OF SECRETARY.—(A) Whenever the Secretary determines that eligible borrowers are seeking and are unable to obtain loans under this part, the Association or its designated agent shall, not later than 90 days after the date of enactment of the Student Loan Reform Act of 1993, begin making loans to such eligible borrowers in accordance with this subsection at the request of the Secretary. The Secretary may request that the Association make loans to borrowers within a geographic area or for the benefit of students attending institutions of higher education that certify, in accordance with standards established by the Secretary, that their students are seeking and unable to obtain loans.

"(B) Loans made pursuant to this subsection shall be insurable by the Secretary under section 429 with a certificate of comprehensive insurance coverage provided for under section 429(b)(1) or by a guaranty agency under paragraph (2)(A) of this subsection.

"(2) ISSUANCE AND COVERAGE OF LOANS.—(A) Whenever the Secretary, after consultation with, and with the agreement of, representatives of the guaranty agency in a State, or an eligible lender in a State described in section 435(d)(1)(D), determines that a substantial portion of eligible borrowers in such State or within an area of such State are seeking and are unable to obtain loans under this part, the Association or its designated agent shall begin making such loans to borrowers in such State or within an area of such State in accordance with this subsection at the request of the Secretary.

"(B) Loans made pursuant to this subsection shall be insurable by the agency identified in subparagraph (A) having an agreement pursuant to section 428(b). For loans insured by such agency, the agency shall provide the Association with a certificate of comprehensive insurance coverage, if the Association and the agency have mutually agreed upon a means to determine that the agency has not already guaranteed a loan under this part to a student which would cause a subsequent loan made by the Association to be in violation of any provision under this part.

"(3) TERMINATION OF LENDING.—The Association or its designated agent shall cease making loans under this subsection at such time as the Secretary determines that the conditions which caused the implementation of this subsection have ceased to exist.".

SEC. 4042. GUARANTY AGENCY RESERVES.

Section 422 of the Act (20 U.S.C. 1072) is amended by adding at the end the following new subsection:

"(g) PRESERVATION AND RECOVERY OF GUARANTY AGENCY RESERVES.—

"(1) AUTHORITY TO RECOVER FUNDS.—Notwithstanding any other provision of law, the reserve funds of the guaranty agencies, and any assets purchased with such reserve funds, regardless of who holds or controls the reserves or assets, shall be considered to be the property of the United States to be used in the operation of the program authorized by this part or the program authorized by part D of this title. However, the Secretary may not require the return of all reserve funds of a guaranty agency to the Secretary unless the Secretary determines that such return is in the best interest of the operation of the program authorized by this part or the program authorized by part D of this title, or to ensure the proper maintenance of such agency's funds or assets or the orderly termination of the guaranty agency's operations and the liquidation of its assets. The reserves shall be maintained by each guaranty agency to pay program expenses and contingent liabilities, as authorized by the Secretary, except that—

"(A) the Secretary may direct a guaranty agency to return to the Secretary a portion of its reserve fund which the Secretary determines is unnecessary to pay the program expenses and contingent liabilities of the guaranty agency;

"(B) the Secretary may direct the guaranty agency to require the return, to the guaranty agency or to the Secretary, of any reserve funds or assets held by, or under the control of, any other entity, which the Secretary determines are necessary to pay the program expenses and contingent liabilities of the guaranty agency, or which are required for the orderly termination of the guaranty agency's operations and the liquidation of its assets;

"(C) the Secretary may direct a guaranty agency, or such agency's officers or directors, to cease any activities involving expenditure, use or transfer of the guaranty agency's reserve funds or assets which the Secretary determines is a misapplication, misuse, or improper expenditure of such funds or assets; and

"(D) any such determination under subparagraph (A) or (B) shall be based on standards prescribed by regulations that are developed through negotiated rulemaking and that include procedures for administrative due process. Regulations.

"(2) TERMINATION PROVISIONS IN CONTRACTS.—(A) To ensure that the funds and assets of the guaranty agency are preserved, any contract with respect to the administration of a guaranty agency's reserve funds, or the administration of any assets purchased or acquired with the reserve funds of the guaranty agency, that is entered into or extended by the guaranty agency, or any other party on behalf of or with the concurrence of the guaranty agency, after the date of enactment of this subsection shall provide that the contract is terminable by the Secretary upon 30 days notice to the contracting parties if the Secretary determines that such contract includes an impermissible transfer of the reserve funds or assets, or is

otherwise inconsistent with the terms or purposes of this section.

"(B) The Secretary may direct a guaranty agency to suspend or cease activities under any contract entered into by or on behalf of such agency after January 1, 1993, if the Secretary determines that the misuse or improper expenditure of such guaranty agency's funds or assets or such contract provides unnecessary or improper benefits to such agency's officers or directors.

"(3) PENALTIES.—Violation of any direction issued by the Secretary under this subsection may be subject to the penalties described in section 490 of this Act.

"(4) AVAILABILITY OF FUNDS.—Any funds that are returned or otherwise recovered by the Secretary pursuant to this subsection shall be available for expenditure for expenses pursuant to section 458 of this Act.".

SEC. 4043. TERMS OF LOANS.

(a) AMENDMENT.—Section 428 of the Act (20 U.S.C. 1078) is amended—

(1) in subsection (b)(1)(D), by striking "be subject to" through the semicolon and inserting "be subject to income contingent repayment in accordance with subsection (m);"; and

(2) in subsection (m)—

(A) by amending paragraph (1) to read as follows:

"(1) AUTHORITY OF SECRETARY TO REQUIRE.—The Secretary shall require at least 10 percent of the borrowers who have defaulted on loans made under this part that are assigned to the Secretary under subsection (c)(8) to repay those loans under an income contingent repayment plan, the terms and conditions of which shall be established by the Secretary and the same as, or similar to, an income contingent repayment plan established for purposes of part D of this title."; and

(B) by striking paragraphs (2), (3), and (4) and inserting the following new paragraph:

"(2) LOANS FOR WHICH INCOME CONTINGENT REPAYMENT MAY BE REQUIRED.—A loan made under this part may be required to be repaid under this subsection if the note or other evidence of the loan has been assigned to the Secretary pursuant to subsection (c)(8).".

20 USC 1078 note.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 1994.

SEC. 4044. ASSIGNMENT OF LOANS.

Section 428(c)(8) of the Act (20 U.S.C. 1078(c)(8)) is amended—

(1) in the first sentence, by inserting the subparagraph designation "(A)" before "If the";

(2) by striking the second and third sentences; and

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

"(B) An orderly transition from the Federal Family Education Loan Program under this part to the Federal Direct Student Loan Program under part D of this title shall be deemed to be in the Federal fiscal interest, and a guaranty agency shall promptly assign loans to the Secretary under this paragraph upon the Secretary's request.".

SEC. 4045. TERMINATION OF GUARANTY AGENCY AGREEMENTS; ASSUMPTION OF GUARANTY AGENCY FUNCTIONS BY THE SECRETARY.

Section 428(c)(10) of the Act is amended— 20 USC 1078.

(1) in subparagraph (C), by inserting ", as appropriate," after "the Secretary shall require";

(2) in subparagraph (D)—

(A) by inserting the clause designation "(i)" before "Each";

(B) by striking "Each" and inserting "If the Secretary is not seeking to terminate the guaranty agency's agreement under subparagraph (E), or assuming the guaranty agency's functions under subparagraph (F), a";

(C) by adding at the end the following new clause:

"(ii) If the Secretary is seeking to terminate the guaranty agency's agreement under subparagraph (E), or assuming the guaranty agency's functions under subparagraph (F), a management plan described in subparagraph (C) shall include the means by which the Secretary and the guaranty agency shall work together to ensure the orderly termination of the operations, and liquidation of the assets, of the guaranty agency.";

(3) in subparagraph (E)—

(A) in clause (ii), by striking "or" after the semicolon;

(B) in clause (iii), by striking the period and inserting a semicolon; and

(C) by adding at the end the following new clauses:

"(iv) the Secretary determines that such action is necessary to protect the Federal fiscal interest;

"(v) the Secretary determines that such action is necessary to ensure the continued availability of loans to student or parent borrowers; or

"(vi) the Secretary determines that such action is necessary to ensure an orderly transition from the loan programs under this part to the direct student loan programs under part D of this title.";

(4) in subparagraph (F)—

(A) in the matter preceding clause (i), by striking "Except as provided in subparagraph (G), if" and inserting "If";

(B) by amending clause (v) to read as follows:

"(v) provide the guaranty agency with additional advance funds in accordance with section 422(c)(7), with such restrictions on the use of such funds as is determined appropriate by the Secretary, in order to—

"(I) meet the immediate cash needs of the guaranty agency;

"(II) ensure the uninterrupted payment of claims; or

"(III) ensure that the guaranty agency will make loans as the lender-of-last-resort, in accordance with subsection (j);";

(C) in clause (vi)—

(i) by striking "and to avoid" and inserting "to avoid";

(ii) by striking the period and inserting a comma and "and to ensure an orderly transition from the

loan programs under this part to the direct student loan programs under part D of this title."; and

(iii) by redesignating such clause as clause (vii); and

(D) by inserting after clause (v) the following new clause:

"(vi) use all funds and assets of the guaranty agency to assist in the activities undertaken in accordance with this subparagraph and take appropriate action to require the return, to the guaranty agency or the Secretary, of any funds or assets provided by the guaranty agency, under contract or otherwise, to any person or organization; or";

(5) by striking subparagraph (G);

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

(7) by inserting after subparagraph (F) the following new subparagraphs:

"(G) Notwithstanding any other provision of Federal or State law, if the Secretary has terminated or is seeking to terminate a guaranty agency's agreement under subparagraph (E), or has assumed a guaranty agency's functions under subparagraph (F)—

"(i) no State court may issue any order affecting the Secretary's actions with respect to such guaranty agency;

"(ii) any contract with respect to the administration of a guaranty agency's reserve funds, or the administration of any assets purchased or acquired with the reserve funds of the guaranty agency, that is entered into or extended by the guaranty agency, or any other party on behalf of or with the concurrence of the guaranty agency, after the date of enactment of this subparagraph shall provide that the contract is terminable by the Secretary upon 30 days notice to the contracting parties if the Secretary determines that such contract includes an impermissible transfer of the reserve funds or assets, or is otherwise inconsistent with the terms or purposes of this section; and

"(iii) no provision of State law shall apply to the actions of the Secretary in terminating the operations of a guaranty agency.

"(H) Notwithstanding any other provision of law, the Secretary's liability for any outstanding liabilities of a guaranty agency (other than outstanding student loan guarantees under this part), the functions of which the Secretary has assumed, shall not exceed the fair market value of the reserves of the guaranty agency, minus any necessary liquidation or other administrative costs."; and

(8) in subparagraph (K) (as redesignated by paragraph (5)), by striking all beginning with "system, together" through the period and inserting "system and the progress of the transition from the loan programs under this part to the direct student loan programs under part D of this title.".

SEC. 4046. CONSOLIDATION LOANS.

(a) COST SAVINGS FROM CONSOLIDATION LOANS.—Section 428C of the Act (20 U.S.C. 1078–3) is amended—

(1) in subsection (a) by amending paragraph (3)(A) to read as follows:

"(3) DEFINITION OF ELIGIBLE BORROWERS.—(A) For the purpose of this section, the term 'eligible borrower' means a borrower who, at the time of application for a consolidation loan is in repayment status, or in a grace period preceding repayment, or is a delinquent or defaulted borrower who will reenter repayment through loan consolidation.";

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A)(ii), by inserting "with income-sensitive repayment terms" after "obtain a consolidation loan";

(ii) by redesignating subparagraph (E) as subparagraph (F); and

(iii) by inserting after subparagraph (D) the following new subparagraph:

"(E) that the lender shall offer an income-sensitive repayment schedule, established by the lender in accordance with the regulations promulgated by the Secretary, to the borrower of any consolidation loan made by the lender on or after July 1, 1994; and"; Regulations.

(B) in paragraph (4), by amending subparagraph (C) to read as follows:

"(C)(i) provides that periodic installments of principal need not be paid, but interest shall accrue and be paid in accordance with clause (ii), during any period for which the borrower would be eligible for a deferral under section 428(b)(1)(M), and that any such period shall not be included in determining the repayment schedule pursuant to subsection (c)(2) of this section; and

"(ii) provides that interest shall accrue and be paid—

"(I) by the Secretary, in the case of a consolidation loan that consolidated only Federal Stafford Loans for which the student borrower received an interest subsidy under section 428; or

"(II) by the borrower, or capitalized, in the case of a consolidation loan other than a loan described in subclause (I);"; and

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

"(5) DIRECT LOANS.—In the event that a borrower is unable to obtain a consolidation loan from a lender with an agreement under subsection (a)(1), or is unable to obtain a consolidation loan with income-sensitive repayment terms acceptable to the borrower from such a lender, the Secretary shall offer any such borrower who applies for it, a direct consolidation loan. Such direct consolidation loan shall, as requested by the borrower, be repaid either pursuant to income contingent repayment under part D of this title or pursuant to any other repayment provision under this section. The Secretary shall not offer such loans if, in the Secretary's judgment, the Department of Education does not have the necessary origination and servicing arrangements in place for such loans."; and

(3) in subsection (c)—

(A) in paragraph (1), by amending subparagraphs (B) and (C) to read as follows:

"(B) A consolidation loan made before July 1, 1994, shall bear interest at an annual rate on the unpaid principal balance of the loan that is equal to the greater of—

"(i) the weighted average of the interest rates on the loans consolidated, rounded to the nearest whole percent; or

"(ii) 9 percent.

"(C) A consolidation loan made on or after July 1, 1994, shall bear interest at an annual rate on the unpaid principal balance of the loan that is equal to the weighted average of the interest rates on the loans consolidated, rounded upward to the nearest whole percent.";

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking "income sensitive repayment schedules. Such repayment terms" and inserting "income-sensitive repayment schedules, established by the lender in accordance with the regulations of the Secretary. Except as required by such income-sensitive repayment schedules, or by the terms of repayment pursuant to income contingent repayment offered by the Secretary under subsection (b)(5), such repayment terms";

(II) by redesignating clauses (i), (ii), (iii), (iv), and (v) as clauses (ii), (iii), (iv), (v), and (vi), respectively; and

(III) by inserting before clause (ii) (as redesignated by subclause (II)) the following new clause:

"(i) is less than $7,500, then such consolidation loan shall be repaid in not more than 10 years;";

(ii) by striking subparagraph (B); and

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

(C) in paragraph (3)(B), by inserting "except as required by the terms of repayment pursuant to income contingent repayment offered by the Secretary under subsection (b)(5)," before "the lender".

(b) COHORT DEFAULT RATE CONFORMING AMENDMENTS.—

(1) AMENDMENTS TO DEFINITION.—Section 435(m)(1) of the Act (20 U.S.C. 1085) is amended—

(A) in subparagraph (A), by inserting "(or on the portion of a loan made under section 428C that is used to repay any such loans)" immediately after "on such loans";

(B) in subparagraph (C), by inserting "(or on the portion of a loan made under section 428C that is used to repay any such loans)" immediately after "on such loans"; and

(C) in subparagraph (D)—

(i) by inserting "(or the portion of a loan made under section 428C that is used to repay a loan made under such section)" after "section 428A" the first place it appears; and

(ii) by inserting "(or a loan made under section 428C a portion of which is used to repay a loan made under such section)" after "section 428A" the second place it appears.

(2) CONFORMING AMENDMENT.—Section 428C(a)(3)(B)(ii) of the Act (20 U.S.C. 1078–3(a)(3)(B)(ii)) is amended by striking the second sentence.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 1994, except that the amendments made by subsection (a)(2)(B) shall take effect upon enactment. 20 USC 1078-3 note.

SEC. 4047. CONSOLIDATION OF PROGRAMS.

(a) IN GENERAL.—Section 428H of the Act (20 U.S.C. 1078–9) is amended— 20 USC 1078-8.

(1) in the matter preceding paragraph (1) of subsection (b), by inserting "(including graduate and professional students as defined in regulations promulgated by the Secretary)" after "484"; Regulations.

(2) by amending subsection (d) to read as follows:

"(d) LOAN LIMITS.—

"(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the annual and aggregate limits for loans under this section shall be the same as those established under section 428(b)(1), less any amount received by such student pursuant to the subsidized loan program established under section 428.

"(2) ANNUAL LIMITS FOR INDEPENDENT, GRADUATE, AND PROFESSIONAL STUDENTS.—The maximum annual amount of loans under this section an independent student (or a student whose parents are unable to borrow under section 428B or the Federal Direct PLUS Loan Program) may borrow in any academic year or its equivalent or in any period of 7 consecutive months, whichever is longer, shall be the amount determined under paragraph (1), plus—

"(A) in the case of such a student attending an eligible institution who has not completed such student's first 2 years of undergraduate study—

"(i) $4,000, if such student is enrolled in a program whose length is at least one academic year in length (as determined under section 481);

"(ii) $2,500, if such student is enrolled in a program whose length is less than one academic year, but at least ⅔ of such an academic year; and

"(iii) $1,500, if such student is enrolled in a program whose length is less than ⅔, but at least ⅓, of such an academic year;

"(B) in the case of such a student attending an eligible institution who has completed the first 2 years of undergraduate study but who has not completed the remainder of a program of undergraduate study—

"(i) $5,000, if such student is enrolled in a program whose length is at least one academic year in length (as determined under section 481);

"(ii) $3,325, if such student is enrolled in a program whose length is less than one academic year, but at least ⅔ of such an academic year; and

"(iii) $1,675, if such student is enrolled in a program whose length is less than ⅔, but at least ⅓, of such an academic year; and

"(C) in the case of such a student who is a graduate or professional student attending an eligible institution, $10,000.

"(3) AGGREGATE LIMITS FOR INDEPENDENT, GRADUATE, AND PROFESSIONAL STUDENTS.—The maximum aggregate amount of loans under this section a student described in paragraph (2) may borrow shall be the amount described in paragraph (1), adjusted to reflect the increased annual limits described in paragraph (2), as prescribed by the Secretary by regulation."; and

(3) in subsection (e), by adding at the end the following new paragraphs:

"(5) AMORTIZATION.—The amount of the periodic payment and the repayment schedule for any loan made pursuant to this section shall be established by assuming an interest rate equal to the applicable rate of interest at the time the repayment of the principal amount of the loan commences. At the option of the lender, the note or other written evidence of the loan may require that—

"(A) the amount of the periodic payment will be adjusted annually; or

"(B) the period of repayment of principal will be lengthened or shortened,

in order to reflect adjustments in interest rates occurring as a consequence of section 427A(c)(4).

"(6) REPAYMENT PERIOD.—For purposes of calculating the 10-year repayment period under section 428(b)(1)(D), such period shall commence at the time the first payment of principal is due from the borrower.".

20 USC 1078-1.

(b) REPEAL.—Section 428A of the Act is repealed.

20 USC 1078-8 note.

(c) TERMS, CONDITIONS AND BENEFITS.—Notwithstanding the amendments made by this section, with respect to loans provided under sections 428A and 428H of the Act (as such sections existed on the date preceding the date of enactment of this Act) the terms, conditions and benefits applicable to such loans under such sections shall continue to apply to such loans after the date of enactment of this Act.

20 USC 1078-8 note.

(d) EFFECTIVE DATE.—Except as otherwise provided herein, the amendments made by this section shall take effect on July 1, 1994.

Subtitle B—Additional Savings From The Student Loan Programs

Federal Register, publication.

SEC. 4101. REDUCTION OF BORROWER INTEREST RATES.

Section 427A of the Act (20 U.S.C. 1077a) is amended—

(1) in subsection (c)(4), by adding at the end the following new subparagraph:

"(E) Notwithstanding subparagraphs (A) and (D) for any loan made pursuant to section 428B for which the first disbursement is made on or after July 1, 1994—

"(i) subparagraph (B) shall be applied by substituting "3.1" for "3.25"; and

"(ii) the interest rate shall not exceed 9 percent.";

(2) by redesignating subsections (f), (g), and (h) as subsections (i), (j), and (k) respectively;

(3) by adding after subsection (e) the following new subsections:

"(f) INTEREST RATES FOR NEW LOANS AFTER JULY 1, 1994.—

"(1) IN GENERAL.—Notwithstanding subsections (a), (b), (d), and (e) of this section, with respect to any loan made, insured, or guaranteed under this part (other than a loan made pursuant to section 428B or 428C) for which the first disbursement is made on or after July 1, 1994, the applicable rate of interest shall, during any 12-month period beginning on July 1 and ending on June 30, be determined on the preceding June 1 and be equal to—

"(A) the bond equivalent rate of 91-day Treasury bills auctioned at the final auction held prior to such June 1; plus

"(B) 3.10 percent,

except that such rate shall not exceed 8.25 percent.

"(2) CONSULTATION.—The Secretary shall determine the applicable rate of interest under paragraph (1) after consultation with the Secretary of the Treasury and shall publish such rate in the Federal Register as soon as practicable after the date of determination.

"(g) IN SCHOOL AND GRACE PERIOD RULES.—

"(1) GENERAL RULE.—Notwithstanding the provisions of subsection (f), but subject to subsection (h), with respect to any loan under section 428 or 428H of this part for which the first disbursement is made on or after July 1, 1995, the applicable rate of interest for interest which accrues—

"(A) prior to the beginning of the repayment period of the loan; or

"(B) during the period in which principal need not be paid (whether or not such principal is in fact paid) by reason of a provision described in section 428(b)(1)(M) or 427(a)(2)(C),

shall not exceed the rate determined under paragraph (2).

"(2) RATE DETERMINATION.—For purposes of paragraph (1), the rate determined under this paragraph shall, during any 12-month period beginning on July 1 and ending on June 30, be determined on the preceding June 1 and be equal to—

"(A) the bond equivalent rate of 91-day Treasury bills auctioned at the final auction prior to such June 1; plus

"(B) 2.5 percent,

except that such rate shall not exceed 8.25 percent.

"(3) CONSULTATION.—The Secretary shall determine the applicable rate of interest under this subsection after consultation with the Secretary of the Treasury and shall publish such rate in the Federal Register as soon as practicable after the date of determination.

"(h) INTEREST RATES FOR NEW LOANS AFTER JULY 1, 1998.—

"(1) IN GENERAL.—Notwithstanding subsections (a), (b), (d), (e), (f), and (g) of this section, with respect to any loan made, insured, or guaranteed under this part (other than a loan made pursuant to sections 428B and 428C) for which the first disbursement is made on or after July 1, 1998, the applicable rate of interest shall, during any 12-month period beginning on July 1 and ending on June 30, be determined on the preceding June 1 and be equal to—

"(A) the bond equivalent rate of the securities with a comparable maturity as established by the Secretary; plus

"(B) 1.0 percent,

except that such rate shall not exceed 8.25 percent.

"(2) INTEREST RATES FOR NEW PLUS LOANS AFTER JULY 1, 1998.—Notwithstanding subsections (a), (b), (d), (e), (f), and (g), with respect to any loan made under section 428B for which the first disbursement is made on or after July 1, 1998, paragraph (1) shall be applied—

"(A) by substituting '2.1 percent' for '1.0 percent' in subparagraph (B); and

"(B) by substituting '9.0 percent' for '8.25 percent' in the matter following such subparagraph.

Federal Register, publication.

"(3) CONSULTATION.—The Secretary shall determine the applicable rate of interest under this subsection after consultation with the Secretary of the Treasury and shall publish such rate in the Federal Register as soon as practicable after the date of determination.".

SEC. 4102. REDUCTION IN LOAN FEES PAID BY STUDENTS.

(a) ORIGINATION FEES.—Section 438 of the Act (20 U.S.C. 1087–1) is amended—

(1) in the heading of subsection (c) by inserting "FROM STUDENTS" after "ORIGINATION FEES"; and

(2) in subsection (c)—

(A) in paragraph (2)—

(i) by striking "428A, 428B, 428C," and inserting "428C"; and

(ii) by striking "5 percent" and inserting "3.0 percent"; and

(B) in paragraph (6), by striking "5 percent" and inserting "3.0 percent".

(b) ORIGINATION FEE; INSURANCE PREMIUM FOR UNSUBSIDIZED LOANS.—Section 428H of the Act (20 U.S.C. 1078–8) is amended—

(1) in subsection (f)—

(A) in the subsection heading, by striking "INSURANCE PREMIUM" and inserting "ORIGINATION FEE";

(B) in the heading of paragraph (1), by striking "/INSURANCE PREMIUM";

(C) in paragraph (1)—

(i) by striking "a combined origination fee and insurance premium in the amount of 6.5 percent" and inserting "an origination fee in the amount of 3.0 percent"; and

(ii) by striking the second sentence;

(D) in paragraph (2), by striking "combined fee and premium" and inserting "origination fee";

(E) in paragraph (3), by striking "combined origination fee and insurance premium" and inserting "origination fee";

(F) in paragraph (4)—

(i) in the heading, by striking "INSURANCE PREMIUM" and inserting "ORIGINATION FEE";

(ii) by striking "combined origination fee and insurance premiums" and inserting "origination fees"; and

(iii) by striking "and premiums to pay" and inserting "to pay"; and

(G) in paragraph (5)—

(i) in the heading, by inserting "ORIGINATION FEE AND" before "INSURANCE"; and

(ii) in the second sentence—

(I) by striking "6.5 percent insurance premium" and inserting "combined origination fee under this subsection and the insurance premium under subsection (h)"; and

(II) by inserting "origination fee and" before "insurance"; and

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

"(l) INSURANCE PREMIUM.—Each State or nonprofit private institution or organization having an agreement with the Secretary under section 428(b)(1) may charge a borrower under this section an insurance premium equal to not more than 1.0 percent of the principal amount of the loan, if such premium will not be used for incentive payments to lenders.".

(c) INSURANCE PREMIUM.—Section 428(b)(1)(H) of the Act (20 U.S.C. 1078(b)(1)(H)) is amended by striking "3 percent" and inserting "1.0 percent".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 1994. 20 USC 1078 note.

SEC. 4103. LOAN FEES FROM LENDERS.

Section 438 of the Act (20 U.S.C 1087–1) is further amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

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

"(d) LOAN FEES FROM LENDERS.—

"(1) DEDUCTION FROM INTEREST AND SPECIAL ALLOWANCE SUBSIDIES.—Notwithstanding subsection (b), the Secretary shall reduce the total amount of interest and special allowance payable under section 428(a)(3)(A) and subsection (b) of this section, respectively, to any holder of a loan by a loan fee in an amount determined in accordance with paragraph (2) of this subsection. If the total amount of interest and special allowance payable under section 428(a)(3)(A) and subsection (b) of this section, respectively, is less than the amount of such loan fee, then the Secretary shall deduct such excess amount from subsequent quarters' payments until the total amount has been deducted.

"(2) AMOUNT OF LOAN FEES.—With respect to any loan under this part for which the first disbursement was made on or after October 1, 1993, the amount of the loan fee which shall be deducted under paragraph (1) shall be equal to 0.50 percent of the principal amount of the loan.

"(3) DISTRIBUTION OF LOAN FEES.—The Secretary shall deposit all fees collected pursuant to paragraph (3) into the insurance fund established in section 431.".

SEC. 4104. OFFSET FEE.

Subsection (h) of section 439 of the Act (20 U.S.C. 1087–2(h)) is amended by adding at the end the following new paragraph:

"(7) OFFSET FEE.—(A) The Association shall pay to the Secretary, on a monthly basis, an offset fee calculated on an annual basis in an amount equal to 0.30 percent of the principal amount of each loan made, insured or guaranteed under this part that the Association holds (except for loans made pursuant to sections 428C, 439(o), or 439(q)) and that was acquired on or after the date of enactment of this paragraph.

"(B) If the Secretary determines that the Association has substantially failed to comply with subsection (q), subparagraph (A) shall be applied by substituting '1.0 percent' for '0.3 percent'.

"(C) The Secretary shall deposit all fees collected pursuant to this paragraph into the insurance fund established in section 431.".

SEC. 4105. ELIMINATION OF TAX EXEMPT FLOOR.

Section 438(b)(2)(B) of the Act (20 U.S.C. 1087–1(b)(2)(B)) is amended by adding at the end the following new clause:

"(iv) Notwithstanding clauses (i) and (ii), the quarterly rate of the special allowance for holders of loans which are financed with funds obtained by the holder from the issuance of obligations originally issued on or after October 1, 1993, the income from which is excluded from gross income under the Internal Revenue Code of 1986, shall be the quarterly rate of the special allowance established under subparagraph (A), (E), or (F), as the case may be. Such rate shall also apply to holders of loans which were made or purchased with funds obtained by the holder from collections or default reimbursements on, or interest or other income pertaining to, eligible loans made or purchased with funds described in the preceding sentence of this subparagraph or from income on the investment of such funds.".

SEC. 4106. REDUCTION IN INTEREST RATE FOR CONSOLIDATION LOANS; REBATE FEE.

(a) AMENDMENT.—Section 428C of the Act (20 U.S.C. 1078–3) is amended by adding at the end the following new subsection:

"(f) INTEREST PAYMENT REBATE FEE.—

"(1) IN GENERAL.—For any month beginning on or after October 1, 1993, each holder of a consolidation loan under this section for which the first disbursement was made on or after October 1, 1993, shall pay to the Secretary, on a monthly basis and in such manner as the Secretary shall prescribe, a rebate fee calculated on an annual basis equal to 1.05 percent of the principal plus accrued unpaid interest on such loan.

"(2) DEPOSIT.—The Secretary shall deposit all fees collected pursuant to subsection (a) into the insurance fund established in section 431.".

(b) ENFORCEMENT.—Subsection (d) of section 435 of the Act (20 U.S.C. 1085(d)) is amended—

(1) in the matter preceding subparagraph (A) of paragraph (1), by striking "(5)" and inserting "(6)"; and

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

"(6) REBATE FEE REQUIREMENT.—To be an eligible lender under this part, an eligible lender shall pay rebate fees in accordance with section 428C(f).".

SEC. 4107. REINSURANCE FEES AND ADMINISTRATIVE COST ALLOWANCE.

(a) REINSURANCE FEES.—Section 428(c) of the Act (20 U.S.C. 1078(c)) is amended—

(1) by striking paragraph (9); and

(2) by redesignating paragraph (10) as paragraph (9).

(b) ADMINISTRATIVE COST ALLOWANCE.—Section 428(f)(1) of the Act (20 U.S.C. 1078(f)(1)) is amended—

(1) in subparagraph (A), by striking "The Secretary" and inserting "For a fiscal year prior to fiscal year 1994, the Secretary"; and

(2) in subparagraph (B), by inserting "prior to fiscal year 1994" after "any fiscal year".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1993. 20 USC 1078 note.

SEC. 4108. RISK SHARING.

(a) GUARANTY AGENCY REINSURANCE PERCENTAGE.—Section 428(c)(1) of the Act (20 U.S.C. 1078(c)(1)) is amended—

(1) in the fourth sentence of subparagraph (A), by striking "100 percent" and inserting "98 percent";

(2) in subparagraph (B)(i), by striking "90 percent" and inserting "88 percent";

(3) in subparagraph (B)(ii), by striking "80 percent" and inserting "78 percent"; and

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

"(E) Notwithstanding any other provisions of this section, in the case of a loan made pursuant to a lender-of-last-resort program, the Secretary shall apply the provisions of—

"(i) the fourth sentence of subparagraph (A) by substituting '100 percent' for '98 percent';

"(ii) subparagraph (B)(i) by substituting '100 percent' for '88 percent'; and

"(iii) subparagraph (B)(ii) by substituting '100 percent' for '78 percent'.

"(F) Notwithstanding any other provisions of this section, in the case of an outstanding loan transferred to a guaranty agency from another guaranty agency pursuant to a plan approved by the Secretary in response to the insolvency of the latter such guarantee agency, the Secretary shall apply the provision of—

"(i) the fourth sentence of subparagraph (A) by substituting '100 percent' for '98 percent';

"(ii) subparagraph (B)(i) by substituting '90 percent' for '88 percent'; and

"(iii) subparagraph (B)(ii) by substituting '80 percent' for '78 percent'.".

(b) RISK SHARING BY THE LOAN HOLDERS.—Section 428(b)(1)(G) of the Act (20 U.S.C. 1078(b)(1)(G)) is amended—

(1) by striking "100 percent" and inserting "98 percent"; and

(2) by adding before the semicolon at the end the following: ", except that such program shall insure 100 percent of the unpaid principal of loans made with funds advanced pursuant to section 428(j) or 439(q)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any loan for which the first disbursement is made on or after October 1, 1993. 20 USC 1078 note.

SEC. 4109. PLUS LOAN DISBURSEMENTS.

(a) MULTIPLE DISBURSEMENT REQUIRED.—The matter preceding paragraph (1) of section 428B(c) of the Act (20 U.S.C. 1078–2(c)) is amended by inserting "shall be disbursed in accordance with the requirements of section 428G and" after "under this section".

(b) CONFORMING AMENDMENTS.—Section 428G(e) of the Act (20 U.S.C. 1078–7(e) is amended—

(1) in the subsection heading, by striking "PLUS, CONSOLIDATION," and inserting "CONSOLIDATION"; and

(2) by striking "section 428B or 428C" and inserting "section 428C".

20 USC 1078-2 note.

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective with respect to loans for which the first disbursement is made on or after October 1, 1993.

SEC. 4110. SECRETARY'S EQUITABLE SHARE.

(a) AMENDMENT.—Section 428(c)(6)(A)(ii) of the Act (20 U.S.C. 1078(c)(6)(A)(ii)) is amended by striking "30 percent" and inserting "27 percent".

20 USC 1078 note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1993.

SEC. 4111. REDUCTION IN THE SPECIAL ALLOWANCE PAYMENT.

Paragraph (2) of section 438(b) of the Act (20 U.S.C. 1087-1(b)(2)) is amended—

(1) in subparagraph (A)—

(A) by striking "and (D)" and inserting "(D), (E), and (F)"; and

(B) by striking "427A(e)" and inserting "427A(f)"; and

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

"(E) In the case of any loan for which the applicable rate of interest is described in section 427A(g)(2), subparagraph (A)(iii) shall be applied by substituting '2.5 percent' for '3.10 percent'.

"(F) Subject to paragraph (4), the special allowance paid pursuant to this subsection on loans for which the applicable rate of interest is determined under section 427A(h) shall be computed (i) by determining the applicable bond equivalent rate of the security with a comparable maturity, as established by the Secretary, (ii) by subtracting the applicable interest rates on such loans from such applicable bond equivalent rate, (iii) by adding 1.0 percent to the resultant percent, and (iv) by dividing the resultant percent by 4. If such computation produces a number less than zero, such loans shall be subject to section 427A(f).".

SEC. 4112. SUPPLEMENTAL PRECLAIMS ASSISTANCE.

(a) AMENDMENT.—Section 428(l)(2) of the Act (20 U.S.C. 1078(l)(2)) is amended by striking the second sentence and inserting the following: "For each loan on which such assistance is performed and for which a default claim is not presented to the guaranty agency by the lender on or before the 150th day after the loan becomes 120 days delinquent, such payment shall be equal to one percent of the total of the unpaid principal and the accrued unpaid interest of the loan.".

20 USC 1078 note.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on October 1, 1993.

Subtitle C—Cost Sharing by States

SEC. 4201. COST SHARING BY STATES.

(a) AMENDMENT.—Section 428 of the Act (20 U.S.C. 1078) is amended by adding at the end the following new subsection:

"(n) STATE SHARE OF DEFAULT COSTS.—

"(1) IN GENERAL.—In the case of any State in which there are located any institutions of higher education that have a cohort default rate that exceeds 20 percent, such State shall pay to the Secretary an amount equal to—

"(A) the new loan volume attributable to all institutions in the State for the current fiscal year; multiplied by

"(B) the percentage specified in paragraph (2); multiplied by

"(C) the quotient of—

"(i) the sum of the amounts calculated under paragraph (3) for each such institution in the State; divided by

"(ii) the total amount of loan volume attributable to current and former students of institutions located in that State entering repayment in the period used to calculate the cohort default rate.

"(2) PERCENTAGE.—For purposes of paragraph (1)(B), the percentage used shall be—

"(A) 12.5 percent for fiscal year 1995;

"(B) 20 percent for fiscal year 1996; and

"(C) 50 percent for fiscal year 1997 and succeeding fiscal years.

"(3) CALCULATION.—For purposes of paragraph (1)(C)(i), the amount shall be determined by calculating for each institution the amount by which—

"(A) the amount of the loans received for attendance by such institution's current and former students who (i) enter repayment during the fiscal year used for the calculation of the cohort default rate, and (ii) default before the end of the following fiscal year; exceeds

"(B) 20 percent of the loans received for attendance by all the current and former students who enter repayment during the fiscal year used for the calculation of the cohort default rate.

"(4) FEE.—A State may charge a fee to an institution of higher education that participates in the program under this part and is located in that State according to a fee structure, approved by the Secretary, that is based on the institution's cohort default rate and the State's risk of loss under this subsection. Such fee structure shall include a process by which an institution with a high cohort default rate is exempt from any fees under this paragraph if such institution demonstrates to the satisfaction of the State that exceptional mitigating circumstances, as determined by the State and approved by the Secretary, contributed to its cohort default rate.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on October 1, 1994. 20 USC 1078 note.

Subtitle D—Group Health Plans

SEC. 4301. STANDARDS FOR GROUP HEALTH PLAN COVERAGE.

(a) IN GENERAL.—Part 6 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1161 et seq.) is amended by adding at the end the following new section:

"ADDITIONAL STANDARDS FOR GROUP HEALTH PLANS

29 USC 1169.

"SEC. 609. (a) GROUP HEALTH PLAN COVERAGE PURSUANT TO MEDICAL CHILD SUPPORT ORDERS.—

"(1) IN GENERAL.—Each group health plan shall provide benefits in accordance with the applicable requirements of any qualified medical child support order.

"(2) DEFINITIONS.—For purposes of this subsection—

"(A) QUALIFIED MEDICAL CHILD SUPPORT ORDER.—The term 'qualified medical child support order' means a medical child support order—

"(i) which creates or recognizes the existence of an alternate recipient's right to, or assigns to an alternate recipient the right to, receive benefits for which a participant or beneficiary is eligible under a group health plan, and

"(ii) with respect to which the requirements of paragraphs (3) and (4) are met.

"(B) MEDICAL CHILD SUPPORT ORDER.—The term 'medical child support order' means any judgment, decree, or order (including approval of a settlement agreement) issued by a court of competent jurisdiction which—

"(i) provides for child support with respect to a child of a participant under a group health plan or provides for health benefit coverage to such a child, is made pursuant to a State domestic relations law (including a community property law), and relates to benefits under such plan, or

"(ii) enforces a law relating to medical child support described in section 1908 of the Social Security Act (as added by section 13822 of the Omnibus Budget Reconciliation Act of 1993) with respect to a group health plan.

"(C) ALTERNATE RECIPIENT.—The term 'alternate recipient' means any child of a participant who is recognized under a medical child support order as having a right to enrollment under a group health plan with respect to such participant.

"(3) INFORMATION TO BE INCLUDED IN QUALIFIED ORDER.—A medical child support order meets the requirements of this paragraph only if such order clearly specifies—

"(A) the name and the last known mailing address (if any) of the participant and the name and mailing address of each alternate recipient covered by the order,

"(B) a reasonable description of the type of coverage to be provided by the plan to each such alternate recipient, or the manner in which such type of coverage is to be determined,

"(C) the period to which such order applies, and

"(D) each plan to which such order applies.

"(4) RESTRICTION ON NEW TYPES OR FORMS OF BENEFITS.—A medical child support order meets the requirements of this paragraph only if such order does not require a plan to provide any type or form of benefit, or any option, not otherwise provided under the plan, except to the extent necessary to meet the requirements of a law relating to medical child support described in section 1908 of the Social Security Act (as added

by section 13822 of the Omnibus Budget Reconciliation Act of 1993).

"(5) PROCEDURAL REQUIREMENTS.—

"(A) TIMELY NOTIFICATIONS AND DETERMINATIONS.—In the case of any medical child support order received by a group health plan—

"(i) the plan administrator shall promptly notify the participant and each alternate recipient of the receipt of such order and the plan's procedures for determining whether medical child support orders are qualified medical child support orders, and

"(ii) within a reasonable period after receipt of such order, the plan administrator shall determine whether such order is a qualified medical child support order and notify the participant and each alternate recipient of such determination.

"(B) ESTABLISHMENT OF PROCEDURES FOR DETERMINING QUALIFIED STATUS OF ORDERS.—Each group health plan shall establish reasonable procedures to determine whether medical child support orders are qualified medical child support orders and to administer the provision of benefits under such qualified orders. Such procedures—

"(i) shall be in writing,

"(ii) shall provide for the notification of each person specified in a medical child support order as eligible to receive benefits under the plan (at the address included in the medical child support order) of such procedures promptly upon receipt by the plan of the medical child support order, and

"(iii) shall permit an alternate recipient to designate a representative for receipt of copies of notices that are sent to the alternate recipient with respect to a medical child support order.

"(6) ACTIONS TAKEN BY FIDUCIARIES.—If a plan fiduciary acts in accordance with part 4 of this subtitle in treating a medical child support order as being (or not being) a qualified medical child support order, then the plan's obligation to the participant and each alternate recipient shall be discharged to the extent of any payment made pursuant to such act of the fiduciary.

"(7) TREATMENT OF ALTERNATE RECIPIENTS.—

"(A) TREATMENT AS BENEFICIARY GENERALLY.—A person who is an alternate recipient under a qualified medical child support order shall be considered a beneficiary under the plan for purposes of any provision of this Act.

"(B) TREATMENT AS PARTICIPANT FOR PURPOSES OF REPORTING AND DISCLOSURE REQUIREMENTS.—A person who is an alternate recipient under any medical child support order shall be considered a participant under the plan for purposes of the reporting and disclosure requirements of part 1.

"(8) DIRECT PROVISION OF BENEFITS PROVIDED TO ALTERNATE RECIPIENTS.—Any payment for benefits made by a group health plan pursuant to a medical child support order in reimbursement for expenses paid by an alternate recipient or an alternate recipient's custodial parent or legal guardian shall

be made to the alternate recipient or the alternate recipient's custodial parent or legal guardian.

"(b) RIGHTS OF STATES WITH RESPECT TO GROUP HEALTH PLANS WHERE PARTICIPANTS OR BENEFICIARIES THEREUNDER ARE ELIGIBLE FOR MEDICAID BENEFITS.—

"(1) COMPLIANCE BY PLANS WITH ASSIGNMENT OF RIGHTS.—A group health plan shall provide that payment for benefits with respect to a participant under the plan will be made in accordance with any assignment of rights made by or on behalf of such participant or a beneficiary of the participant as required by a State plan for medical assistance approved under title XIX of the Social Security Act pursuant to section 1912(a)(1)(A) of such Act (as in effect on the date of the enactment of the Omnibus Budget Reconciliation Act of 1993).

"(2) ENROLLMENT AND PROVISION OF BENEFITS WITHOUT REGARD TO MEDICAID ELIGIBILITY.—A group health plan shall provide that, in enrolling an individual as a participant or beneficiary or in determining or making any payments for benefits of an individual as a participant or beneficiary, the fact that the individual is eligible for or is provided medical assistance under a State plan for medical assistance approved under title XIX of the Social Security Act will not be taken into account.

"(3) ACQUISITION BY STATES OF RIGHTS OF THIRD PARTIES.—A group health plan shall provide that, to the extent that payment has been made under a State plan for medical assistance approved under title XIX of the Social Security Act in any case in which a group health plan has a legal liability to make payment for items or services constituting such assistance, payment for benefits under the plan will be made in accordance with any State law which provides that the State has acquired the rights with respect to a participant to such payment for such items or services.

"(c) GROUP HEALTH PLAN COVERAGE OF DEPENDENT CHILDREN IN CASES OF ADOPTION.—

"(1) COVERAGE EFFECTIVE UPON PLACEMENT FOR ADOPTION.—In any case in which a group health plan provides coverage for dependent children of participants or beneficiaries, such plan shall provide benefits to dependent children placed with participants or beneficiaries for adoption under the same terms and conditions as apply in the case of dependent children who are natural children of participants or beneficiaries under the plan, irrespective of whether the adoption has become final.

"(2) RESTRICTIONS BASED ON PREEXISTING CONDITIONS AT TIME OF PLACEMENT FOR ADOPTION PROHIBITED.—A group health plan may not restrict coverage under the plan of any dependent child adopted by a participant or beneficiary, or placed with a participant or beneficiary for adoption, solely on the basis of a preexisting condition of such child at the time that such child would otherwise become eligible for coverage under the plan, if the adoption or placement for adoption occurs while the participant or beneficiary is eligible for coverage under the plan.

"(3) DEFINITIONS.—For purposes of this subsection—

"(A) CHILD.—The term 'child' means, in connection with any adoption, or placement for adoption, of the child, an

individual who has not attained age 18 as of the date of such adoption or placement for adoption.

"(B) PLACEMENT FOR ADOPTION.—The term 'placement', or being 'placed', for adoption, in connection with any placement for adoption of a child with any person, means the assumption and retention by such person of a legal obligation for total or partial support of such child in anticipation of adoption of such child. The child's placement with such person terminates upon the termination of such legal obligation.

"(d) CONTINUED COVERAGE OF COSTS OF A PEDIATRIC VACCINE UNDER GROUP HEALTH PLANS.—A group health plan may not reduce its coverage of the costs of pediatric vaccines (as defined under section 1928(h)(6) of the Social Security Act as amended by section 13830 of the Omnibus Budget Reconciliation Act of 1993) below the coverage it provided as of May 1, 1993.

"(e) REGULATIONS.—Any regulations prescribed under this section shall be prescribed by the Secretary of Labor, in consultation with the Secretary of Health and Human Services.".

(b) CONFORMING AMENDMENTS TO ERISA TO ENSURE COMPLIANCE WITH MEDICARE AND MEDICAID COVERAGE DATA BANK REQUIREMENTS.—

(1) REPORTS TO DATA BANK.—Section 101 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1021) is amended—

(A) by redesignating subsection (f) as subsection (g); and

(B) by inserting after subsection (e) the following new subsection:

"(f) INFORMATION NECESSARY TO COMPLY WITH MEDICARE AND MEDICAID COVERAGE DATA BANK REQUIREMENTS.—

"(1) PROVISION OF INFORMATION BY GROUP HEALTH PLAN UPON REQUEST OF EMPLOYER.—

"(A) IN GENERAL.—An employer shall comply with the applicable requirements of section 1144 of the Social Security Act (as added by section 13581 of the Omnibus Budget Reconciliation Act of 1993). Upon the request of an employer maintaining a group health plan, any plan sponsor, plan administrator, insurer, third-party administrator, or other person who maintains under the plan the information necessary to enable the employer to comply with the applicable requirements of section 1144 of the Social Security Act shall, in such form and manner as may be prescribed in regulations of the Secretary (in consultation with the Secretary of Health and Human Services), provide such information (not inconsistent with paragraph (2))—

"(i) in the case of a request by an employer described in subparagraph (B) and a plan that is not a multiemployer plan or a component of an arrangement described in subparagraph (C), to the Medicare and Medicaid Coverage Data Bank;

"(ii) in the case of a plan that is a multiemployer plan or is a component of an arrangement described in subparagraph (C), to the employer or to such Data Bank, at the option of the plan; and

"(iii) in any other case, to the employer or to such Data Bank, at the option of the employer.

"(B) EMPLOYER DESCRIBED.—An employer is described in this subparagraph for any calendar year if such employer normally employed fewer than 50 employees on a typical business day during such calendar year.

"(C) ARRANGEMENT DESCRIBED.—An arrangement described in this subparagraph is any arrangement in which two or more employers contribute for the purpose of providing group health plan coverage for employees.

"(2) INFORMATION NOT REQUIRED TO BE PROVIDED.—Any plan sponsor, plan administrator, insurer, third-party administrator, or other person described in paragraph (1)(A) (other than the employer) that maintains the information under the plan shall not provide to an employer in order to satisfy the requirements of section 1144 of the Social Security Act, and shall not provide to the Data Bank under such section, information that pertains in any way to—

"(A) the health status of a participant, or of the participant's spouse, dependent child, or other beneficiary,

"(B) the cost of coverage provided to any participant or beneficiary, or

"(C) any limitations on such coverage specific to any participant or beneficiary.

"(3) REGULATIONS.—The Secretary may, in consultation with the Secretary of Health and Human Services, prescribe such regulations as are necessary to carry out this subsection.".

(c) CONFORMING AMENDMENTS.—

(1) CIVIL ACTIONS.—Section 502(a) of such Act (29 U.S.C. 1132(a)) is amended—

(A) in paragraph (5), by striking "or" at the end;

(B) in paragraph (6), by striking the period and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

"(7) by a State to enforce compliance with a qualified medical child support order (as defined in section 609(a)(2)(A)); or

"(8) by the Secretary, or by an employer or other person referred to in section 101(f)(1), (A) to enjoin any act or practice which violates subsection (f) of section 101, or (B) to obtain appropriate equitable relief (i) to redress such violation or (ii) to enforce such subsection.".

(2) CIVIL PENALTY.—Section 502(c) of such Act (29 U.S.C. 1132(c)) is amended by adding at the end the following new paragraph:

"(4) The Secretary may assess a civil penalty of not more than $1,000 for each violation by any person of section 101(f)(1). For purposes of this paragraph, each violation described in subparagraph (A) with respect to any single participant, and each violation described in subparagraph (B) with respect to any single participant or beneficiary, shall be treated as a separate violation. The Secretary and the Secretary of Health and Human Services shall maintain such ongoing consultation as may be necessary and appropriate to coordinate enforcement under this subsection with enforcement under section 1144(c)(8) of the Social Security Act.".

(3) JURISDICTION.—Section 502(e)(1) of such Act (29 U.S.C. 1132(e)(1)) is amended—

(A) in the first sentence, by striking "or fiduciary" and inserting "fiduciary, or any person referred to in section 101(f)(1)"; and

(B) in the second sentence, by striking "subsection (a)(1)(B)" and inserting "paragraphs (1)(B) and (7) of subsection (a)".

(4) EFFECT ON OTHER LAWS.—Section 514 of such Act (29 U.S.C. 1144) is amended—

(A) in subsection (b)(7)(D), by inserting ", qualified medical child support orders (within the meaning of section 609(a)(2)(A)), and the provisions of law referred to in section 609(a)(2)(B)(ii) to the extent enforced by qualified medical child support orders" before the period; and

(B) by striking subsection (b)(8) and inserting the following:

"(8) Subsection (a) of this section shall not be construed to preclude any State cause of action—

"(A) with respect to which the State exercises its acquired rights under section 609(b)(3) with respect to a group health plan (as defined in section 607(1)), or

"(B) for recoupment of payment with respect to items or services pursuant to a State plan for medical assistance approved under title XIX of the Social Security Act which would not have been payable if such acquired rights had been executed before payment with respect to such items or services by the group health plan.";

(5) CLERICAL AMENDMENTS.—

(A) The heading for part 6 of subtitle B of title I of such Act is amended to read as follows:

"PART 6—GROUP HEALTH PLANS".

(B) The table of contents in section 1 of such Act is amended—

(i) by striking the item relating to the heading for part 6 of subtitle B of title I and inserting the following:

"PART 6—GROUP HEALTH PLANS";

and

(ii) by inserting after the item relating to section 608 the following new item:

"Sec. 609. Additional standards for group health plans.".

(d) EFFECTIVE DATE.— 29 USC 1021 note.

(1) IN GENERAL.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(2) PLAN AMENDMENTS NOT REQUIRED UNTIL JANUARY 1, 1994.—Any amendment to a plan required to be made by an amendment made by this section shall not be required to be made before the first plan year beginning on or after January 1, 1994, if—

(A) during the period after the date before the date of the enactment of this Act and before such first plan year, the plan is operated in accordance with the requirements of the amendments made by this section, and

(B) such plan amendment applies retroactively to the period after the date before the date of the enactment of this Act and before such first plan year.

A plan shall not be treated as failing to be operated in accordance with the provisions of the plan merely because it operates in accordance with this paragraph.

Subtitle E—Fee Increase

Exports and imports.

SEC. 4401. FEE INCREASE.

The Tea Importation Act (21 U.S.C. 41 et seq.) is amended—

(1) by inserting the 4th undesignated paragraph under the center heading "FOOD AND DRUG ADMINISTRATION" of title II of the Labor-Federal Security Appropriation Act, 1942 (21 U.S.C. 46a) as a new section 13 of the Tea Importation Act, and

(2) by amending such new section 13 to read as follows:

21 USC 46a.

"SEC. 13. No tea or merchandise described as tea shall be examined for importation into the United States, or released by the Customs Service, under the Tea Importation Act unless the importer or consignee of such tea or merchandise has paid, before the examination, a fee in an amount equal to—

"(1) 10 cents for each hundred weight or fraction thereof of the tea or merchandise; or

"(2) the approximate cost of the examinations;

whichever amount is less. Such fee shall be deposited into the Treasury of the United States as miscellaneous receipts."

TITLE V—TRANSPORTATION AND PUBLIC WORKS PROVISIONS

SEC. 5001. RECREATIONAL USER FEES.

(a) IN GENERAL.—Section 210 of the Flood Control Act of 1968 (16 U.S.C. 460d–3) is amended—

(1) by striking "SEC. 210. No entrance" and inserting the following:

"SEC. 210. RECREATIONAL USER FEES.

"(a) PROHIBITION ON ADMISSIONS FEES.—No entrance";

(2) by striking the second sentence; and

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

"(b) FEES FOR USE OF DEVELOPED RECREATION SITES AND FACILITIES.—

"(1) ESTABLISHMENT AND COLLECTION.—Notwithstanding section 4(b) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6a(b)), the Secretary of the Army is authorized, subject to paragraphs (2) and (3), to establish and collect fees for the use of developed recreation sites and facilities, including campsites, swimming beaches, and boat launching ramps but excluding a site or facility which includes only a boat launch ramp and a courtesy dock.

"(2) EXEMPTION OF CERTAIN FACILITIES.—The Secretary shall not establish or collect fees under this subsection for the use or provision of drinking water, wayside exhibits, roads, scenic drives, overlook sites, picnic tables, toilet facilities, sur-

face water areas, undeveloped or lightly developed shoreland, or general visitor information.

"(3) PER VEHICLE LIMIT.—The fee under this subsection for use of a site or facility (other than an overnight camping site or facility or any other site or facility at which a fee is charged for use of the site or facility as of the date of the enactment of this paragraph) for persons entering the site or facility by private, noncommercial vehicle transporting not more than 8 persons (including the driver) shall not exceed $3 per day per vehicle. Such maximum amount may be adjusted annually by the Secretary for changes in the Consumer Price Index of All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

"(4) DEPOSIT INTO TREASURY ACCOUNT.—All fees collected under this subsection shall be deposited into the Treasury account for the Corps of Engineers established by section 4(i) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6a(i)).".

(b) CONFORMING AMENDMENT FOR CAMPSITES.—Section 4(b) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6a(b)) is amended by striking the next to the last sentence.

TITLE VI—COMMUNICATIONS LICENSING AND SPECTRUM ALLOCATION IMPROVEMENT

SEC. 6001. TRANSFER OF AUCTIONABLE FREQUENCIES.

(a) AMENDMENT.—The National Telecommunications and Information Administration Organization Act (47 U.S.C. 901 et seq.) is amended—

(1) by striking the heading of part B and inserting the following:

"PART C—SPECIAL AND TEMPORARY PROVISIONS";

(2) by redesignating sections 131 through 135 as sections 151 through 155, respectively; and

(3) by inserting after part A the following new part:

106 Stat. 3540; 47 USC 394; 42 USC 254r note; 106 Stat. 3542.

"PART B—TRANSFER OF AUCTIONABLE FREQUENCIES.

"SEC. 111. DEFINITIONS.

47 USC 921.

"As used in this part:

"(1) The term 'allocation' means an entry in the National Table of Frequency Allocations of a given frequency band for the purpose of its use by one or more radiocommunication services.

"(2) The term 'assignment' means an authorization given to a station licensee to use specific frequencies or channels.

"(3) The term 'the 1934 Act' means the Communications Act of 1934 (47 U.S.C. 151 et seq.).

47 USC 922.

"SEC. 112. NATIONAL SPECTRUM ALLOCATION PLANNING.

"The Assistant Secretary and the Chairman of the Commission shall meet, at least biannually, to conduct joint spectrum planning with respect to the following issues:

"(1) the extent to which licenses for spectrum use can be issued pursuant to section 309(j) of the 1934 Act to increase Federal revenues;

"(2) the future spectrum requirements for public and private uses, including State and local government public safety agencies;

"(3) the spectrum allocation actions necessary to accommodate those uses; and

"(4) actions necessary to promote the efficient use of the spectrum, including spectrum management techniques to promote increased shared use of the spectrum that does not cause harmful interference as a means of increasing commercial access.

47 USC 923.

"SEC. 113. IDENTIFICATION OF REALLOCABLE FREQUENCIES.

Reports.

"(a) IDENTIFICATION REQUIRED.—The Secretary shall, within 18 months after the date of the enactment of the Omnibus Budget Reconciliation Act of 1993, prepare and submit to the President and the Congress a report identifying and recommending for reallocation bands of frequencies—

"(1) that are allocated on a primary basis for Federal Government use;

"(2) that are not required for the present or identifiable future needs of the Federal Government;

"(3) that can feasibly be made available, as of the date of submission of the report or at any time during the next 15 years, for use under the 1934 Act (other than for Federal Government stations under section 305 of the 1934 Act);

"(4) the transfer of which (from Federal Government use) will not result in costs to the Federal Government, or losses of services or benefits to the public, that are excessive in relation to the benefits to the public that may be provided by non-Federal licensees; and

"(5) that are most likely to have the greatest potential for productive uses and public benefits under the 1934 Act if allocated for non-Federal use.

"(b) MINIMUM AMOUNT OF SPECTRUM RECOMMENDED.—

"(1) IN GENERAL.—In accordance with the provisions of this section, the Secretary shall recommend for reallocation, for use other than by Federal Government stations under section 305 of the 1934 Act (47 U.S.C. 305), bands of frequencies that in the aggregate span not less than 200 megahertz, that are located below 5 gigahertz, and that meet the criteria specified in paragraphs (1) through (5) of subsection (a). Such bands of frequencies shall include bands of frequencies, located below 3 gigahertz, that span in the aggregate not less than 100 megahertz.

"(2) MIXED USES PERMITTED TO BE COUNTED.—Bands of frequencies which a report of the Secretary under subsection (a) or (d)(1) recommends be partially retained for use by Federal Government stations, but which are also recommended to be reallocated to be made available under the 1934 Act for use by non-Federal stations, may be counted toward the minimum

spectrum required by paragraph (1) of this subsection, except that—

"(A) the bands of frequencies counted under this paragraph may not count toward more than one-half of the minimums required by paragraph (1) of this subsection;

"(B) a band of frequencies may not be counted under this paragraph unless the assignments of the band to Federal Government stations under section 305 of the 1934 Act (47 U.S.C. 305) are limited by geographic area, by time, or by other means so as to guarantee that the potential use to be made by such Federal Government stations is substantially less (as measured by geographic area, time, or otherwise) than the potential use to be made by non-Federal stations; and

"(C) the operational sharing permitted under this paragraph shall be subject to the interference regulations prescribed by the Commission pursuant to section 305(a) of the 1934 Act and to coordination procedures that the Commission and the Secretary shall jointly establish and implement to ensure against harmful interference.

"(c) CRITERIA FOR IDENTIFICATION.—

"(1) NEEDS OF THE FEDERAL GOVERNMENT.—In determining whether a band of frequencies meets the criteria specified in subsection (a)(2), the Secretary shall—

"(A) consider whether the band of frequencies is used to provide a communications service that is or could be available from a commercial provider or other vendor;

"(B) seek to promote—

"(i) the maximum practicable reliance on commercially available substitutes;

"(ii) the sharing of frequencies (as permitted under subsection (b)(2));

"(iii) the development and use of new communications technologies; and

"(iv) the use of nonradiating communications systems where practicable; and

"(C) seek to avoid—

"(i) serious degradation of Federal Government services and operations;

"(ii) excessive costs to the Federal Government and users of Federal Government services; and

"(iii) excessive disruption of existing use of Federal Government frequencies by amateur radio licensees.

"(2) FEASIBILITY OF USE.—In determining whether a frequency band meets the criteria specified in subsection (a)(3), the Secretary shall—

"(A) assume that the frequency will be assigned by the Commission under section 303 of the 1934 Act (47 U.S.C. 303) within 15 years;

"(B) assume reasonable rates of scientific progress and growth of demand for telecommunications services;

"(C) seek to include frequencies which can be used to stimulate the development of new technologies; and

"(D) consider the immediate and recurring costs to reestablish services displaced by the reallocation of spectrum.

"(3) ANALYSIS OF BENEFITS.—In determining whether a band of frequencies meets the criteria specified in subsection (a)(5), the Secretary shall consider—

"(A) the extent to which equipment is or will be available that is capable of utilizing the band;

"(B) the proximity of frequencies that are already assigned for commercial or other non-Federal use;

"(C) the extent to which, in general, commercial users could share the frequency with amateur radio licensees; and

"(D) the activities of foreign governments in making frequencies available for experimentation or commercial assignments in order to support their domestic manufacturers of equipment.

"(4) POWER AGENCY FREQUENCIES.—

"(A) APPLICABILITY OF CRITERIA.—The criteria specified by subsection (a) shall be deemed not to be met for any purpose under this part with regard to any frequency assignment to, or any frequency assignment used by, a Federal power agency for the purpose of withdrawing that assignment.

"(B) MIXED USE ELIGIBILITY.—The frequencies assigned to any Federal power agency may only be eligible for mixed use under subsection (b)(2) in geographically separate areas, but in those cases where a frequency is to be shared by an affected Federal power agency and a non-Federal user, such use by the non-Federal user shall not cause harmful interference to the affected Federal power agency or adversely affect the reliability of its power system.

"(C) DEFINITION.—As used in this paragraph, the term 'Federal power agency' means the Tennessee Valley Authority, the Bonneville Power Administration, the Western Area Power Administration, the Southwestern Power Administration, the Southeastern Power Administration, or the Alaska Power Administration.

"(5) LIMITATION ON REALLOCATION.—None of the frequencies recommended for reallocation in the reports required by this subsection shall have been recommended, prior to the date of enactment of the Omnibus Budget Reconciliation Act of 1993, for reallocation to non-Federal use by international agreement.

"(d) PROCEDURE FOR IDENTIFICATION OF REALLOCABLE BANDS OF FREQUENCIES.—

Public information. Reports.

"(1) SUBMISSION OF PRELIMINARY IDENTIFICATION TO CONGRESS.—Within 6 months after the date of the enactment of the Omnibus Budget Reconciliation Act of 1993, the Secretary shall prepare, make publicly available, and submit to the President, the Congress, and the Commission a report which makes a preliminary identification of reallocable bands of frequencies which meet the criteria established by this section.

"(2) PUBLIC COMMENT.—The Secretary shall provide interested persons with the opportunity to submit, within 90 days after the date of its publication, written comment on the preliminary report required by paragraph (1). The Secretary shall immediately transmit a copy of any such comment to the Commission.

"(3) COMMENT AND RECOMMENDATIONS FROM COMMISSION.—The Commission shall, within 90 days after the conclusion of the period for comment provided pursuant to paragraph (2), submit to the Secretary the Commission's analysis of such comments and the Commission's recommendations for responses to such comments, together with such other comments and recommendations as the Commission deems appropriate.

"(4) DIRECT DISCUSSIONS.—The Secretary shall encourage and provide opportunity for direct discussions among commercial representatives and Federal Government users of the spectrum to aid the Secretary in determining which frequencies to recommend for reallocation. The Secretary shall provide notice to the public and the Commission of any such discussions, including the name or names of any businesses or other persons represented in such discussions. A representative of the Commission (and of the Secretary at the election of the Secretary) shall be permitted to attend any such discussions. The Secretary shall provide the public and the Commission with an opportunity to comment on the results of any such discussions prior to the submission of the final report required by subsection (a).

"(e) TIMETABLE FOR REALLOCATION AND LIMITATION.—

"(1) TIMETABLE REQUIRED.—The Secretary shall, as part of the reports required by subsections (a) and (d)(1), include a timetable that recommends effective dates by which the President shall withdraw or limit assignments of the frequencies specified in such reports. President.

"(2) EXPEDITED REALLOCATION.—

"(A) REQUIRED REALLOCATION.—The Secretary shall, as part of the report required by subsection (d)(1), specifically identify and recommend for immediate reallocation bands of frequencies that in the aggregate span not less than 50 megahertz, that meet the criteria described in subsection (a), and that can be made available for reallocation immediately upon issuance of the report required by subsection (d)(1). Such bands of frequencies shall include bands of frequencies, located below 3 gigahertz, that in the aggregate span not less than 25 megahertz .

"(B) PERMITTED REALLOCATION.—The Secretary may, as part of such report, identify and recommend bands of frequencies for immediate reallocation for a mixed use pursuant to subsection (b)(2), but such bands of frequencies may not count toward the minimums required by subparagraph (A).

"(3) DELAYED EFFECTIVE DATES.—In setting the recommended delayed effective dates, the Secretary shall—

"(A) consider the need to reallocate bands of frequencies as early as possible, taking into account the requirements of paragraphs (1) and (2) of section 115(b);

"(B) be based on the useful remaining life of equipment that has been purchased or contracted for to operate on identified frequencies;

"(C) consider the need to coordinate frequency use with other nations; and

"(D) take into account the relationship between the costs to the Federal Government of changing to different frequencies and the benefits that may be obtained from commercial and other non-Federal uses of the reassigned frequencies.

President.
47 USC 924.

"SEC. 114. WITHDRAWAL OR LIMITATION OF ASSIGNMENT TO FEDERAL GOVERNMENT STATIONS.

"(a) IN GENERAL.—The President shall—

"(1) within 6 months after receipt of a report by the Secretary under subsection (a) or (d)(1) of section 113, withdraw the assignment to a Federal Government station of any frequency which the report recommends for immediate reallocation;

"(2) within either such 6-month period, limit the assignment to a Federal Government station of any frequency which the report recommends be made immediately available for mixed use under section 113(b)(2);

"(3) by the delayed effective date recommended by the Secretary under section 113(e) (except as provided in subsection (b)(4) of this section), withdraw or limit the assignment to a Federal Government station of any frequency which the report recommends be reallocated or made available for mixed use on such delayed effective date;

"(4) assign or reassign other frequencies to Federal Government stations as necessary to adjust to such withdrawal or limitation of assignments; and

"(5) transmit a notice and description to the Commission and each House of Congress of the actions taken under this subsection.

"(b) EXCEPTIONS.—

"(1) AUTHORITY TO SUBSTITUTE.—If the President determines that a circumstance described in paragraph (2) exists, the President—

"(A) may substitute an alternative frequency or frequencies for the frequency that is subject to such determination and withdraw (or limit) the assignment of that alternative frequency in the manner required by subsection (a); and

"(B) shall submit a statement of the reasons for taking the action described in subparagraph (A) to the Commission, Committee on Energy and Commerce of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate.

"(2) GROUNDS FOR SUBSTITUTION.—For purposes of paragraph (1), the following circumstances are described in this paragraph:

"(A) the reassignment would seriously jeopardize the national defense interests of the United States;

"(B) the frequency proposed for reassignment is uniquely suited to meeting important governmental needs;

"(C) the reassignment would seriously jeopardize public health or safety;

"(D) the reassignment will result in costs to the Federal Government that are excessive in relation to the benefits that may be obtained from commercial or other non-Federal uses of the reassigned frequency; or

"(E) the reassignment will disrupt the existing use of a Federal Government band of frequencies by amateur radio licensees.

"(3) CRITERIA FOR SUBSTITUTED FREQUENCIES.—For purposes of paragraph (1), a frequency may not be substituted for a frequency identified and recommended by the report of the Secretary under section 113(a) unless the substituted frequency also meets each of the criteria specified by section 113(a).

"(4) DELAYS IN IMPLEMENTATION.—If the President determines that any action cannot be completed by the delayed effective date recommended by the Secretary pursuant to section 113(e), or that such an action by such date would result in a frequency being unused as a consequence of the Commission's plan under section 115, the President may—

"(A) withdraw or limit the assignment to Federal Government stations on a later date that is consistent with such plan, except that the President shall notify each committee specified in paragraph (1)(B) and the Commission of the reason that withdrawal or limitation at a later date is required; or

"(B) substitute alternative frequencies pursuant to the provisions of this subsection.

"SEC. 115. DISTRIBUTION OF FREQUENCIES BY THE COMMISSION. 47 USC 925.

"(a) ALLOCATION AND ASSIGNMENT OF IMMEDIATELY AVAILABLE FREQUENCIES.—With respect to the frequencies made available for immediate reallocation pursuant to section 113(e)(2), the Commission, not later than 18 months after the date of enactment of the Omnibus Budget Reconciliation Act of 1993, shall issue regulations to allocate such frequencies and shall propose regulations to assign such frequencies. Regulations.

"(b) ALLOCATION AND ASSIGNMENT OF REMAINING AVAILABLE FREQUENCIES.—With respect to the frequencies made available for reallocation pursuant to section 113(e)(3), the Commission shall, not later than 1 year after receipt of the report required by section 113(a), prepare, submit to the President and the Congress, and implement, a plan for the allocation and assignment under the 1934 Act of such frequencies. Such plan shall—

"(1) not propose the immediate allocation and assignment of all such frequencies but, taking into account the timetable recommended by the Secretary pursuant to section 113(e), shall propose—

"(A) gradually to allocate and assign the frequencies remaining, after making the reservation required by subparagraph (B), over the course of 10 years beginning on the date of submission of such plan; and

"(B) to reserve a significant portion of such frequencies for allocation and assignment beginning after the end of such 10-year period;

"(2) contain appropriate provisions to ensure—

"(A) the availability of frequencies for new technologies and services in accordance with the policies of section 7 of the 1934 Act (47 U.S.C. 157);

"(B) the availability of frequencies to stimulate the development of such technologies; and

"(C) the safety of life and property in accordance with the policies of section 1 of the 1934 Act (47 U.S.C. 151);

"(3) address (A) the feasibility of reallocating portions of the spectrum from current commercial and other non-Federal uses to provide for more efficient use of the spectrum, and (B) innovation and marketplace developments that may affect the relative efficiencies of different spectrum allocations;

"(4) not prevent the Commission from allocating frequencies, and assigning licenses to use frequencies, not included in the plan; and

"(5) not preclude the Commission from making changes to the plan in future proceedings.

47 USC 926.

"SEC. 116. AUTHORITY TO RECOVER REASSIGNED FREQUENCIES.

"(a) AUTHORITY OF PRESIDENT.—Subsequent to the withdrawal of assignment to Federal Government stations pursuant to section 114, the President may reclaim reassigned frequencies for reassignment to Federal Government stations in accordance with this section.

President.

"(b) PROCEDURE FOR RECLAIMING FREQUENCIES.—

"(1) UNALLOCATED FREQUENCIES.—If the frequencies to be reclaimed have not been allocated or assigned by the Commission pursuant to the 1934 Act, the President shall follow the procedures for substitution of frequencies established by section 114(b) of this part.

"(2) ALLOCATED FREQUENCIES.—If the frequencies to be reclaimed have been allocated or assigned by the Commission, the President shall follow the procedures for substitution of frequencies established by section 114(b) of this part, except that the statement required by section 114(b)(1)(B) shall include—

"(A) a timetable to accommodate an orderly transition for licensees to obtain new frequencies and equipment necessary for its utilization; and

"(B) an estimate of the cost of displacing spectrum users licensed by the Commission.

"(c) COSTS OF RECLAIMING FREQUENCIES.—The Federal Government shall bear all costs of reclaiming frequencies pursuant to this section, including the cost of equipment which is rendered unusable, the cost of relocating operations to a different frequency, and any other costs that are directly attributable to the reclaiming of the frequency pursuant to this section, and there are authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

"(d) EFFECTIVE DATE OF RECLAIMED FREQUENCIES.—The Commission shall not withdraw licenses for any reclaimed frequencies until the end of the fiscal year following the fiscal year in which a statement under section 114(b)(1)(B) pertaining to such frequencies is received by the Commission.

"(e) EFFECT ON OTHER LAW.—Nothing in this section shall be construed to limit or otherwise affect the authority of the President under section 706 of the 1934 Act (47 U.S.C. 606).

47 USC 927.

"SEC. 117. EXISTING ALLOCATION AND TRANSFER AUTHORITY RETAINED.

"(a) ADDITIONAL REALLOCATION.—Nothing in this part prevents or limits additional reallocation of spectrum from the Federal Government to other users.

"(b) IMPLEMENTATION OF NEW TECHNOLOGIES AND SERVICES.—Notwithstanding any other provision of this part—

"(1) the Secretary may, consistent with section 104(e) of this Act, at any time allow frequencies allocated on a primary basis for Federal Government use to be used by non-Federal licensees on a mixed-use basis for the purpose of facilitating the prompt implementation of new technologies or services and for other purposes; and

"(2) the Commission shall make any allocation and licensing decisions with respect to such frequencies in a timely manner and in no event later than the date required by section 7 of the 1934 Act.".

(b) CONFORMING AMENDMENT TO ENSURE COLLECTION OF FCC FEES.—Section 104 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 903) is amended by adding at the end the following new subsection:

"(e) PROOF OF COMPLIANCE WITH FCC LICENSING REQUIREMENTS.—

"(1) AMENDMENT TO MANUAL REQUIRED.—Within 90 days after the date of enactment of this subsection, the Secretary and the NTIA shall amend the spectrum management document described in subsection (a) to require that—

"(A) no person or entity (other than an agency or instrumentality of the United States) shall be permitted, after 1 year after such date of enactment, to operate a radio station utilizing a frequency that is authorized for the use of government stations pursuant to section 103(b)(2)(A) of this Act for any non-government application unless such person or entity has submitted to the NTIA proof, in a form prescribed by such manual, that such person or entity has obtained a license from the Commission; and

"(B) no person or entity (other than an agency or instrumentality of the United States) shall be permitted, after 1 year after such date of enactment, to utilize a radio station belonging to the United States for any non-government application unless such person or entity has submitted to the NTIA proof, in a form prescribed by such manual, that such person or entity has obtained a license from the Commission.

"(2) RETENTION OF FORMS.—The NTIA shall maintain on file the proofs submitted under paragraph (1), or facsimiles thereof.

"(3) CERTIFICATION.—Within 1 year after the date of enactment of this subsection, the Secretary and the NTIA shall certify to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that—

"(A) the amendments required by paragraph (1) have been accomplished; and

"(B) the requirements of subparagraphs (A) and (B) of such paragraph are being enforced.".

SEC. 6002. AUTHORITY TO USE COMPETITIVE BIDDING.

(a) USE OF COMPETITIVE BIDDING.—Section 309 of the Communications Act of 1934 (47 U.S.C. 309) is amended by adding at the end the following new subsection:

"(j) USE OF COMPETITIVE BIDDING.—

"(1) GENERAL AUTHORITY.—If mutually exclusive applications are accepted for filing for any initial license or construction permit which will involve a use of the electromagnetic spectrum described in paragraph (2), then the Commission shall have the authority, subject to paragraph (10), to grant such license or permit to a qualified applicant through the use of a system of competitive bidding that meets the requirements of this subsection.

"(2) USES TO WHICH BIDDING MAY APPLY.—A use of the electromagnetic spectrum is described in this paragraph if the Commission determines that—

"(A) the principal use of such spectrum will involve, or is reasonably likely to involve, the licensee receiving compensation from subscribers in return for which the licensee—

"(i) enables those subscribers to receive communications signals that are transmitted utilizing frequencies on which the licensee is licensed to operate; or

"(ii) enables those subscribers to transmit directly communications signals utilizing frequencies on which the licensee is licensed to operate; and

"(B) a system of competitive bidding will promote the objectives described in paragraph (3).

Regulations.

"(3) DESIGN OF SYSTEMS OF COMPETITIVE BIDDING.—For each class of licenses or permits that the Commission grants through the use of a competitive bidding system, the Commission shall, by regulation, establish a competitive bidding methodology. The Commission shall seek to design and test multiple alternative methodologies under appropriate circumstances. In identifying classes of licenses and permits to be issued by competitive bidding, in specifying eligibility and other characteristics of such licenses and permits, and in designing the methodologies for use under this subsection, the Commission shall include safeguards to protect the public interest in the use of the spectrum and shall seek to promote the purposes specified in section 1 of this Act and the following objectives:

"(A) the development and rapid deployment of new technologies, products, and services for the benefit of the public, including those residing in rural areas, without administrative or judicial delays;

"(B) promoting economic opportunity and competition and ensuring that new and innovative technologies are readily accessible to the American people by avoiding excessive concentration of licenses and by disseminating licenses among a wide variety of applicants, including small businesses, rural telephone companies, and businesses owned by members of minority groups and women;

"(C) recovery for the public of a portion of the value of the public spectrum resource made available for commercial use and avoidance of unjust enrichment through the methods employed to award uses of that resource; and

"(D) efficient and intensive use of the electromagnetic spectrum.

"(4) CONTENTS OF REGULATIONS.—In prescribing regulations pursuant to paragraph (3), the Commission shall—

"(A) consider alternative payment schedules and methods of calculation, including lump sums or guaranteed installment payments, with or without royalty payments, or other schedules or methods that promote the objectives described in paragraph (3)(B), and combinations of such schedules and methods;

"(B) include performance requirements, such as appropriate deadlines and penalties for performance failures, to ensure prompt delivery of service to rural areas, to prevent stockpiling or warehousing of spectrum by licensees or permittees, and to promote investment in and rapid deployment of new technologies and services;

"(C) consistent with the public interest, convenience, and necessity, the purposes of this Act, and the characteristics of the proposed service, prescribe area designations and bandwidth assignments that promote (i) an equitable distribution of licenses and services among geographic areas, (ii) economic opportunity for a wide variety of applicants, including small businesses, rural telephone companies, and businesses owned by members of minority groups and women, and (iii) investment in and rapid deployment of new technologies and services;

"(D) ensure that small businesses, rural telephone companies, and businesses owned by members of minority groups and women are given the opportunity to participate in the provision of spectrum-based services, and, for such purposes, consider the use of tax certificates, bidding preferences, and other procedures; and

"(E) require such transfer disclosures and antitrafficking restrictions and payment schedules as may be necessary to prevent unjust enrichment as a result of the methods employed to issue licenses and permits.

"(5) BIDDER AND LICENSEE QUALIFICATION.—No person shall be permitted to participate in a system of competitive bidding pursuant to this subsection unless such bidder submits such information and assurances as the Commission may require to demonstrate that such bidder's application is acceptable for filing. No license shall be granted to an applicant selected pursuant to this subsection unless the Commission determines that the applicant is qualified pursuant to subsection (a) and sections 308(b) and 310. Consistent with the objectives described in paragraph (3), the Commission shall, by regulation, prescribe expedited procedures consistent with the procedures authorized by subsection (i)(2) for the resolution of any substantial and material issues of fact concerning qualifications. Regulations.

"(6) RULES OF CONSTRUCTION.—Nothing in this subsection, or in the use of competitive bidding, shall—

"(A) alter spectrum allocation criteria and procedures established by the other provisions of this Act;

"(B) limit or otherwise affect the requirements of subsection (h) of this section, section 301, 304, 307, 310, or 706, or any other provision of this Act (other than subsections (d)(2) and (e) of this section);

"(C) diminish the authority of the Commission under the other provisions of this Act to regulate or reclaim spectrum licenses;

"(D) be construed to convey any rights, including any expectation of renewal of a license, that differ from the rights that apply to other licenses within the same service that were not issued pursuant to this subsection;

"(E) be construed to relieve the Commission of the obligation in the public interest to continue to use engineering solutions, negotiation, threshold qualifications, service regulations, and other means in order to avoid mutual exclusivity in application and licensing proceedings;

"(F) be construed to prohibit the Commission from issuing nationwide, regional, or local licenses or permits;

"(G) be construed to prevent the Commission from awarding licenses to those persons who make significant contributions to the development of a new telecommunications service or technology; or

"(H) be construed to relieve any applicant for a license or permit of the obligation to pay charges imposed pursuant to section 8 of this Act.

"(7) CONSIDERATION OF REVENUES IN PUBLIC INTEREST DETERMINATIONS.—

"(A) CONSIDERATION PROHIBITED.—In making a decision pursuant to section 303(c) to assign a band of frequencies to a use for which licenses or permits will be issued pursuant to this subsection, and in prescribing regulations pursuant to paragraph (4)(C) of this subsection, the Commission may not base a finding of public interest, convenience, and necessity on the expectation of Federal revenues from the use of a system of competitive bidding under this subsection.

"(B) CONSIDERATION LIMITED.—In prescribing regulations pursuant to paragraph (4)(A) of this subsection, the Commission may not base a finding of public interest, convenience, and necessity solely or predominantly on the expectation of Federal revenues from the use of a system of competitive bidding under this subsection.

"(C) CONSIDERATION OF DEMAND FOR SPECTRUM NOT AFFECTED.—Nothing in this paragraph shall be construed to prevent the Commission from continuing to consider consumer demand for spectrum-based services.

"(8) TREATMENT OF REVENUES.—

"(A) GENERAL RULE.—Except as provided in subparagraph (B), all proceeds from the use of a competitive bidding system under this subsection shall be deposited in the Treasury in accordance with chapter 33 of title 31, United States Code.

"(B) RETENTION OF REVENUES.—Notwithstanding subparagraph (A), the salaries and expenses account of the Commission shall retain as an offsetting collection such sums as may be necessary from such proceeds for the costs of developing and implementing the program required by this subsection. Such offsetting collections shall be available for obligation subject to the terms and conditions of the receiving appropriations account, and shall be deposited in such accounts on a quarterly basis. Any funds

appropriated to the Commission for fiscal years 1994 through 1998 for the purpose of assigning licenses using random selection under subsection (i) shall be used by the Commission to implement this subsection.

"(9) USE OF FORMER GOVERNMENT SPECTRUM.—The Commission shall, not later than 5 years after the date of enactment of this subsection, issue licenses and permits pursuant to this subsection for the use of bands of frequencies that—

"(A) in the aggregate span not less than 10 megahertz; and

"(B) have been reassigned from Government use pursuant to part B of the National Telecommunications and Information Administration Organization Act.

"(10) AUTHORITY CONTINGENT ON AVAILABILITY OF ADDITIONAL SPECTRUM.—

"(A) INITIAL CONDITIONS.—The Commission's authority to issue licenses or permits under this subsection shall not take effect unless—

"(i) the Secretary of Commerce has submitted to the Commission the report required by section 113(d)(1) of the National Telecommunications and Information Administration Organization Act;

"(ii) such report recommends for immediate reallocation bands of frequencies that, in the aggregate, span not less than 50 megahertz;

"(iii) such bands of frequencies meet the criteria required by section 113(a) of such Act; and

"(iv) the Commission has completed the rulemaking required by section 332(c)(1)(D) of this Act.

"(B) SUBSEQUENT CONDITIONS.—The Commission's authority to issue licenses or permits under this subsection on and after 2 years after the date of the enactment of this subsection shall cease to be effective if—

"(i) the Secretary of Commerce has failed to submit the report required by section 113(a) of the National Telecommunications and Information Administration Organization Act;

"(ii) the President has failed to withdraw and limit assignments of frequencies as required by paragraphs (1) and (2) of section 114(a) of such Act;

"(iii) the Commission has failed to issue the regulations required by section 115(a) of such Act;

"(iv) the Commission has failed to complete and submit to Congress, not later than 18 months after the date of enactment of this subsection, a study of current and future spectrum needs of State and local government public safety agencies through the year 2010, and a specific plan to ensure that adequate frequencies are made available to public safety licensees; or

"(v) the Commission has failed under section 332(c)(3) to grant or deny within the time required by such section any petition that a State has filed within 90 days after the date of enactment of this subsection;

until such failure has been corrected.

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"(11) TERMINATION.—The authority of the Commission to grant a license or permit under this subsection shall expire September 30, 1998.

Reports.

"(12) EVALUATION.—Not later than September 30, 1997, the Commission shall conduct a public inquiry and submit to the Congress a report—

"(A) containing a statement of the revenues obtained, and a projection of the future revenues, from the use of competitive bidding systems under this subsection;

"(B) describing the methodologies established by the Commission pursuant to paragraphs (3) and (4);

"(C) comparing the relative advantages and disadvantages of such methodologies in terms of attaining the objectives described in such paragraphs;

"(D) evaluating whether and to what extent—

"(i) competitive bidding significantly improved the efficiency and effectiveness of the process for granting radio spectrum licenses;

"(ii) competitive bidding facilitated the introduction of new spectrum-based technologies and the entry of new companies into the telecommunications market;

"(iii) competitive bidding methodologies have secured prompt delivery of service to rural areas and have adequately addressed the needs of rural spectrum users; and

"(iv) small businesses, rural telephone companies, and businesses owned by members of minority groups and women were able to participate successfully in the competitive bidding process; and

"(E) recommending any statutory changes that are needed to improve the competitive bidding process.".

(b) CONFORMING AMENDMENTS.—

(1) LIMITATIONS ON LOTTERIES.—Section 309 of the Communications Act of 1934 (47 U.S.C. 309) is further amended—

(A) by striking subsection (i)(1) and inserting the following:

"(i) RANDOM SELECTION.—

"(1) GENERAL AUTHORITY.—If—

"(A) there is more than one application for any initial license or construction permit which will involve a use of the electromagnetic spectrum; and

"(B) the Commission has determined that the use is not described in subsection (j)(2)(A);

then the Commission shall have the authority to grant such license or permit to a qualified applicant through the use of a system of random selection."; and

(B) in paragraph (4), by adding at the end the following new subparagraph:

"(C) Not later than 180 days after the date of enactment of this subparagraph, the Commission shall prescribe such transfer disclosures and antitrafficking restrictions and payment schedules as are necessary to prevent the unjust enrichment of recipients of licenses or permits as a result of the methods employed to issue licenses under this subsection.".

(2) REGULATORY TREATMENT TO ENHANCE AUCTION VALUE OF SPECTRUM LICENSES.—

(A) AMENDMENT.—Section 332 of the Communications Act of 1934 (47 U.S.C. 332) is amended—

(i) by striking "PRIVATE LAND" from the heading of the section;

(ii) by striking "land" each place it appears in subsections (a) and (b); and

(iii) by striking subsection (c) and inserting the following:

"(c) REGULATORY TREATMENT OF MOBILE SERVICES.—

"(1) COMMON CARRIER TREATMENT OF COMMERCIAL MOBILE SERVICES.—(A) A person engaged in the provision of a service that is a commercial mobile service shall, insofar as such person is so engaged, be treated as a common carrier for purposes of this Act, except for such provisions of title II as the Commission may specify by regulation as inapplicable to that service or person. In prescribing or amending any such regulation, the Commission may not specify any provision of section 201, 202, or 208, and may specify any other provision only if the Commission determines that—

"(i) enforcement of such provision is not necessary in order to ensure that the charges, practices, classifications, or regulations for or in connection with that service are just and reasonable and are not unjustly or unreasonably discriminatory;

"(ii) enforcement of such provision is not necessary for the protection of consumers; and

"(iii) specifying such provision is consistent with the public interest.

"(B) Upon reasonable request of any person providing commercial mobile service, the Commission shall order a common carrier to establish physical connections with such service pursuant to the provisions of section 201 of this Act. Except to the extent that the Commission is required to respond to such a request, this subparagraph shall not be construed as a limitation or expansion of the Commission's authority to order interconnection pursuant to this Act.

"(C) The Commission shall review competitive market conditions with respect to commercial mobile services and shall include in its annual report an analysis of those conditions. Such analysis shall include an identification of the number of competitors in various commercial mobile services, an analysis of whether or not there is effective competition, an analysis of whether any of such competitors have a dominant share of the market for such services, and a statement of whether additional providers or classes of providers in those services would be likely to enhance competition. As a part of making a determination with respect to the public interest under subparagraph (A)(iii), the Commission shall consider whether the proposed regulation (or amendment thereof) will promote competitive market conditions, including the extent to which such regulation (or amendment) will enhance competition among providers of commercial mobile services. If the Commission determines that such regulation (or amendment) will promote competition among providers of commercial mobile services, such determination may be the basis for a Commission finding that such regulation (or amendment) is in the public interest.

Regulations.

"(D) The Commission shall, not later than 180 days after the date of enactment of this subparagraph, complete a rulemaking required to implement this paragraph with respect to the licensing of personal communications services, including making any determinations required by subparagraph (C).

"(2) NON-COMMON CARRIER TREATMENT OF PRIVATE MOBILE SERVICES.—A person engaged in the provision of a service that is a private mobile service shall not, insofar as such person is so engaged, be treated as a common carrier for any purpose under this Act. A common carrier (other than a person that was treated as a provider of a private land mobile service prior to the enactment of the Omnibus Budget Reconciliation Act of 1993) shall not provide any dispatch service on any frequency allocated for common carrier service, except to the extent such dispatch service is provided on stations licensed in the domestic public land mobile radio service before January 1, 1982. The Commission may by regulation terminate, in whole or in part, the prohibition contained in the preceding sentence if the Commission determines that such termination will serve the public interest.

"(3) STATE PREEMPTION.—(A) Notwithstanding sections 2(b) and 221(b), no State or local government shall have any authority to regulate the entry of or the rates charged by any commercial mobile service or any private mobile service, except that this paragraph shall not prohibit a State from regulating the other terms and conditions of commercial mobile services. Nothing in this subparagraph shall exempt providers of commercial mobile services (where such services are a substitute for land line telephone exchange service for a substantial portion of the communications within such State) from requirements imposed by a State commission on all providers of telecommunications services necessary to ensure the universal availability of telecommunications service at affordable rates. Notwithstanding the first sentence of this subparagraph, a State may petition the Commission for authority to regulate the rates for any commercial mobile service and the Commission shall grant such petition if such State demonstrates that—

"(i) market conditions with respect to such services fail to protect subscribers adequately from unjust and unreasonable rates or rates that are unjustly or unreasonably discriminatory; or

"(ii) such market conditions exist and such service is a replacement for land line telephone exchange service for a substantial portion of the telephone land line exchange service within such State.

The Commission shall provide reasonable opportunity for public comment in response to such petition, and shall, within 9 months after the date of its submission, grant or deny such petition. If the Commission grants such petition, the Commission shall authorize the State to exercise under State law such authority over rates, for such periods of time, as the Commission deems necessary to ensure that such rates are just and reasonable and not unjustly or unreasonably discriminatory.

"(B) If a State has in effect on June 1, 1993, any regulation concerning the rates for any commercial mobile service offered in such State on such date, such State may, no later than

1 year after the date of enactment of the Omnibus Budget Reconciliation Act of 1993, petition the Commission requesting that the State be authorized to continue exercising authority over such rates. If a State files such a petition, the State's existing regulation shall, notwithstanding subparagraph (A), remain in effect until the Commission completes all action (including any reconsideration) on such petition. The Commission shall review such petition in accordance with the procedures established in such subparagraph, shall complete all action (including any reconsideration) within 12 months after such petition is filed, and shall grant such petition if the State satisfies the showing required under subparagraph (A)(i) or (A)(ii). If the Commission grants such petition, the Commission shall authorize the State to exercise under State law such authority over rates, for such period of time, as the Commission deems necessary to ensure that such rates are just and reasonable and not unjustly or unreasonably discriminatory. After a reasonable period of time, as determined by the Commission, has elapsed from the issuance of an order under subparagraph (A) or this subparagraph, any interested party may petition the Commission for an order that the exercise of authority by a State pursuant to such subparagraph is no longer necessary to ensure that the rates for commercial mobile services are just and reasonable and not unjustly or unreasonably discriminatory. The Commission shall provide reasonable opportunity for public comment in response to such petition, and shall, within 9 months after the date of its submission, grant or deny such petition in whole or in part.

"(4) REGULATORY TREATMENT OF COMMUNICATIONS SATELLITE CORPORATION.—Nothing in this subsection shall be construed to alter or affect the regulatory treatment required by title IV of the Communications Satellite Act of 1962 of the corporation authorized by title III of such Act.

"(5) SPACE SEGMENT CAPACITY.—Nothing in this section shall prohibit the Commission from continuing to determine whether the provision of space segment capacity by satellite systems to providers of commercial mobile services shall be treated as common carriage.

"(6) FOREIGN OWNERSHIP.—The Commission, upon a petition for waiver filed within 6 months after the date of enactment of the Omnibus Budget Reconciliation Act of 1993, may waive the application of section 310(b) to any foreign ownership that lawfully existed before May 24, 1993, of any provider of a private land mobile service that will be treated as a common carrier as a result of the enactment of the Omnibus Budget Reconciliation Act of 1993, but only upon the following conditions:

"(A) The extent of foreign ownership interest shall not be increased above the extent which existed on May 24, 1993.

"(B) Such waiver shall not permit the subsequent transfer of ownership to any other person in violation of section 310(b).

"(d) DEFINITIONS.—For purposes of this section—

"(1) the term 'commercial mobile service' means any mobile service (as defined in section 3(n)) that is provided for profit and makes interconnected service available (A) to the public

Regulations.

or (B) to such classes of eligible users as to be effectively available to a substantial portion of the public, as specified by regulation by the Commission;

"(2) the term 'interconnected service' means service that is interconnected with the public switched network (as such terms are defined by regulation by the Commission) or service for which a request for interconnection is pending pursuant to subsection (c)(1)(B); and

"(3) the term 'private mobile service' means any mobile service (as defined in section 3(n)) that is not a commercial mobile service or the functional equivalent of a commercial mobile service, as specified by regulation by the Commission.".

(B) ADDITIONAL CONFORMING AMENDMENTS.—(i) Section 2(b) of the Communications Act of 1934 (47 U.S.C. 152(b)) is amended by inserting "and section 332," after "inclusive,".

(ii) Section 3 of the Communications Act of 1934 (47 U.S.C. 153) is amended—

(I) in subsection (n) by inserting "(1)" after "and includes", and by inserting before the period at the end the following: ", (2) a mobile service which provides a regularly interacting group of base, mobile, portable, and associated control and relay stations (whether licensed on an individual, cooperative, or multiple basis) for private one-way or two-way land mobile radio communications by eligible users over designated areas of operation, and (3) any service for which a license is required in a personal communications service established pursuant to the proceeding entitled 'Amendment to the Commission's Rules to Establish New Personal Communications Services' (GEN Docket No. 90–314; ET Docket No. 92–100), or any successor proceeding"; and

(II) by striking subsection (gg).

47 USC 332 note.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section are effective on the date of enactment of this Act.

(2) EFFECTIVE DATES OF MOBILE SERVICE AMENDMENTS.—The amendments made by subsection (b)(2) shall be effective on the date of enactment of this Act, except that—

(A) section 332(c)(3)(A) of the Communications Act of 1934, as amended by such subsection, shall take effect 1 year after such date of enactment; and

(B) any private land mobile service provided by any person before such date of enactment, and any paging service utilizing frequencies allocated as of January 1, 1993, for private land mobile services, shall, except for purposes of section 332(c)(6) of such Act, be treated as a private mobile service until 3 years after such date of enactment.

(d) DEADLINES FOR COMMISSION ACTION.—

47 USC 309 note.

(1) GENERAL RULEMAKING.—The Federal Communications Commission shall prescribe regulations to implement section 309(j) of the Communications Act of 1934 (as added by this section) within 210 days after the date of enactment of this Act.

Reports.

(2) PCS ORDERS AND LICENSING.—The Commission shall—

(A) within 180 days after such date of enactment, issue a final report and order (i) in the matter entitled "Redevelopment of Spectrum to Encourage Innovation in the Use of New Telecommunications Technologies" (ET Docket No. 92–9); and (ii) in the matter entitled "Amendment of the Commission's Rules to Establish New Personal Communications Services" (GEN Docket No. 90–314; ET Docket No. 92–100); and

(B) within 270 days after such date of enactment, commence issuing licenses and permits in the personal communications service.

(3) TRANSITIONAL RULEMAKING FOR MOBILE SERVICE PROVIDERS.—Within 1 year after the date of enactment of this Act, the Federal Communications Commission— 47 USC 332 note.

(A) shall issue such modifications or terminations of the regulations applicable (before the date of enactment of this Act) to private land mobile services as are necessary to implement the amendments made by subsection (b)(2);

(B) in the regulations that will, after such date of enactment, apply to a service that was a private land mobile service and that becomes a commercial mobile service (as a consequence of such amendments), shall make such other modifications or terminations as may be necessary and practical to assure that licensees in such service are subjected to technical requirements that are comparable to the technical requirements that apply to licensees that are providers of substantially similar common carrier services;

(C) shall issue such other regulations as are necessary to implement the amendments made by subsection (b)(2); and

(D) shall include, in such regulations, modifications, and terminations, such provisions as are necessary to provide for an orderly transition.

(e) SPECIAL RULE.—The Federal Communications Commission shall not issue any license or permit pursuant to section 309(i) of the Communications Act of 1934 (47 U.S.C. 309(i)) after the date of enactment of this Act unless— 47 USC 309 note.

(1) the Commission has made the determination required by paragraph (1)(B) of such section (as added by this section); or

(2) one or more applications for such license were accepted for filing by the Commission before July 26, 1993.

SEC. 6003. ADDITIONAL COMMUNICATIONS FEES.

(a) REGULATORY FEES.—

(1) AMENDMENT.—Title I of the Communications Act of 1934 is amended by inserting after section 8 the following new section:

"SEC. 9. REGULATORY FEES. 47 USC 159.

"(a) GENERAL AUTHORITY.—The Commission, in accordance with this section, shall assess and collect regulatory fees to recover the costs of the following regulatory activities of the Commission: enforcement activities, policy and rulemaking activities, user information services, and international activities.

"(b) ESTABLISHMENT AND ADJUSTMENT OF REGULATORY FEES.—

"(1) IN GENERAL.—The fees assessed under subsection (a) shall—

"(A) be derived by determining the full-time equivalent number of employees performing the activities described in subsection (a) within the Private Radio Bureau, Mass Media Bureau, Common Carrier Bureau, and other offices of the Commission, adjusted to take into account factors that are reasonably related to the benefits provided to the payor of the fee by the Commission's activities, including such factors as service area coverage, shared use versus exclusive use, and other factors that the Commission determines are necessary in the public interest;

"(B) be established at amounts that will result in collection, during each fiscal year, of an amount that can reasonably be expected to equal the amount appropriated for such fiscal year for the performance of the activities described in subsection (a); and

"(C) until adjusted or amended by the Commission pursuant to paragraph (2) or (3), be the fees established by the Schedule of Regulatory Fees in subsection (g).

"(2) MANDATORY ADJUSTMENT OF SCHEDULE.—For any fiscal year after fiscal year 1994, the Commission shall, by rule, revise the Schedule of Regulatory Fees by proportionate increases or decreases to reflect, in accordance with paragraph (1)(B), changes in the amount appropriated for the performance of the activities described in subsection (a) for such fiscal year. Such proportionate increases or decreases shall—

"(A) be adjusted to reflect, within the overall amounts described in appropriations Acts under the authority of paragraph (1)(A), unexpected increases or decreases in the number of licensees or units subject to payment of such fees; and

"(B) be established at amounts that will result in collection of an aggregate amount of fees pursuant to this section that can reasonably be expected to equal the aggregate amount of fees that are required to be collected by appropriations Acts pursuant to paragraph (1)(B).

Increases or decreases in fees made by adjustments pursuant to this paragraph shall not be subject to judicial review. In making adjustments pursuant to this paragraph the Commission may round such fees to the nearest $5 in the case of fees under $1,000, or to the nearest $25 in the case of fees of $1,000 or more.

"(3) PERMITTED AMENDMENTS.—In addition to the adjustments required by paragraph (2), the Commission shall, by regulation, amend the Schedule of Regulatory Fees if the Commission determines that the Schedule requires amendment to comply with the requirements of paragraph (1)(A). In making such amendments, the Commission shall add, delete, or reclassify services in the Schedule to reflect additions, deletions, or changes in the nature of its services as a consequence of Commission rulemaking proceedings or changes in law. Increases or decreases in fees made by amendments pursuant to this paragraph shall not be subject to judicial review.

"(4) NOTICE TO CONGRESS.—The Commission shall—

"(A) transmit to the Congress notification of any adjustment made pursuant to paragraph (2) immediately upon the adoption of such adjustment; and

"(B) transmit to the Congress notification of any amendment made pursuant to paragraph (3) not later than 90 days before the effective date of such amendment.

"(c) ENFORCEMENT.—

"(1) PENALTIES FOR LATE PAYMENT.—The Commission shall prescribe by regulation an additional charge which shall be assessed as a penalty for late payment of fees required by subsection (a) of this section. Such penalty shall be 25 percent of the amount of the fee which was not paid in a timely manner.

"(2) DISMISSAL OF APPLICATIONS FOR FILINGS.—The Commission may dismiss any application or other filing for failure to pay in a timely manner any fee or penalty under this section.

"(3) REVOCATIONS.—In addition to or in lieu of the penalties and dismissals authorized by paragraphs (1) and (2), the Commission may revoke any instrument of authorization held by any entity that has failed to make payment of a regulatory fee assessed pursuant to this section. Such revocation action may be taken by the Commission after notice of the Commission's intent to take such action is sent to the licensee by registered mail, return receipt requested, at the licensee's last known address. The notice will provide the licensee at least 30 days to either pay the fee or show cause why the fee does not apply to the licensee or should otherwise be waived or payment deferred. A hearing is not required under this subsection unless the licensee's response presents a substantial and material question of fact. In any case where a hearing is conducted pursuant to this section, the hearing shall be based on written evidence only, and the burden of proceeding with the introduction of evidence and the burden of proof shall be on the licensee. Unless the licensee substantially prevails in the hearing, the Commission may assess the licensee for the costs of such hearing. Any Commission order adopted pursuant to this subsection shall determine the amount due, if any, and provide the licensee with at least 30 days to pay that amount or have its authorization revoked. No order of revocation under this subsection shall become final until the licensee has exhausted its right to judicial review of such order under section 402(b)(5) of this title.

"(d) WAIVER, REDUCTION, AND DEFERMENT.—The Commission may waive, reduce, or defer payment of a fee in any specific instance for good cause shown, where such action would promote the public interest.

"(e) DEPOSIT OF COLLECTIONS.—Moneys received from fees established under this section shall be deposited as an offsetting collection in, and credited to, the account providing appropriations to carry out the functions of the Commission.

"(f) REGULATIONS.—

"(1) IN GENERAL.—The Commission shall prescribe appropriate rules and regulations to carry out the provisions of this section. Such rules and regulations shall permit payment by installments in the case of fees in large amounts, and in the case of fees in small amounts, shall require the payment

of the fee in advance for a number of years not to exceed the term of the license held by the payor.

"(g) SCHEDULE.—Until amended by the Commission pursuant to subsection (b), the Schedule of Regulatory Fees which the Federal Communications Commission shall, subject to subsection (a)(2), assess and collect shall be as follows:

"SCHEDULE OF REGULATORY FEES

Bureau/Category	Annual Regulatory Fee
Private Radio Bureau	
Exclusive use services (per license)	
Land Mobile (above 470 MHz, Base Station and SMRS) (47 C.F.R. Part 90)	$16
Microwave (47 C.F.R. Part 94)	16
Interactive Video Data Service (47 C.F.R. Part)	16
Shared use services (per license unless otherwise noted)	7
Amateur vanity call-signs	7
Mass Media Bureau (per license)	
AM radio (47 C.F.R. Part 73)	
Class D Daytime	250
Class A Fulltime	900
Class B Fulltime	500
Class C Fulltime	200
Construction permits	100
FM radio (47 C.F.R. Part 73)	
Classes C, C1, C2, B	900
Classes A, B1, C3	600
Construction permits	500
TV (47 C.F.R. Part 73)	
VHF Commercial	
Markets 1 thru 10	18,000
Markets 11 thru 25	16,000
Markets 26 thru 50	12,000
Markets 51 thru 100	8,000
Remaining Markets	5,000
Construction permits	4,000
UHF Commercial	
Markets 1 thru 10	14,400
Markets 11 thru 25	12,800
Markets 26 thru 50	9,600
Markets 51 thru 100	6,400
Remaining Markets	4,000
Construction permits	3,200
Low Power TV, TV Translator, and TV Booster (47 C.F.R. Part 74)	135
Broadcast Auxiliary (47 C.F.R. Part 74)	25
International (HF) Broadcast (47 C.F.R. Part 73)	200
Cable Antenna Relay Service (47 C.F.R. Part 78)	220
Cable Television System (per 1,000 subscribers) (47 C.F.R. Part 76)	370
Common Carrier Bureau	
Radio Facilities	
Cellular Radio (per 1,000 subscribers) (47 C.F.R. Part 22)	60
Personal Communications (per 1,000 subscribers) (47 C.F.R.)	60
Space Station (per operational station in geosynchronous orbit) (47 C.F.R. Part 25)	65,000
Space Station (per system in low-earth orbit) (47 C.F.R. Part 25)	90,000
Public Mobile (per 1,000 subscribers) (47 C.F.R. Part 22)	60
Domestic Public Fixed (per call sign) (47 C.F.R. Part 21)	55
International Public Fixed (per call sign) (47 C.F.R. Part 23)	110
Earth Stations (47 C.F.R. Part 25)	
VSAT and equivalent C-Band antennas (per 100 antennas)	6
Mobile satellite earth stations (per 100 antennas)	6
Earth station antennas	
Less than 9 meters (per 100 antennas)	6
9 Meters or more	

"SCHEDULE OF REGULATORY FEES—Continued

Bureau/Category	Annual Regulatory Fee
Transmit/Receive and Transmit Only (per meter)	85
Receive only (per meter)	55
Carriers	
Inter-Exchange Carrier (per 1,000 presubscribed access lines)	60
Local Exchange Carrier (per 1,000 access lines)	60
Competitive access provider (per 1,000 subscribers)	60
International circuits (per 100 active 64KB circuit or equivalent)	220

"(h) EXCEPTIONS.—The charges established under this section shall not be applicable to (1) governmental entities or nonprofit entities; or (2) to amateur radio operator licenses under part 97 of the Commission's regulations (47 C.F.R. Part 97).

"(i) ACCOUNTING SYSTEM.—The Commission shall develop accounting systems necessary to making the adjustments authorized by subsection (b)(3). In the Commission's annual report, the Commission shall prepare an analysis of its progress in developing such systems and shall afford interested persons the opportunity to submit comments concerning the allocation of the costs of performing the functions described in subsection (a) among the services in the Schedule.".

(2) CONFORMING AMENDMENTS.—Section 8 of the Communications Act of 1934 (47 U.S.C. 158) is amended—

(A) by striking the heading of such section and inserting "APPLICATION FEES";

(B) by striking "charges" each place it appears and inserting "application fees";

(C) by striking "charge" each place it appears in subsection (c) and inserting "application fee";

(D) by striking out "Schedule of Charges" each place it appears and inserting "Schedule of Application Fees"; and

(E) in the schedule contained in subsection (g)—

(i) by striking "SCHEDULE OF CHARGES" and inserting "SCHEDULE OF APPLICATION FEES";

(ii) by striking "charge" and "Charges" each place they appear and inserting "application fee" and "Application fees", respectively; and

(iii) by striking "CHARGES" and inserting "APPLICATION FEES".

(b) USE OF REGULATORY FEES.—Section 6 of the Communications Act of 1934 (47 U.S.C. 156) is amended by adding at the end the following new subsection:

"(d) Of the sum appropriated in any fiscal year under this section, a portion, in an amount determined under section 9(b), shall be derived from fees authorized by section 9.".

TITLE VII—NUCLEAR REGULATORY COMMISSION PROVISIONS

SEC. 7001. NUCLEAR REGULATORY COMMISSION ANNUAL CHARGES.

Section 6101(a)(3) of the Omnibus Budget Reconciliation Act of 1990 (42 U.S.C. 2214(a)(3)) is amended by striking "September 30, 1995" and inserting "September 30, 1998".

TITLE VIII—PATENT AND TRADEMARK FEES

SEC. 8001. PATENT AND TRADEMARK FEES.

Section 10101 of the Omnibus Budget Reconciliation Act of 1990 (35 U.S.C. 41 note) is amended—

(1) in subsection (a) by striking "1995" and inserting "1998";

(2) in subsection (b)(2) by striking "1995" and inserting "1998"; and

(3) in subsection (c)—

(A) by striking "through 1995" and inserting "through 1998"; and

(B) by adding at the end the following:

"(6) $111,000,000 in fiscal year 1996.

"(7) $115,000,000 in fiscal year 1997.

"(8) $119,000,000 in fiscal year 1998.".

TITLE IX—MERCHANT MARINE PROVISIONS

SEC. 9001. EXTENSION OF VESSEL TONNAGE DUTIES.

(a) EXTENSION OF DUTIES.—Section 36 of the Act of August 5, 1909 (36 Stat. 111; 46 App. U.S.C. 121), is amended by—

(1) striking "and 1995," each place it appears and inserting "1995, 1996, 1997, 1998,";

(2) striking "place," and inserting "place;"; and

(3) striking "port, not, however, to include vessels in distress or not engaged in trade" and inserting "port. However, neither duty shall be imposed on vessels in distress or not engaged in trade".

(b) CONFORMING AMENDMENT.—The Act of March 8, 1910 (36 Stat. 234; 46 App. U.S.C. 132), is amended by striking "and 1995," and inserting "1995, 1996, 1997, and 1998,".

(c) TECHNICAL CORRECTION.—

46 USC app. 121.

(1) CORRECTION.—Section 10402(a) of the Omnibus Budget Reconciliation Act of 1990 (104 Stat. 1388–398) is amended by striking "in the second paragraph".

46 USC app. 121 note.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective on and after November 5, 1990.

TITLE X—NATURAL RESOURCE PROVISIONS

Subtitle A—Recreation Use Fees

SEC. 10001. ADMISSION FEES.

(a) ADDITIONAL AREAS.—(1) The first sentence of section 4(a) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–6a(a)) is amended by inserting after "National Park System" the phrase "or National Conservation Areas" and by inserting after "National Recreation Areas" the following ", National Monuments,

National Volcanic Monuments, National Scenic Areas, and no more than 21 areas of concentrated public use".

(2) Section 4(a) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–6a(a)) is amended by inserting the following after the first sentence: "For purposes of this subsection, the term 'area of concentrated public use' means an area that is managed primarily for outdoor recreation purposes, contains at least one major recreation attraction, where facilities and services necessary to accommodate heavy public use are provided, and public access to the area is provided in such a manner that admission fees can be efficiently collected at one or more centralized locations.".

(b) GOLDEN AGE PASSPORT.—The second sentence of section 4(a)(4) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–6a(a)(4)) is amended by striking "without charge," and inserting in lieu thereof "for a one-time charge of $10,".

SEC. 10002. RECREATION USER FEES.

(a) IN GENERAL.—(1) The first sentence of section 4(b) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–6a(b)) is amended by striking out "toilet facilities, picnic tables, or boat ramps" and all that follows down through the end of the sentence and inserting in lieu thereof: "or toilet facilities, nor shall there be any such charge solely for the use of picnic tables: *Provided,* That in no event shall there be a charge for the use of any campground not having a majority of the following: tent or trailer spaces, picnic tables, drinking water, access road, refuse containers, toilet facilities, personal collection of the fee by an employee or agent of the Federal agency operating the facility, reasonable visitor protection, and simple devices for containing a campfire (where campfires are permitted). For the purposes of this subsection, the term 'specialized outdoor recreation sites' includes, but is not limited to, campgrounds, swimming sites, boat launch facilities, and managed parking lots.".

(2) Section 4(b) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–6a(b)) is amended by striking the second sentence.

(b) COSTS OF COLLECTION.—Section 4(i)(1) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–6a(i)) is amended by inserting "(A)" after "(1)" and by adding the following at the end of paragraph (1):

"(B) Notwithstanding subparagraph (A), in any fiscal year, the Secretary of Agriculture and the Secretary of the Interior may withhold from the special account established under subparagraph (A) such portion of all receipts collected from fees imposed under this section in such fiscal year as the Secretary of Agriculture or the Secretary of the Interior, as appropriate, determines to be equal to the fee collection costs for that fiscal year: *Provided,* That such costs shall not exceed 15 percent of all receipts collected from fees imposed under this section in that fiscal year. The amounts so withheld shall be retained by the Secretary of Agriculture or the Secretary of the Interior, as appropriate, and shall be available, without further appropriation, for expenditure by the Secretary concerned to cover fee collection costs in that fiscal year. The Secretary concerned shall deposit into the special account established pursuant to subparagraph (A) any amounts so retained which remain unexpended and unobligated at the end of the fiscal year. For the purposes of this subparagraph, for any fiscal year, the

term 'fee collection costs' means those costs for personnel and infrastructure directly associated with the collection of fees imposed under this section.".

(c) COMMERCIAL TOUR USE FEES.—Section 4 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–6a) is amended by adding the following new subsection at the end thereof:

"(n)(1) In the case of each unit of the National Park System for which an admission fee is charged under this section, the Secretary of the Interior shall establish, by October 1, 1993, a commercial tour use fee to be imposed on each vehicle entering the unit for the purpose of providing commercial tour services within the unit. Fee revenue derived from such commercial tour use fees shall be deposited into the special account established under subsection (i).

"(2) The Secretary shall establish the amount of fee per entry as follows:

"(A) $25 per vehicle with a passenger capacity of 25 persons or less, and

"(B) $50 per vehicle with a passenger capacity of more than 25 persons.

"(3) The Secretary may periodically make reasonable adjustments to the commercial tour use fee imposed under this subsection.

"(4) The commercial tour use fee imposed under this subsection shall not apply to either of the following:

"(A) Any vehicle transporting organized school groups or outings conducted for educational purposes by schools or other bona fide educational institutions.

"(B) Any vehicle entering a park system unit pursuant to a contract issued under the Act of October 9, 1965 (16 U.S.C. 20–20g) entitled 'An Act relating to the establishment of concession policies in the areas administered by the National Park Service and for other purposes.'.

"(5)(A) The provisions of this subsection shall apply to aircraft entering the airspace of units of the National Park System identified in section 2(b) and section 3 of Public Law 100–91 for the specific purpose of providing commercial tour services within the airspace of such units.

"(B) The provisions of this subsection shall also apply to aircraft entering the airspace of other units of the National Park System for the specific purpose of providing commercial tour services if the Secretary determines that the level of such services is equal to or greater than the level at those units of the National Park System specified in subparagraph (A).".

(d) NON-FEDERAL GOLDEN EAGLE PASSPORT SALES.—Section 4(a)(1)(A) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–6a(a)(1)(A)) is amended by inserting "(i)" after "(A)" and by adding at the end thereof the following new clause:

"(ii) The Secretary of the Interior and the Secretary of Agriculture may authorize businesses, nonprofit entities, and other organizations to sell and collect fees for the Golden Eagle Passport subject to such terms and conditions as the Secretaries may jointly prescribe. The Secretaries shall develop detailed guidelines for promotional advertising of non-Federal Golden Eagle Passport sales and shall monitor compliance with such guidelines. The Secretaries may authorize the sellers to withhold amounts up to, but not exceeding 8 percent of the gross fees collected from the sale of such passports as reimbursement for actual expenses of the sales.

Receipts from such non-Federal sales of the Golden Eagle Passport shall be deposited into the special account established in subsection (i), to be allocated between the Secretary of the Interior and the Secretary of Agriculture in the same ratio as receipts from admission into Federal fee areas administered by the Secretary of Agriculture and the Secretary of the Interior pursuant to subsection (a).".

(e) CONFORMING AMENDMENT.—Section 4(a)(1)(A) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–6a(a)(1)(A)) is amended by striking the third sentence in its entirety and inserting in lieu thereof "The annual permit shall be valid for a period of 12 months from the date the annual fee is paid.".

SEC. 10003. COMMUNICATION SITE FEES.

Notwithstanding any other provision of law, for fiscal year 1994, the Secretary of Agriculture and the Secretary of the Interior shall assess and collect annual charges for the utilization of existing radio, television, and commercial telephone transmission communication sites located on Federal lands administered by the Forest Service and the Bureau of Land Management at a level 10 percent above the fee assessed and collected during fiscal year 1993. For a site located after the enactment of this Act, the charges for fiscal year 1994 shall be equal in amount to the charges assessed for a comparable new site located before the enactment of this Act, plus 10 percent.

Subtitle B—Hardrock Mining Claim Maintenance Fee

SEC. 10101. FEE. 30 USC 28f.

(a) CLAIM MAINTENANCE FEE.—The holder of each unpatented mining claim, mill or tunnel site located pursuant to the Mining Laws of the United States, whether located before or after the enactment of this Act, shall pay to the Secretary of the Interior, on or before August 31 of each year, for years 1994 through 1998, a claim maintenance fee of $100 per claim. Such claim maintenance fee shall be in lieu of the assessment work requirement contained in the Mining Law of 1872 (30 U.S.C. 28–28e) and the related filing requirements contained in section 314 (a) and (c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1744 (a) and (c)).

(b) TIME OF PAYMENT.—The claim maintenance fee payable pursuant to subsection (a) for any assessment year shall be paid before the commencement of the assessment year, except that for the initial assessment year in which the location is made, the locator shall pay the claim maintenance fee at the time the location notice is recorded with the Bureau of Land Management. The location fee imposed under section 10102 shall be payable not later than 90 days after the date of location.

(c) OIL SHALE CLAIMS SUBJECT TO CLAIM MAINTENANCE FEES UNDER ENERGY POLICY ACT OF 1992.—This section shall not apply to any oil shale claims for which a fee is required to be paid under section 2511(e)(2) of the Energy Policy Act of 1992 (Public Law 102–486; 106 Stat. 3111; 30 U.S.C. 242).

(d) WAIVER.—(1) The claim maintenance fee required under this section may be waived for a claimant who certifies in writing

to the Secretary that on the date the payment was due, the claimant and all related parties—

(A) held not more than 10 mining claims, mill sites, or tunnel sites, or any combination thereof, on public lands; and

(B) have performed assessment work required under the Mining Law of 1872 (30 U.S.C. 28–28e) to maintain the mining claims held by the claimant and such related parties for the assessment year ending on noon of September 1 of the calendar year in which payment of the claim maintenance fee was due.

(2) For purposes of paragraph (1), with respect to any claimant, the term "related party" means—

(A) the spouse and dependent children (as defined in section 152 of the Internal Revenue Code of 1986), of the claimant; and

(B) a person who controls, is controlled by, or is under common control with the claimant.

For purposes of this section, the term control includes actual control, legal control, and the power to exercise control, through or by common directors, officers, stockholders, a voting trust, or a holding company or investment company, or any other means.

30 USC 28g.

SEC. 10102. LOCATION FEE.

Notwithstanding any other provision of law, for every unpatented mining claim, mill or tunnel site located after the date of enactment of this subtitle and before September 30, 1998, pursuant to the Mining Laws of the United States, the locator shall, at the time the location notice is recorded with the Bureau of Land Management, pay to the Secretary of the Interior a location fee, in addition to the claim maintenance fee required by section 10101, of $25.00 per claim.

30 USC 28h.

SEC. 10103. CO-OWNERSHIP.

The co-ownership provisions of the Mining Law of 1872 (30 U.S.C. 28) shall remain in effect, except that in applying such provisions, the annual claim maintenance fee required under this Act shall, where applicable, replace applicable assessment requirements and expenditures.

30 USC 28i.

SEC. 10104. FAILURE TO PAY.

Failure to pay the claim maintenance fee or the location fee as required by this subtitle shall conclusively constitute a forfeiture of the unpatented mining claim, mill or tunnel site by the claimant and the claim shall be deemed null and void by operation of law.

30 USC 28j.

SEC. 10105. OTHER REQUIREMENTS.

(a) FEDERAL LAND POLICY AND MANAGEMENT ACT REQUIREMENTS.—Nothing in this subtitle shall change or modify the requirements of section 314(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1744(b)), or the requirements of section 314(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1744(c)) related to filings required by section 314(b), and such requirements shall remain in effect with respect to claims, and mill or tunnel sites for which fees are required to be paid under this section.

(b) REVISED STATUTES SECTION 2324.—The third sentence of section 2324 of the Revised Statutes (30 U.S.C. 28) is amended by inserting after "On each claim located after the tenth day of May, eighteen hundred and seventy-two," the following: "that is

granted a waiver under section 10101 of the Omnibus Budget Reconciliation Act of 1993,".

(c) FEE ADJUSTMENTS.—(1) The Secretary of the Interior shall adjust the fees required by this subtitle to reflect changes in the Consumer Price Index published by the Bureau of Labor Statistics of the Department of Labor every 5 years after the date of the enactment of this Act, or more frequently if the Secretary determines an adjustment to be reasonable.

(2) The Secretary shall provide claimants notice of any adjustment made under this subsection not later than July 1 of any year in which the adjustment is made.

(3) A fee adjustment under this subsection shall begin to apply the first assessment year which begins after adjustment is made.

SEC. 10106. REGULATIONS. 30 USC 28k.

The Secretary of the Interior shall promulgate rules and regulations to carry out the terms and conditions of this subtitle as soon as practicable after the date of the enactment of this subtitle.

Subtitle C—Mineral Receipts

SEC. 10201. AMENDMENT TO THE MINERAL LEASING ACT.

Section 35 of the Mineral Leasing Act (30 U.S.C. 191) is amended as follows:

(1) Delete the last sentence and redesignate the remaining language as subsection (a).

(2) Amend subsection (a) by inserting "and, subject to the provisions of subsection (b)," between the words "United States;" and "50 per centum".

(3) Add a new subsection (b) as follows:

"(b)(1) In calculating the amount to be paid to States during any fiscal year under this section or under any other provision of law requiring payment to a State of any revenues derived from the leasing of any onshore lands or interest in land owned by the United States for the production of the same types of minerals leasable under this Act or of geothermal steam, 50 percent of the portion of the enacted appropriation of the Department of the Interior and any other agency during the preceding fiscal year allocable to the administration of all laws providing for the leasing of any onshore lands or interest in land owned by the United States for the production of the same types of minerals leasable under this Act or of geothermal steam, and to enforcement of such laws, shall be deducted from the receipts derived under those laws in approximately equal amounts each month (subject to paragraph (4)) prior to the division and distribution of such receipts between the States and the United States. Intergovernmental relations.

"(2) The proportion of the deduction provided in paragraph (1) allocable to each State shall be determined by dividing the monies disbursed to the State during the preceding fiscal year derived from onshore mineral leasing referred to in paragraph (1) in that State by the total money disbursed to States during the preceding fiscal year from such onshore mineral leasing in all States.

"(3) In the event the deduction apportioned to any State under this subsection exceeds 50 percent of the Secretary of the Interior's estimate of the amounts attributable to onshore mineral leasing

referred to in paragraph (1) within that State during the preceding fiscal year, the deduction from receipts received from leases in that State shall be limited to such estimated amounts and the total amount to be deducted from such onshore mineral leasing receipts shall be reduced accordingly.

"(4) If the amount otherwise deductible under this subsection in any month from the portion of receipts to be distributed to a State exceeds the amount payable to the State during that month, any amount exceeding the amount payable shall be carried forward and deducted from amounts payable to the State in subsequent months. If any amount remains to be carried forward at the end of the fiscal year, such amount shall not be deducted from any disbursements in any subsequent fiscal year.

"(5) All deductions to be made pursuant to this subsection shall be made in full during the fiscal year in which such deductions were incurred.".

SEC. 10202. CONFORMING AMENDMENTS.

(a) MINERAL LEASING ACT FOR ACQUIRED LANDS.—Section 6(a) of the Mineral Leasing Act for Acquired Lands (30 U.S.C. 355) is amended by striking "All receipts" at the beginning of the first sentence and inserting the following: "Subject to the provisions of section 35(b) of the Mineral Leasing Act (30 U.S.C. 191(b)), all receipts".

(b) GEOTHERMAL STEAM ACT.—Section 20 of the Geothermal Steam Act (30 U.S.C. 1019) is amended by striking "All moneys" at the beginning thereof and inserting "Subject to the provisions of section 35(b) of the Mineral Leasing Act (30 U.S.C. 191(b)), all moneys".

TITLE XI—CIVIL SERVICE AND POST OFFICE PROVISIONS

Subtitle A—Civil Service

5 USC 8340 note.

SEC. 11001. DELAY IN COST-OF-LIVING ADJUSTMENTS IN FEDERAL EMPLOYEE RETIREMENT BENEFITS DURING FISCAL YEARS 1994, 1995, AND 1996.

(a) APPLICABILITY.—This section shall apply with respect to any cost-of-living increase scheduled to take effect, during fiscal year 1994, 1995, or 1996, under—

(1) section 8340(b) or 8462(b) of title 5, United States Code;

(2) section 826 or 858 of the Foreign Service Act of 1980; or

(3) section 291 of the Central Intelligence Agency Retirement Act (50 U.S.C. 2131), as set forth in section 802 of the CIARDS Technical Corrections Act of 1992 (Public Law 102–496; 106 Stat. 3196).

(b) DELAY IN EFFECTIVE DATE OF ADJUSTMENTS.—A cost-of-living increase described in subsection (a) shall not take effect until the first day of the third calendar month after the date such increase would otherwise take effect.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be considered to affect any determination relating to eligibility for

an annuity increase or the amount of the first increase in an annuity under section 8340 (b) or (c) or section 8462 (b) or (c) of title 5, United States Code, or comparable provisions of law.

SEC. 11002. PERMANENT ELIMINATION OF THE ALTERNATIVE-FORM-OF-ANNUITY OPTION EXCEPT FOR INDIVIDUALS WITH A CRITICAL MEDICAL CONDITION.

(a) CIVIL SERVICE RETIREMENT SYSTEM; FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Sections 8343a and 8420a of title 5, United States Code, are each amended—

(1) in subsection (a) by striking "an employee or Member may," and inserting "any employee or Member who has a life-threatening affliction or other critical medical condition may,"; and

(2) by striking subsection (f).

(b) FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM.—Section 807(e)(1) of the Foreign Service Act of 1980 (22 U.S.C. 4047(e)(1)) is amended by striking "a participant may," and inserting "any participant who has a life-threatening affliction or other critical medical condition may,".

(c) CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM.—Section 294(a) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2143(a)), as set forth in section 802 of the CIARDS Technical Corrections Act of 1992 (Public Law 102–496; 106 Stat. 3196), is amended by striking "a participant may," and inserting "any participant who has a life-threatening affliction or other critical medical condition may,".

(d) EFFECTIVE DATE.—The amendments made by this section shall become effective on October 1, 1994, and shall apply with respect to any annuity commencing on or after that date. 5 USC 8343a note.

SEC. 11003. APPLICATION OF MEDICARE PART B LIMITS TO PHYSICIANS' SERVICES FURNISHED TO FEDERAL EMPLOYEE HEALTH BENEFITS ENROLLEES AGE 65 OR OLDER.

(a) IN GENERAL.—Section 8904(b) of title 5, United States Code, is amended—

(1) in paragraph (1) by inserting "(A)" after "(b)(1)" and by adding at the end the following:

"(B)(i) A plan, other than a prepayment plan described in section 8903(4), may not provide benefits, in the case of any retired enrolled individual who is age 65 or older and is not entitled to Medicare supplementary medical insurance benefits under part B of title XVIII of the Social Security Act (42 U.S.C. 1395j et seq.), to pay a charge imposed for physicians' services (as defined in section 1848(j) of such Act, 42 U.S.C. 1395w–4(j)) which are covered for purposes of benefit payments under this chapter and under such part, to the extent that such charge exceeds the fee schedule amount under section 1848(a) of such Act (42 U.S.C. 1395w–4(a)).

"(ii) Physicians and suppliers who have in force participation agreements with the Secretary of Health and Human Services consistent with section 1842(h)(1) of such Act (42 U.S.C. 1395u(h)(1)), whereby the participating provider accepts Medicare benefits (including allowable deductible and coinsurance amounts) as full payment for covered items and services shall accept equivalent benefit and enrollee cost-sharing under this chapter as full payment for services described in clause (i). Physicians and suppliers who are nonparticipating physicians and suppliers for purposes

of part B of title XVIII of such Act shall not impose charges that exceed the limiting charge under section 1848(g) of such Act (42 U.S.C. 1395w–4(g)) with respect to services described in clause (i) provided to enrollees described in such clause. The Office of Personnel Management shall notify a physician or supplier who is found to have violated this clause and inform them of the requirements of this clause and sanctions for such a violation. The Office of Personnel Management shall notify the Secretary of Health and Human Services if a physician or supplier is found to knowingly and willfully violate this clause on a repeated basis and the Secretary of Health and Human Services may invoke appropriate sanctions in accordance with sections 1128A(a) and 1848(g)(1) of such Act (42 U.S.C. 1320a–7a(a), 1395w–4(g)(1)) and applicable regulations.

"(C) If the Secretary of Health and Human Services determines that a violation of this subsection warrants excluding a provider from participation for a specified period under title XVIII of the Social Security Act, the Office shall enforce a corresponding exclusion of such provider for purposes of this chapter.";

(2) in paragraph (3)(B)—

(A) by inserting "(i)" after "includes"; and

(B) by inserting before the period at the end the following: ", and (ii) the fee schedule amounts and limiting charges for physicians' services established under section 1848 of such Act (42 U.S.C. 1395w–4) and the identity of participating physicians and suppliers who have in force agreements with such Secretary under section 1842(h) of such Act (42 U.S.C. 1395u(h))"; and

(3) by adding at the end the following:

Contracts.

"(4) The Director of the Office of Personnel Management shall enter into an arrangement with the Secretary of Health and Human Services, to be effective before the first day of the fifth month that begins before each contract year, under which—

"(A) physicians and suppliers (whether or not participating) under the Medicare program will be notified of the requirements of paragraph (1)(B);

"(B) enforcement procedures will be in place to carry out such paragraph (including enforcement of protections against overcharging of beneficiaries); and

"(C) Medicare program information described in paragraph (3)(B)(ii) will be supplied to carriers under paragraph (3)(A).".

5 USC 8904 note.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to contract years beginning on or after January 1, 1995.

Regulations.

SEC. 11004. FEDERAL EMPLOYEES' SURVIVOR ANNUITY IMPROVEMENTS.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—

(1) REDUCTION FOR SPOUSAL ANNUITY.—Section 8339(j) of title 5, United States Code, is amended—

(A) in paragraph (3)—

(i) in the second sentence by striking ", within such 2-year period,"; and

(ii) by striking the fourth sentence and inserting the following: "The Office shall, by regulation, provide for payment of the deposit required under this paragraph by a reduction in the annuity of the employee

or Member. The reduction shall, to the extent practicable, be designed so that the present value of the future reduction is actuarially equivalent to the deposit required under this paragraph, except that the total reductions in the annuity of an employee or Member to pay deposits required by the provisions of this paragraph, paragraph (5), or subsection (k)(2) shall not exceed 25 percent of the annuity computed under subsections (a) through (i), (n), and (q), including adjustments under section 8340. The reduction, which shall be effective on the same date as the election under this paragraph, shall be permanent and unaffected by any future termination of the entitlement of the former spouse. Such reduction shall be independent of and in addition to the reduction required under the first sentence of this paragraph."; and

(B) in paragraph (5)(C)—

(i) in clause (ii) by striking ", within 2 years after the date of the remarriage or, if later, the death or remarriage of the former spouse (or of the last such surviving former spouse),"; and

(ii) by amending clause (iii) to read as follows:

"(iii) The Office shall, by regulation, provide for payment of the deposit required under clause (ii) by a reduction in the annuity of the employee or Member. The reduction shall, to the extent practicable, be designed so that the present value of the future reduction is actuarially equivalent to the deposit required under clause (ii), except that total reductions in the annuity of an employee or Member to pay deposits required by the provisions of this paragraph or paragraph (3) shall not exceed 25 percent of the annuity computed under subsections (a) through (i), (n), and (q), including adjustments under section 8340. The reduction required by this clause, which shall be effective on the same date as the election under clause (i), shall be permanent and unaffected by any future termination of the marriage. Such reduction shall be independent of and in addition to the reduction required under clause (i).".

(2) REDUCTION RELATING TO FORMER SPOUSE.—Section 8339(k)(2) of title 5, United States Code, is amended—

(A) in subparagraph (B)(ii) by striking "Within 2 years after the date of the marriage, the" and inserting "The"; and

(B) by amending subparagraph (C) to read as follows:

"(C) The Office shall, by regulation, provide for payment of the deposit required under subparagraph (B)(ii) by a reduction in the annuity of the employee or Member. The reduction shall, to the extent practicable, be designed so that the present value of the future reduction is actuarially equivalent to the deposit required under subparagraph (B)(ii), except that total reductions in the annuity of an employee or Member to pay deposits required by this subsection or subsection (j)(3) shall not exceed 25 percent of the annuity computed under subsections (a) through (i), (n), and (q), including adjustments under section 8340. The reduction required by this subparagraph, which shall be effective on the same date as the election under subparagraph (A), shall be permanent and unaffected

by any future termination of the marriage. Such reduction shall be independent of and in addition to the reduction required under subparagraph (A).".

(3) DEPOSITS.—Section 8334(h) of title 5, United States Code, is amended by striking "and by section 8339(j)(5)(C) and the last sentence of section 8339(k)(2) of this title".

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Section 8418 of title 5, United States Code, is amended—

(1) in subsection (a)(1) by striking ", before the expiration of the 2-year period involved,"; and

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

"(b) The Office shall, by regulation, provide for payment of the deposit required under subsection (a) by a reduction in the annuity of the employee or Member. The reduction shall, to the extent practicable, be designed so that the present value of the future reduction is actuarially equivalent to the deposit required under subsection (a), except that the total reductions in the annuity of an employee or Member to pay deposits required by this section shall not exceed 25 percent of the annuity computed under section 8415 or section 8452, including adjustments under section 8462. The reduction required by this subsection, which shall be effective at the same time as the election under section 8416 (b) and (c) or section 8417(b), shall be permanent and unaffected by any future termination of the marriage or the entitlement of the former spouse. Such reduction shall be independent of and in addition to the reduction required under section 8416 (b) and (c) or section 8417(b).".

5 USC 8339 note.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the first day of the first month beginning at least 30 days after the date of the enactment of this Act and shall apply to all deposits required under section 8339(j)(3) or (5), 8339(k)(2), or 8418 of title 5, United States Code, on which no payment has been made prior to such effective date.

(2) PARTIAL DEPOSIT.—For any deposit required under section 8339(j) (3) or (5), 8339(k)(2), or 8418 of title 5, United States Code, or section 4 (b) or (c) of the Civil Service Retirement Spouse Equity Act of 1984 (5 U.S.C. 8341 note) that has been partially, but not fully, paid before the effective date of this Act, the Office shall by regulation provide for determining the remaining portion of the deposit and for payment of the remaining portion of the deposit by a prospective reduction in the annuity of the employee or Member. The reduction shall be similar to the reductions provided pursuant to the amendments made under this section.

SEC. 11005. TEMPORARY EXTENSION AND MODIFICATION OF THE METHOD FOR DETERMINING GOVERNMENT CONTRIBUTIONS UNDER FEHBP IN THE ABSENCE OF A GOVERNMENT-WIDE INDEMNITY BENEFIT PLAN.

Public Law 101-76 (5 U.S.C. 8906 note) is amended by striking the matter after the enacting clause and before paragraph (2) of subsection (a) and inserting the following:

"That (a)(1) in the administration of chapter 89 of title 5, United States Code, for each of contract years 1990 through 1998 (inclusive), in order to compute the average subscription charges under

section 8906(a) of such title for such contract years, the subscription charges in effect for the indemnity benefit plan on the beginning date of each such contract year—

"(A) shall be deemed to be the subscription charges which were in effect for such plan on the beginning date of the preceding contract year as adjusted under paragraph (2); or

"(B) if subparagraph (A) does not apply, shall be deemed to be—

"(i) the subscription charges which were deemed under this Act to have been in effect for such plan with respect to the preceding contract year as adjusted under paragraph (2), except as provided in clause (ii); or

"(ii) for each of contract years 1997 and 1998, the subscription charges which would be derived by applying the terms of clause (i), reduced by 1 percent.".

Subtitle B—Postal Service

SEC. 11101. PAYMENTS TO BE MADE BY THE UNITED STATES POSTAL SERVICE.

5 USC 8348 note.

(a) RELATING TO CORRECTED CALCULATIONS FOR PAST RETIREMENT COLAS.—In addition to any other payments required under section 8348(m) of title 5, United States Code, or any other provision of law, the United States Postal Service shall pay into the Civil Service Retirement and Disability Fund a total of $693,000,000, of which—

(1) at least one-third shall be paid not later than September 30, 1996;

(2) at least two-thirds shall be paid not later than September 30, 1997; and

(3) any remaining balance shall be paid not later than September 30, 1998.

5 USC 8906 note.

(b) RELATING TO CORRECTED CALCULATIONS FOR PAST HEALTH BENEFITS.—In addition to any other payments required under section 8906(g)(2) of title 5, United States Code, or any other provision of law, the United States Postal Service shall pay into the Employees Health Benefits Fund a total of $348,000,000, of which—

(1) at least one-third shall be paid not later than September 30, 1996;

(2) at least two-thirds shall be paid not later than September 30, 1997; and

(3) any remaining balance shall be paid not later than September 30, 1998.

TITLE XII—VETERANS' AFFAIRS PROVISIONS

Veterans Reconciliation Act of 1993.

SEC. 12001. SHORT TITLE.

38 USC 101 note.

This title may be cited as the "Veterans Reconciliation Act of 1993".

SEC. 12002. EXTENSION OF AUTHORITY TO REQUIRE THAT CERTAIN VETERANS AGREE TO MAKE COPAYMENTS IN EXCHANGE FOR RECEIVING HEALTH-CARE BENEFITS.

(a) HOSPITAL AND MEDICAL CARE.—Section 8013(e) of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101–508; 38 U.S.C. 1710 note) is amended—

(1) by striking out "September 30, 1992" in the first sentence and inserting in lieu thereof "September 30, 1998"; and

(2) by striking out the second sentence.

(b) OUTPATIENT MEDICATIONS.—Section 1722A(c) of title 38, United States Code, is amended—

(1) by striking out "September 30, 1992" in the first sentence and inserting in lieu thereof "September 30, 1998"; and

(2) by striking out the second sentence.

SEC. 12003. EXTENSION OF AUTHORITY FOR MEDICAL CARE COST RECOVERY.

Section 1729(a)(2)(E) of title 38, United States Code, is amended by striking out "before August 1, 1994," and inserting in lieu thereof "before October 1, 1998,".

SEC. 12004. EXTENSION OF CERTAIN INCOME VERIFICATION AUTHORITY.

Section 5317(g) of title 38, United States Code, is amended by striking out "September 30, 1997" and inserting in lieu thereof "September 30, 1998".

SEC. 12005. EXTENSION OF LIMITATION ON PENSION FOR CERTAIN RECIPIENTS OF MEDICAID-COVERED NURSING HOME CARE.

Section 5503(f)(7) of title 38, United States Code, is amended by striking out "September 30, 1997" and inserting in lieu thereof "September 30, 1998".

SEC. 12006. EXTENSION OF PROCEDURES APPLICABLE TO LIQUIDATION SALES ON DEFAULTED HOME LOANS GUARANTEED BY THE DEPARTMENT OF VETERANS AFFAIRS.

(a) INCLUSION OF LOSSES.—Section 3732(c) of title 38, United States Code, is amended—

(1) in paragraph (1)(C), by striking out "resale," and inserting in lieu thereof "resale (including losses sustained on the resale of the property),"; and

(2) in paragraph (11), by striking out "shall" and all that follows and inserting in lieu thereof "shall apply to loans closed before October 1, 1998.".

38 USC 3732 note.

(b) EFFECTIVE DATE.—The amendments made by this section shall become effective October 1, 1993.

SEC. 12007. LOAN FEES.

(a) INCREASE IN HOME LOAN FEES.—Subsection (a) of section 3729 of title 38, United States Code, is amended—

(1) by striking out paragraph (6); and

(2) by inserting after paragraph (3) the following:

"(4) With respect to a loan closed after September 30, 1993, and before October 1, 1998, for which a fee is collected under paragraph (1), the amount of such fee, as computed under paragraph (2), shall be increased by 0.75 percent of the total loan

amount other than in the case of a loan described in subparagraph (A), (D)(ii), or (E) of paragraph (2).".

(b) FEE FOR MULTIPLE USE OF HOUSING ASSISTANCE.—Subsection (a) of such section, as amended by subsection (a) of this section, is amended by adding at the end the following:

"(5)(A) Except as provided in subparagraph (B) of this paragraph, notwithstanding paragraphs (2) and (4) of this subsection, after a veteran has obtained an initial loan pursuant to section 3710 of this title, the amount of such fee with respect to any additional loan obtained under this chapter by such veteran shall be 3 percent of the total loan amount.

"(B) Subparagraph (A) of this paragraph does not apply with respect to (i) a loan obtained by a veteran with a downpayment described in paragraph (2)(B), (2)(C), or (2)(D)(iii) of this subsection, and (ii) loans described in paragraph (2)(E) of this subsection.

"(C) This paragraph applies with respect to a loan closed after September 30, 1993, and before October 1, 1998.".

(c) CONFORMING AMENDMENT.—Paragraph (2) of subsection (a) of such section is amended by striking out "paragraph (6)" and inserting in lieu thereof "paragraphs (4) and (5)".

SEC. 12008. POLICY REGARDING COST-OF-LIVING ADJUSTMENT IN COMPENSATION RATES.

38 USC 1101 note.

(a) POLICY.—The fiscal year 1994 cost-of-living adjustments in the rates of and limitations for compensation payable under chapter 11 of title 38, United States Code, and of dependency and indemnity compensation payable under chapter 13 of such title, except as provided in subsection (b) of this section, will be no more than a percentage equal to the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 1993, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)), with all increased monthly rates and limitations (other than increased rates or limitations equal to a whole dollar amount) rounded down to the next lower dollar.

(b) LIMITATION ON FISCAL YEAR 1994 COST-OF-LIVING ADJUSTMENT FOR CERTAIN DIC RECIPIENTS.—(1) During fiscal year 1994, the amount of any increase in any of the rates of dependency and indemnity compensation in effect under section 1311(a)(3) of title 38, United States Code, will not exceed 50 percent of the new law increase, rounded down (if not an even dollar amount) to the next lower dollar.

(2) For purposes of paragraph (1), the new law increase is the amount by which the rate of dependency and indemnity compensation provided for recipients under section 1311(a)(1) of such title is increased for fiscal year 1994.

SEC. 12009. LIMITATION REGARDING COST-OF-LIVING ADJUSTMENTS FOR MONTGOMERY GI BILL BENEFITS.

(a) BENEFITS PAYABLE UNDER CHAPTER 30.—Section 3015(g) of title 38, United States Code, is amended—

(1) by striking out "(1)" and all that follows through "(2)" and by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively; and

(2) in paragraph (2), as redesignated by paragraph (1) of this subsection, by striking out "subparagraph (A)" and inserting in lieu thereof "paragraph (1)".

(b) BENEFITS PAYABLE UNDER SELECTED RESERVE PROGRAM.—Section 2131(b)(2) of title 10, United States Code, is amended—

(1) by striking out "(A)" the first place it appears and all that follows through "(B) With respect to" and inserting in lieu thereof "With respect to";

(2) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively; and

(3) in subparagraph (B), as redesignated by paragraph (2) of this subsection, by striking out "clause (i)" and inserting in lieu thereof "subparagraph (A)".

10 USC 2131 note.

(c) LIMITATION.—The fiscal year 1995 cost-of-living adjustments in the rates of educational assistance payable under chapter 30 of title 38, United States Code, and under chapter 106 of title 10, United States Code, shall be the percentage equal to 50 percent of the percentage by which such assistance would be increased under section 3015(g) of title 38, and under section 2131(b)(2) of title 10, United States Code, respectively, but for this section.

38 USC 3015.

(d) TECHNICAL AMENDMENTS.—(1) Section 301(c) of Public Law 102–568 (106 Stat. 4326) is amended by striking out "Section 3015(f)" and inserting in lieu thereof "Section 3015(g) (as redesignated by section 307(a)(1))".

38 USC 3015.

(2) Section 307(a) of such Public Law (106 Stat. 4328) is amended by striking out "(as amended by section 301)".

38 USC 3015 note.

(3) The amendments made by paragraphs (1) and (2) shall apply as if included in the enactment of Public Law 102–568.

TITLE XIII—REVENUE, HEALTH CARE, HUMAN RESOURCES, INCOME SECURITY, CUSTOMS AND TRADE, FOOD STAMP PROGRAM, AND TIMBER SALE PROVISIONS

CHAPTER 1—REVENUE PROVISIONS

Revenue Reconciliation Act of 1993.
26 USC 1 note.

SEC. 13001. SHORT TITLE; ETC.

(a) SHORT TITLE.—This chapter may be cited as the "Revenue Reconciliation Act of 1993".

(b) AMENDMENT TO 1986 CODE.—Except as otherwise expressly provided, whenever in this chapter an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

26 USC 15 note.

(c) SECTION 15 NOT TO APPLY.—Except in the case of the amendments made by section 13221 (relating to corporate rate increase), no amendment made by this chapter shall be treated as a change in a rate of tax for purposes of section 15 of the Internal Revenue Code of 1986.

26 USC 6654 note.

(d) WAIVER OF ESTIMATED TAX PENALTIES.—No addition to tax shall be made under section 6654 or 6655 of the Internal Revenue Code of 1986 for any period before April 16, 1994 (March 16, 1994, in the case of a corporation), with respect to any underpayment to the extent such underpayment was created or increased by any provision of this chapter.

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Subchapter A—Training and Investment Incentives

PART I—PROVISIONS RELATING TO EDUCATION AND TRAINING

SEC. 13101. EMPLOYER-PROVIDED EDUCATIONAL ASSISTANCE.

(a) EXTENSION OF EXCLUSION.—

26 USC 127. (1) IN GENERAL.—Subsection (d) of section 127 (relating to educational assistance programs) is amended to read as follows:

"(d) TERMINATION.—This section shall not apply to taxable years beginning after December 31, 1994."

(2) CONFORMING AMENDMENT.—Paragraph (2) of section 103(a) of the Tax Extension Act of 1991 is hereby repealed.

(b) COORDINATION WITH SECTION 132.—Paragraph (8) of section 132(i) is amended to read as follows:

"(8) APPLICATION OF SECTION TO OTHERWISE TAXABLE EDUCATIONAL OR TRAINING BENEFITS.—Amounts paid or expenses incurred by the employer for education or training provided to the employee which are not excludable from gross income under section 127 shall be excluded from gross income under this section if (and only if) such amounts or expenses are a working condition fringe."

(c) EFFECTIVE DATES.—

26 USC 127 note. (1) SUBSECTION (a).—The amendments made by subsection (a) shall apply to taxable years ending after June 30, 1992.

26 USC 132 note. (2) SUBSECTION (b).—The amendment made by subsection (b) shall apply to taxable years beginning after December 31, 1988.

SEC. 13102. TARGETED JOBS CREDIT.

(a) EXTENSION OF CREDIT.—Paragraph (4) of section 51(c) (relating to termination) is amended by striking "June 30, 1992" and inserting "December 31, 1994".

26 USC 51 note. (b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to individuals who begin work for the employer after June 30, 1992.

PART II—INVESTMENT INCENTIVES

Subpart A—Research and Clinical Testing Credits

SEC. 13111. EXTENSION OF RESEARCH AND CLINICAL TESTING CREDITS.

(a) RESEARCH CREDIT.—

(1) IN GENERAL.—Subsection (h) of section 41 (relating to credit for research activities) is amended—

(A) by striking "June 30, 1992" each place it appears and inserting "June 30, 1995", and

(B) by striking "July 1, 1992" each place it appears and inserting "July 1, 1995".

(2) CONFORMING AMENDMENT.—Subparagraph (D) of section 28(b)(1) is amended by striking "June 30, 1992" and inserting "June 30, 1995".

(b) CLINICAL TESTING CREDIT.—Subsection (e) of section 28 is amended by striking "June 30, 1992" and inserting "December 31, 1994".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after June 30, 1992. 26 USC 28 note.

SEC. 13112. MODIFICATION OF FIXED-BASE PERCENTAGE FOR STARTUP COMPANIES.

(a) GENERAL RULE.—Clause (ii) of section 41(c)(3)(B) is amended to read as follows: 26 USC 41.

"(ii) FIXED-BASE PERCENTAGE.—In a case to which this subparagraph applies, the fixed-base percentage is—

"(I) 3 percent for each of the taxpayer's 1st 5 taxable years beginning after December 31, 1993, for which the taxpayer has qualified research expenses,

"(II) in the case of the taxpayer's 6th such taxable year, ⅙ of the percentage which the aggregate qualified research expenses of the taxpayer for the 4th and 5th such taxable years is of the aggregate gross receipts of the taxpayer for such years,

"(III) in the case of the taxpayer's 7th such taxable year, ⅓ of the percentage which the aggregate qualified research expenses of the taxpayer for the 5th and 6th such taxable years is of the aggregate gross receipts of the taxpayer for such years,

"(IV) in the case of the taxpayer's 8th such taxable year, ½ of the percentage which the aggregate qualified research expenses of the taxpayer for the 5th, 6th, and 7th such taxable years is of the aggregate gross receipts of the taxpayer for such years,

"(V) in the case of the taxpayer's 9th such taxable year, ⅔ of the percentage which the aggregate qualified research expenses of the taxpayer for the 5th, 6th, 7th, and 8th such taxable years is of the aggregate gross receipts of the taxpayer for such years,

"(VI) in the case of the taxpayer's 10th such taxable year, ⅚ of the percentage which the aggregate qualified research expenses of the taxpayer for the 5th, 6th, 7th, 8th, and 9th such taxable years is of the aggregate gross receipts of the taxpayer for such years, and

"(VII) for taxable years thereafter, the percentage which the aggregate qualified research expenses for any 5 taxable years selected by the taxpayer from among the 5th through the 10th such taxable years is of the aggregate gross receipts of the taxpayer for such selected years.".

(b) CONFORMING AMENDMENTS.—

(1) Clause (iii) of section 41(c)(3)(B) is amended by striking "clause (i)" and inserting "clauses (i) and (ii)".

(2) Subparagraph (D) of section 41(c)(3) is amended by striking "subparagraph (A)" and inserting "subparagraphs (A) and (B)(ii)".

26 USC 41 note.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1993.

Subpart B—Capital Gain Provisions

SEC. 13113. 50-PERCENT EXCLUSION FOR GAIN FROM CERTAIN SMALL BUSINESS STOCK.

(a) GENERAL RULE.—Part I of subchapter P of chapter 1 (relating to capital gains and losses) is amended by adding at the end thereof the following new section:

"SEC. 1202. 50-PERCENT EXCLUSION FOR GAIN FROM CERTAIN SMALL BUSINESS STOCK.

"(a) 50-PERCENT EXCLUSION.—In the case of a taxpayer other than a corporation, gross income shall not include 50 percent of any gain from the sale or exchange of qualified small business stock held for more than 5 years.

"(b) PER-ISSUER LIMITATION ON TAXPAYER'S ELIGIBLE GAIN.—

"(1) IN GENERAL.—If the taxpayer has eligible gain for the taxable year from 1 or more dispositions of stock issued by any corporation, the aggregate amount of such gain from dispositions of stock issued by such corporation which may be taken into account under subsection (a) for the taxable year shall not exceed the greater of—

"(A) $10,000,000 reduced by the aggregate amount of eligible gain taken into account by the taxpayer under subsection (a) for prior taxable years and attributable to dispositions of stock issued by such corporation, or

"(B) 10 times the aggregate adjusted bases of qualified small business stock issued by such corporation and disposed of by the taxpayer during the taxable year.

For purposes of subparagraph (B), the adjusted basis of any stock shall be determined without regard to any addition to basis after the date on which such stock was originally issued.

"(2) ELIGIBLE GAIN.—For purposes of this subsection, the term 'eligible gain' means any gain from the sale or exchange of qualified small business stock held for more than 5 years.

"(3) TREATMENT OF MARRIED INDIVIDUALS.—

"(A) SEPARATE RETURNS.—In the case of a separate return by a married individual, paragraph (1)(A) shall be applied by substituting '$5,000,000' for '$10,000,000'.

"(B) ALLOCATION OF EXCLUSION.—In the case of any joint return, the amount of gain taken into account under subsection (a) shall be allocated equally between the spouses for purposes of applying this subsection to subsequent taxable years.

"(C) MARITAL STATUS.—For purposes of this subsection, marital status shall be determined under section 7703.

"(c) QUALIFIED SMALL BUSINESS STOCK.—For purposes of this section—

"(1) IN GENERAL.—Except as otherwise provided in this section, the term 'qualified small business stock' means any stock in a C corporation which is originally issued after the date of the enactment of the Revenue Reconciliation Act of 1993, if—

"(A) as of the date of issuance, such corporation is a qualified small business, and

"(B) except as provided in subsections (f) and (h), such stock is acquired by the taxpayer at its original issue (directly or through an underwriter)—

"(i) in exchange for money or other property (not including stock), or

"(ii) as compensation for services provided to such corporation (other than services performed as an underwriter of such stock).

"(2) ACTIVE BUSINESS REQUIREMENT; ETC.—

"(A) IN GENERAL.—Stock in a corporation shall not be treated as qualified small business stock unless, during substantially all of the taxpayer's holding period for such stock, such corporation meets the active business requirements of subsection (e) and such corporation is a C corporation.

"(B) SPECIAL RULE FOR CERTAIN SMALL BUSINESS INVESTMENT COMPANIES.—

"(i) WAIVER OF ACTIVE BUSINESS REQUIREMENT.—Notwithstanding any provision of subsection (e), a corporation shall be treated as meeting the active business requirements of such subsection for any period during which such corporation qualifies as a specialized small business investment company.

"(ii) SPECIALIZED SMALL BUSINESS INVESTMENT COMPANY.—For purposes of clause (i), the term 'specialized small business investment company' means any eligible corporation (as defined in subsection (e)(4)) which is licensed to operate under section 301(d) of the Small Business Investment Act of 1958 (as in effect on May 13, 1993).

"(3) CERTAIN PURCHASES BY CORPORATION OF ITS OWN STOCK.—

"(A) REDEMPTIONS FROM TAXPAYER OR RELATED PERSON.—Stock acquired by the taxpayer shall not be treated as qualified small business stock if, at any time during the 4-year period beginning on the date 2 years before the issuance of such stock, the corporation issuing such stock purchased (directly or indirectly) any of its stock from the taxpayer or from a person related (within the meaning of section 267(b) or 707(b)) to the taxpayer.

"(B) SIGNIFICANT REDEMPTIONS.—Stock issued by a corporation shall not be treated as qualified business stock if, during the 2-year period beginning on the date 1 year before the issuance of such stock, such corporation made 1 or more purchases of its stock with an aggregate value (as of the time of the respective purchases) exceeding 5 percent of the aggregate value of all of its stock as of the beginning of such 2-year period.

"(C) TREATMENT OF CERTAIN TRANSACTIONS.—If any transaction is treated under section 304(a) as a distribution in redemption of the stock of any corporation, for purposes of subparagraphs (A) and (B), such corporation shall be treated as purchasing an amount of its stock equal to the amount treated as such a distribution under section 304(a).

"(d) QUALIFIED SMALL BUSINESS.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified small business' means any domestic corporation which is a C corporation if—

"(A) the aggregate gross assets of such corporation (or any predecessor thereof) at all times on or after the date of the enactment of the Revenue Reconciliation Act of 1993 and before the issuance did not exceed $50,000,000,

"(B) the aggregate gross assets of such corporation immediately after the issuance (determined by taking into account amounts received in the issuance) do not exceed $50,000,000, and

Reports.

"(C) such corporation agrees to submit such reports to the Secretary and to shareholders as the Secretary may require to carry out the purposes of this section.

"(2) AGGREGATE GROSS ASSETS.—

"(A) IN GENERAL.—For purposes of paragraph (1), the term 'aggregate gross assets' means the amount of cash and the aggregate adjusted bases of other property held by the corporation.

"(B) TREATMENT OF CONTRIBUTED PROPERTY.—For purposes of subparagraph (A), the adjusted basis of any property contributed to the corporation (or other property with a basis determined in whole or in part by reference to the adjusted basis of property so contributed) shall be determined as if the basis of the property contributed to the corporation (immediately after such contribution) were equal to its fair market value as of the time of such contribution.

"(3) AGGREGATION RULES.—

"(A) IN GENERAL.—All corporations which are members of the same parent-subsidiary controlled group shall be treated as 1 corporation for purposes of this subsection.

"(B) PARENT-SUBSIDIARY CONTROLLED GROUP.—For purposes of subparagraph (A), the term 'parent-subsidiary controlled group' means any controlled group of corporations as defined in section 1563(a)(1), except that—

"(i) 'more than 50 percent' shall be substituted for 'at least 80 percent' each place it appears in section 1563(a)(1), and

"(ii) section 1563(a)(4) shall not apply.

"(e) ACTIVE BUSINESS REQUIREMENT.—

"(1) IN GENERAL.—For purposes of subsection (c)(2), the requirements of this subsection are met by a corporation for any period if during such period—

"(A) at least 80 percent (by value) of the assets of such corporation are used by such corporation in the active conduct of 1 or more qualified trades or businesses, and

"(B) such corporation is an eligible corporation.

"(2) SPECIAL RULE FOR CERTAIN ACTIVITIES.—For purposes of paragraph (1), if, in connection with any future qualified trade or business, a corporation is engaged in—

"(A) start-up activities described in section 195(c)(1)(A),

"(B) activities resulting in the payment or incurring of expenditures which may be treated as research and experimental expenditures under section 174, or

"(C) activities with respect to in-house research expenses described in section 41(b)(4),

assets used in such activities shall be treated as used in the active conduct of a qualified trade or business. Any determination under this paragraph shall be made without regard to whether a corporation has any gross income from such activities at the time of the determination.

"(3) QUALIFIED TRADE OR BUSINESS.—For purposes of this subsection, the term 'qualified trade or business' means any trade or business other than—

"(A) any trade or business involving the performance of services in the fields of health, law, engineering, architecture, accounting, actuarial science, performing arts, consulting, athletics, financial services, brokerage services, or any trade or business where the principal asset of such trade or business is the reputation or skill of 1 or more of its employees,

"(B) any banking, insurance, financing, leasing, investing, or similar business,

"(C) any farming business (including the business of raising or harvesting trees),

"(D) any business involving the production or extraction of products of a character with respect to which a deduction is allowable under section 613 or 613A, and

"(E) any business of operating a hotel, motel, restaurant, or similar business.

"(4) ELIGIBLE CORPORATION.—For purposes of this subsection, the term 'eligible corporation' means any domestic corporation; except that such term shall not include—

"(A) a DISC or former DISC,

"(B) a corporation with respect to which an election under section 936 is in effect or which has a direct or indirect subsidiary with respect to which such an election is in effect,

"(C) a regulated investment company, real estate investment trust, or REMIC, and

"(D) a cooperative.

"(5) STOCK IN OTHER CORPORATIONS.—

"(A) LOOK-THRU IN CASE OF SUBSIDIARIES.—For purposes of this subsection, stock and debt in any subsidiary corporation shall be disregarded and the parent corporation shall be deemed to own its ratable share of the subsidiary's assets, and to conduct its ratable share of the subsidiary's activities.

"(B) PORTFOLIO STOCK OR SECURITIES.—A corporation shall be treated as failing to meet the requirements of paragraph (1) for any period during which more than 10 percent of the value of its assets (in excess of liabilities) consists of stock or securities in other corporations which are not subsidiaries of such corporation (other than assets described in paragraph (6)).

"(C) SUBSIDIARY.—For purposes of this paragraph, a corporation shall be considered a subsidiary if the parent owns more than 50 percent of the combined voting power of all classes of stock entitled to vote, or more than 50 percent in value of all outstanding stock, of such corporation.

"(6) WORKING CAPITAL.—For purposes of paragraph (1)(A), any assets which—

"(A) are held as a part of the reasonably required working capital needs of a qualified trade or business of the corporation, or

"(B) are held for investment and are reasonably expected to be used within 2 years to finance research and experimentation in a qualified trade or business or increases in working capital needs of a qualified trade or business,

shall be treated as used in the active conduct of a qualified trade or business. For periods after the corporation has been in existence for at least 2 years, in no event may more than 50 percent of the assets of the corporation qualify as used in the active conduct of a qualified trade or business by reason of this paragraph.

"(7) MAXIMUM REAL ESTATE HOLDINGS.—A corporation shall not be treated as meeting the requirements of paragraph (1) for any period during which more than 10 percent of the total value of its assets consists of real property which is not used in the active conduct of a qualified trade or business. For purposes of the preceding sentence, the ownership of, dealing in, or renting of real property shall not be treated as the active conduct of a qualified trade or business.

"(8) COMPUTER SOFTWARE ROYALTIES.—For purposes of paragraph (1), rights to computer software which produces active business computer software royalties (within the meaning of section 543(d)(1)) shall be treated as an asset used in the active conduct of a trade or business.

"(f) STOCK ACQUIRED ON CONVERSION OF OTHER STOCK.—If any stock in a corporation is acquired solely through the conversion of other stock in such corporation which is qualified small business stock in the hands of the taxpayer—

"(1) the stock so acquired shall be treated as qualified small business stock in the hands of the taxpayer, and

"(2) the stock so acquired shall be treated as having been held during the period during which the converted stock was held.

"(g) TREATMENT OF PASS-THRU ENTITIES.—

"(1) IN GENERAL.—If any amount included in gross income by reason of holding an interest in a pass-thru entity meets the requirements of paragraph (2)—

"(A) such amount shall be treated as gain described in subsection (a), and

"(B) for purposes of applying subsection (b), such amount shall be treated as gain from a disposition of stock in the corporation issuing the stock disposed of by the pass-thru entity and the taxpayer's proportionate share of the adjusted basis of the pass-thru entity in such stock shall be taken into account.

"(2) REQUIREMENTS.—An amount meets the requirements of this paragraph if—

"(A) such amount is attributable to gain on the sale or exchange by the pass-thru entity of stock which is qualified small business stock in the hands of such entity (determined by treating such entity as an individual) and which was held by such entity for more than 5 years, and

"(B) such amount is includible in the gross income of the taxpayer by reason of the holding of an interest

in such entity which was held by the taxpayer on the date on which such pass-thru entity acquired such stock and at all times thereafter before the disposition of such stock by such pass-thru entity.

"(3) LIMITATION BASED ON INTEREST ORIGINALLY HELD BY TAXPAYER.—Paragraph (1) shall not apply to any amount to the extent such amount exceeds the amount to which paragraph (1) would have applied if such amount were determined by reference to the interest the taxpayer held in the pass-thru entity on the date the qualified small business stock was acquired.

"(4) PASS-THRU ENTITY.—For purposes of this subsection, the term 'pass-thru entity' means—

"(A) any partnership,

"(B) any S corporation,

"(C) any regulated investment company, and

"(D) any common trust fund.

"(h) CERTAIN TAX-FREE AND OTHER TRANSFERS.—For purposes of this section—

"(1) IN GENERAL.—In the case of a transfer described in paragraph (2), the transferee shall be treated as—

"(A) having acquired such stock in the same manner as the transferor, and

"(B) having held such stock during any continuous period immediately preceding the transfer during which it was held (or treated as held under this subsection) by the transferor.

"(2) DESCRIPTION OF TRANSFERS.—A transfer is described in this subsection if such transfer is—

"(A) by gift,

"(B) at death, or

"(C) from a partnership to a partner of stock with respect to which requirements similar to the requirements of subsection (g) are met at the time of the transfer (without regard to the 5-year holding period requirement).

"(3) CERTAIN RULES MADE APPLICABLE.—Rules similar to the rules of section 1244(d)(2) shall apply for purposes of this section.

"(4) INCORPORATIONS AND REORGANIZATIONS INVOLVING NONQUALIFIED STOCK.—

"(A) IN GENERAL.—In the case of a transaction described in section 351 or a reorganization described in section 368, if qualified small business stock is exchanged for other stock which would not qualify as qualified small business stock but for this subparagraph, such other stock shall be treated as qualified small business stock acquired on the date on which the exchanged stock was acquired.

"(B) LIMITATION.—This section shall apply to gain from the sale or exchange of stock treated as qualified small business stock by reason of subparagraph (A) only to the extent of the gain which would have been recognized at the time of the transfer described in subparagraph (A) if section 351 or 368 had not applied at such time. The preceding sentence shall not apply if the stock which is treated as qualified small business stock by reason of subparagraph (A) is issued by a corporation which (as

of the time of the transfer described in subparagraph (A)) is a qualified small business.

"(C) SUCCESSIVE APPLICATION.—For purposes of this paragraph, stock treated as qualified small business stock under subparagraph (A) shall be so treated for subsequent transactions or reorganizations, except that the limitation of subparagraph (B) shall be applied as of the time of the first transfer to which such limitation applied (determined after the application of the second sentence of subparagraph (B)).

"(D) CONTROL TEST.—In the case of a transaction described in section 351, this paragraph shall apply only if, immediately after the transaction, the corporation issuing the stock owns directly or indirectly stock representing control (within the meaning of section 368(c)) of the corporation whose stock was exchanged.

"(i) BASIS RULES.—For purposes of this section—

"(1) STOCK EXCHANGED FOR PROPERTY.—In the case where the taxpayer transfers property (other than money or stock) to a corporation in exchange for stock in such corporation—

"(A) such stock shall be treated as having been acquired by the taxpayer on the date of such exchange, and

"(B) the basis of such stock in the hands of the taxpayer shall in no event be less than the fair market value of the property exchanged.

"(2) TREATMENT OF CONTRIBUTIONS TO CAPITAL.—If the adjusted basis of any qualified small business stock is adjusted by reason of any contribution to capital after the date on which such stock was originally issued, in determining the amount of the adjustment by reason of such contribution, the basis of the contributed property shall in no event be treated as less than its fair market value on the date of the contribution.

"(j) TREATMENT OF CERTAIN SHORT POSITIONS.—

"(1) IN GENERAL.—If the taxpayer has an offsetting short position with respect to any qualified small business stock, subsection (a) shall not apply to any gain from the sale or exchange of such stock unless—

"(A) such stock was held by the taxpayer for more than 5 years as of the first day on which there was such a short position, and

"(B) the taxpayer elects to recognize gain as if such stock were sold on such first day for its fair market value.

"(2) OFFSETTING SHORT POSITION.—For purposes of paragraph (1), the taxpayer shall be treated as having an offsetting short position with respect to any qualified small business stock if—

"(A) the taxpayer has made a short sale of substantially identical property,

"(B) the taxpayer has acquired an option to sell substantially identical property at a fixed price, or

"(C) to the extent provided in regulations, the taxpayer has entered into any other transaction which substantially reduces the risk of loss from holding such qualified small business stock.

For purposes of the preceding sentence, any reference to the taxpayer shall be treated as including a reference to any person

who is related (within the meaning of section 267(b) or 707(b)) to the taxpayer.

"(k) REGULATIONS.—The Secretary shall prescribe such regulations as may be appropriate to carry out the purposes of this section, including regulations to prevent the avoidance of the purposes of this section through split-ups, shell corporations, partnerships, or otherwise."

(b) ONE-HALF OF EXCLUSION TREATED AS PREFERENCE FOR MINIMUM TAX.—

(1) IN GENERAL.—Subsection (a) of section 57 (relating to items of tax preference) is amended by adding at the end thereof the following new paragraph: 26 USC 57.

"(8) EXCLUSION FOR GAINS ON SALE OF CERTAIN SMALL BUSINESS STOCK.—An amount equal to one-half of the amount excluded from gross income for the taxable year under section 1202."

(2) CONFORMING AMENDMENT.—Subclause (II) of section 53(d)(1)(B)(ii) is amended by striking "and (6)" and inserting "(6), and (8)".

(c) PENALTY FOR FAILURE TO COMPLY WITH REPORTING REQUIREMENTS.—Section 6652 is amended by inserting before the last subsection thereof the following new subsection:

"(k) FAILURE TO MAKE REPORTS REQUIRED UNDER SECTION 1202.—In the case of a failure to make a report required under section 1202(d)(1)(C) which contains the information required by such section on the date prescribed therefor (determined with regard to any extension of time for filing), there shall be paid (on notice and demand by the Secretary and in the same manner as tax) by the person failing to make such report, an amount equal to $50 for each report with respect to which there was such a failure. In the case of any failure due to negligence or intentional disregard, the preceding sentence shall be applied by substituting '$100' for '$50'. In the case of a report covering periods in 2 or more years, the penalty determined under preceding provisions of this subsection shall be multiplied by the number of such years."

(d) CONFORMING AMENDMENTS.—

(1)(A) Section 172(d)(2) (relating to modifications with respect to net operating loss deduction) is amended to read as follows:

"(2) CAPITAL GAINS AND LOSSES OF TAXPAYERS OTHER THAN CORPORATIONS.—In the case of a taxpayer other than a corporation—

"(A) the amount deductible on account of losses from sales or exchanges of capital assets shall not exceed the amount includable on account of gains from sales or exchanges of capital assets; and

"(B) the exclusion provided by section 1202 shall not be allowed."

(B) Subparagraph (B) of section 172(d)(4) is amended by inserting ", (2)(B)," after "paragraph (1)".

(2) Paragraph (4) of section 642(c) is amended to read as follows:

"(4) ADJUSTMENTS.—To the extent that the amount otherwise allowable as a deduction under this subsection consists of gain described in section 1202(a), proper adjustment shall be made for any exclusion allowable to the estate or trust under section 1202. In the case of a trust, the deduction allowed

by this subsection shall be subject to section 681 (relating to unrelated business income)."

26 USC 643.

(3) Paragraph (3) of section 643(a) is amended by adding at the end thereof the following new sentence: "The exclusion under section 1202 shall not be taken into account.".

(4) Paragraph (4) of section 691(c) is amended by striking "1201, and 1211" and inserting "1201, 1202, and 1211".

(5) The second sentence of paragraph (2) of section 871(a) is amended by inserting "such gains and losses shall be determined without regard to section 1202 and" after "except that".

(6) The table of sections for part I of subchapter P of chapter 1 is amended by adding after the item relating to section 1201 the following new item:

"Sec. 1202. 50-percent exclusion for gain from certain small business stock."

26 USC 53 note.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to stock issued after the date of the enactment of this Act.

SEC. 13114. ROLLOVER OF GAIN FROM SALE OF PUBLICLY TRADED SECURITIES INTO SPECIALIZED SMALL BUSINESS INVESTMENT COMPANIES.

(a) IN GENERAL.—Part III of subchapter O of chapter 1 (relating to common nontaxable exchanges) is amended by adding at the end the following new section:

"SEC. 1044. ROLLOVER OF PUBLICLY TRADED SECURITIES GAIN INTO SPECIALIZED SMALL BUSINESS INVESTMENT COMPANIES.

"(a) NONRECOGNITION OF GAIN.—In the case of the sale of any publicly traded securities with respect to which the taxpayer elects the application of this section, gain from such sale shall be recognized only to the extent that the amount realized on such sale exceeds—

"(1) the cost of any common stock or partnership interest in a specialized small business investment company purchased by the taxpayer during the 60-day period beginning on the date of such sale, reduced by

"(2) any portion of such cost previously taken into account under this section.

This section shall not apply to any gain which is treated as ordinary income for purposes of this subtitle.

"(b) LIMITATIONS.—

"(1) LIMITATION ON INDIVIDUALS.—In the case of an individual, the amount of gain which may be excluded under subsection (a) for any taxable year shall not exceed the lesser of—

"(A) $50,000, or

"(B) $500,000, reduced by the amount of gain excluded under subsection (a) for all preceding taxable years.

"(2) LIMITATION ON C CORPORATIONS.—In the case of a C corporation, the amount of gain which may be excluded under subsection (a) for any taxable year shall not exceed the lesser of—

"(A) $250,000, or

"(B) $1,000,000, reduced by the amount of gain excluded under subsection (a) for all preceding taxable years.

"(3) SPECIAL RULES FOR MARRIED INDIVIDUALS.—For purposes of this subsection—

"(A) SEPARATE RETURNS.—In the case of a separate return by a married individual, paragraph (1) shall be applied by substituting '$25,000' for '$50,000' and '$250,000' for '$500,000'.

"(B) ALLOCATION OF GAIN.—In the case of any joint return, the amount of gain excluded under subsection (a) for any taxable year shall be allocated equally between the spouses for purposes of applying this subsection to subsequent taxable years.

"(C) MARITAL STATUS.—For purposes of this subsection, marital status shall be determined under section 7703.

"(4) SPECIAL RULES FOR C CORPORATION.—For purposes of this subsection—

"(A) all corporations which are members of the same controlled group of corporations (within the meaning of section 52(a)) shall be treated as 1 taxpayer, and

"(B) any gain excluded under subsection (a) by a predecessor of any C corporation shall be treated as having been excluded by such C corporation.

"(c) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) PUBLICLY TRADED SECURITIES.—The term 'publicly traded securities' means securities which are traded on an established securities market.

"(2) PURCHASE.—The term 'purchase' has the meaning given such term by section 1043(b)(4).

"(3) SPECIALIZED SMALL BUSINESS INVESTMENT COMPANY.—The term 'specialized small business investment company' means any partnership or corporation which is licensed by the Small Business Administration under section 301(d) of the Small Business Investment Act of 1958 (as in effect on May 13, 1993).

"(4) CERTAIN ENTITIES NOT ELIGIBLE.—This section shall not apply to any estate, trust, partnership, or S corporation.

"(d) BASIS ADJUSTMENTS.—If gain from any sale is not recognized by reason of subsection (a), such gain shall be applied to reduce (in the order acquired) the basis for determining gain or loss of any common stock or partnership interest in any specialized small business investment company which is purchased by the taxpayer during the 60-day period described in subsection (a). This subsection shall not apply for purposes of section 1202."

(b) CONFORMING AMENDMENT.—Paragraph (24) of section 1016(a) is amended— 26 USC 1016.

(1) by striking "section 1043" and inserting "section 1043 or 1044", and

(2) by striking "section 1043(c)" and inserting "section 1043(c) or 1044(d), as the case may be".

(c) CLERICAL AMENDMENT.—The table of sections for part III of subchapter O of chapter 1 is amended by adding at the end the following new item:

"Sec. 1044. Rollover of publicly traded securities gain into specialized small business investment companies."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to sales on and after the date of the enactment of this Act, in taxable years ending on and after such date. 26 USC 1016 note.

Subpart C—Modification to Minimum Tax Depreciation Rules

SEC. 13115. MODIFICATION TO MINIMUM TAX DEPRECIATION RULES.

26 USC 56.

(a) ELIMINATION OF ACE DEPRECIATION ADJUSTMENT.—Clause (i) of section 56(g)(4)(A) (relating to depreciation adjustments for computing adjusted current earnings) is amended by adding at the end thereof the following new sentence: "The preceding sentence shall not apply to any property placed in service after December 31, 1993, and the depreciation deduction with respect to such property shall be determined under the rules of subsection (a)(1)(A).".

26 USC 56 note.

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to property placed in service after December 31, 1993.

(2) COORDINATION WITH TRANSITIONAL RULES.—The amendments made by this section shall not apply to any property to which paragraph (1) of section 56(a) of the Internal Revenue Code of 1986 does not apply by reason of subparagraph (C)(i) thereof.

Subpart D—Increase in Expense Treatment for Small Businesses

SEC. 13116. INCREASE IN EXPENSE TREATMENT FOR SMALL BUSINESSES.

(a) GENERAL RULE.—Paragraph (1) of section 179(b) (relating to dollar limitation) is amended by striking "$10,000" and inserting "$17,500".

26 USC 179 note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1992.

Subpart E—Tax Exempt Bonds

SEC. 13121. HIGH-SPEED INTERCITY RAIL FACILITY BONDS EXEMPT FROM STATE VOLUME CAP.

(a) IN GENERAL.—Paragraph (4) of section 146(g) (relating to exemption for certain bonds) is amended by adding at the end thereof the following flush sentence:

"Paragraph (4) shall be applied without regard to '75 percent of' if all of the property to be financed by the net proceeds of the issue is to be owned by a governmental unit (within the meaning of section 142(b)(1))."

26 USC 146 note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to bonds issued after December 31, 1993.

SEC. 13122. PERMANENT EXTENSION OF QUALIFIED SMALL ISSUE BONDS.

(a) IN GENERAL.—Subparagraph (B) of section 144(a)(12) is amended to read as follows:

"(B) BONDS ISSUED TO FINANCE MANUFACTURING FACILITIES AND FARM PROPERTY.—Subparagraph (A) shall not apply to any bond issued as part of an issue 95 percent or more of the net proceeds of which are to be used to provide—

"(i) any manufacturing facility, or

"(ii) any land or property in accordance with section 147(c)(2)."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to bonds issued after June 30, 1992. 26 USC 144 note.

(c) TREATMENT UNDER INDUCEMENT REGULATIONS.—If the 1-year period specified in Treasury Regulation § 1.103–8(a)(5) (as in effect before July 1, 1993) or any successor regulation would (but for this subsection) expire after June 30, 1992, and before January 1, 1994, such period shall not expire before January 1, 1994.

PART III—EXPANSION AND SIMPLIFICATION OF EARNED INCOME TAX CREDIT

SEC. 13131. EXPANSION AND SIMPLIFICATION OF EARNED INCOME TAX CREDIT.

(a) GENERAL RULE.—Section 32 (relating to earned income credit) is amended by striking subsections (a) and (b) and inserting the following: 26 USC 32.

"(a) ALLOWANCE OF CREDIT.—

"(1) IN GENERAL.—In the case of an eligible individual, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the credit percentage of so much of the taxpayer's earned income for the taxable year as does not exceed the earned income amount.

"(2) LIMITATION.—The amount of the credit allowable to a taxpayer under paragraph (1) for any taxable year shall not exceed the excess (if any) of—

"(A) the credit percentage of the earned income amount, over

"(B) the phaseout percentage of so much of the adjusted gross income (or, if greater, the earned income) of the taxpayer for the taxable year as exceeds the phaseout amount.

"(b) PERCENTAGES AND AMOUNTS.—For purposes of subsection (a)—

"(1) PERCENTAGES.—The credit percentage and the phaseout percentage shall be determined as follows:

"(A) IN GENERAL.—In the case of taxable years beginning after 1995:

In the case of an eligible individual with:	The credit percentage is:	The phaseout percentage is:
1 qualifying child	34	15.98
2 or more qualifying children	40	21.06
No qualifying children	7.65	7.65

"(B) TRANSITIONAL PERCENTAGES FOR 1995.—In the case of taxable years beginning in 1995:

In the case of an eligible individual with:	The credit percentage is:	The phaseout percentage is:
1 qualifying child	34	15.98
2 or more qualifying children	36	20.22
No qualifying children	7.65	7.65

"(C) TRANSITIONAL PERCENTAGES FOR 1994.—In the case of a taxable year beginning in 1994:

In the case of an eligible individual with:	The credit percentage is:	The phaseout percentage is:
1 qualifying child	26.3	15.98
2 or more qualifying children	30	17.68
No qualifying children	7.65	7.65

"(2) AMOUNTS.—The earned income amount and the phaseout amount shall be determined as follows:

"(A) IN GENERAL.—In the case of taxable years beginning after 1994:

In the case of an eligible individual with:	The earned income amount is:	The phaseout amount is:
1 qualifying child	$6,000	$11,000
2 or more qualifying children	$8,425	$11,000
No qualifying children	$4,000	$5,000

"(B) TRANSITIONAL AMOUNTS.—In the case of a taxable year beginning in 1994:

In the case of an eligible individual with:	The earned income amount is:	The phaseout amount is:
1 qualifying child	$7,750	$11,000
2 or more qualifying children	$8,425	$11,000
No qualifying children	$4,000	$5,000".

26 USC 32.

(b) ELIGIBLE INDIVIDUAL.—Subparagraph (A) of section 32(c)(1) (defining eligible individual) is amended to read as follows:

"(A) IN GENERAL.—The term 'eligible individual' means—

"(i) any individual who has a qualifying child for the taxable year, or

"(ii) any other individual who does not have a qualifying child for the taxable year, if—

"(I) such individual's principal place of abode is in the United States for more than one-half of such taxable year,

"(II) such individual (or, if the individual is married, either the individual or the individual's spouse) has attained age 25 but not attained age 65 before the close of the taxable year, and

"(III) such individual is not a dependent for whom a deduction is allowable under section 151 to another taxpayer for any taxable year beginning in the same calendar year as such taxable year.

For purposes of the preceding sentence, marital status shall be determined under section 7703."

(c) INFLATION ADJUSTMENTS.—Section 32(i) (relating to inflation adjustments) is amended—

(1) by striking paragraphs (1) and (2) and inserting the following new paragraph:

"(1) IN GENERAL.—In the case of any taxable year beginning after 1994, each dollar amount contained in subsection (b)(2)(A) shall be increased by an amount equal to—

"(A) such dollar amount, multiplied by

"(B) the cost-of-living adjustment determined under section 1(f)(3), for the calendar year in which the taxable year begins, by substituting 'calendar year 1993' for 'calendar year 1992'.", and

(2) by redesignating paragraph (3) as paragraph (2).

(d) CONFORMING AMENDMENTS.—

(1) Subparagraph (D) of section 32(c)(3) is amended— 26 USC 32.

(A) by striking "clause (i) or (ii)" in clause (iii) and inserting "clause (i)",

(B) by striking clause (ii), and

(C) by redesignating clause (iii) as clause (ii).

(2) Paragraph (3) of section 162(l) is amended to read as follows:

"(3) COORDINATION WITH MEDICAL DEDUCTION.—Any amount paid by a taxpayer for insurance to which paragraph (1) applies shall not be taken into account in computing the amount allowable to the taxpayer as a deduction under section 213(a)."

(3) Section 213 is amended by striking subsection (f).

(4) Subsection (b) of section 3507 is amended by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively, and by inserting after paragraph (1) the following new paragraph:

"(2) certifies that the employee has 1 or more qualifying children (within the meaning of section 32(c)(3)) for such taxable year,".

(5) Subparagraph (B) of section 3507(c)(2) is amended by striking clauses (i) and (ii) and inserting the following:

"(i) of not more than 60 percent of the credit percentage in effect under section 32(b)(1) for an eligible individual with 1 qualifying child and with earned income not in excess of the earned income amount in effect under section 32(b)(2) for such an eligible individual, which

"(ii) phases out at 60 percent of the phaseout percentage in effect under section 32(b)(1) for such an eligible individual between the phaseout amount in effect under section 32(b)(2) for such an eligible individual and the amount of earned income at which the credit under section 32(a) phases out for such an eligible individual, or".

(6) Section 3507 is amended by adding at the end thereof the following new subsection:

"(f) INTERNAL REVENUE SERVICE NOTIFICATION.—The Internal Revenue Service shall take such steps as may be appropriate to ensure that taxpayers who have 1 or more qualifying children and who receive a refund of the credit under section 32 are aware of the availability of earned income advance amounts under this section."

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1993. 26 USC 32 note.

PART IV—INCENTIVES FOR INVESTMENT IN REAL ESTATE

Subpart A—Extension of Qualified Mortgage Bonds and Low-Income Housing Credit

SEC. 13141. PERMANENT EXTENSION OF QUALIFIED MORTGAGE BONDS.

26 USC 143.

(a) IN GENERAL.—Paragraph (1) of section 143(a) (defining qualified mortgage bond) is amended to read as follows:

"(1) QUALIFIED MORTGAGE BOND DEFINED.—For purposes of this title, the term 'qualified mortgage bond' means a bond which is issued as part of a qualified mortgage issue."

(b) MORTGAGE CREDIT CERTIFICATES.—Section 25 is amended by striking subsection (h) and by redesignating subsections (i) and (j) as subsections (h) and (i), respectively.

(c) TREATMENT OF RESALE PRICE CONTROL AND SUBSIDY LIEN PROGRAMS.—Subsection (k) of section 143 is amended by adding at the end thereof the following new paragraph:

"(10) TREATMENT OF RESALE PRICE CONTROL AND SUBSIDY LIEN PROGRAMS.—

"(A) IN GENERAL.—In the case of a residence which is located in a high housing cost area (as defined in section 143(f)(5)), the interest of a governmental unit in such residence by reason of financing provided under any qualified program shall not be taken into account under this section (other than subsection (m)), and the acquisition cost of the residence which is taken into account under subsection (e) shall be such cost reduced by the amount of such financing.

"(B) QUALIFIED PROGRAM.—For purposes of subparagraph (A), the term 'qualified program' means any governmental program providing mortgage loans (other than 1st mortgage loans) or grants—

"(i) which restricts (throughout the 9-year period beginning on the date the financing is provided) the resale of the residence to a purchaser qualifying under this section and to a price determined by an index that reflects less than the full amount of any appreciation in the residence's value, or

"(ii) which provides for deferred or reduced interest payments on such financing and grants the governmental unit a share in the appreciation of the residence,

but only if such financing is not provided directly or indirectly through the use of any tax-exempt private activity bond."

(d) FINANCING ALLOWED FOR CONTRACT FOR DEED AGREEMENTS.—

(1) IN GENERAL.—Paragraph (2) of section 143(d) (relating to exceptions to 3-year requirement) is amended—

(A) by striking "and" at the end of subparagraph (A),

(B) by adding "and" at the end of subparagraph (B), and

(C) by inserting after subparagraph (B) the following new subparagraph:

"(C) financing with respect to land described in subsection (i)(1)(C) and the construction of any residence thereon."

(2) EXCEPTION TO NEW MORTGAGE REQUIREMENT.—Paragraph (1) of section 143(i) (relating to mortgages must be new mortgages) is amended by adding at the end thereof the following new subparagraph: 26 USC 143.

"(C) EXCEPTION FOR CERTAIN CONTRACT FOR DEED AGREEMENTS.—

"(i) IN GENERAL.—In the case of land possessed under a contract for deed by a mortgagor—

"(I) whose principal residence (within the meaning of section 1034) is located on such land, and

"(II) whose family income (as defined in subsection (f)(2)) is not more than 50 percent of applicable median family income (as defined in subsection (f)(4)),

the contract for deed shall not be treated as an existing mortgage for purposes of subparagraph (A).

"(ii) CONTRACT FOR DEED DEFINED.—For purposes of this subparagraph, the term 'contract for deed' means a seller-financed contract for the conveyance of land under which—

"(I) legal title does not pass to the purchaser until the consideration under the contract is fully paid to the seller, and

"(II) the seller's remedy for nonpayment is forfeiture rather than judicial or nonjudicial foreclosure."

(3) ACQUISITION COST INCLUDES COST OF LAND.—Clause (iii) of section 143(k)(3)(B) is amended by inserting "(other than land described in subsection (i)(1)(C)(i))" after "cost of land".

(e) FINANCING OF NEW 2-FAMILY RESIDENCES PERMITTED.—Paragraph (7) of section 143(k) is amended by adding at the end thereof the following flush sentence:

"Subparagraph (B) shall not apply to any 2-family residence if the residence is a targeted area residence and the family income of the mortgagor meets the requirement of subsection (f)(3)(B)."

(f) EFFECTIVE DATES.—

(1) BONDS.—The amendment made by subsection (a) shall apply to bonds issued after June 30, 1992. 26 USC 143 note.

(2) CERTIFICATES.—The amendment made by subsection (b) shall apply to elections for periods after June 30, 1992. 26 USC 25 note.

(3) SUBSECTIONS (c) AND (e).—The amendments made by subsections (c) and (e) shall apply to qualified mortgage bonds issued and mortgage credit certificates provided on or after the date of enactment of this Act. 26 USC 143 note.

(4) CONTRACT FOR DEED AGREEMENTS.—The amendments made by subsection (d) shall apply to loans originated and credit certificates provided after the date of the enactment of this Act. 26 USC 143 note.

SEC. 13142. LOW-INCOME HOUSING CREDIT.

(a) PERMANENT EXTENSION.—

26 USC 42.

26 USC 42 note.

(1) IN GENERAL.—Section 42 (relating to low-income housing credit) is amended by striking subsection (o).

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to periods ending after June 30, 1992.

(b) MODIFICATIONS.—

(1) HOUSING CREDIT AGENCY DETERMINATION OF REASONABLENESS OF PROJECT COSTS.—Subparagraph (B) of section 42(m)(2) (relating to credit allocated to building not to exceed amount necessary to assure project feasibility) is amended—

(A) by striking "and" at the end of clause (ii),

(B) by striking the period at the end of clause (iii) and inserting ", and", and

(C) by inserting after clause (iii) the following new clause:

"(iv) the reasonableness of the developmental and operational costs of the project."

(2) UNITS WITH CERTAIN FULL-TIME STUDENTS NOT DISQUALIFIED.—Subparagraph (D) of section 42(i)(3) (defining low-income unit) is amended to read as follows:

"(D) CERTAIN STUDENTS NOT TO DISQUALIFY UNIT.—A unit shall not fail to be treated as a low-income unit merely because it is occupied—

"(i) by an individual who is—

"(I) a student and receiving assistance under title IV of the Social Security Act, or

"(II) enrolled in a job training program receiving assistance under the Job Training Partnership Act or under other similar Federal, State, or local laws, or

"(ii) entirely by full-time students if such students are—

"(I) single parents and their children and such parents and children are not dependents (as defined in section 152) of another individual, or

"(II) married and file a joint return."

(3) TREASURY WAIVERS OF CERTAIN DE MINIMIS ERRORS AND RECERTIFICATIONS.—Subsection (g) of section 42 (relating to qualified low-income housing projects) is amended by adding at the end thereof the following new paragraph:

"(8) WAIVER OF CERTAIN DE MINIMIS ERRORS AND RECERTIFICATIONS.—On application by the taxpayer, the Secretary may waive—

"(A) any recapture under subsection (j) in the case of any de minimis error in complying with paragraph (1), or

"(B) any annual recertification of tenant income for purposes of this subsection, if the entire building is occupied by low-income tenants."

(4) DISCRIMINATION AGAINST TENANTS PROHIBITED.—Section 42(h)(6)(B) (defining extended low-income housing commitment) is amended by redesignating clauses (iv) and (v) as clauses (v) and (vi) and by inserting after clause (iii) the following new clause:

"(iv) which prohibits the refusal to lease to a holder of a voucher or certificate of eligibility under section 8 of the United States Housing Act of 1937 because

of the status of the prospective tenant as such a holder,".

(5) HOME ASSISTANCE NOT TO RESULT IN CERTAIN BUILDINGS BEING FEDERALLY SUBSIDIZED.—Paragraph (2) of section 42(i) (relating to determination of whether building is federally subsidized) is amended by adding at the end thereof the following new subparagraph: 26 USC 42.

"(E) BUILDINGS RECEIVING HOME ASSISTANCE.—

"(i) IN GENERAL.—Assistance provided under the HOME Investment Partnerships Act (as in effect on the date of the enactment of this subparagraph) with respect to any building shall not be taken into account under subparagraph (D) if 40 percent or more of the residential units in the building are occupied by individuals whose income is 50 percent or less of area median gross income. Subsection (d)(5)(C) shall not apply to any building to which the preceding sentence applies.

"(ii) SPECIAL RULE FOR CERTAIN HIGH-COST HOUSING AREAS.—In the case of a building located in a city described in section 142(d)(6), clause (i) shall be applied by substituting '25 percent' for '40 percent'."

(6) EFFECTIVE DATES.— 26 USC 42 note.

(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), the amendments made by this subsection shall apply to—

(i) determinations under section 42 of the Internal Revenue Code of 1986 with respect to housing credit dollar amounts allocated from State housing credit ceilings after June 30, 1992, or

(ii) buildings placed in service after June 30, 1992, to the extent paragraph (1) of section 42(h) of such Code does not apply to any building by reason of paragraph (4) thereof, but only with respect to bonds issued after such date.

(B) WAIVER AUTHORITY AND PROHIBITED DISCRIMINATION.—The amendments made by paragraphs (3) and (4) shall take effect on the date of the enactment of this Act.

(C) HOME ASSISTANCE.—The amendment made by paragraph (2) shall apply to periods after the date of the enactment of this Act.

(c) ELECTION TO DETERMINE RENT LIMITATION BASED ON NUMBER OF BEDROOMS AND DEEP RENT SKEWING.— 26 USC 42 note.

(1) In the case of a building to which the amendments made by subsection (e)(1) or (n)(2) of section 7108 of the Revenue Reconciliation Act of 1989 did not apply, the taxpayer may elect to have such amendments apply to such building if the taxpayer has met the requirements of the procedures described in section 42(m)(1)(B)(iii) of the Internal Revenue Code of 1986.

(2) In the case of the amendment made by such subsection (e)(1), such election shall apply only with respect to tenants first occupying any unit in the building after the date of the election.

(3) In the case of the amendment made by such subsection (n)(2), such election shall apply only if rents of low-income

tenants in such building do not increase as a result of such election.

(4) An election under this subsection may be made only during the 180-day period beginning on the date of the enactment of this Act and, once made, shall be irrevocable.

Subpart B—Passive Loss Rules

SEC. 13143. APPLICATION OF PASSIVE LOSS RULES TO RENTAL REAL ESTATE ACTIVITIES.

(a) RENTAL REAL ESTATE ACTIVITIES OF PERSONS IN REAL PROPERTY BUSINESS NOT AUTOMATICALLY TREATED AS PASSIVE ACTIVITIES.—Subsection (c) of section 469 (defining passive activity) is amended by adding at the end thereof the following new paragraph:

26 USC 469.

"(7) SPECIAL RULES FOR TAXPAYERS IN REAL PROPERTY BUSINESS.—

"(A) IN GENERAL.—If this paragraph applies to any taxpayer for a taxable year—

"(i) paragraph (2) shall not apply to any rental real estate activity of such taxpayer for such taxable year, and

"(ii) this section shall be applied as if each interest of the taxpayer in rental real estate were a separate activity.

Notwithstanding clause (ii), a taxpayer may elect to treat all interests in rental real estate as one activity. Nothing in the preceding provisions of this subparagraph shall be construed as affecting the determination of whether the taxpayer materially participates with respect to any interest in a limited partnership as a limited partner.

"(B) TAXPAYERS TO WHOM PARAGRAPH APPLIES.—This paragraph shall apply to a taxpayer for a taxable year if—

"(i) more than one-half of the personal services performed in trades or businesses by the taxpayer during such taxable year are performed in real property trades or businesses in which the taxpayer materially participates, and

"(ii) such taxpayer performs more than 750 hours of services during the taxable year in real property trades or businesses in which the taxpayer materially participates.

In the case of a joint return, the requirements of the preceding sentence are satisfied if and only if either spouse separately satisfies such requirements. For purposes of the preceding sentence, activities in which a spouse materially participates shall be determined under subsection (h).

"(C) REAL PROPERTY TRADE OR BUSINESS.—For purposes of this paragraph, the term 'real property trade or business' means any real property development, redevelopment, construction, reconstruction, acquisition, conversion, rental, operation, management, leasing, or brokerage trade or business.

"(D) SPECIAL RULES FOR SUBPARAGRAPH (B).—

"(i) CLOSELY HELD C CORPORATIONS.—In the case of a closely held C corporation, the requirements of subparagraph (B) shall be treated as met for any tax-

able year if more than 50 percent of the gross receipts of such corporation for such taxable year are derived from real property trades or businesses in which the corporation materially participates.

"(ii) PERSONAL SERVICES AS AN EMPLOYEE.—For purposes of subparagraph (B), personal services performed as an employee shall not be treated as performed in real property trades or businesses. The preceding sentence shall not apply if such employee is a 5-percent owner (as defined in section 416(i)(1)(B)) in the employer."

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 469(c) is amended by striking "The" and inserting "Except as provided in paragraph (7), the". 26 USC 469.

(2) Clause (iv) of section 469(i)(3)(E) is amended by inserting "or any loss allowable by reason of subsection (c)(7)" after "loss".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1993. 26 USC 469 note.

Subpart C—Provisions Relating to Real Estate Investments by Pension Funds

SEC. 13144. REAL ESTATE PROPERTY ACQUIRED BY A QUALIFIED ORGANIZATION.

(a) MODIFICATIONS OF EXCEPTIONS.—Paragraph (9) of section 514(c) (relating to real property acquired by a qualified organization) is amended by adding at the end thereof the following new subparagraphs:

"(G) SPECIAL RULES FOR PURPOSES OF THE EXCEPTIONS.—Except as otherwise provided by regulations—

"(i) SMALL LEASES DISREGARDED.—For purposes of clauses (iii) and (iv) of subparagraph (B), a lease to a person described in such clause (iii) or (iv) shall be disregarded if no more than 25 percent of the leasable floor space in a building (or complex of buildings) is covered by the lease and if the lease is on commercially reasonable terms.

"(ii) COMMERCIALLY REASONABLE FINANCING.—Clause (v) of subparagraph (B) shall not apply if the financing is on commercially reasonable terms.

"(H) QUALIFYING SALES BY FINANCIAL INSTITUTIONS.—

"(i) IN GENERAL.—In the case of a qualifying sale by a financial institution, except as provided in regulations, clauses (i) and (ii) of subparagraph (B) shall not apply with respect to financing provided by such institution for such sale.

"(ii) QUALIFYING SALE.—For purposes of this clause, there is a qualifying sale by a financial institution if—

"(I) a qualified organization acquires property described in clause (iii) from a financial institution and any gain recognized by the financial institution with respect to the property is ordinary income,

"(II) the stated principal amount of the financing provided by the financial institution does not

exceed the amount of the outstanding indebtedness (including accrued but unpaid interest) of the financial institution with respect to the property described in clause (iii) immediately before the acquisition referred to in clause (iii) or (v), whichever is applicable, and

"(III) the present value (determined as of the time of the sale and by using the applicable Federal rate determined under section 1274(d)) of the maximum amount payable pursuant to the financing that is determined by reference to the revenue, income, or profits derived from the property cannot exceed 30 percent of the total purchase price of the property (including the contingent payments).

"(iii) PROPERTY TO WHICH SUBPARAGRAPH APPLIES.—Property is described in this clause if such property is foreclosure property, or is real property which—

"(I) was acquired by the qualified organization from a financial institution which is in conservatorship or receivership, or from the conservator or receiver of such an institution, and

"(II) was held by the financial institution at the time it entered into conservatorship or receivership.

"(iv) FINANCIAL INSTITUTION.—For purposes of this subparagraph, the term 'financial institution' means—

"(I) any financial institution described in section 581 or 591(a),

"(II) any other corporation which is a direct or indirect subsidiary of an institution referred to in subclause (I) but only if, by virtue of being affiliated with such institution, such other corporation is subject to supervision and examination by a Federal or State agency which regulates institutions referred to in subclause (I), and

"(III) any person acting as a conservator or receiver of an entity referred to in subclause (I) or (II) (or any government agency or corporation succeeding to the rights or interest of such person).

"(v) FORECLOSURE PROPERTY.—For purposes of this subparagraph, the term 'foreclosure property' means any real property acquired by the financial institution as the result of having bid on such property at foreclosure, or by operation of an agreement or process of law, after there was a default (or a default was imminent) on indebtedness which such property secured.".

26 USC 514.

(b) CONFORMING AMENDMENT.—Paragraph (9) of section 514(c) is amended—

(1) by adding the following new sentence at the end of subparagraph (A): "For purposes of this paragraph, an interest in a mortgage shall in no event be treated as real property.", and

(2) by striking the last sentence of subparagraph (B).

26 USC 514 note.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to acquisitions on or after January 1, 1994.

(2) SMALL LEASES.—The provisions of section 514(c)(9)(G)(i) of the Internal Revenue Code of 1986 shall, in addition to any leases to which the provisions apply by reason of paragraph (1), apply to leases entered into on or after January 1, 1994.

SEC. 13145. REPEAL OF SPECIAL TREATMENT OF PUBLICLY TREATED PARTNERSHIPS.

(a) GENERAL RULE.—Subsection (c) of section 512 is amended— 26 USC 512.

(1) by striking paragraph (2),

(2) by redesignating paragraph (3) as paragraph (2), and

(3) by striking "paragraph (1) or (2)" in paragraph (2) (as so redesignated) and inserting "paragraph (1)".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to partnership years beginning on or after January 1, 1994. 26 USC 512 note.

SEC. 13146. TITLE-HOLDING COMPANIES PERMITTED TO RECEIVE SMALL AMOUNTS OF UNRELATED BUSINESS TAXABLE INCOME.

(a) GENERAL RULE.—Paragraph (25) of section 501(c) is amended by adding at the end thereof the following new subparagraph:

"(G)(i) An organization shall not be treated as failing to be described in this paragraph merely by reason of the receipt of any otherwise disqualifying income which is incidentally derived from the holding of real property.

"(ii) Clause (i) shall not apply if the amount of gross income described in such clause exceeds 10 percent of the organization's gross income for the taxable year unless the organization establishes to the satisfaction of the Secretary that the receipt of gross income described in clause (i) in excess of such limitation was inadvertent and reasonable steps are being taken to correct the circumstances giving rise to such income."

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 501(c) is amended by adding at the end thereof the following new sentence: "Rules similar to the rules of subparagraph (G) of paragraph (25) shall apply for purposes of this paragraph."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning on or after January 1, 1994. 26 USC 501 note.

SEC. 13147. EXCLUSION FROM UNRELATED BUSINESS TAX OF GAINS FROM CERTAIN PROPERTY.

(a) GENERAL RULE.—Subsection (b) of section 512 (relating to modifications) is amended by adding at the end thereof the following new paragraph:

"(16)(A) Notwithstanding paragraph (5)(B), there shall be excluded all gains or losses from the sale, exchange, or other disposition of any real property described in subparagraph (B) if—

"(i) such property was acquired by the organization from—

"(I) a financial institution described in section 581 or 591(a) which is in conservatorship or receivership, or

"(II) the conservator or receiver of such an institution (or any government agency or corporation succeeding to the rights or interests of the conservator or receiver),

"(ii) such property is designated by the organization within the 9-month period beginning on the date of its acquisition as property held for sale, except that not more than one-half (by value determined as of such date) of property acquired in a single transaction may be so designated,

"(iii) such sale, exchange, or disposition occurs before the later of—

"(I) the date which is 30 months after the date of the acquisition of such property, or

"(II) the date specified by the Secretary in order to assure an orderly disposition of property held by persons described in subparagraph (A), and

"(iv) while such property was held by the organization, the aggregate expenditures on improvements and development activities included in the basis of the property are (or were) not in excess of 20 percent of the net selling price of such property.

"(B) Property is described in this subparagraph if it is real property which—

"(i) was held by the financial institution at the time it entered into conservatorship or receivership, or

"(ii) was foreclosure property (as defined in section 514(c)(9)(H)(v)) which secured indebtedness held by the financial institution at such time.

For purposes of this subparagraph, real property includes an interest in a mortgage."

26 USC 512 note. (b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to property acquired on or after January 1, 1994.

SEC. 13148. EXCLUSION FROM UNRELATED BUSINESS TAX OF CERTAIN FEES AND OPTION PREMIUMS.

26 USC 512. (a) LOAN COMMITMENT FEES.—Paragraph (1) of section 512(b) (relating to modifications) is amended by inserting "amounts received or accrued as consideration for entering into agreements to make loans," before "and annuities".

(b) OPTION PREMIUMS.—The second sentence of section 512(b)(5) is amended—

(1) by striking "all gains on" and inserting "all gains or losses recognized, in connection with the organization's investment activities, from",

(2) by striking ", written by the organization in connection with its investment activities," and

(3) by inserting "or real property and all gains or losses from the forfeiture of good-faith deposits (that are consistent with established business practice) for the purchase, sale, or lease of real property in connection with the organization's investment activities" before the period.

26 USC 512 note. (c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts received on or after January 1, 1994.

SEC. 13149. TREATMENT OF PENSION FUND INVESTMENTS IN REAL ESTATE INVESTMENT TRUSTS.

(a) GENERAL RULE.—Subsection (h) of section 856 (relating to closely held determinations) is amended by adding at the end thereof the following new paragraph: 26 USC 856.

"(3) TREATMENT OF TRUSTS DESCRIBED IN SECTION 401(a).—

"(A) LOOK-THRU TREATMENT.—

"(i) IN GENERAL.—Except as provided in clause (ii), in determining whether the stock ownership requirement of section 542(a)(2) is met for purposes of paragraph (1)(A), any stock held by a qualified trust shall be treated as held directly by its beneficiaries in proportion to their actuarial interests in such trust and shall not be treated as held by such trust.

"(ii) CERTAIN RELATED TRUSTS NOT ELIGIBLE.—Clause (i) shall not apply to any qualified trust if one or more disqualified persons (as defined in section 4975(e)(2), without regard to subparagraphs (B) and (I) thereof) with respect to such qualified trust hold in the aggregate 5 percent or more in value of the interests in the real estate investment trust and such real estate investment trust has accumulated earnings and profits attributable to any period for which it did not qualify as a real estate investment trust.

"(B) COORDINATION WITH PERSONAL HOLDING COMPANY RULES.—If any entity qualifies as a real estate investment trust for any taxable year by reason of subparagraph (A), such entity shall not be treated as a personal holding company for such taxable year for purposes of part II of subchapter G of this chapter.

"(C) TREATMENT FOR PURPOSES OF UNRELATED BUSINESS TAX.—If any qualified trust holds more than 10 percent (by value) of the interests in any pension-held REIT at any time during a taxable year, the trust shall be treated as having for such taxable year gross income from an unrelated trade or business in an amount which bears the same ratio to the aggregate dividends paid (or treated as paid) by the REIT to the trust for the taxable year of the REIT with or within which the taxable year of the trust ends (the 'REIT year') as—

"(i) the gross income (less direct expenses related thereto) of the REIT for the REIT year from unrelated trades or businesses (determined as if the REIT were a qualified trust), bears to

"(ii) the gross income (less direct expenses related thereto) of the REIT for the REIT year.

This subparagraph shall apply only if the ratio determined under the preceding sentence is at least 5 percent.

"(D) PENSION-HELD REIT.—The purposes of subparagraph (C)—

"(i) IN GENERAL.—A real estate investment trust is a pension-held REIT if such trust would not have qualified as a real estate investment trust but for the provisions of this paragraph and if such trust is predominantly held by qualified trusts.

"(ii) PREDOMINANTLY HELD.—For purposes of clause (i), a real estate investment trust is predominantly held by qualified trusts if—

"(I) at least 1 qualified trust holds more than 25 percent (by value) of the interests in such real estate investment trust, or

"(II) 1 or more qualified trusts (each of whom own more than 10 percent by value of the interests in such real estate investment trust) hold in the aggregate more than 50 percent (by value) of the interests in such real estate investment trust.

"(E) QUALIFIED TRUST.—For purposes of this paragraph, the term 'qualified trust' means any trust described in section 401(a) and exempt from tax under section 501(a)."

26 USC 856 note.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1993.

Subpart D—Discharge of Indebtedness

SEC. 13150. EXCLUSION FROM GROSS INCOME FOR INCOME FROM DISCHARGE OF QUALIFIED REAL PROPERTY BUSINESS INDEBTEDNESS.

26 USC 108.

(a) IN GENERAL.—Paragraph (1) of section 108(a) (relating to income from discharge of indebtedness) is amended by striking "or" at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting ", or", and by adding at the end the following new subparagraph:

"(D) in the case of a taxpayer other than a C corporation, the indebtedness discharged is qualified real property business indebtedness."

(b) QUALIFIED REAL PROPERTY BUSINESS INDEBTEDNESS.—Section 108 is amended by inserting after subsection (b) the following new subsection:

"(c) TREATMENT OF DISCHARGE OF QUALIFIED REAL PROPERTY BUSINESS INDEBTEDNESS.—

"(1) BASIS REDUCTION.—

"(A) IN GENERAL.—The amount excluded from gross income under subparagraph (D) of subsection (a)(1) shall be applied to reduce the basis of the depreciable real property of the taxpayer.

"(B) CROSS REFERENCE.—For provisions making the reduction described in subparagraph (A), see section 1017.

"(2) LIMITATIONS.—

"(A) INDEBTEDNESS IN EXCESS OF VALUE.—The amount excluded under subparagraph (D) of subsection (a)(1) with respect to any qualified real property business indebtedness shall not exceed the excess (if any) of—

"(i) the outstanding principal amount of such indebtedness (immediately before the discharge), over

"(ii) the fair market value of the real property described in paragraph (3)(A) (as of such time), reduced by the outstanding principal amount of any other qualified real property business indebtedness secured by such property (as of such time).

"(B) OVERALL LIMITATION.—The amount excluded under subparagraph (D) of subsection (a)(1) shall not exceed

the aggregate adjusted bases of depreciable real property (determined after any reductions under subsections (b) and (g)) held by the taxpayer immediately before the discharge (other than depreciable real property acquired in contemplation of such discharge).

"(3) QUALIFIED REAL PROPERTY BUSINESS INDEBTEDNESS.—The term 'qualified real property business indebtedness' means indebtedness which—

"(A) was incurred or assumed by the taxpayer in connection with real property used in a trade or business and is secured by such real property,

"(B) was incurred or assumed before January 1, 1993, or if incurred or assumed on or after such date, is qualified acquisition indebtedness, and

"(C) with respect to which such taxpayer makes an election to have this paragraph apply.

Such term shall not include qualified farm indebtedness. Indebtedness under subparagraph (B) shall include indebtedness resulting from the refinancing of indebtedness under subparagraph (B) (or this sentence), but only to the extent it does not exceed the amount of the indebtedness being refinanced.

"(4) QUALIFIED ACQUISITION INDEBTEDNESS.—For purposes of paragraph (3)(B), the term 'qualified acquisition indebtedness' means, with respect to any real property described in paragraph (3)(A), indebtedness incurred or assumed to acquire, construct, reconstruct, or substantially improve such property.

"(5) REGULATIONS.—The Secretary shall issue such regulations as are necessary to carry out this subsection, including regulations preventing the abuse of this subsection through cross-collateralization or other means."

(c) TECHNICAL AMENDMENTS.—

(1) Subparagraph (A) of section 108(a)(2) is amended by striking "and (C)" and inserting ", (C), and (D)". 26 USC 108.

(2) Subparagraph (B) of section 108(a)(2) is amended to read as follows:

"(B) INSOLVENCY EXCLUSION TAKES PRECEDENCE OVER QUALIFIED FARM EXCLUSION AND QUALIFIED REAL PROPERTY BUSINESS EXCLUSION.—Subparagraphs (C) and (D) of paragraph (1) shall not apply to a discharge to the extent the taxpayer is insolvent."

(3) Subsection (d) of section 108 is amended—

(A) by striking "subsections (a), (b), and (g)" in paragraphs (6) and (7)(A) and inserting "subsections (a), (b), (c), and (g)",

(B) by striking "SUBSECTIONS (a), (b), AND (g)" in the subsection heading and inserting "CERTAIN PROVISIONS", and

(C) by striking "SUBSECTIONS (a), (b), AND (g)" in the headings of paragraphs (6) and (7)(A) and inserting "CERTAIN PROVISIONS".

(4) Subparagraph (B) of section 108(d)(7) is amended by adding at the end thereof the following new sentence: "The preceding sentence shall not apply to any discharge to the extent that subsection (a)(1)(D) applies to such discharge."

26 USC 108.

(5) Subparagraph (A) of section 108(d)(9) is amended by inserting "or under paragraph (3)(B) of subsection (c)" after "subsection (b)".

(6) Paragraph (2) of section 1017(a) is amended by striking "or (b)(5)" and inserting ", (b)(5), or (c)(1)".

(7) Subparagraph (A) of section 1017(b)(3) is amended by inserting "or (c)(1)" after "subsection (b)(5)".

(8) Section 1017(b)(3) is amended by adding at the end the following new subparagraph:

"(F) SPECIAL RULES FOR QUALIFIED REAL PROPERTY BUSINESS INDEBTEDNESS.—In the case of any amount which under section 108(c)(1) is to be applied to reduce basis—

"(i) depreciable property shall only include depreciable real property for purposes of subparagraphs (A) and (C),

"(ii) subparagraph (E) shall not apply, and

"(iii) in the case of property taken into account under section 108(c)(2)(B), the reduction with respect to such property shall be made as of the time immediately before disposition if earlier than the time under subsection (a)."

(9) Paragraph (1) of section 703(b) is amended by striking "subsection (b)(5)" and inserting "subsection (b)(5) or (c)(3)".

26 USC 108 note.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to discharges after December 31, 1992, in taxable years ending after such date.

Subpart E—Increase in Recovery Period for Nonresidential Real Property

SEC. 13151. INCREASE IN RECOVERY PERIOD FOR NONRESIDENTIAL REAL PROPERTY.

(a) GENERAL RULE.—Paragraph (1) of section 168(c) (relating to applicable recovery period) is amended by striking the item relating to nonresidential real property and inserting the following:

"Nonresidential real property ..... 39 years.".

26 USC 168 note.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by subsection (a) shall apply to property placed in service by the taxpayer on or after May 13, 1993.

(2) EXCEPTION.—The amendments made by this section shall not apply to property placed in service by the taxpayer before January 1, 1994, if—

(A) the taxpayer or a qualified person entered into a binding written contract to purchase or construct such property before May 13, 1993, or

(B) the construction of such property was commenced by or for the taxpayer or a qualified person before May 13, 1993.

For purposes of this paragraph, the term "qualified person" means any person who transfers his rights in such a contract or such property to the taxpayer but only if the property is not placed in service by such person before such rights are transferred to the taxpayer.

PART V—LUXURY TAX

SEC. 13161. REPEAL OF LUXURY EXCISE TAXES OTHER THAN ON PASSENGER VEHICLES.

(a) IN GENERAL.—Subchapter A of chapter 31 (relating to retail excise taxes) is amended to read as follows:

"Subchapter A—Luxury Passenger Automobiles

"Sec. 4001. Imposition of tax.
"Sec. 4002. 1st retail sale; uses, etc. treated as sales; determination of price.
"Sec. 4003. Special rules.

"SEC. 4001. IMPOSITION OF TAX.

"(a) IMPOSITION OF TAX.—There is hereby imposed on the 1st retail sale of any passenger vehicle a tax equal to 10 percent of the price for which so sold to the extent such price exceeds $30,000.

"(b) PASSENGER VEHICLE.—

"(1) IN GENERAL.—For purposes of this subchapter, the term 'passenger vehicle' means any 4-wheeled vehicle—

"(A) which is manufactured primarily for use on public streets, roads, and highways, and

"(B) which is rated at 6,000 pounds unloaded gross vehicle weight or less.

"(2) SPECIAL RULES.—

"(A) TRUCKS AND VANS.—In the case of a truck or van, paragraph (1)(B) shall be applied by substituting 'gross vehicle weight' for 'unloaded gross vehicle weight'.

"(B) LIMOUSINES.—In the case of a limousine, paragraph (1) shall be applied without regard to subparagraph (B) thereof.

"(c) EXCEPTIONS FOR TAXICABS, ETC.—The tax imposed by this section shall not apply to the sale of any passenger vehicle for use by the purchaser exclusively in the active conduct of a trade or business of transporting persons or property for compensation or hire.

"(d) EXEMPTION FOR LAW ENFORCEMENT USES, ETC.—No tax shall be imposed by this section on the sale of any passenger vehicle—

"(1) to the Federal Government, or a State or local government, for use exclusively in police, firefighting, search and rescue, or other law enforcement or public safety activities, or in public works activities, or

"(2) to any person for use exclusively in providing emergency medical services.

"(e) INFLATION ADJUSTMENT.—

"(1) IN GENERAL.—If, for any calendar year, the excess (if any) of—

"(A) $30,000, increased by the cost-of-living adjustment for the calendar year, over

"(B) the dollar amount in effect under subsection (a) for the calendar year,

is equal to or greater than $2,000, then the $30,000 amount in subsection (a) and section 4003(a) (as previously adjusted under this subsection) for any subsequent calendar year shall be increased by the amount of such excess rounded to the next lowest multiple of $2,000.

"(2) COST-OF-LIVING ADJUSTMENT.—For purposes of paragraph (1), the cost-of-living adjustment for any calendar year shall be the cost-of-living adjustment under section 1(f)(3) for such calendar year, determined by substituting 'calendar year 1990' for 'calendar year 1992' in subparagraph (B) thereof.

"(f) TERMINATION.—The tax imposed by this section shall not apply to any sale or use after December 31, 1999.

"SEC. 4002. 1ST RETAIL SALE; USES, ETC. TREATED AS SALES; DETERMINATION OF PRICE.

"(a) 1ST RETAIL SALE.—For purposes of this subchapter, the term '1st retail sale' means the 1st sale, for a purpose other than resale, after manufacture, production, or importation.

"(b) USE TREATED AS SALE.—

"(1) IN GENERAL.—If any person uses a passenger vehicle (including any use after importation) before the 1st retail sale of such vehicle, then such person shall be liable for tax under this subchapter in the same manner as if such vehicle were sold at retail by him.

"(2) EXEMPTION FOR FURTHER MANUFACTURE.—Paragraph (1) shall not apply to use of a vehicle as material in the manufacture or production of, or as a component part of, another vehicle taxable under this subchapter to be manufactured or produced by him.

"(3) EXEMPTION FOR DEMONSTRATION USE.—Paragraph (1) shall not apply to any use of a passenger vehicle as a demonstrator.

"(4) EXCEPTION FOR USE AFTER IMPORTATION OF CERTAIN VEHICLES.—Paragraph (1) shall not apply to the use of a vehicle after importation if the user or importer establishes to the satisfaction of the Secretary that the 1st use of the vehicle occurred before January 1, 1991, outside the United States.

"(5) COMPUTATION OF TAX.—In the case of any person made liable for tax by paragraph (1), the tax shall be computed on the price at which similar vehicles are sold at retail in the ordinary course of trade, as determined by the Secretary.

"(c) LEASES CONSIDERED AS SALES.—For purposes of this subchapter—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, the lease of a vehicle (including any renewal or any extension of a lease or any subsequent lease of such vehicle) by any person shall be considered a sale of such vehicle at retail.

"(2) SPECIAL RULES FOR LONG-TERM LEASES.—

"(A) TAX NOT IMPOSED ON SALE FOR LEASING IN A QUALIFIED LEASE.—The sale of a passenger vehicle to a person engaged in a passenger vehicle leasing or rental trade or business for leasing by such person in a long-term lease shall not be treated as the 1st retail sale of such vehicle.

"(B) LONG-TERM LEASE.—For purposes of subparagraph (A), the term 'long-term lease' means any long-term lease (as defined in section 4052).

"(C) SPECIAL RULES.—In the case of a long-term lease of a vehicle which is treated as the 1st retail sale of such vehicle—

"(i) DETERMINATION OF PRICE.—The tax under this subchapter shall be computed on the lowest price for which the vehicle is sold by retailers in the ordinary course of trade.

"(ii) PAYMENT OF TAX.—Rules similar to the rules of section 4217(e)(2) shall apply.

"(iii) NO TAX WHERE EXEMPT USE BY LESSEE.—No tax shall be imposed on any lease payment under a long-term lease if the lessee's use of the vehicle under such lease is an exempt use (as defined in section 4003(b)) of such vehicle.

"(d) DETERMINATION OF PRICE.—

"(1) IN GENERAL.—In determining price for purposes of this subchapter—

"(A) there shall be included any charge incident to placing the passenger vehicle in condition ready for use,

"(B) there shall be excluded—

"(i) the amount of the tax imposed by this subchapter,

"(ii) if stated as a separate charge, the amount of any retail sales tax imposed by any State or political subdivision thereof or the District of Columbia, whether the liability for such tax is imposed on the vendor or vendee, and

"(iii) the value of any component of such passenger vehicle if—

"(I) such component is furnished by the 1st user of such passenger vehicle, and

"(II) such component has been used before such furnishing, and

"(C) the price shall be determined without regard to any trade-in.

"(2) OTHER RULES.—Rules similar to the rules of paragraphs (2) and (4) of section 4052(b) shall apply for purposes of this subchapter.

"SEC. 4003. SPECIAL RULES.

"(a) SEPARATE PURCHASE OF VEHICLE AND PARTS AND ACCESSORIES THEREFOR.—Under regulations prescribed by the Secretary— Regulations.

"(1) IN GENERAL.—Except as provided in paragraph (2), if—

"(A) the owner, lessee, or operator of any passenger vehicle installs (or causes to be installed) any part or accessory on such vehicle, and

"(B) such installation is not later than the date 6 months after the date the vehicle was 1st placed in service,

then there is hereby imposed on such installation a tax equal to 10 percent of the price of such part or accessory and its installation.

"(2) LIMITATION.—The tax imposed by paragraph (1) on the installation of any part or accessory shall not exceed 10 percent of the excess (if any) of—

"(A) the sum of—

"(i) the price of such part or accessory and its installation,

"(ii) the aggregate price of the parts and accessories (and their installation) installed before such part or accessory, plus

"(iii) the price for which the passenger vehicle was sold, over

"(B) $30,000.

"(3) EXCEPTIONS.—Paragraph (1) shall not apply if—

"(A) the part or accessory installed is a replacement part or accessory,

"(B) the part or accessory is installed to enable or assist an individual with a disability to operate the vehicle, or to enter or exit the vehicle, by compensating for the effect of such disability, or

"(C) the aggregate price of the parts and accessories (and their installation) described in paragraph (1) with respect to the vehicle does not exceed $200 (or such other amount or amounts as the Secretary may by regulation prescribe).

The price of any part or accessory (and its installation) to which paragraph (1) does not apply by reason of this paragraph shall not be taken into account under paragraph (2)(A).

"(4) INSTALLERS SECONDARILY LIABLE FOR TAX.—The owners of the trade or business installing the parts or accessories shall be secondarily liable for the tax imposed by this subsection.

"(b) IMPOSITION OF TAX ON SALES, ETC., WITHIN 2 YEARS OF VEHICLES PURCHASED TAX-FREE.—

"(1) IN GENERAL.—If—

"(A) no tax was imposed under this subchapter on the 1st retail sale of any passenger vehicle by reason of its exempt use, and

"(B) within 2 years after the date of such 1st retail sale, such vehicle is resold by the purchaser or such purchaser makes a substantial nonexempt use of such vehicle,

then such sale or use of such vehicle by such purchaser shall be treated as the 1st retail sale of such vehicle for a price equal to its fair market value at the time of such sale or use.

"(2) EXEMPT USE.—For purposes of this subsection, the term 'exempt use' means any use of a vehicle if the 1st retail sale of such vehicle is not taxable under this subchapter by reason of such use.

"(c) PARTS AND ACCESSORIES SOLD WITH TAXABLE PASSENGER VEHICLE.—Parts and accessories sold on, in connection with, or with the sale of any passenger vehicle shall be treated as part of the vehicle.

"(d) PARTIAL PAYMENTS, ETC.—In the case of a contract, sale, or arrangement described in paragraph (2), (3), or (4) of section 4216(c), rules similar to the rules of section 4217(e)(2) shall apply for purposes of this subchapter."

(b) TECHNICAL AMENDMENTS.—

26 USC 4221.

(1) Subsection (c) of section 4221 is amended by striking "4002(b), 4003(c), 4004(a)" and inserting "4001(d)".

(2) Subsection (d) of section 4222 is amended by striking "4002(b), 4003(c), 4004(a)" and inserting "4001(d)".

(3) The table of subchapters for chapter 31 is amended by striking the item relating to subchapter A and inserting the following:

"Subchapter A. Luxury passenger vehicles."

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1993, except that the provisions of section 4001(e) of the Internal Revenue Code of 1986 (as amended by subsection (a)) shall take effect on the date of the enactment of this Act. 26 USC 4001 note.

SEC. 13162. EXEMPTION FROM LUXURY EXCISE TAX FOR CERTAIN EQUIPMENT INSTALLED ON PASSENGER VEHICLES FOR USE BY DISABLED INDIVIDUALS.

(a) IN GENERAL.—Paragraph (3) of section 4004(b) (relating to separate purchase of article and parts and accessories therefor), as in effect on the day before the date of the enactment of this Act, is amended— 26 USC 4004.

(1) by striking "or" at the end of subparagraph (A),

(2) by redesignating subparagraph (B) as subparagraph (C),

(3) by inserting after subparagraph (A) the following new subparagraph:

"(B) the part or accessory is installed on a passenger vehicle to enable or assist an individual with a disability to operate the vehicle, or to enter or exit the vehicle, by compensating for the effect of such disability, or", and

(4) by inserting after subparagraph (C) the following flush sentence:

"The price of any part or accessory (and its installation) to which paragraph (1) does not apply by reason of this paragraph shall not be taken into account under paragraph (2)(A)."

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendments made by section 11221(a) of the Omnibus Budget Reconciliation Act of 1990. 26 USC 4004 note.

(c) PERIOD FOR FILING CLAIMS.—If refund or credit of any overpayment of tax resulting from the application of the amendments made by this section is prevented at any time before the close of the 1-year period beginning on the date of the enactment of this Act by the operation of any law or rule of law (including res judicata), refund or credit of such overpayment (to the extent attributable to such amendments) may, nevertheless, be made or allowed if claim therefor is filed before the close of such 1-year period. 26 USC 4004 note.

SEC. 13163. TAX ON DIESEL FUEL USED IN NONCOMMERCIAL BOATS.

(a) GENERAL RULE.—

(1) Paragraph (2) of section 4092(a) (defining diesel fuel) is amended by striking "or a diesel-powered train" and inserting ", a diesel-powered train, or a diesel-powered boat".

(2) Paragraph (1) of section 4041(a) is amended—

(A) by striking "diesel-powered highway vehicle" each place it appears and inserting "diesel-powered highway vehicle or diesel-powered boat", and

(B) by striking "such vehicle" and inserting "such vehicle or boat".

(3) Subparagraph (B) of section 4092(b)(1) is amended by striking "commercial and noncommercial vessels" each place

it appears and inserting "vessels for use in an off-highway business use (as defined in section 6421(e)(2)(B))".

26 USC 6421.

(b) EXEMPTION FOR USE IN FISHERIES OR COMMERCIAL TRANSPORTATION.—Subparagraph (B) of section 6421(e)(2) is amended to read as follows:

"(B) USES IN BOATS.—

"(i) IN GENERAL.—Except as otherwise provided in this subparagraph, the term 'off-highway business use' does not include any use in a motorboat.

"(ii) FISHERIES AND WHALING.—The term 'off-highway business use' shall include any use in a vessel employed in the fisheries or in the whaling business.

"(iii) EXCEPTION FOR DIESEL FUEL.—The term 'off-highway business use' shall include the use of diesel fuel in a boat in the active conduct of—

"(I) a trade or business of commercial fishing or transporting persons or property for compensation or hire, and

"(II) except as provided in clause (iv), any other trade or business.

"(iv) NONCOMMERCIAL BOATS.—In the case of a boat used predominantly in any activity which is of a type generally considered to constitute entertainment, amusement, or recreation, clause (iii)(II) shall not apply to—

"(I) the taxes under sections 4041(a)(1) and 4081 for the period after December 31, 1993, and before January 1, 2000, and

"(II) so much of the tax under sections 4041(a)(1) and 4081 as does not exceed 4.3 cents per gallon for the period after December 31, 1999."

(c) RETENTION OF TAXES IN GENERAL FUND.—Subsection (b) of section 9508 (relating to transfers to Leaking Underground Storage Tank Trust Fund) is amended by adding at the end thereof the following new sentence: "For purposes of this subsection, there shall not be taken into account the taxes imposed by sections 4041 and 4081 on diesel fuel sold for use or used as fuel in a diesel-powered boat."

26 USC 4041 note.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1994.

PART VI—OTHER CHANGES

SEC. 13171. ALTERNATIVE MINIMUM TAX TREATMENT OF CONTRIBUTIONS OF APPRECIATED PROPERTY.

(a) REPEAL OF TAX PREFERENCE.—Subsection (a) of section 57 (as amended by section 13113) is amended by striking paragraph (6) (relating to appreciated property charitable deduction) and by redesignating paragraphs (7) and (8) as paragraphs (6) and (7), respectively.

(b) EFFECT ON ADJUSTED CURRENT EARNINGS.—Paragraph (4) of section 56(g) is amended by adding at the end thereof the following new subparagraph:

"(J) TREATMENT OF CHARITABLE CONTRIBUTIONS.—Notwithstanding subparagraphs (B) and (C), no adjustment related to the earnings and profits effects of any charitable

contribution shall be made in computing adjusted current earnings."

(c) CONFORMING AMENDMENT.—Subclause (II) of section 53(d)(1)(B)(ii) (as amended by section 13113) is amended by striking "(5), (6), and (8)" and inserting "(5), and (7)". 26 USC 53.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made after June 30, 1992, except that in the case of any contribution of capital gain property which is not tangible personal property, such amendments shall apply only if the contribution is made after December 31, 1992. 26 USC 53 note.

SEC. 13172. SUBSTANTIATION REQUIREMENT FOR DEDUCTION OF CERTAIN CHARITABLE CONTRIBUTIONS.

(a) SUBSTANTIATION REQUIREMENT.—Section 170(f) (providing special rules relating to the deduction of charitable contributions and gifts) is amended by adding at the end the following new paragraph:

"(8) SUBSTANTIATION REQUIREMENT FOR CERTAIN CONTRIBUTIONS.—

"(A) GENERAL RULE.—No deduction shall be allowed under subsection (a) for any contribution of $250 or more unless the taxpayer substantiates the contribution by a contemporaneous written acknowledgment of the contribution by the donee organization that meets the requirements of subparagraph (B).

"(B) CONTENT OF ACKNOWLEDGEMENT.—An acknowledgement meets the requirements of this subparagraph if it includes the following information:

"(i) The amount of cash and a description (but not value) of any property other than cash contributed.

"(ii) Whether the donee organization provided any goods or services in consideration, in whole or in part, for any property described in clause (i).

"(iii) A description and good faith estimate of the value of any goods or services referred to in clause (ii) or, if such goods or services consist solely of intangible religious benefits, a statement to that effect.

For purposes of this subparagraph, the term 'intangible religious benefit' means any intangible religious benefit which is provided by an organization organized exclusively for religious purposes and which generally is not sold in a commercial transaction outside the donative context.

"(C) CONTEMPORANEOUS.—For purposes of subparagraph (A), an acknowledgment shall be considered to be contemporaneous if the taxpayer obtains the acknowledgment on or before the earlier of—

"(i) the date on which the taxpayer files a return for the taxable year in which the contribution was made, or

"(ii) the due date (including extensions) for filing such return.

"(D) SUBSTANTIATION NOT REQUIRED FOR CONTRIBUTIONS REPORTED BY THE DONEE ORGANIZATION.—Subparagraph (A) shall not apply to a contribution if the donee organization files a return, on such form and in accordance with such regulations as the Secretary may prescribe,

which includes the information described in subparagraph (B) with respect to the contribution.

"(E) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this paragraph, including regulations that may provide that some or all of the requirements of this paragraph do not apply in appropriate cases."

26 USC 170 note.

(b) EFFECTIVE DATE.—The provisions of this section shall apply to contributions made on or after January 1, 1994.

SEC. 13173. DISCLOSURE RELATED TO QUID PRO QUO CONTRIBUTIONS.

(a) DISCLOSURE REQUIREMENT.—Subchapter B of chapter 61 (relating to information and returns) is amended by redesignating section 6115 as section 6116 and by inserting after section 6114 the following new section:

"SEC. 6115. DISCLOSURE RELATED TO QUID PRO QUO CONTRIBUTIONS.

"(a) DISCLOSURE REQUIREMENT.—If an organization described in section 170(c) (other than paragraph (1) thereof) receives a quid pro quo contribution in excess of $75, the organization shall, in connection with the solicitation or receipt of the contribution, provide a written statement which—

"(1) informs the donor that the amount of the contribution that is deductible for Federal income tax purposes is limited to the excess of the amount of any money and the value of any property other than money contributed by the donor over the value of the goods or services provided by the organization, and

"(2) provides the donor with a good faith estimate of the value of such goods or services.

"(b) QUID PRO QUO CONTRIBUTION.—For purposes of this section, the term 'quid pro quo contribution' means a payment made partly as a contribution and partly in consideration for goods or services provided to the payor by the donee organization. A quid pro quo contribution does not include any payment made to an organization, organized exclusively for religious purposes, in return for which the taxpayer receives solely an intangible religious benefit that generally is not sold in a commercial transaction outside the donative context."

(b) PENALTY FOR FAILURE TO DISCLOSE.—Part I of subchapter B of chapter 68 (relating to assessable penalties) is amended by inserting after section 6713 the following new section:

"SEC. 6714. FAILURE TO MEET DISCLOSURE REQUIREMENTS APPLICABLE TO QUID PRO QUO CONTRIBUTIONS.

"(a) IMPOSITION OF PENALTY.—If an organization fails to meet the disclosure requirement of section 6115 with respect to a quid pro quo contribution, such organization shall pay a penalty of $10 for each contribution in respect of which the organization fails to make the required disclosure, except that the total penalty imposed by this subsection with respect to a particular fundraising event or mailing shall not exceed $5,000.

"(b) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed under this section with respect to any failure if it is shown that such failure is due to reasonable cause."

(c) CLERICAL AMENDMENTS.—

(1) The table for subchapter B of chapter 61 is amended by striking the item relating to section 6115 and inserting the following new items:

"Sec. 6115. Disclosure related to quid pro quo contributions.
"Sec. 6116. Cross reference."

(2) The table for part I of subchapter B of chapter 68 is amended by inserting after the item for section 6713 the following new item:

"Sec. 6714. Failure to meet disclosure requirements applicable to quid pro quo contributions."

(d) EFFECTIVE DATE.—The provisions of this section shall apply to quid pro quo contributions made on or after January 1, 1994. 26 USC 6115 note.

SEC. 13174. TEMPORARY EXTENSION OF DEDUCTION FOR HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS.

(a) IN GENERAL.—

(1) EXTENSION.—Paragraph (6) of section 162(l) (relating to special rules for health insurance costs of self-employed individuals) is amended by striking "June 30, 1992" and inserting "December 31, 1993". 26 USC 162.

(2) CONFORMING AMENDMENT.—Paragraph (2) of section 110(a) of the Tax Extension Act of 1991 is hereby repealed.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years ending after June 30, 1992. 26 USC 162 note.

(b) DETERMINATION OF ELIGIBILITY FOR EMPLOYER-SPONSORED HEALTH PLAN.—

(1) IN GENERAL.—Paragraph (2)(B) of section 162(l) is amended to read as follows:

"(B) OTHER COVERAGE.—Paragraph (1) shall not apply to any taxpayer for any calendar month for which the taxpayer is eligible to participate in any subsidized health plan maintained by any employer of the taxpayer or of the spouse of the taxpayer."

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to taxable years beginning after December 31, 1992. 26 USC 162 note.

Subchapter B—Revenue Increases

PART I—PROVISIONS AFFECTING INDIVIDUALS

Subpart A—Rate Increases

SEC. 13201. INCREASE IN TOP MARGINAL RATE UNDER SECTION 1.

(a) GENERAL RULE.—Section 1 (relating to tax imposed) is amended by striking subsections (a) through (e) and inserting the following:

"(a) MARRIED INDIVIDUALS FILING JOINT RETURNS AND SURVIVING SPOUSES.—There is hereby imposed on the taxable income of—

"(1) every married individual (as defined in section 7703) who makes a single return jointly with his spouse under section 6013, and

"(2) every surviving spouse (as defined in section 2(a)),

a tax determined in accordance with the following table:

"If taxable income is:	The tax is:
Not over $36,900	15% of taxable income.
Over $36,900 but not over $89,150	$5,535, plus 28% of the excess over $36,900.
Over $89,150 but not over $140,000	$20,165, plus 31% of the excess over $89,150.
Over $140,000	$35,928.50, plus 36% of the excess over $140,000.

"(b) HEADS OF HOUSEHOLDS.—There is hereby imposed on the taxable income of every head of a household (as defined in section 2(b)) a tax determined in accordance with the following table:

"If taxable income is:	The tax is:
Not over $29,600	15% of taxable income.
Over $29,600 but not over $76,400	$4,440, plus 28% of the excess over $29,600.
Over $76,400 but not over $127,500	$17,544, plus 31% of the excess over $76,400.
Over $127,500	$33,385, plus 36% of the excess over $127,500.

"(c) UNMARRIED INDIVIDUALS (OTHER THAN SURVIVING SPOUSES AND HEADS OF HOUSEHOLDS).—There is hereby imposed on the taxable income of every individual (other than a surviving spouse as defined in section 2(a) or the head of a household as defined in section 2(b)) who is not a married individual (as defined in section 7703) a tax determined in accordance with the following table:

"If taxable income is:	The tax is:
Not over $22,100	15% of taxable income.
Over $22,100 but not over $53,500	$3,315, plus 28% of the excess over $22,100.
Over $53,500 but not over $115,000	$12,107, plus 31% of the excess over $53,500.
Over $115,000	$31,172, plus 36% of the excess over $115,000.

"(d) MARRIED INDIVIDUALS FILING SEPARATE RETURNS.—There is hereby imposed on the taxable income of every married individual (as defined in section 7703) who does not make a single return jointly with his spouse under section 6013, a tax determined in accordance with the following table:

"If taxable income is:	The tax is:
Not over $18,450	15% of taxable income.
Over $18,450 but not over $44,575	$2,767.50, plus 28% of the excess over $18,450.
Over $44,575 but not over $70,000	$10,082.50, plus 31% of the excess over $44,575.
Over $70,000	$17,964.25, plus 36% of the excess over $70,000.

"(e) ESTATES AND TRUSTS.—There is hereby imposed on the taxable income of—

"(1) every estate, and

"(2) every trust,

taxable under this subsection a tax determined in accordance with the following table:

"If taxable income is:	The tax is:
Not over $1,500	15% of taxable income.
Over $1,500 but not over $3,500	$225, plus 28% of the excess over $1,500.

"If taxable income is:	The tax is:
Over $3,500 but not over $5,500	$785, plus 31% of the excess over $3,500.
Over $5,500	$1,405, plus 36% of the excess over $5,500."

(b) CONFORMING AMENDMENTS.—

(1) Section 531 is amended by striking "28 percent" and inserting "36 percent". 26 USC 531.

(2) Section 541 is amended by striking "28 percent" and inserting "36 percent".

(3)(A) Subsection (f) of section 1 is amended—

(i) by striking "1990" in paragraph (1) and inserting "1993", and

(ii) by striking "1989" in paragraph (3)(B) and inserting "1992".

(B) Subsection (f) of section 1 is amended by adding at the end thereof the following new paragraph:

"(7) SPECIAL RULE FOR CERTAIN BRACKETS.—

"(A) CALENDAR YEAR 1994.—In prescribing the tables under paragraph (1) which apply with respect to taxable years beginning in calendar year 1994, the Secretary shall make no adjustment to the dollar amounts at which the 36 percent rate bracket begins or at which the 39.6 percent rate begins under any table contained in subsection (a), (b), (c), (d), or (e).

"(B) LATER CALENDAR YEARS.—In prescribing tables under paragraph (1) which apply with respect to taxable years beginning in a calendar year after 1994, the cost-of-living adjustment used in making adjustments to the dollar amounts referred to in subparagraph (A) shall be determined under paragraph (3) by substituting '1993' for '1992'."

(C) Subparagraph (C) of section 41(e)(5) is amended by striking "1989" each place it appears and inserting "1992".

(D) Subparagraph (B) of section 63(c)(4) is amended by striking "1989" and inserting "1992".

(E) Subparagraph (B) of section 68(b)(2) is amended by striking "1989" and inserting "1992".

(F) Subparagraph (B) of section 132(f)(6) is amended by striking ", determined by substituting" and all that follows down through the period at the end thereof and inserting a period.

(G) Subparagraphs (A)(ii) and (B)(ii) of section 151(d)(4) are each amended by striking "1989" and inserting "1992".

(H) Clause (ii) of section 513(h)(2)(C) is amended by striking "1989" and inserting "1992".

(4) Paragraph (3) of section 453A(c) is amended by adding at the end thereof the following new sentence:

"For purposes of applying the preceding sentence with respect to so much of the gain which, when recognized, will be treated as long-term capital gain, the maximum rate on net capital gain under section 1(h) or 1201 (whichever is appropriate) shall be taken into account."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1992. 26 USC 1 note.

(d) ELECTION TO PAY ADDITIONAL 1993 TAXES IN INSTALLMENTS.— 26 USC 1 note.

(1) IN GENERAL.—At the election of the taxpayer, the additional 1993 taxes may be paid in 3 equal installments.

(2) DATES FOR PAYING INSTALLMENTS.—In the case of any tax payable in installments by reason of paragraph (1)—

(A) the first installment shall be paid on or before the due date for the taxpayer's taxable year beginning in calendar year 1993,

(B) the second installment shall be paid on or before the date 1 year after the date determined under subparagraph (A), and

(C) the third installment shall be paid on or before the date 2 years after the date determined under subparagraph (A).

For purposes of the preceding sentence, the term "due date" means the date prescribed for filing the taxpayer's return determined without regard to extensions.

(3) EXTENSION WITHOUT INTEREST.—For purposes of section 6601 of the Internal Revenue Code of 1986, the date prescribed for the payment of any tax payable in installments under paragraph (1) shall be determined with regard to the extension under paragraph (1).

(4) ADDITIONAL 1993 TAXES.—

(A) IN GENERAL.—For purposes of this subsection, the term "additional 1993 taxes" means the excess of—

(i) the taxpayer's net chapter 1 liability as shown on the taxpayer's return for the taxpayer's taxable year beginning in calendar year 1993, over

(ii) the amount which would have been the taxpayer's net chapter 1 liability for such taxable year if such liability had been determined using the rates which would have been in effect under section 1 of the Internal Revenue Code of 1986 for taxable years beginning in calendar year 1993 but for the amendments made by this section and section 13202 and such liability had otherwise been determined on the basis of the amounts shown on the taxpayer's return.

(B) NET CHAPTER 1 LIABILITY.—For purposes of subparagraph (A), the term "net chapter 1 liability" means the liability for tax under chapter 1 of the Internal Revenue Code of 1986 determined—

(i) after the application of any credit against such tax other than the credits under sections 31 and 34, and

(ii) before crediting any payment of estimated tax for the taxable year.

(5) ACCELERATION OF PAYMENTS.—If the taxpayer does not pay any installment under this section on or before the date prescribed for its payment or if the Secretary of the Treasury or his delegate believes that the collection of any amount payable in installments under this section is in jeopardy, the Secretary shall immediately terminate the extension under paragraph (1) and the whole of the unpaid tax shall be paid on notice and demand from the Secretary.

(6) ELECTION ON RETURN.—An election under paragraph (1) shall be made on the taxpayer's return for the taxpayer's taxable year beginning in calendar year 1993.

(7) EXCEPTION FOR ESTATES AND TRUSTS.—This subsection shall not apply in the case of an estate or trust.

SEC. 13202. SURTAX ON HIGH-INCOME TAXPAYERS.

(a) GENERAL RULE.—

(1) Subsection (a) of section 1 (as amended by section 13201) is amended by striking the last item in the table contained therein and inserting the following:

"Over $140,000 but not over $250,000.	$35,928.50, plus 36% of the excess over $140,000.
Over $250,000	$75,528.50, plus 39.6% of the excess over $250,000."

(2) Subsection (b) of section 1 (as so amended) is amended by striking the last item in the table contained therein and inserting the following:

"Over $127,500 but not over $250,000.	$33,385, plus 36% of the excess over $127,500.
Over $250,000	$77,485, plus 39.6% of the excess over $250,000."

(3) Subsection (c) of section 1 (as so amended) is amended by striking the last item in the table contained therein and inserting the following:

"Over $115,000 but not over $250,000.	$31,172, plus 36% of the excess over $115,000.
Over $250,000	$79,772, plus 39.6% of the excess over $250,000."

(4) Subsection (d) of section 1 (as so amended) is amended by striking the last item in the table contained therein and inserting the following:

"Over $70,000 but not over $125,000	$17,964.25, plus 36% of the excess over $70,000.
Over $125,000	$37,764.25, plus 39.6% of the excess over $125,000."

(5) Subsection (e) of section 1 (as so amended) is amended by striking the last item in the table contained therein and inserting the following:

"Over $5,500 but not over $7,500	$1,405, plus 36% of the excess over $5,500.
Over $7,500	$2,125, plus 39.6% of the excess over $7,500."

(b) TECHNICAL AMENDMENT.—Sections 531 and 541 (as amended by section 13201) are each amended by striking "36 percent" and inserting "39.6 percent".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1992. 26 USC 1 note.

SEC. 13203. MODIFICATIONS TO ALTERNATIVE MINIMUM TAX RATES AND EXEMPTION AMOUNTS.

(a) INCREASE IN RATE.—Paragraph (1) of section 55(b) (defining tentative minimum tax) is amended to read as follows: 26 USC 55.

"(1) AMOUNT OF TENTATIVE TAX.—

"(A) NONCORPORATE TAXPAYERS.—

"(i) IN GENERAL.—In the case of a taxpayer other than a corporation, the tentative minimum tax for the taxable year is the sum of—

"(I) 26 percent of so much of the taxable excess as does not exceed $175,000, plus

"(II) 28 percent of so much of the taxable excess as exceeds $175,000.

The amount determined under the preceding sentence shall be reduced by the alternative minimum tax foreign tax credit for the taxable year.

"(ii) TAXABLE EXCESS.—For purposes of clause (i), the term 'taxable excess' means so much of the alternative minimum taxable income for the taxable year as exceeds the exemption amount.

"(iii) MARRIED INDIVIDUAL FILING SEPARATE RETURN.—In the case of a married individual filing a separate return, clause (i) shall be applied by substituting '$87,500' for '$175,000' each place it appears. For purposes of the preceding sentence, marital status shall be determined under section 7703.

"(B) CORPORATIONS.—In the case of a corporation, the tentative minimum tax for the taxable year is—

"(i) 20 percent of so much of the alternative minimum taxable income for the taxable year as exceeds the exemption amount, reduced by

"(ii) the alternative minimum tax foreign tax credit for the taxable year."

(b) INCREASE IN EXEMPTION AMOUNTS.—Paragraph (1) of section 55(d) (defining exemption amount) is amended— 26 USC 55.

(1) by striking "$40,000" in subparagraph (A) and inserting "$45,000",

(2) by striking "$30,000" in subparagraph (B) and inserting "$33,750", and

(3) by striking "$20,000" in subparagraph (C) and inserting "$22,500".

(c) CONFORMING AMENDMENTS.—

(1) The last sentence of section 55(d)(3) is amended by striking "$155,000 or (ii) $20,000" and inserting "$165,000 or (ii) $22,500".

(2)(A) Subparagraph (A) of section 897(a)(2) is amended by striking "the amount determined under section 55(b)(1)(A) shall not be less than 21 percent of" and inserting "the taxable excess for purposes of section 55(b)(1)(A) shall not be less than".

(B) The heading for paragraph (2) of section 897(a) is amended by striking "21-PERCENT".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1992. 26 USC 55 note.

SEC. 13204. OVERALL LIMITATION ON ITEMIZED DEDUCTIONS FOR HIGH-INCOME TAXPAYERS MADE PERMANENT.

Subsection (f) of section 68 (relating to overall limitation on itemized deductions) is hereby repealed.

SEC. 13205. PHASEOUT OF PERSONAL EXEMPTION OF HIGH-INCOME TAXPAYERS MADE PERMANENT.

Section 151(d)(3) (relating to phaseout of personal exemption) is amended by striking subparagraph (E).

SEC. 13206. PROVISIONS TO PREVENT CONVERSION OF ORDINARY INCOME TO CAPITAL GAIN.

(a) INTEREST EMBEDDED IN FINANCIAL TRANSACTIONS.—

(1) IN GENERAL.—Part IV of subchapter P of chapter 1 (relating to special rules for determining capital gains and losses) is amended by adding at the end the following new section:

"SEC. 1258. RECHARACTERIZATION OF GAIN FROM CERTAIN FINANCIAL TRANSACTIONS.

"(a) GENERAL RULE.—In the case of any gain—

"(1) which (but for this section) would be treated as gain from the sale or exchange of a capital asset, and

"(2) which is recognized on the disposition or other termination of any position which was held as part of a conversion transaction,

such gain (to the extent such gain does not exceed the applicable imputed income amount) shall be treated as ordinary income.

"(b) APPLICABLE IMPUTED INCOME AMOUNT.—For purposes of subsection (a), the term 'applicable imputed income amount' means, with respect to any disposition or other termination referred to in subsection (a), an amount equal to—

"(1) the amount of interest which would have accrued on the taxpayer's net investment in the conversion transaction for the period ending on the date of such disposition or other termination (or, if earlier, the date on which the requirements of subsection (c) ceased to be satisfied) at a rate equal to 120 percent of the applicable rate, reduced by

"(2) the amount treated as ordinary income under subsection (a) with respect to any prior disposition or other termination of a position which was held as a part of such transaction.

The Secretary shall by regulations provide for such reductions in the applicable imputed income amount as may be appropriate by reason of amounts capitalized under section 263(g), ordinary income received, or otherwise. Regulations.

"(c) CONVERSION TRANSACTION.—For purposes of this section, the term 'conversion transaction' means any transaction—

"(1) substantially all of the taxpayer's expected return from which is attributable to the time value of the taxpayer's net investment in such transaction, and

"(2) which is—

"(A) the holding of any property (whether or not actively traded), and the entering into a contract to sell such property (or substantially identical property) at a price determined in accordance with such contract, but only if such property was acquired and such contract was entered into on a substantially contemporaneous basis,

"(B) an applicable straddle,

"(C) any other transaction which is marketed or sold as producing capital gains from a transaction described in paragraph (1), or

"(D) any other transaction specified in regulations prescribed by the Secretary.

"(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) APPLICABLE STRADDLE.—The term 'applicable straddle' means any straddle (within the meaning of section 1092(c)); except that the term 'personal property' shall include stock.

"(2) APPLICABLE RATE.—The term 'applicable rate' means—

"(A) the applicable Federal rate determined under section 1274(d) (compounded semiannually) as if the conversion transaction were a debt instrument, or

"(B) if the term of the conversion transaction is indefinite, the Federal short-term rates in effect under section 6621(b) during the period of the conversion transaction (compounded daily).

"(3) TREATMENT OF BUILT-IN LOSSES.—

"(A) IN GENERAL.—If any position with a built-in loss becomes part of a conversion transaction—

"(i) for purposes of applying this subtitle to such position for periods after such position becomes part of such transaction, such position shall be taken into account at its fair market value as of the time it became part of such transaction, except that

"(ii) upon the disposition or other termination of such position in a transaction in which gain or loss is recognized, such built-in loss shall be recognized and shall have a character determined without regard to this section.

"(B) BUILT-IN LOSS.—For purposes of subparagraph (A), the term 'built-in loss' means the loss (if any) which would have been realized if the position had been disposed of or otherwise terminated at its fair market value as of the time such position became part of the conversion transaction.

"(4) POSITION TAKEN INTO ACCOUNT AT FAIR MARKET VALUE.—In determining the taxpayer's net investment in any conversion transaction, there shall be included the fair market value of any position which becomes part of such transaction (determined as of the time such position became part of such transaction).

"(5) SPECIAL RULE FOR OPTIONS DEALERS AND COMMODITIES TRADERS.—

"(A) IN GENERAL.—Subsection (a) shall not apply to transactions —

"(i) of an options dealer in the normal course of the dealer's trade or business of dealing in options, or

"(ii) of a commodities trader in the normal course of the trader's trade or business of trading section 1256 contracts.

"(B) DEFINITIONS.—For purposes of this paragraph—

"(i) OPTIONS DEALER.—The term 'options dealer' has the meaning given such term by section 1256(g)(8).

"(ii) COMMODITIES TRADER.— The term 'commodities trader' means any person who is a member (or, except as otherwise provided in regulations, is entitled to trade as a member) of a domestic board of trade which is designated as a contract market by the Commodity Futures Trading Commission.

"(C) LIMITED PARTNERS AND LIMITED ENTREPRENEURS.—In the case of any gain from a transaction recognized by an entity which is allocable to a limited partner or limited entrepreneur (within the meaning of section 464(e)(2)), subparagraph (A) shall not apply if—

"(i) substantially all of the limited partner's (or limited entrepreneur's) expected return from the entity is attributable to the time value of the partner's (or entrepreneur's) net investment in such entity,

"(ii) the transaction (or the interest in the entity) was marketed or sold as producing capital gains treatment from a transaction described in subsection (c)(1), or

"(iii) the transaction (or the interest in the entity) is a transaction (or interest) specified in regulations prescribed by the Secretary."

(2) CLERICAL AMENDMENT.—The table of sections for part IV of subchapter P of chapter 1 is amended by adding at the end thereof the following new item:

"Sec. 1258. Recharacterization of gain from certain financial transactions."

(3) EFFECTIVE DATE.—The amendments made by this section shall apply to conversion transactions entered into after April 30, 1993. 26 USC 1258 note.

(b) REPEAL OF CERTAIN EXCEPTIONS TO MARKET DISCOUNT RULES.—

(1) MARKET DISCOUNT BONDS ISSUED ON OR BEFORE JULY 18, 1984.—The following provisions are hereby repealed:

(A) Section 1276(e). 26 USC 1276.

(B) Section 1277(d).

(2) TAX-EXEMPT OBLIGATIONS.—

(A) IN GENERAL.—Paragraph (1) of section 1278(a) (defining market discount bond) is amended—

(i) by striking clause (ii) of subparagraph (B) and redesignating clauses (iii) and (iv) of such subparagraph as clauses (ii) and (iii), respectively,

(ii) by redesignating subparagraph (C) as subparagraph (D), and

(iii) by inserting after subparagraph (B) the following new subparagraph:

"(C) SECTION 1277 NOT APPLICABLE TO TAX-EXEMPT OBLIGATIONS.—For purposes of section 1277, the term 'market discount bond' shall not include any tax-exempt obligation (as defined in section 1275(a)(3))."

(B) CONFORMING AMENDMENTS.—

(i) Sections 1276(a)(4) and 1278(b)(1) are each amended by striking "sections 871(a)" and inserting "sections 103, 871(a),".

(ii) Subparagraph (B) of section 1278(a)(4) is amended by inserting before the period at the end thereof the following: "or, in the case of a tax-exempt obligation, the aggregate amount of the original issue discount which accrued in the manner provided by section 1272(a) (determined without regard to paragraph (7) thereof) during periods before the acquisition of the bond by the taxpayer".

(3) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations purchased (within the meaning of section 1272(d)(1) of the Internal Revenue Code of 1986) after April 30, 1993. 26 USC 1276 note.

(c) TREATMENT OF STRIPPED PREFERRED STOCK.—

26 USC 305.

(1) IN GENERAL.—Section 305 is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following new subsection:

"(e) TREATMENT OF PURCHASER OF STRIPPED PREFERRED STOCK.—

"(1) IN GENERAL.—If any person purchases after April 30, 1993, any stripped preferred stock, then such person, while holding such stock, shall include in gross income amounts equal to the amounts which would have been so includible if such stripped preferred stock were a bond issued on the purchase date and having original issue discount equal to the excess, if any, of—

"(A) the redemption price for such stock, over

"(B) the price at which such person purchased such stock.

The preceding sentence shall also apply in the case of any person whose basis in such stock is determined by reference to the basis in the hands of such purchaser.

"(2) BASIS ADJUSTMENTS.—Appropriate adjustments to basis shall be made for amounts includible in gross income under paragraph (1).

"(3) TAX TREATMENT OF PERSON STRIPPING STOCK.—If any person strips the rights to 1 or more dividends from any stock described in paragraph (5)(B) and after April 30, 1993, disposes of such dividend rights, for purposes of paragraph (1), such person shall be treated as having purchased the stripped preferred stock on the date of such disposition for a purchase price equal to such person's adjusted basis in such stripped preferred stock.

"(4) AMOUNTS TREATED AS ORDINARY INCOME.—Any amount included in gross income under paragraph (1) shall be treated as ordinary income.

"(5) STRIPPED PREFERRED STOCK.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'stripped preferred stock' means any stock described in subparagraph (B) if there has been a separation in ownership between such stock and any dividend on such stock which has not become payable.

"(B) DESCRIPTION OF STOCK.—Stock is described in this subsection if such stock—

"(i) is limited and preferred as to dividends and does not participate in corporate growth to any significant extent, and

"(ii) has a fixed redemption price.

"(6) PURCHASE.—For purposes of this subsection, the term 'purchase' means—

"(A) any acquisition of stock, where

"(B) the basis of such stock is not determined in whole or in part by the reference to the adjusted basis of such stock in the hands of the person from whom acquired."

(2) COORDINATION WITH SECTION 167(e).—Paragraph (2) of section 167(e) is amended to read as follows:

"(2) COORDINATION WITH OTHER PROVISIONS.—

"(A) SECTION 273.—This subsection shall not apply to any term interest to which section 273 applies.

"(B) SECTION 305(e).—This subsection shall not apply to the holder of the dividend rights which were separated from any stripped preferred stock to which section 305(e)(1) applies."

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on April 30, 1993. 26 USC 167 note.

(d) TREATMENT OF CAPITAL GAIN UNDER LIMITATION ON INVESTMENT INTEREST.—

(1) IN GENERAL.—Subparagraph (B) of section 163(d)(4) (defining investment income) is amended to read as follows: 26 USC 163.

"(B) INVESTMENT INCOME.—The term 'investment income' means the sum of—

"(i) gross income from property held for investment (other than any gain taken into account under clause (ii)(I)),

"(ii) the excess (if any) of—

"(I) the net gain attributable to the disposition of property held for investment, over

"(II) the net capital gain determined by only taking into account gains and losses from dispositions of property held for investment, plus

"(iii) so much of the net capital gain referred to in clause (ii)(II) (or, if lesser, the net gain referred to in clause (ii)(I)) as the taxpayer elects to take into account under this clause."

(2) COORDINATION WITH SPECIAL CAPITAL GAINS RATE.—Subsection (h) of section 1 is amended by adding at the end the following new sentence:

"For purposes of the preceding sentence, the net capital gain for any taxable year shall be reduced (but not below zero) by the amount which the taxpayer elects to take into account as investment income for the taxable year under section 163(d)(4)(B)(iii)."

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 1992. 26 USC 1 note.

(e) TREATMENT OF CERTAIN APPRECIATED INVENTORY.—

(1) IN GENERAL.—Paragraph (1) of section 751(d) is amended to read as follows:

"(1) SUBSTANTIAL APPRECIATION.—

"(A) IN GENERAL.—Inventory items of the partnership shall be considered to have appreciated substantially in value if their fair market value exceeds 120 percent of the adjusted basis to the partnership of such property.

"(B) CERTAIN PROPERTY EXCLUDED.—For purposes of subparagraph (A), there shall be excluded any inventory property if a principal purpose for acquiring such property was to avoid the provisions of this section relating to inventory items."

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to sales, exchanges, and distributions after April 30, 1993. 26 USC 751 note.

Subpart B—Other Provisions

SEC. 13207. REPEAL OF LIMITATION ON AMOUNT OF WAGES SUBJECT TO HEALTH INSURANCE EMPLOYMENT TAX.

(a) HOSPITAL INSURANCE TAX.—

26 USC 3121.

(1) Paragraph (1) of section 3121(a) (defining wages) is amended—

(A) by inserting "in the case of the taxes imposed by sections 3101(a) and 3111(a)" after "(1)",

(B) by striking "applicable contribution base (as determined under subsection (x))" each place it appears and inserting "contribution and benefit base (as determined under section 230 of the Social Security Act)", and

(C) by striking "such applicable contribution base" and inserting "such contribution and benefit base".

(2) Section 3121 is amended by striking subsection (x).

(b) SELF-EMPLOYMENT TAX.—

(1) Subsection (b) of section 1402 is amended—

(A) by striking "that part of the net" in paragraph (1) and inserting "in the case of the tax imposed by section 1401(a), that part of the net",

(B) by striking "applicable contribution base (as determined under subsection (k))" in paragraph (1) and inserting "contribution and benefit base (as determined under section 230 of the Social Security Act)",

(C) by inserting "and" after "section 3121(b),", and

(D) by striking "and (C) includes" and all that follows through "3111(b)".

(2) Section 1402 is amended by striking subsection (k).

(c) RAILROAD RETIREMENT TAX.—

(1) Subparagraph (A) of section 3231(e)(2) is amended by adding at the end thereof the following new clause:

"(iii) HOSPITAL INSURANCE TAXES.—Clause (i) shall not apply to—

"(I) so much of the rate applicable under section 3201(a) or 3221(a) as does not exceed the rate of tax in effect under section 3101(b), and

"(II) so much of the rate applicable under section 3211(a)(1) as does not exceed the rate of tax in effect under section 1401(b)."

(2) Clause (i) of section 3231(e)(2)(B) is amended to read as follows:

"(i) TIER 1 TAXES.—Except as provided in clause (ii), the term 'applicable base' means for any calendar year the contribution and benefit base determined under section 230 of the Social Security Act for such calendar year."

(d) TECHNICAL AMENDMENTS.—

(1) Paragraph (1) of section 6413(c) is amended by striking "section 3101 or section 3201" and inserting "section 3101(a) or section 3201(a) (to the extent of so much of the rate applicable under section 3201(a) as does not exceed the rate of tax in effect under section 3101(a))".

(2) Subparagraphs (B) and (C) of section 6413(c)(2) are each amended by striking "section 3101" each place it appears and inserting "section 3101(a)".

(3) Subsection (c) of section 6413 is amended by striking paragraph (3).

(4) Sections 3122 and 3125 are each amended by striking "applicable contribution base limitation" and inserting "contribution and benefit base limitation".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to 1994 and later calendar years. 26 USC 1402 note.

SEC. 13208. TOP ESTATE AND GIFT TAX RATES MADE PERMANENT.

(a) GENERAL RULE.—The table contained in paragraph (1) of section 2001(c) is amended by striking the last item and inserting the following new items:

"Over $2,500,000 but not over $3,000,000.	$1,025,800, plus 53% of the excess over $2,500,000.
Over $3,000,000	$1,290,800, plus 55% of the excess over $3,000,000."

(b) CONFORMING AMENDMENTS.—

(1) Subsection (c) of section 2001 is amended by striking paragraph (2) and by redesignating paragraph (3) as paragraph (2). 26 USC 2001.

(2) Paragraph (2) of section 2001(c), as redesignated by paragraph (1), is amended by striking "($18,340,000 in the case of decedents dying, and gifts made, after 1992)".

(3) The last sentence of section 2101(b) is amended by striking "section 2001(c)(3)" and inserting "section 2001(c)(2)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply in the case of decedents dying and gifts made after December 31, 1992. 26 USC 2001 note.

SEC. 13209. REDUCTION IN DEDUCTIBLE PORTION OF BUSINESS MEALS AND ENTERTAINMENT.

(a) GENERAL RULE.—Paragraph (1) of section 274(n) (relating to only 80 percent of meal and entertainment expenses allowed as deduction) is amended by striking "80 percent" and inserting "50 percent".

(b) CONFORMING AMENDMENT.—The subsection heading for section 274(n) is amended by striking "80" and inserting "50".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1993. 26 USC 274 note.

SEC. 13210. ELIMINATION OF DEDUCTION FOR CLUB MEMBERSHIP FEES.

(a) IN GENERAL.—Subsection (a) of section 274 (relating to disallowance of certain entertainment, etc., expenses) is amended by adding at the end thereof the following new paragraph:

"(3) DENIAL OF DEDUCTION FOR CLUB DUES.—Notwithstanding the preceding provisions of this subsection, no deduction shall be allowed under this chapter for amounts paid or incurred for membership in any club organized for business, pleasure, recreation, or other social purpose."

(b) EXCEPTION FOR EMPLOYEE RECREATIONAL EXPENSES NOT TO APPLY.—Paragraph (4) of section 274(e) is amended by adding at the end thereof the following: "This paragraph shall not apply for purposes of subsection (a)(3)."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after December 31, 1993. 26 USC 274 note.

SEC. 13211. DISALLOWANCE OF DEDUCTION FOR CERTAIN EMPLOYEE REMUNERATION IN EXCESS OF $1,000,000.

(a) GENERAL RULE.—Section 162 (relating to trade or business expenses) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

"(m) CERTAIN EXCESSIVE EMPLOYEE REMUNERATION.—

"(1) IN GENERAL.—In the case of any publicly held corporation, no deduction shall be allowed under this chapter for applicable employee remuneration with respect to any covered employee to the extent that the amount of such remuneration for the taxable year with respect to such employee exceeds $1,000,000.

"(2) PUBLICLY HELD CORPORATION.—For purposes of this subsection, the term 'publicly held corporation' means any corporation issuing any class of common equity securities required to be registered under section 12 of the Securities Exchange Act of 1934.

"(3) COVERED EMPLOYEE.—For purposes of this subsection, the term 'covered employee' means any employee of the taxpayer if—

"(A) as of the close of the taxable year, such employee is the chief executive officer of the taxpayer or is an individual acting in such a capacity, or

"(B) the total compensation of such employee for the taxable year is required to be reported to shareholders under the Securities Exchange Act of 1934 by reason of such employee being among the 4 highest compensated officers for the taxable year (other than the chief executive officer).

"(4) APPLICABLE EMPLOYEE REMUNERATION.—For purposes of this subsection—

"(A) IN GENERAL.—Except as otherwise provided in this paragraph, the term 'applicable employee remuneration' means, with respect to any covered employee for any taxable year, the aggregate amount allowable as a deduction under this chapter for such taxable year (determined without regard to this subsection) for remuneration for services performed by such employee (whether or not during the taxable year).

"(B) EXCEPTION FOR REMUNERATION PAYABLE ON COMMISSION BASIS.—The term 'applicable employee remuneration' shall not include any remuneration payable on a commission basis solely on account of income generated directly by the individual performance of the individual to whom such remuneration is payable.

"(C) OTHER PERFORMANCE-BASED COMPENSATION.—The term 'applicable employee remuneration' shall not include any remuneration payable solely on account of the attainment of one or more performance goals, but only if—

"(i) the performance goals are determined by a compensation committee of the board of directors of the taxpayer which is comprised solely of 2 or more outside directors,

"(ii) the material terms under which the remuneration is to be paid, including the performance goals, are disclosed to shareholders and approved by a majority of the vote in a separate shareholder vote before the payment of such remuneration, and

"(iii) before any payment of such remuneration, the compensation committee referred to in clause (i) certifies that the performance goals and any other material terms were in fact satisfied.

"(D) EXCEPTION FOR EXISTING BINDING CONTRACTS.—The term 'applicable employee remuneration' shall not include any remuneration payable under a written binding contract which was in effect on February 17, 1993, and which was not modified thereafter in any material respect before such remuneration is paid.

"(E) REMUNERATION.—For purposes of this paragraph, the term 'remuneration' includes any remuneration (including benefits) in any medium other than cash, but shall not include—

"(i) any payment referred to in so much of section 3121(a)(5) as precedes subparagraph (E) thereof, and

"(ii) any benefit provided to or on behalf of an employee if at the time such benefit is provided it is reasonable to believe that the employee will be able to exclude such benefit from gross income under this chapter.

For purposes of clause (i), section 3121(a)(5) shall be applied without regard to section 3121(v)(1).

"(F) COORDINATION WITH DISALLOWED GOLDEN PARACHUTE PAYMENTS.—The dollar limitation contained in paragraph (1) shall be reduced (but not below zero) by the amount (if any) which would have been included in the applicable employee remuneration of the covered employee for the taxable year but for being disallowed under section 280G."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to amounts which would otherwise be deductible for taxable years beginning on or after January 1, 1994. 26 USC 162 note.

SEC. 13212. REDUCTION IN COMPENSATION TAKEN INTO ACCOUNT IN DETERMINING CONTRIBUTIONS AND BENEFITS UNDER QUALIFIED RETIREMENT PLANS.

(a) QUALIFICATION REQUIREMENT.—

(1) IN GENERAL.—Section 401(a)(17) is amended— 26 USC 401.

(A) by striking "$200,000" in the first sentence and inserting "$150,000",

(B) by striking the second sentence, and

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

"(B) COST-OF-LIVING ADJUSTMENT.—

"(i) IN GENERAL.—If, for any calendar year after 1994, the excess (if any) of—

"(I) $150,000, increased by the cost-of-living adjustment for the calendar year, over

"(II) the dollar amount in effect under subparagraph (A) for taxable years beginning in the calendar year,

is equal to or greater than $10,000, then the $150,000 amount under subparagraph (A) (as previously adjusted under this subparagraph) for any taxable year beginning in any subsequent calendar year shall be increased by the amount of such excess, rounded to the next lowest multiple of $10,000.

"(ii) COST-OF-LIVING ADJUSTMENT.—The cost-of-living adjustment for any calendar year shall be the adjustment made under section 415(d) for such cal-

endar year, except that the base period for purposes of section 415(d)(1)(A) shall be the calendar quarter beginning October 1, 1993."

26 USC 401.

(2) CONFORMING AMENDMENT.—Section 401(a)(17) is amended by striking "(17) A trust" and inserting:

"(17) COMPENSATION LIMIT.—

"(A) IN GENERAL.—A trust".

(b) SIMPLIFIED EMPLOYEE PENSIONS.—

(1) IN GENERAL.—Paragraphs (3)(C) and (6)(D)(ii) of section 408(k) are each amended by striking "$200,000" and inserting "$150,000".

(2) COST-OF-LIVING.—Paragraph (8) of section 408(k) is amended to read as follows:

"(8) COST-OF-LIVING ADJUSTMENT.—The Secretary shall adjust the $300 amount in paragraph (2)(C) at the same time and in the same manner as under section 415(d) and shall adjust the $150,000 amount in paragraphs (3)(C) and (6)(D)(ii) at the same time, and by the same amount, as any adjustment under section 401(a)(17)(B)."

(c) OTHER RELATED PROVISIONS.—

(1) IN GENERAL.—Sections 404(l) and 505(b)(7) are each amended—

(A) by striking "$200,000" in the first sentence and inserting "$150,000", and

(B) by striking the second sentence and inserting "The Secretary shall adjust the $150,000 amount at the same time, and by the same amount, as any adjustment under section 401(a)(17)(B)."

(2) CONFORMING AMENDMENT.—The heading for section 505(b)(7) is amended by striking "$200,000".

26 USC 401 note.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in this subsection, the amendments made by this section shall apply to benefits accruing in plan years beginning after December 31, 1993.

(2) COLLECTIVELY BARGAINED PLANS.—In the case of a plan maintained pursuant to 1 or more collective bargaining agreements between employee representatives and 1 or more employers ratified before the date of the enactment of this Act, the amendments made by this section shall not apply to contributions or benefits pursuant to such agreements for plan years beginning before the earlier of—

(A) the latest of—

(i) January 1, 1994,

(ii) the date on which the last of such collective bargaining agreements terminates (without regard to any extension, amendment, or modification of such agreements on or after such date of enactment), or

(iii) in the case of a plan maintained pursuant to collective bargaining under the Railway Labor Act, the date of execution of an extension or replacement of the last of such collective bargaining agreements in effect on such date of enactment, or

(B) January 1, 1997.

(3) TRANSITION RULE FOR STATE AND LOCAL PLANS.—

(A) IN GENERAL.—In the case of an eligible participant in a governmental plan (within the meaning of section 414(d) of the Internal Revenue Code of 1986), the dollar

limitation under section 401(a)(17) of such Code shall not apply to the extent the amount of compensation which is allowed to be taken into account under the plan would be reduced below the amount which was allowed to be taken into account under the plan as in effect on July 1, 1993.

(B) ELIGIBLE PARTICIPANT.—For purposes of subparagraph (A), an eligible participant is an individual who first became a participant in the plan during a plan year beginning before the 1st plan year beginning after the earlier of—

(i) the plan year in which the plan is amended to reflect the amendments made by this section, or

(ii) December 31, 1995.

(C) PLAN MUST BE AMENDED TO INCORPORATE LIMITS.—This paragraph shall not apply to any eligible participant of a plan unless the plan is amended so that the plan incorporates by reference the dollar limitation under section 401(a)(17) of the Internal Revenue Code of 1986, effective with respect to noneligible participants for plan years beginning after December 31, 1995 (or earlier if the plan amendment so provides).

SEC. 13213. MODIFICATIONS TO DEDUCTION FOR MOVING EXPENSES.

(a) DEFINITION OF DEDUCTIBLE EXPENSES.—

(1) IN GENERAL.—Subsection (b) of section 217 (defining moving expenses) is amended to read as follows: 26 USC 217.

"(b) DEFINITION OF MOVING EXPENSES.—

"(1) IN GENERAL.—For purposes of this section, the term 'moving expenses' means only the reasonable expenses—

"(A) of moving household goods and personal effects from the former residence to the new residence, and

"(B) of traveling (including lodging) from the former residence to the new place of residence.

Such term shall not include any expenses for meals.

"(2) INDIVIDUALS OTHER THAN TAXPAYER.—In the case of any individual other than the taxpayer, expenses referred to in paragraph (1) shall be taken into account only if such individual has both the former residence and the new residence as his principal place of abode and is a member of the taxpayer's household."

(2) CONFORMING AMENDMENTS.—

(A) Section 217 is amended by striking subsection (e).

(B) Subsection (f) of section 217 is amended to read as follows:

"(f) SELF-EMPLOYED INDIVIDUAL.—For purposes of this section, the term 'self-employed individual' means an individual who performs personal services—

"(1) as the owner of the entire interest in an unincorporated trade or business, or

"(2) as a partner in a partnership carrying on a trade or business."

(C) Paragraph (3) of section 217(g) is amended by inserting "and" at the end of subparagraph (A), by striking subparagraph (B), and by redesignating subparagraph (C) as subparagraph (B).

26 USC 217.

(D) Subsection (h) of section 217 is amended by striking paragraph (1) and redesignating the following paragraphs accordingly.

(E) Section 1001 is amended by striking subsection (f).

(F) Subsection (e) of section 1016 is amended to read as follows:

"(e) CROSS REFERENCE.—

"For treatment of separate mineral interests as one property, see section 614."

(b) INCREASE IN MILEAGE REQUIREMENT.—Paragraph (1) of section 217(c) is amended by striking "35 miles" each place it appears and inserting "50 miles".

(c) DEDUCTION ALLOWED IN COMPUTING ADJUSTED GROSS INCOME.—

(1) IN GENERAL.—Subsection (a) of section 62 (defining adjusted gross income) is amended by inserting after paragraph (14) the following new paragraph:

"(15) MOVING EXPENSES.—The deduction allowed by section 217."

(2) CONFORMING AMENDMENT.—Subsection (b) of section 67 is amended by striking paragraph (6) and redesignating the following paragraphs accordingly.

(d) EXCLUSION OF EMPLOYER REIMBURSEMENT FOR DEDUCTIBLE EXPENSES.—

(1) IN GENERAL.—Subsection (a) of section 132 (relating to certain fringe benefits) is amended by striking "or" at the end of paragraph (4), by striking the period at the end of paragraph (5) and inserting ", or", and by adding at the end thereof the following new paragraph:

"(6) qualified moving expense reimbursement."

(2) QUALIFIED MOVING EXPENSE REIMBURSEMENT DEFINED.—Section 132 is amended by redesignating subsections (g), (h), (i), (j), (k), and (l), as subsections (h), (i), (j), (k), (l), and (m), respectively, and by inserting after subsection (f) the following new subsection:

"(g) QUALIFIED MOVING EXPENSE REIMBURSEMENT.—For purposes of this section, the term 'qualified moving expense reimbursement' means any amount received (directly or indirectly) by an individual from an employer as a payment for (or a reimbursement of) expenses which would be deductible as moving expenses under section 217 if directly paid or incurred by the individual. Such term shall not include any payment for (or reimbursement of) an expense actually deducted by the individual in a prior taxable year."

(3) CONFORMING AMENDMENTS.—

(A) Section 82 is amended by striking "There shall" and inserting "Except as provided in section 132(a)(6), there shall".

(B) Subsection (j) of section 132 (as redesignated by paragraph (2)) is amended by striking "subsection (f)" in paragraph (4)(B)(iii) thereof and inserting "subsection (h)".

(C) Subsection (l) of section 132 (as redesignated by paragraph (2)) is amended by striking "subsection (e)" and inserting "subsections (e) and (g)".

(D) Section 4977(c) is amended by striking "section 132(g)(2)" and inserting "section 132(i)(2)".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to expenses incurred after December 31, 1993; except that the amendments made by subsection (d) shall apply to reimbursements or other payments in respect of expenses incurred after such date. 26 USC 62 note.

SEC. 13214. SIMPLIFICATION OF INDIVIDUAL ESTIMATED TAX SAFE HARBOR BASED ON LAST YEAR'S TAX.

(a) IN GENERAL.—Paragraph (1) of section 6654(d) (relating to amount of required estimated tax installments) is amended by striking subparagraphs (C), (D), (E), and (F) and by inserting the following new subparagraph: 26 USC 6654.

"(C) LIMITATION ON USE OF PRECEDING YEAR'S TAX.—

"(i) IN GENERAL.—If the adjusted gross income shown on the return of the individual for the preceding taxable year exceeds $150,000, clause (ii) of subparagraph (B) shall be applied by substituting '110 percent' for '100 percent'.

"(ii) SEPARATE RETURNS.—In the case of a married individual (within the meaning of section 7703) who files a separate return for the taxable year for which the amount of the installment is being determined, clause (i) shall be applied by substituting '$75,000' for '$150,000'.

"(iii) SPECIAL RULE.—In the case of an estate or trust, adjusted gross income shall be determined as provided in section 67(e)."

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (A) of section 6654(j)(3) is amended by striking "and subsection (d)(1)(C)(iii) shall not apply".

(2) Paragraph (4) of section 6654(l) is amended by striking "paragraphs (1)(C)(iv) and (2)(B)(i) of subsection (d)" and inserting "subsection (d)(2)(B)(i)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1993. 26 USC 6654 note.

SEC. 13215. SOCIAL SECURITY AND TIER 1 RAILROAD RETIREMENT BENEFITS.

(a) ADDITIONAL INCLUSION FOR CERTAIN TAXPAYERS.—

(1) IN GENERAL.—Subsection (a) of section 86 (relating to social security and tier 1 railroad retirement benefits) is amended by adding at the end the following new paragraph:

"(2) ADDITIONAL AMOUNT.—In the case of a taxpayer with respect to whom the amount determined under subsection (b)(1)(A) exceeds the adjusted base amount, the amount included in gross income under this section shall be equal to the lesser of—

"(A) the sum of—

"(i) 85 percent of such excess, plus

"(ii) the lesser of the amount determined under paragraph (1) or an amount equal to one-half of the difference between the adjusted base amount and the base amount of the taxpayer, or

"(B) 85 percent of the social security benefits received during the taxable year."

(2) CONFORMING AMENDMENTS.—Subsection (a) of section 86 is amended—

(A) by striking "Gross" and inserting:

"(1) IN GENERAL.—Except as provided in paragraph (2), gross", and

(B) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively.

26 USC 86.

(b) ADJUSTED BASE AMOUNT.—Section 86(c) (defining base amount) is amended to read as follows:

"(c) BASE AMOUNT AND ADJUSTED BASE AMOUNT.—For purposes of this section—

"(1) BASE AMOUNT.—The term 'base amount' means—

"(A) except as otherwise provided in this paragraph, $25,000,

"(B) $32,000 in the case of a joint return, and

"(C) zero in the case of a taxpayer who—

"(i) is married as of the close of the taxable year (within the meaning of section 7703) but does not file a joint return for such year, and

"(ii) does not live apart from his spouse at all times during the taxable year.

"(2) ADJUSTED BASE AMOUNT.—The term 'adjusted base amount' means—

"(A) except as otherwise provided in this paragraph, $34,000,

"(B) $44,000 in the case of a joint return, and

"(C) zero in the case of a taxpayer described in paragraph (1)(C)."

(c) TRANSFERS TO THE HOSPITAL INSURANCE TRUST FUND.—

(1) IN GENERAL.—Paragraph (1) of section 121(e) of the

42 USC 401 note.

Social Security Amendments of 1983 (Public Law 92–21) is amended by—

(A) striking "There" and inserting:

"(A) There";

(B) inserting "(i)" immediately following "amounts equivalent to"; and

(C) striking the period and inserting the following: ", less (ii) the amounts equivalent to the aggregate increase in tax liabilities under chapter 1 of the Internal Revenue Code of 1986 which is attributable to the amendments to section 86 of such Code made by section 13215 of the Revenue Reconciliation Act of 1993.

"(B) There are hereby appropriated to the hospital insurance trust fund amounts equal to the increase in tax liabilities described in subparagraph (A)(ii). Such appropriated amounts shall be transferred from the general fund of the Treasury on the basis of estimates of such tax liabilities made by the Secretary of the Treasury. Transfers shall be made pursuant to a schedule made by the Secretary of the Treasury that takes into account estimated timing of collection of such liabilities."

(2) DEFINITION.—Paragraph (3) of section 121(e) of such Act is amended by redesignating subparagraph (B) as subparagraph (C), and by inserting after subparagraph (A) the following new subparagraph:

"(B) HOSPITAL INSURANCE TRUST FUND.—The term 'hospital insurance trust fund' means the fund established pursuant to section 1817 of the Social Security Act.".

(3) CONFORMING AMENDMENT.—Paragraph (2) of section 121(e) of such Act is amended in the first sentence by striking "paragraph (1)" and inserting "paragraph (1)(A)". 42 USC 401 note.

(4) TECHNICAL AMENDMENTS.—Paragraph (1)(A) of section 121(e) of such Act, as redesignated and amended by paragraph (1), is amended by striking "1954" and inserting "1986".

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to taxable years beginning after December 31, 1993. 42 USC 86 note.

PART II—PROVISIONS AFFECTING BUSINESSES

SEC. 13221. INCREASE IN TOP MARGINAL RATE UNDER SECTION 11.

(a) GENERAL RULE.—Paragraph (1) of section 11(b) (relating to amount of tax) is amended— 26 USC 11.

(1) by striking "and" at the end of subparagraph (B),

(2) by striking subparagraph (C) and inserting the following:

"(C) 34 percent of so much of the taxable income as exceeds $75,000 but does not exceed $10,000,000, and

"(D) 35 percent of so much of the taxable income as exceeds $10,000,000.", and

(3) by adding at the end thereof the following new sentence: "In the case of a corporation which has taxable income in excess of $15,000,000, the amount of the tax determined under the foregoing provisions of this paragraph shall be increased by an additional amount equal to the lesser of (i) 3 percent of such excess, or (ii) $100,000."

(b) CERTAIN PERSONAL SERVICE CORPORATIONS.—Paragraph (2) of section 11(b) is amended by striking "34 percent" and inserting "35 percent".

(c) CONFORMING AMENDMENTS.—

(1) Clause (iii) of section 852(b)(3)(D) is amended by striking "66 percent" and inserting "65 percent".

(2) Subsection (a) of section 1201 is amended by striking "34 percent" each place it appears and inserting "35 percent".

(3) Paragraphs (1) and (2) of section 1445(e) are each amended by striking "34 percent" and inserting "35 percent".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning on or after January 1, 1993; except that the amendment made by subsection (c)(3) shall take effect on the date of the enactment of this Act. 26 USC 11 note.

SEC. 13222. DENIAL OF DEDUCTION FOR LOBBYING EXPENSES.

(a) DISALLOWANCE OF DEDUCTION.—Section 162(e) (relating to appearances, etc., with respect to legislation) is amended to read as follows:

"(e) DENIAL OF DEDUCTION FOR CERTAIN LOBBYING AND POLITICAL EXPENDITURES.—

"(1) IN GENERAL.—No deduction shall be allowed under subsection (a) for any amount paid or incurred in connection with—

"(A) influencing legislation,

"(B) participation in, or intervention in, any political campaign on behalf of (or in opposition to) any candidate for public office,

"(C) any attempt to influence the general public, or segments thereof, with respect to elections, legislative matters, or referendums, or

"(D) any direct communication with a covered executive branch official in an attempt to influence the official actions or positions of such official.

"(2) EXCEPTION FOR LOCAL LEGISLATION.—In the case of any legislation of any local council or similar governing body—

"(A) paragraph (1)(A) shall not apply, and

"(B) the deduction allowed by subsection (a) shall include all ordinary and necessary expenses (including, but not limited to, traveling expenses described in subsection (a)(2) and the cost of preparing testimony) paid or incurred during the taxable year in carrying on any trade or business—

"(i) in direct connection with appearances before, submission of statements to, or sending communications to the committees, or individual members, of such council or body with respect to legislation or proposed legislation of direct interest to the taxpayer, or

"(ii) in direct connection with communication of information between the taxpayer and an organization of which the taxpayer is a member with respect to any such legislation or proposed legislation which is of direct interest to the taxpayer and to such organization,

and that portion of the dues so paid or incurred with respect to any organization of which the taxpayer is a member which is attributable to the expenses of the activities described in clauses (i) and (ii) carried on by such organization.

"(3) APPLICATION TO DUES OF TAX-EXEMPT ORGANIZATIONS.—No deduction shall be allowed under subsection (a) for the portion of dues or other similar amounts paid by the taxpayer to an organization which is exempt from tax under this subtitle which the organization notifies the taxpayer under section 6033(e)(1)(A)(ii) is allocable to expenditures to which paragraph (1) applies.

"(4) INFLUENCING LEGISLATION.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'influencing legislation' means any attempt to influence any legislation through communication with any member or employee of a legislative body, or with any government official or employee who may participate in the formulation of legislation.

"(B) LEGISLATION.—The term 'legislation' has the meaning given such term by section 4911(e)(2).

"(5) OTHER SPECIAL RULES.—

"(A) EXCEPTION FOR CERTAIN TAXPAYERS.—In the case of any taxpayer engaged in the trade or business of conducting activities described in paragraph (1), paragraph (1) shall not apply to expenditures of the taxpayer in conducting such activities directly on behalf of another person (but shall apply to payments by such other person to the taxpayer for conducting such activities).

"(B) DE MINIMIS EXCEPTION.—

"(i) IN GENERAL.—Paragraph (1) shall not apply to any in-house expenditures for any taxable year if such expenditures do not exceed $2,000. In determining whether a taxpayer exceeds the $2,000 limit under this clause, there shall not be taken into account overhead costs otherwise allocable to activities described in paragraphs (1)(A) and (D).

"(ii) IN-HOUSE EXPENDITURES.—For purposes of clause (i), the term 'in-house expenditures' means expenditures described in paragraphs (1)(A) and (D) other than—

"(I) payments by the taxpayer to a person engaged in the trade or business of conducting activities described in paragraph (1) for the conduct of such activities on behalf of the taxpayer, or

"(II) dues or other similar amounts paid or incurred by the taxpayer which are allocable to activities described in paragraph (1).

"(C) EXPENSES INCURRED IN CONNECTION WITH LOBBYING AND POLITICAL ACTIVITIES.—Any amount paid or incurred for research for, or preparation, planning, or coordination of, any activity described in paragraph (1) shall be treated as paid or incurred in connection with such activity.

"(6) COVERED EXECUTIVE BRANCH OFFICIAL.—For purposes of this subsection, the term 'covered executive branch official' means—

"(A) the President,

"(B) the Vice President,

"(C) any officer or employee of the White House Office of the Executive Office of the President, and the 2 most senior level officers of each of the other agencies in such Executive Office, and

"(D)(i) any individual serving in a position in level I of the Executive Schedule under section 5312 of title 5, United States Code, (ii) any other individual designated by the President as having Cabinet level status, and (iii) any immediate deputy of an individual described in clause (i) or (ii).

"(7) SPECIAL RULE FOR INDIAN TRIBAL GOVERNMENTS.—For purposes of this subsection, an Indian tribal government shall be treated in the same manner as a local council or similar governing body.

"(8) CROSS REFERENCE.—

"For reporting requirements and alternative taxes related to this subsection, see section 6033(e)."

(b) DISALLOWANCE OF CHARITABLE DEDUCTION IN CERTAIN CASES.—Section 170(f) (relating to disallowance of deduction in certain cases and special rules), as amended by section 13172, is amended by adding at the end the following new paragraph:

"(9) DENIAL OF DEDUCTION WHERE CONTRIBUTION FOR LOBBYING ACTIVITIES.—No deduction shall be allowed under this section for a contribution to an organization which conducts activities to which section 162(e)(1) applies on matters of direct financial interest to the donor's trade or business, if a principal purpose of the contribution was to avoid Federal income tax

by securing a deduction for such activities under this section which would be disallowed by reason of section 162(e) if the donor had conducted such activities directly. No deduction shall be allowed under section 162(a) for any amount for which a deduction is disallowed under the preceding sentence."

26 USC 6033.

(c) REPORTING REQUIREMENTS.—Section 6033 (relating to returns by exempt organizations) is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following new subsection:

"(e) SPECIAL RULES RELATING TO LOBBYING ACTIVITIES.—

"(1) REPORTING REQUIREMENTS.—

"(A) IN GENERAL.—If this subsection applies to an organization for any taxable year, such organization—

"(i) shall include on any return required to be filed under subsection (a) for such year information setting forth the total expenditures of the organization to which section 162(e)(1) applies and the total amount of the dues or other similar amounts paid to the organization to which such expenditures are allocable, and

"(ii) except as provided in paragraphs (2)(A)(i) and (3), shall, at the time of assessment or payment of such dues or other similar amounts, provide notice to each person making such payment which contains a reasonable estimate of the portion of such dues or other similar amounts to which such expenditures are so allocable.

"(B) ORGANIZATIONS TO WHICH SUBSECTION APPLIES.—

"(i) IN GENERAL.—This subsection shall apply to any organization which is exempt from taxation under this subtitle other than an organization described in section 501(c)(3).

"(ii) SPECIAL RULE FOR IN-HOUSE EXPENDITURES.—This subsection shall not apply to the in-house expenditures (within the meaning of section 162(e)(5)(B)(ii)) of an organization for a taxable year if such expenditures do not exceed $2,000. In determining whether a taxpayer exceeds the $2,000 limit under this clause, there shall not be taken into account overhead costs otherwise allocable to activities described in subparagraphs (A) and (D) of section 162(e)(1).

"(C) ALLOCATION.—For purposes of this paragraph—

"(i) IN GENERAL.—Expenditures to which section 162(e)(1) applies shall be treated as paid out of dues or other similar amounts to the extent thereof.

"(ii) CARRYOVER OF LOBBYING EXPENDITURES IN EXCESS OF DUES.—If expenditures to which section 162(e)(1) applies exceed the dues or other similar amounts for any taxable year, such excess shall be treated as expenditures to which section 162(e)(1) applies which are paid or incurred by the organization during the following taxable year.

"(2) TAX IMPOSED WHERE ORGANIZATION DOES NOT NOTIFY.—

"(A) IN GENERAL.—If an organization—

"(i) elects not to provide the notices described in paragraph (1)(A) for any taxable year, or

"(ii) fails to include in such notices the amount allocable to expenditures to which section 162(e)(1) applies (determined on the basis of actual amounts rather than the reasonable estimates under paragraph (1)(A)(ii)),

then there is hereby imposed on such organization for such taxable year a tax in an amount equal to the product of the highest rate of tax imposed by section 11 for the taxable year and the aggregate amount not included in such notices by reason of such election or failure.

"(B) WAIVER WHERE FUTURE ADJUSTMENTS MADE.—The Secretary may waive the tax imposed by subparagraph (A)(ii) for any taxable year if the organization agrees to adjust its estimates under paragraph (1)(A)(ii) for the following taxable year to correct any failures.

"(C) TAX TREATED AS INCOME TAX.—For purposes of this title, the tax imposed by subparagraph (A) shall be treated in the same manner as a tax imposed by chapter 1 (relating to income taxes).

"(3) EXCEPTION WHERE DUES GENERALLY NONDEDUCTIBLE.—Paragraph (1)(A) shall not apply to an organization which establishes to the satisfaction of the Secretary that substantially all of the dues or other similar amounts paid by persons to such organization are not deductible without regard to section 162(e)."

(d) CONFORMING AMENDMENT.—Section 7871(a)(6) is amended by striking subparagraph (B) and by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively. 26 USC 7871.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after December 31, 1993. 26 USC 162 note.

SEC. 13223. MARK TO MARKET ACCOUNTING METHOD FOR SECURITIES DEALERS.

(a) GENERAL RULE.—Subpart D of part II of subchapter E of chapter 1 (relating to inventories) is amended by adding at the end thereof the following new section:

"SEC. 475. MARK TO MARKET ACCOUNTING METHOD FOR DEALERS IN SECURITIES.

"(a) GENERAL RULE.—Notwithstanding any other provision of this subpart, the following rules shall apply to securities held by a dealer in securities:

"(1) Any security which is inventory in the hands of the dealer shall be included in inventory at its fair market value.

"(2) In the case of any security which is not inventory in the hands of the dealer and which is held at the close of any taxable year—

"(A) the dealer shall recognize gain or loss as if such security were sold for its fair market value on the last business day of such taxable year, and

"(B) any gain or loss shall be taken into account for such taxable year.

Proper adjustment shall be made in the amount of any gain or loss subsequently realized for gain or loss taken into account under the preceding sentence. The Secretary may provide by regulations for the application of this paragraph at times other than the times provided in this paragraph.

"(b) EXCEPTIONS.—

"(1) IN GENERAL.—Subsection (a) shall not apply to—

"(A) any security held for investment,

"(B)(i) any security described in subsection (c)(2)(C) which is acquired (including originated) by the taxpayer in the ordinary course of a trade or business of the taxpayer and which is not held for sale, and (ii) any obligation to acquire a security described in clause (i) if such obligation is entered into in the ordinary course of such trade or business and is not held for sale, and

"(C) any security which is a hedge with respect to—

"(i) a security to which subsection (a) does not apply, or

"(ii) a position, right to income, or a liability which is not a security in the hands of the taxpayer.

To the extent provided in regulations, subparagraph (C) shall not apply to any security held by a person in its capacity as a dealer in securities.

"(2) IDENTIFICATION REQUIRED.—A security shall not be treated as described in subparagraph (A), (B), or (C) of paragraph (1), as the case may be, unless such security is clearly identified in the dealer's records as being described in such subparagraph before the close of the day on which it was acquired, originated, or entered into (or such other time as the Secretary may by regulations prescribe).

"(3) SECURITIES SUBSEQUENTLY NOT EXEMPT.—If a security ceases to be described in paragraph (1) at any time after it was identified as such under paragraph (2), subsection (a) shall apply to any changes in value of the security occurring after the cessation.

"(4) SPECIAL RULE FOR PROPERTY HELD FOR INVESTMENT.—To the extent provided in regulations, subparagraph (A) of paragraph (1) shall not apply to any security described in subparagraph (D) or (E) of subsection (c)(2) which is held by a dealer in such securities.

"(c) DEFINITIONS.—For purposes of this section—

"(1) DEALER IN SECURITIES DEFINED.—The term 'dealer in securities' means a taxpayer who—

"(A) regularly purchases securities from or sells securities to customers in the ordinary course of a trade or business; or

"(B) regularly offers to enter into, assume, offset, assign or otherwise terminate positions in securities with customers in the ordinary course of a trade or business.

"(2) SECURITY DEFINED.—The term 'security' means any—

"(A) share of stock in a corporation;

"(B) partnership or beneficial ownership interest in a widely held or publicly traded partnership or trust;

"(C) note, bond, debenture, or other evidence of indebtedness;

"(D) interest rate, currency, or equity notional principal contract;

"(E) evidence of an interest in, or a derivative financial instrument in, any security described in subparagraph (A), (B), (C), or (D), or any currency, including any option, forward contract, short position, and any similar financial instrument in such a security or currency; and

"(F) position which—

"(i) is not a security described in subparagraph (A), (B), (C), (D), or (E),

"(ii) is a hedge with respect to such a security, and

"(iii) is clearly identified in the dealer's records as being described in this subparagraph before the close of the day on which it was acquired or entered into (or such other time as the Secretary may by regulations prescribe).

Subparagraph (E) shall not include any contract to which section 1256(a) applies.

"(3) HEDGE.—The term 'hedge' means any position which reduces the dealer's risk of interest rate or price changes or currency fluctuations, including any position which is reasonably expected to become a hedge within 60 days after the acquisition of the position.

"(d) SPECIAL RULES.—For purposes of this section—

"(1) COORDINATION WITH CERTAIN RULES.—The rules of sections 263(g), 263A, and 1256(a) shall not apply to securities to which subsection (a) applies, and section 1091 shall not apply (and section 1092 shall apply) to any loss recognized under subsection (a).

"(2) IMPROPER IDENTIFICATION.—If a taxpayer—

"(A) identifies any security under subsection (b)(2) as being described in subsection (b)(1) and such security is not so described, or

"(B) fails under subsection (c)(2)(F)(iii) to identify any position which is described in subsection (c)(2)(F) (without regard to clause (iii) thereof) at the time such identification is required,

the provisions of subsection (a) shall apply to such security or position, except that any loss under this section prior to the disposition of the security or position shall be recognized only to the extent of gain previously recognized under this section (and not previously taken into account under this paragraph) with respect to such security or position.

"(3) CHARACTER OF GAIN OR LOSS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B) or section 1236(b)—

"(i) IN GENERAL.—Any gain or loss with respect to a security under subsection (a)(2) shall be treated as ordinary income or loss.

"(ii) SPECIAL RULE FOR DISPOSITIONS.—If—

"(I) gain or loss is recognized with respect to a security before the close of the taxable year, and

"(II) subsection (a)(2) would have applied if the security were held as of the close of the taxable year,

such gain or loss shall be treated as ordinary income or loss.

"(B) EXCEPTION.—Subparagraph (A) shall not apply to any gain or loss which is allocable to a period during which—

"(i) the security is described in subsection (b)(1)(C) (without regard to subsection (b)(2)),

"(ii) the security is held by a person other than in connection with its activities as a dealer in securities, or

"(iii) the security is improperly identified (within the meaning of subparagraph (A) or (B) of paragraph (2)).

"(e) REGULATORY AUTHORITY.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section, including rules—

"(1) to prevent the use of year-end transfers, related parties, or other arrangements to avoid the provisions of this section, and

"(2) to provide for the application of this section to any security which is a hedge which cannot be identified with a specific security, position, right to income, or liability."

(b) CONFORMING AMENDMENTS.—

26 USC 988.

(1) Paragraph (1) of section 988(d) is amended—

(A) by striking "section 1256" and inserting "section 475 or 1256", and

(B) by striking "1092 and 1256" and inserting "475, 1092, and 1256".

(2) The table of sections for subpart D of part II of subchapter E of chapter 1 is amended by adding at the end thereof the following new item:

"Sec. 475. Mark to market accounting method for dealers in securities."

26 USC 475 note.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to all taxable years ending on or after December 31, 1993.

(2) CHANGE IN METHOD OF ACCOUNTING.—In the case of any taxpayer required by this section to change its method of accounting for any taxable year—

(A) such change shall be treated as initiated by the taxpayer,

(B) such change shall be treated as made with the consent of the Secretary, and

(C) except as provided in paragraph (3), the net amount of the adjustments required to be taken into account by the taxpayer under section 481 of the Internal Revenue Code of 1986 shall be taken into account ratably over the 5-taxable year period beginning with the first taxable year ending on or after December 31, 1993.

(3) SPECIAL RULE FOR FLOOR SPECIALISTS AND MARKET MAKERS.—

(A) IN GENERAL.—If—

(i) a taxpayer (or any predecessor) used the last-in first-out (LIFO) method of accounting with respect to any qualified securities for the 5-taxable year period ending with its last taxable year ending before December 31, 1993, and

(ii) any portion of the net amount described in paragraph (2)(C) is attributable to the use of such method of accounting,

then paragraph (2)(C) shall be applied by taking such portion into account ratably over the 15-taxable year period beginning with the first taxable year ending on or after December 31, 1993.

(B) QUALIFIED SECURITY.—For purposes of this paragraph, the term "qualified security" means any security acquired—

(i) by a floor specialist (as defined in section 1236(d)(2) of the Internal Revenue Code of 1986) in connection with the specialist's duties as a specialist on an exchange, but only if the security is one in which the specialist is registered with the exchange, or

(ii) by a taxpayer who is a market maker in connection with the taxpayer's duties as a market maker, but only if—

(I) the security is included on the National Association of Security Dealers Automated Quotation System,

(II) the taxpayer is registered as a market maker in such security with the National Association of Security Dealers, and

(III) as of the last day of the taxable year preceding the taxpayer's first taxable year ending on or after December 31, 1993, the taxpayer (or any predecessor) has been actively and regularly engaged as a market maker in such security for the 2-year period ending on such date (or, if shorter, the period beginning 61 days after the security was listed in such quotation system and ending on such date).

SEC. 13224. CLARIFICATION OF TREATMENT OF CERTAIN FSLIC FINANCIAL ASSISTANCE.

26 USC 165 note.

(a) GENERAL RULE.—For purposes of chapter 1 of the Internal Revenue Code of 1986—

(1) any FSLIC assistance with respect to any loss of principal, capital, or similar amount upon the disposition of any asset shall be taken into account as compensation for such loss for purposes of section 165 of such Code, and

(2) any FSLIC assistance with respect to any debt shall be taken into account for purposes of section 166, 585, or 593 of such Code in determining whether such debt is worthless (or the extent to which such debt is worthless) and in determining the amount of any addition to a reserve for bad debts arising from the worthlessness or partial worthlessness of such debts.

(b) FSLIC ASSISTANCE.—For purposes of this section, the term "FSLIC assistance" means any assistance (or right to assistance) with respect to a domestic building and loan association (as defined in section 7701(a)(19) of such Code without regard to subparagraph (C) thereof) under section 406(f) of the National Housing Act or section 21A of the Federal Home Loan Bank Act (or under any similar provision of law).

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection—

(A) The provisions of this section shall apply to taxable years ending on or after March 4, 1991, but only with respect to FSLIC assistance not credited before March 4, 1991.

(B) If any FSLIC assistance not credited before March 4, 1991, is with respect to a loss sustained or charge-off in a taxable year ending before March 4, 1991, for purposes of determining the amount of any net operating loss carryover to a taxable year ending on or after March 4, 1991, the provisions of this section shall apply to such assistance for purposes of determining the amount of the net operating loss for the taxable year in which such loss was sustained or debt written off. Except as provided in the preceding sentence, this section shall not apply to any FSLIC assistance with respect to a loss sustained or charge-off in a taxable year ending before March 4, 1991.

(2) EXCEPTIONS.—The provisions of this section shall not apply to any assistance to which the amendments made by section 1401(a)(3) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 apply.

SEC. 13225. MODIFICATION OF CORPORATE ESTIMATED TAX RULES.

(a) INCREASE IN REQUIRED INSTALLMENT BASED ON CURRENT YEAR TAX.—

26 USC 6655.

(1) IN GENERAL.—Clause (i) of section 6655(d)(1)(B) (relating to amount of required installment) is amended by striking "91 percent" each place it appears and inserting "100 percent".

(2) CONFORMING AMENDMENTS.—

(A) Subsection (d) of section 6655 is amended—

(i) by striking paragraph (3), and

(ii) by striking "91 PERCENT" in the paragraph heading of paragraph (2) and inserting "100 PERCENT".

(B) Clause (ii) of section 6655(e)(2)(B) is amended by striking the table contained therein and inserting the following:

"In the case of the following required installments:	The applicable percentage is:
1st	25
2nd	50
3rd	75
4th	100."

(C) Clause (i) of section 6655(e)(3)(A) is amended by striking "91 percent" and inserting "100 percent".

(b) MODIFICATION OF PERIODS FOR APPLYING ANNUALIZATION.—

(1) Clause (i) of section 6655(e)(2)(A) is amended—

(A) by striking "or for the first 5 months" in subclause (II),

(B) by striking "or for the first 8 months" in subclause (III), and

(C) by striking "or for the first 11 months" in subclause (IV).

(2) Paragraph (2) of section 6655(e) is amended by adding at the end thereof the following new subparagraph:

"(C) ELECTION FOR DIFFERENT ANNUALIZATION PERIODS.—

"(i) If the taxpayer makes an election under this clause—

"(I) subclause (I) of subparagraph (A)(i) shall be applied by substituting '2 months' for '3 months',

"(II) subclause (II) of subparagraph (A)(i) shall be applied by substituting '4 months' for '3 months',

"(III) subclause (III) of subparagraph (A)(i) shall be applied by substituting '7 months' for '6 months', and

"(IV) subclause (IV) of subparagraph (A)(i) shall be applied by substituting '10 months' for '9 months'.

"(ii) If the taxpayer makes an election under this clause—

"(I) subclause (II) of subparagraph (A)(i) shall be applied by substituting '5 months' for '3 months',

"(II) subclause (III) of subparagraph (A)(i) shall be applied by substituting '8 months' for '6 months', and

"(III) subclause (IV) of subparagraph (A)(i) shall be applied by substituting '11 months' for '9 months'.

"(iii) An election under clause (i) or (ii) shall apply to the taxable year for which made and such an election shall be effective only if made on or before the date required for the payment of the first required installment for such taxable year."

(3) The last sentence of section 6655(g)(3) is amended by striking "and subsection (e)(2)(A)" and inserting "and, except in the case of an election under subsection (e)(2)(C), subsection (e)(2)(A)". 26 USC 6655.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1993. 26 USC 6655 note.

SEC. 13226. MODIFICATIONS OF DISCHARGE OF INDEBTEDNESS PROVISIONS.

(a) REPEAL OF STOCK FOR DEBT EXCEPTION IN DETERMINING INCOME FROM DISCHARGE OF INDEBTEDNESS.—

(1) IN GENERAL.—Subsection (e) of section 108 is amended—

(A) by striking paragraph (10) and by redesignating paragraph (11) as paragraph (10), and

(B) by amending paragraph (8) to read as follows:

"(8) INDEBTEDNESS SATISFIED BY CORPORATION'S STOCK.—For purposes of determining income of a debtor from discharge of indebtedness, if a debtor corporation transfers stock to a creditor in satisfaction of its indebtedness, such corporation shall be treated as having satisfied the indebtedness with an amount of money equal to the fair market value of the stock."

(2) CONFORMING AMENDMENTS.—

(A) Subparagraph (C) of section 382(l)(5) is amended to read as follows:

"(C) COORDINATION WITH SECTION 108.—In applying section 108(e)(8) to any case to which subparagraph (A) applies, there shall not be taken into account any indebtedness for interest described in subparagraph (B)."

(B) Section 108(e)(6) is amended by striking "For" and inserting "Except as provided in regulations, for".

(3) EFFECTIVE DATE.— 26 USC 108 note.

(A) IN GENERAL.—Except as otherwise provided in this paragraph, the amendments made by this subsection shall apply to stock transferred after December 31, 1994, in satisfaction of any indebtedness.

(B) EXCEPTION FOR TITLE 11 CASES.—The amendments made by this subsection shall not apply to stock transferred in satisfaction of any indebtedness if such transfer is in a title 11 or similar case (as defined in section 368(a)(3)(A) of the Internal Revenue Code of 1986) which was filed on or before December 31, 1993.

(b) TAX ATTRIBUTES SUBJECT TO REDUCTION.—

26 USC 108.

(1) MINIMUM TAX CREDIT.—Section 108(b)(2) (relating to tax attributes affected; order of reduction) is amended by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F) and by adding after subparagraph (B) the following new subparagraph:

"(C) MINIMUM TAX CREDIT.—The amount of the minimum tax credit available under section 53(b) as of the beginning of the taxable year immediately following the taxable year of the discharge."

(2) PASSIVE ACTIVITY LOSSES AND CREDITS.—Section 108(b)(2), as amended by paragraph (1), is amended by redesignating subparagraph (F) as subparagraph (G) and by adding after subparagraph (E) the following new subparagraph:

"(F) PASSIVE ACTIVITY LOSS AND CREDIT CARRYOVERS.—Any passive activity loss or credit carryover of the taxpayer under section 469(b) from the taxable year of the discharge."

(3) CONFORMING AMENDMENTS.—

(A) Subparagraph (B) of section 108(b)(3) is amended to read as follows:

"(B) CREDIT CARRYOVER REDUCTION.—The reductions described in subparagraphs (B), (C), and (G) shall be 33⅓ cents for each dollar excluded by subsection (a). The reduction described in subparagraph (F) in any passive activity credit carryover shall be 33⅓ cents for each dollar excluded by subsection (a)."

(B) Subparagraph (B) of section 108(b)(4) is amended by striking "(C)" in the text and heading thereof and inserting "(D)".

(C) Subparagraph (C) of section 108(b)(4) is amended by striking "(E)" in the text and heading thereof and inserting "(G)".

(D) Subparagraph (B) of section 108(g)(3) is amended—

(i) by striking "subparagraphs (A), (B), (C), and (E)" and inserting "subparagraphs (A), (B), (C), (D), (F), and (G)",

(ii) by striking "subparagraphs (B) and (E)" and inserting "subparagraphs (B), (C), and (G)", and

(iii) by inserting before the period at the end the following: "and the attribute described in subparagraph (F) of subsection (b)(2) to the extent attributable to any passive activity credit carryover".

26 USC 108 note.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to discharges of indebtedness in taxable years beginning after December 31, 1993.

SEC. 13227. LIMITATION ON SECTION 936 CREDIT.

Puerto Rico.

(a) GENERAL RULE.—Subsection (a) of section 936 (relating to Puerto Rico and possession tax credit) is amended— 26 USC 936.

(1) by striking "as provided in paragraph (3)" in paragraph (1) and inserting "as otherwise provided in this section"; and

(2) by adding at the end thereof the following new paragraph:

"(4) LIMITATIONS ON CREDIT FOR ACTIVE BUSINESS INCOME.—

"(A) IN GENERAL.—The amount of the credit determined under paragraph (1) for any taxable year with respect to income referred to in subparagraph (A) thereof shall not exceed the sum of the following amounts:

"(i) 60 percent of the sum of—

"(I) the aggregate amount of the possession corporation's qualified possession wages for such taxable year, plus

"(II) the allocable employee fringe benefit expenses of the possession corporation for the taxable year.

"(ii) The sum of—

"(I) 15 percent of the depreciation allowances for the taxable year with respect to short-life qualified tangible property,

"(II) 40 percent of the depreciation allowances for the taxable year with respect to medium-life qualified tangible property, and

"(III) 65 percent of the depreciation allowances for the taxable year with respect to long-life qualified tangible property.

"(iii) If the possession corporation does not have an election to use the method described in subsection (h)(5)(C)(ii) (relating to profit split) in effect for the taxable year, the amount of qualified possession income taxes for the taxable year allocable to nonsheltered income.

"(B) ELECTION TO TAKE REDUCED CREDIT.—

"(i) IN GENERAL.—If an election under this subparagraph applies to a possession corporation for any taxable year—

"(I) subparagraph (A), and the provisions of subsection (i), shall not apply to such possession corporation for such taxable year, and

"(II) the credit determined under paragraph (1) for such taxable year with respect to income referred to in subparagraph (A) thereof shall be the applicable percentage of the credit which would otherwise have been determined under such paragraph with respect to such income.

Notwithstanding subclause (I), a possession corporation to which an election under this subparagraph applies shall be entitled to the benefits of subsection (i)(3)(B) for taxes allocable (on a pro rata basis) to taxable income the tax on which is not offset by reason of this subparagraph.

"(ii) APPLICABLE PERCENTAGE.—The term 'applicable percentage' means the percentage determined in accordance with the following table:

"In the case of taxable years beginning in:	The percentage is:
1994	60
1995	55
1996	50
1997	45
1998 and thereafter	40.

"(iii) ELECTION.—

"(I) IN GENERAL.—An election under this subparagraph by any possession corporation may be made only for the corporation's first taxable year beginning after December 31, 1993, for which it is a possession corporation.

"(II) PERIOD OF ELECTION.—An election under this subparagraph shall apply to the taxable year for which made and all subsequent taxable years unless revoked.

"(III) AFFILIATED GROUPS.—If, for any taxable year, an election is not in effect for any possession corporation which is a member of an affiliated group, any election under this subparagraph for any other member of such group is revoked for such taxable year and all subsequent taxable years. For purposes of this subclause, members of an affiliated group shall be determined without regard to the exceptions contained in section 1504(b) and as if the constructive ownership rules of section 1563(e) applied for purposes of section 1504(a). The Secretary may prescribe regulations to prevent the avoidance of this subclause through deconsolidation or otherwise.

"(C) CROSS REFERENCE.—

"For definitions and special rules applicable to this paragraph, see subsection (i)."

26 USC 936.

(b) DEFINITIONS AND SPECIAL RULES.—Section 936 is amended by adding at the end thereof the following new subsection:

"(i) DEFINITIONS AND SPECIAL RULES RELATING TO LIMITATIONS OF SUBSECTION (a)(4).—

"(1) QUALIFIED POSSESSION WAGES.—For purposes of this section—

"(A) IN GENERAL.—The term 'qualified possession wages' means wages paid or incurred by the possession corporation during the taxable year in connection with the active conduct of a trade or business within a possession of the United States to any employee for services performed in such possession, but only if such services are performed while the principal place of employment of such employee is within such possession.

"(B) LIMITATION ON AMOUNT OF WAGES TAKEN INTO ACCOUNT.—

"(i) IN GENERAL.—The amount of wages which may be taken into account under subparagraph (A) with respect to any employee for any taxable year shall not exceed 85 percent of the contribution and benefit

base determined under section 230 of the Social Security Act for the calendar year in which such taxable year begins.

"(ii) TREATMENT OF PART-TIME EMPLOYEES, ETC.—If—

"(I) any employee is not employed by the possession corporation on a substantially full-time basis at all times during the taxable year, or

"(II) the principal place of employment of any employee with the possession corporation is not within a possession at all times during the taxable year,

the limitation applicable under clause (i) with respect to such employee shall be the appropriate portion (as determined by the Secretary) of the limitation which would otherwise be in effect under clause (i).

"(C) TREATMENT OF CERTAIN EMPLOYEES.—The term 'qualified possession wages' shall not include any wages paid to employees who are assigned by the employer to perform services for another person, unless the principal trade or business of the employer is to make employees available for temporary periods to other persons in return for compensation. All possession corporations treated as 1 corporation under paragraph (5) shall be treated as 1 employer for purposes of the preceding sentence.

"(D) WAGES.—

"(i) IN GENERAL.—Except as provided in clause (ii), the term 'wages' has the meaning given to such term by subsection (b) of section 3306 (determined without regard to any dollar limitation contained in such section). For purposes of the preceding sentence, such subsection (b) shall be applied as if the term 'United States' included all possessions of the United States.

"(ii) SPECIAL RULE FOR AGRICULTURAL LABOR AND RAILWAY LABOR.—In any case to which subparagraph (A) or (B) of paragraph (1) of section 51(h) applies, the term 'wages' has the meaning given to such term by section 51(h)(2).

"(2) ALLOCABLE EMPLOYEE FRINGE BENEFIT EXPENSES.—

"(A) IN GENERAL.—The allocable employee fringe benefit expenses of any possession corporation for any taxable year is an amount which bears the same ratio to the amount determined under subparagraph (B) for such taxable year as—

"(i) the aggregate amount of the possession corporation's qualified possession wages for such taxable year, bears to

"(ii) the aggregate amount of the wages paid or incurred by such possession corporation during such taxable year.

In no event shall the amount determined under the preceding sentence exceed 15 percent of the amount referred to in clause (i).

"(B) EXPENSES TAKEN INTO ACCOUNT.—For purposes of subparagraph (A), the amount determined under this subparagraph for any taxable year is the aggregate amount

allowable as a deduction under this chapter to the possession corporation for such taxable year with respect to—

"(i) employer contributions under a stock bonus, pension, profit-sharing, or annuity plan,

"(ii) employer-provided coverage under any accident or health plan for employees, and

"(iii) the cost of life or disability insurance provided to employees.

Any amount treated as wages under paragraph (1)(D) shall not be taken into account under this subparagraph.

"(3) TREATMENT OF POSSESSION TAXES.—

"(A) AMOUNT OF CREDIT FOR POSSESSION CORPORATIONS NOT USING PROFIT SPLIT.—

"(i) IN GENERAL.—For purposes of subsection (a)(4)(A)(iii), the amount of the qualified possession income taxes for any taxable year allocable to nonsheltered income shall be an amount which bears the same ratio to the possession income taxes for such taxable year as—

"(I) the increase in the tax liability of the possession corporation under this chapter for the taxable year by reason of subsection (a)(4)(A) (without regard to clause (iii) thereof), bears to

"(II) the tax liability of the possession corporation under this chapter for the taxable year determined without regard to the credit allowable under this section.

"(ii) LIMITATION ON AMOUNT OF TAXES TAKEN INTO ACCOUNT.—Possession income taxes shall not be taken into account under clause (i) for any taxable year to the extent that the amount of such taxes exceeds 9 percent of the amount of the taxable income for such taxable year.

"(B) DEDUCTION FOR POSSESSION CORPORATIONS USING PROFIT SPLIT.—Notwithstanding subsection (c), if a possession corporation is not described in subsection (a)(4)(A)(iii) for the taxable year, such possession corporation shall be allowed a deduction for such taxable year in an amount which bears the same ratio to the possession income taxes for such taxable year as—

"(i) the increase in the tax liability of the possession corporation under this chapter for the taxable year by reason of subsection (a)(4)(A), bears to

"(ii) the tax liability of the possession corporation under this chapter for the taxable year determined without regard to the credit allowable under this section.

In determining the credit under subsection (a) and in applying the preceding sentence, taxable income shall be determined without regard to the preceding sentence.

"(C) POSSESSION INCOME TAXES.—For purposes of this paragraph, the term 'possession income taxes' means any taxes of a possession of the United States which are treated as not being income, war profits, or excess profits taxes paid or accrued to a possession of the United States by reason of subsection (c).

"(4) DEPRECIATION RULES.—For purposes of this section—

"(A) DEPRECIATION ALLOWANCES.—The term 'depreciation allowances' means the depreciation deductions allowable under section 167 to the possession corporation.

"(B) CATEGORIES OF PROPERTY.—

"(i) QUALIFIED TANGIBLE PROPERTY.—The term 'qualified tangible property' means any tangible property used by the possession corporation in a possession of the United States in the active conduct of a trade or business within such possession.

"(ii) SHORT-LIFE QUALIFIED TANGIBLE PROPERTY.—The term 'short-life qualified tangible property' means any qualified tangible property to which section 168 applies and which is 3-year property or 5-year property for purposes of such section.

"(iii) MEDIUM-LIFE QUALIFIED TANGIBLE PROPERTY.—The term 'medium-life qualified tangible property' means any qualified tangible property to which section 168 applies and which is 7-year property or 10-year property for purposes of such section.

"(iv) LONG-LIFE QUALIFIED TANGIBLE PROPERTY.—The term 'long-life qualified tangible property' means any qualified tangible property to which section 168 applies and which is not described in clause (ii) or (iii).

"(v) TRANSITIONAL RULE.—In the case of any qualified tangible property to which section 168 (as in effect on the day before the date of the enactment of the Tax Reform Act of 1986) applies, any reference in this paragraph to section 168 shall be treated as a reference to such section as so in effect.

"(5) ELECTION TO COMPUTE CREDIT ON CONSOLIDATED BASIS.—

"(A) IN GENERAL.—Any affiliated group may elect to treat all possession corporations which would be members of such group but for section 1504(b) (3) or (4) as 1 corporation for purposes of this section. The credit determined under this section with respect to such 1 corporation shall be allocated among such possession corporations in such manner as the Secretary may prescribe.

"(B) ELECTION.—An election under subparagraph (A) shall apply to the taxable year for which made and all succeeding taxable years unless revoked with the consent of the Secretary.

"(6) POSSESSION CORPORATION.—The term 'possession corporation' means a domestic corporation for which the election provided in subsection (a) is in effect."

(c) MINIMUM TAX TREATMENT.—

(1) IN GENERAL.—Subclause (I) of section 56(g)(4)(C)(ii) (relating to special rule for certain dividends) is amended by striking "sections 936 and 921" and inserting "sections 936 (including subsections (a)(4) and (i) thereof) and 921". 26 USC 56.

(2) TREATMENT OF FOREIGN TAXES.—Clause (iii) of section 56(g)(4)(C) is amended by adding at the end thereof the following subclauses:

"(IV) SEPARATE APPLICATION OF FOREIGN TAX CREDIT LIMITATIONS.—In determining the alternative minimum foreign tax credit, section 904(d)

shall be applied as if dividends from a corporation eligible for the credit provided by section 936 were a separate category of income referred to in a subparagraph of section 904(d)(1).

"(V) COORDINATION WITH LIMITATION ON 936 CREDIT.—Any reference in this clause to a dividend received from a corporation eligible for the credit provided by section 936 shall be treated as a reference to the portion of any such dividend for which the dividends received deduction is disallowed under clause (i) after the application of clause (ii)(I)."

26 USC 904.

(d) CONFORMING AMENDMENT.—Paragraph (4) of section 904(b) is amended by inserting before the period at the end thereof the following: "(without regard to subsections (a)(4) and (i) thereof)".

(e) INCREASE IN LIMITATION ON COVER OVER.—Paragraph (1) of section 7652(f) is amended to read as follows:

"(1) $10.50 ($11.30 in the case of distilled spirits brought into the United States during the 5-year period beginning on October 1, 1993), or."

26 USC 56 note.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1993; except that the amendment made by subsection (e) shall take effect on October 1, 1993.

SEC. 13228. MODIFICATION TO LIMITATION ON DEDUCTION FOR CERTAIN INTEREST.

(a) GENERAL RULE.—Paragraph (3) of section 163(j) (defining disqualified interest) is amended to read as follows:

"(3) DISQUALIFIED INTEREST.—For purposes of this subsection, the term 'disqualified interest' means—

"(A) any interest paid or accrued by the taxpayer (directly or indirectly) to a related person if no tax is imposed by this subtitle with respect to such interest, and

"(B) any interest paid or accrued by the taxpayer with respect to any indebtedness to a person who is not a related person if—

"(i) there is a disqualified guarantee of such indebtedness, and

"(ii) no gross basis tax is imposed by this subtitle with respect to such interest."

(b) DEFINITIONS.—Paragraph (6) of section 163(j) is amended by adding at the end thereof the following new subparagraphs:

"(D) DISQUALIFIED GUARANTEE.—

"(i) IN GENERAL.—Except as provided in clause (ii), the term 'disqualified guarantee' means any guarantee by a related person which is—

"(I) an organization exempt from taxation under this subtitle, or

"(II) a foreign person.

"(ii) EXCEPTIONS.—The term 'disqualified guarantee' shall not include a guarantee—

"(I) in any circumstances identified by the Secretary by regulation, where the interest on the indebtedness would have been subject to a net

basis tax if the interest had been paid to the guarantor, or

"(II) if the taxpayer owns a controlling interest in the guarantor.

For purposes of subclause (II), except as provided in regulations, the term 'a controlling interest' means direct or indirect ownership of at least 80 percent of the total voting power and value of all classes of stock of a corporation, or 80 percent of the profit and capital interests in any other entity. For purposes of the preceding sentence, the rules of paragraphs (1) and (5) of section 267(c) shall apply; except that such rules shall also apply to interest in entities other than corporations.

"(iii) GUARANTEE.—Except as provided in regulations, the term 'guarantee' includes any arrangement under which a person (directly or indirectly through an entity or otherwise) assures, on a conditional or unconditional basis, the payment of another person's obligation under any indebtedness.

"(E) GROSS BASIS AND NET BASIS TAXATION.—

"(i) GROSS BASIS TAX.—The term 'gross basis tax' means any tax imposed by this subtitle which is determined by reference to the gross amount of any item of income without any reduction for any deduction allowed by this subtitle.

"(ii) NET BASIS TAX.—The term 'net basis tax' means any tax imposed by this subtitle which is not a gross basis tax."

(c) CONFORMING AMENDMENTS.—

(1) Subparagraph (B) of section 163(j)(5) is amended by striking "to a related person". 26 USC 163.

(2) The subsection heading for subsection (j) of section 163 is amended to read as follows:

"(j) LIMITATION ON DEDUCTION FOR INTEREST ON CERTAIN INDEBTEDNESS.—".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to interest paid or accrued in taxable years beginning after December 31, 1993. 26 USC 163 note.

PART III—FOREIGN TAX PROVISIONS

Subpart A—Current Taxation of Certain Earnings of Controlled Foreign Corporations

SEC. 13231. EARNINGS INVESTED IN EXCESS PASSIVE ASSETS.

(a) GENERAL RULE.—Paragraph (1) of section 951(a) (relating to amounts included in gross income of United States shareholders) is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting "; and", and by adding at the end thereof the following new subparagraph:

"(C) the amount determined under section 956A with respect to such shareholder for such year (but only to the extent not excluded from gross income under section 959(a)(3))."

(b) AMOUNT OF INCLUSION.—Subpart F of part III of subchapter N of chapter 1 is amended by inserting after section 956 the following new section:

"SEC. 956A. EARNINGS INVESTED IN EXCESS PASSIVE ASSETS.

"(a) GENERAL RULE.—In the case of any controlled foreign corporation, the amount determined under this section with respect to any United States shareholder for any taxable year is the lesser of—

"(1) the excess (if any) of—

"(A) such shareholder's pro rata share of the amount of the controlled foreign corporation's excess passive assets for such taxable year, over

"(B) the amount of earnings and profits described in section 959(c)(1)(B) with respect to such shareholder, or

"(2) such shareholder's pro rata share of the applicable earnings of such controlled foreign corporation determined after the application of section 951(a)(1)(B).

"(b) APPLICABLE EARNINGS.—For purposes of this section, the term 'applicable earnings' means, with respect to any controlled foreign corporation, the sum of—

"(1) the amount referred to in section 316(a)(1) to the extent such amount was accumulated in taxable years beginning after September 30, 1993, and

"(2) the amount referred to in section 316(a)(2),

but reduced by distributions made during the taxable year and reduced by the earnings and profits described in section 959(c)(1) to the extent that the earnings and profits so described were accumulated in taxable years beginning after September 30, 1993.

"(c) EXCESS PASSIVE ASSETS.—For purposes of this section—

"(1) IN GENERAL.—The excess passive assets of any controlled foreign corporation for any taxable year is the excess (if any) of—

"(A) the average of the amounts of passive assets held by such corporation as of the close of each quarter of such taxable year, over

"(B) 25 percent of the average of the amounts of total assets held by such corporation as of the close of each quarter of such taxable year.

For purposes of the preceding sentence, the amount taken into account with respect to any asset shall be its adjusted basis as determined for purposes of computing earnings and profits.

"(2) PASSIVE ASSET.—

"(A) IN GENERAL.—Except as otherwise provided in this section, the term 'passive asset' means any asset held by the controlled foreign corporation which produces passive income (as defined in section 1296(b)) or is held for the production of such income.

"(B) COORDINATION WITH SECTION 956.—The term 'passive asset' shall not include any United States property (as defined in section 956).

"(3) CERTAIN RULES TO APPLY.—For purposes of this subsection, the rules of the following provisions shall apply:

"(A) Section 1296(c) (relating to look-thru rules).

"(B) Section 1297(d) (relating to leasing rules).

"(C) Section 1297(e) (relating to intangible property).

"(d) TREATMENT OF CERTAIN GROUPS OF CONTROLLED FOREIGN CORPORATIONS.—

"(1) IN GENERAL.—For purposes of applying subsection (c)—

"(A) all controlled foreign corporations which are members of the same CFC group shall be treated as 1 controlled foreign corporation, and

"(B) the amount of the excess passive assets determined with respect to such 1 corporation shall be allocated among the controlled foreign corporations which are members of such group in proportion to their respective amounts of applicable earnings.

"(2) CFC GROUP.—For purposes of paragraph (1), the term 'CFC group' means 1 or more chains of controlled foreign corporations connected through stock ownership with a top tier corporation which is a controlled foreign corporation, but only if—

"(A) the top tier corporation owns directly more than 50 percent (by vote or value) of the stock of at least 1 of the other controlled foreign corporations, and

"(B) more than 50 percent (by vote or value) of the stock of each of the controlled foreign corporations (other than the top tier corporation) is owned (directly or indirectly) by one or more other members of the group.

"(e) SPECIAL RULE WHERE CORPORATION CEASES TO BE CONTROLLED FOREIGN CORPORATION DURING TAXABLE YEAR.—If any foreign corporation ceases to be a controlled foreign corporation during any taxable year—

"(1) the determination of any United States shareholder's pro rata share shall be made on the basis of stock owned (within the meaning of section 958(a)) by such shareholder on the last day during the taxable year on which the foreign corporation is a controlled foreign corporation,

"(2) the amount of such corporation's excess passive assets for such taxable year shall be determined by only taking into account quarters ending on or before such last day, and

"(3) in determining applicable earnings, the amount taken into account by reason of being described in paragraph (2) of section 316(a) shall be the portion of the amount so described which is allocable (on a pro rata basis) to the part of such year during which the corporation is a controlled foreign corporation.

"(f) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this section, including regulations to prevent the avoidance of the provisions of this section through reorganizations or otherwise."

(c) PREVIOUSLY TAXED INCOME RULES.—

(1) IN GENERAL.—Subsection (a) of section 959 (relating to exclusion from gross income of previously taxed earnings and profits) is amended by striking "or" at the end of paragraph (1), by adding "or" at the end of paragraph (2), and by inserting after paragraph (2) the following new paragraph:

"(3) such amounts would, but for this subsection, be included under section 951(a)(1)(C) in the gross income of,".

(2) ALLOCATION RULES.—

(A) Subsection (a) of section 959 is amended by adding at the end thereof the following new sentence: "The rules of subsection (c) shall apply for purposes of paragraph

26 USC 959.

(1) of this subsection and the rules of subsection (f) shall apply for purposes of paragraphs (2) and (3) of this subsection.".

26 USC 959.

(B) Section 959 is amended by adding at the end thereof the following new subsection:

"(f) ALLOCATION RULES FOR CERTAIN INCLUSIONS.—

"(1) IN GENERAL.—For purposes of this section—

"(A) amounts that would be included under subparagraph (B) of section 951(a)(1) (determined without regard to this section) shall be treated as attributable first to earnings described in subsection (c)(2), and then to earnings described in subsection (c)(3), and

"(B) amounts that would be included under subparagraph (C) of section 951(a)(1) (determined without regard to this section) shall be treated as attributable first to earnings described in subsection (c)(2) to the extent the earnings so described were accumulated in taxable years beginning after September 30, 1993, and then to earnings described in subsection (c)(3).

"(2) TREATMENT OF DISTRIBUTIONS.—In applying this section, actual distributions shall be taken into account before amounts that would be included under subparagraphs (B) and (C) of section 951(a)(1) (determined without regard to this section)."

(C) Paragraph (1) of section 959(c) is amended to read as follows:

"(1) first to the aggregate of—

"(A) earnings and profits attributable to amounts included in gross income under section 951(a)(1)(B) (or which would have been included except for subsection (a)(2) of this section), and

"(B) earnings and profits attributable to amounts included in gross income under section 951(a)(1)(C) (or which would have been included except for subsection (a)(3) of this section),

with any distribution being allocated between earnings and profits described in subparagraph (A) and earnings and profits described in subparagraph (B) proportionately on the basis of the respective amounts of such earnings and profits,".

(3) COORDINATION WITH PFIC INCLUSIONS.—Subsection (c) of section 1293 is amended by adding at the end thereof the following new sentence: "If the passive foreign investment company is a controlled foreign corporation (as defined in section 957(a)), the preceding sentence shall not apply to any United States shareholder (as defined in section 951(b)) in such corporation, and, in applying section 959 to any such shareholder, any inclusion under this section shall be treated as an inclusion under section 951(a)(1)(A).".

(4) CONFORMING AMENDMENTS.—

(A) Subsections (a) and (b) of section 959 are each amended by striking "earnings and profits for a taxable year" and inserting "earnings and profits".

(B) Paragraph (2) of section 959(c) is amended to read as follows:

"(2) then to earnings and profits attributable to amounts included in gross income under section 951(a)(1)(A) (but reduced by amounts not included under subparagraph (B) or (C) of

section 951(a)(1) because of the exclusions in paragraphs (2) and (3) of subsection (a) of this section), and"

(C) Subsection (b) of section 989 is amended by striking "section 951(a)(1)(B)" and inserting "subparagraph (B) or (C) of section 951(a)(1)". 26 USC 989.

(d) MODIFICATIONS TO PASSIVE FOREIGN INVESTMENT COMPANY RULES.—

(1) ADJUSTED BASIS USED IN CERTAIN DETERMINATIONS.—Subsection (a) of section 1296 is amended by striking the material following paragraph (2) and inserting the following:

"In the case of a controlled foreign corporation (or any other foreign corporation if such corporation so elects), the determination under paragraph (2) shall be based on the adjusted bases (as determined for purposes of computing earnings and profits) of its assets in lieu of their value. Such an election, once made, may be revoked only with the consent of the Secretary."

(2) TREATMENT OF CERTAIN SUBPART F INCLUSIONS.—Subsection (b) of section 1297 is amended by adding at the end thereof the following new paragraph:

"(9) TREATMENT OF CERTAIN SUBPART F INCLUSIONS.—Any amount included in gross income under subparagraph (B) or (C) of section 951(a)(1) shall be treated as a distribution received with respect to the stock."

(3) TREATMENT OF CERTAIN DEALERS IN SECURITIES.—Subsection (b) of section 1296 is amended by adding at the end thereof the following new paragraph:

"(3) TREATMENT OF CERTAIN DEALERS IN SECURITIES.—

"(A) IN GENERAL.—In the case of any foreign corporation which is a controlled foreign corporation (as defined in section 957(a)), the term 'passive income' does not include any income derived in the active conduct of a securities business by such corporation if such corporation is registered as a securities broker or dealer under section 15(a) of the Securities Exchange Act of 1934 or is registered as a Government securities broker or dealer under section 15C(a) of such Act. To the extent provided in regulations, such term shall not include any income derived in the active conduct of a securities business by a controlled foreign corporation which is not so registered.

"(B) APPLICATION OF LOOK-THRU RULES.—For purposes of paragraph (2)(C), rules similar to the rules of subparagraph (A) of this paragraph shall apply in determining whether any income of a related person (whether or not a corporation) is passive income.

"(C) LIMITATION.—The preceding provisions of this paragraph shall only apply in the case of persons who are United States shareholders (as defined in section 951(b)) in the controlled foreign corporation."

(4) LEASING AND INTANGIBLE ASSET RULES.—Section 1297 is amended by redesignating subsection (d) as subsection (f) and by inserting after subsection (c) the following new subsections:

"(d) TREATMENT OF CERTAIN LEASED PROPERTY.—For purposes of this part—

"(1) IN GENERAL.—Any tangible personal property with respect to which a foreign corporation is the lessee under a

lease with a term of at least 12 months shall be treated as an asset actually held by such corporation.

"(2) DETERMINATION OF ADJUSTED BASIS.—

"(A) IN GENERAL.—The adjusted basis of any asset to which paragraph (1) applies shall be the unamortized portion (as determined under regulations prescribed by the Secretary) of the present value of the payments under the lease for the use of such property.

Regulations.

"(B) PRESENT VALUE.—For purposes of subparagraph (A), the present value of payments described in subparagraph (A) shall be determined in the manner provided in regulations prescribed by the Secretary—

"(i) as of the beginning of the lease term, and

"(ii) except as provided in such regulations, by using a discount rate equal to the applicable Federal rate determined under section 1274(d)—

"(I) by substituting the lease term for the term of the debt instrument, and

"(II) without regard to paragraph (2) or (3) thereof.

"(3) EXCEPTIONS.—This subsection shall not apply in any case where—

"(A) the lessor is a related person (as defined in section 954(d)(3)) with respect to the foreign corporation, or

"(B) a principal purpose of leasing the property was to avoid the provisions of this part or section 956A.

"(e) SPECIAL RULES FOR CERTAIN INTANGIBLES.—

"(1) RESEARCH EXPENDITURES.—The adjusted basis of the total assets of a controlled foreign corporation shall be increased by the research or experimental expenditures (within the meaning of section 174) paid or incurred by such foreign corporation during the taxable year and the preceding 2 taxable years. Any expenditure otherwise taken into account under the preceding sentence shall be reduced by the amount of any reimbursement received by the controlled foreign corporation with respect to such expenditure.

"(2) CERTAIN LICENSED INTANGIBLES.—

"(A) IN GENERAL.—In the case of any intangible property (as defined in section 936(h)(3)(B)) with respect to which a controlled foreign corporation is a licensee and which is used by such foreign corporation in the active conduct of a trade or business, the adjusted basis of the total assets of such foreign corporation shall be increased by an amount equal to 300 percent of the payments made during the taxable year by such foreign corporation for the use of such intangible property.

"(B) EXCEPTIONS.—Subparagraph (A) shall not apply to—

"(i) any payments to a foreign person if such foreign person is a related person (as defined in section 954(d)(3)) with respect to the controlled foreign corporation, and

"(ii) any payments under a license if a principal purpose of entering into such license was to avoid the provisons of this part or section 956A.

"(3) CONTROLLED FOREIGN CORPORATION.—For purposes of this subsection, the term 'controlled foreign corporation' has the meaning given such term by section 957(a)."

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of foreign corporations beginning after September 30, 1993, and to taxable years of United States shareholders in which or with which such taxable years of foreign corporations end. 26 USC 951 note.

SEC. 13232. MODIFICATION TO TAXATION OF INVESTMENT IN UNITED STATES PROPERTY.

(a) GENERAL RULE.—Section 956 (relating to investment of earnings in United States property) is amended— 26 USC 956.

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively, and

(2) by striking subsection (a) and inserting the following:

"(a) GENERAL RULE.—In the case of any controlled foreign corporation, the amount determined under this section with respect to any United States shareholder for any taxable year is the lesser of—

"(1) the excess (if any) of—

"(A) such shareholder's pro rata share of the average of the amounts of United States property held (directly or indirectly) by the controlled foreign corporation as of the close of each quarter of such taxable year, over

"(B) the amount of earnings and profits described in section 959(c)(1)(A) with respect to such shareholder, or

"(2) such shareholder's pro rata share of the applicable earnings of such controlled foreign corporation.

The amount taken into account under paragraph (1) with respect to any property shall be its adjusted basis as determined for purposes of computing earnings and profits, reduced by any liability to which the property is subject.

"(b) SPECIAL RULES.—

"(1) APPLICABLE EARNINGS.—For purposes of this section, the term 'applicable earnings' has the meaning given to such term by section 956A(b), except that the provisions of such section excluding earnings and profits accumulated in taxable years beginning before October 1, 1993, shall be disregarded.

"(2) SPECIAL RULE FOR U.S. PROPERTY ACQUIRED BEFORE CORPORATION IS A CONTROLLED FOREIGN CORPORATION.—In applying subsection (a) to any taxable year, there shall be disregarded any item of United States property which was acquired by the controlled foreign corporation before the first day on which such corporation was treated as a controlled foreign corporation. The aggregate amount of property disregarded under the preceding sentence shall not exceed the portion of the applicable earnings of such controlled foreign corporation which were accumulated during periods before such first day.

"(3) SPECIAL RULE WHERE CORPORATION CEASES TO BE CONTROLLED FOREIGN CORPORATION.—Rules similar to the rules of section 956A(e) shall apply for purposes of this section."

(b) REGULATORY AUTHORITY.—Section 956 is amended by adding at the end thereof the following new subsection:

"(e) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this section,

including regulations to prevent the avoidance of the provisons of this section through reorganizations or otherwise."

(c) CONFORMING AMENDMENTS.—

26 USC 951.

(1) Subparagraph (B) of section 951(a)(1) is amended to read as follows:

"(B) the amount determined under section 956 with respect to such shareholder for such year (but only to the extent not excluded from gross income under section 959(a)(2)); and"

(2) Subsection (a) of section 951 is amended by striking paragraph (4).

26 USC 951 note.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of controlled foreign corporations beginning after September 30, 1993, and to taxable years of United States shareholders in which or with which such taxable years of controlled foreign corporations end.

SEC. 13233. OTHER MODIFICATIONS TO SUBPART F.

(a) SAME COUNTRY EXCEPTION NOT TO APPLY TO CERTAIN DIVIDENDS.—

(1) IN GENERAL.—Paragraph (3) of section 954(c) (relating to certain income received from related persons) is amended by adding at the end thereof the following new subparagraph:

"(C) EXCEPTION FOR CERTAIN DIVIDENDS.—Subparagraph (A)(i) shall not apply to any dividend with respect to any stock which is attributable to earnings and profits of the distributing corporation accumulated during any period during which the person receiving such dividend did not hold such stock either directly, or indirectly through a chain of one or more subsidiaries each of which meets the requirements of subparagraph (A)(i)."

26 USC 954 note.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to taxable years of controlled foreign corporations beginning after September 30, 1993, and to taxable years of United States shareholders in which or with which such taxable years of controlled foreign corporations end.

(b) AMENDMENTS TO SECTION 960(b).—

(1) IN GENERAL.—Subsection (b) of section 960 is amended—

(A) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively, and

(B) by striking paragraphs (1) and (2) and inserting the following new paragraphs:

"(1) INCREASE IN SECTION 904 LIMITATION.—In the case of any taxpayer who—

"(A) either (i) chose to have the benefits of subpart A of this part for a taxable year beginning after September 30, 1993, in which he was required under section 951(a) to include any amount in his gross income, or (ii) did not pay or accrue for such taxable year any income, war profits, or excess profits taxes to any foreign country or to any possession of the United States,

"(B) chooses to have the benefits of subpart A of this part for any taxable year in which he receives 1 or more distributions or amounts which are excludable from gross income under section 959(a) and which are attributable

to amounts included in his gross income for taxable years referred to in subparagraph (A), and

"(C) for the taxable year in which such distributions or amounts are received, pays, or is deemed to have paid, or accrues income, war profits, or excess profits taxes to a foreign country or to any possession of the United States with respect to such distributions or amounts,

the limitation under section 904 for the taxable year in which such distributions or amounts are received shall be increased by the lesser of the amount of such taxes paid, or deemed paid, or accrued with respect to such distributions or amounts or the amount in the excess limitation account as of the beginning of such taxable year.

"(2) EXCESS LIMITATION ACCOUNT.—

"(A) ESTABLISHMENT OF ACCOUNT.—Each taxpayer meeting the requirements of paragraph (1)(A) shall establish an excess limitation account. The opening balance of such account shall be zero.

"(B) INCREASES IN ACCOUNT.—For each taxable year beginning after September 30, 1993, the taxpayer shall increase the amount in the excess limitation account by the excess (if any) of—

"(i) the amount by which the limitation under section 904(a) for such taxable year was increased by reason of the total amount of the inclusions in gross income under section 951(a) for such taxable year, over

"(ii) the amount of any income, war profits, and excess profits taxes paid, or deemed paid, or accrued to any foreign country or possession of the United States which were allowable as a credit under section 901 for such taxable year and which would not have been allowable but for the inclusions in gross income described in clause (i).

Proper reductions in the amount added to the account under the preceding sentence for any taxable year shall be made for any increase in the credit allowable under section 901 for such taxable year by reason of a carryback if such increase would not have been allowable but for the inclusions in gross income described in clause (i).

"(C) DECREASES IN ACCOUNT.—For each taxable year beginning after September 30, 1993, for which the limitation under section 904 was increased under paragraph (1), the taxpayer shall reduce the amount in the excess limitation account by the amount of such increase.

"(3) DISTRIBUTIONS OF INCOME PREVIOUSLY TAXED IN YEARS BEGINNING BEFORE OCTOBER 1, 1993.—If the taxpayer receives a distribution or amount in a taxable year beginning after September 30, 1993, which is excluded from gross income under section 959(a) and is attributable to any amount included in gross income under section 951(a) for a taxable year beginning before October 1, 1993, the limitation under section 904 for the taxable year in which such amount or distribution is received shall be increased by the amount determined under this subsection as in effect on the day before the date of the enactment of the Revenue Reconcilation Act of 1993."

26 USC 960 note.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to taxable years beginning after September 30, 1993.

Subpart B—Allocation of Research and Experimental Expenditures

SEC. 13234. ALLOCATION OF RESEARCH AND EXPERIMENTAL EXPENDITURES.

26 USC 864.

(a) GENERAL RULE.—Subparagraph (B) of section 864(f)(1) (relating to allocation of research and experimental expenditures) is amended by striking "64 percent" each place it appears and inserting "50 percent".

(b) CONFORMING AMENDMENTS.—

(1) Subsection (f) of section 864 is amended by striking paragraph (5) and inserting the following new paragraphs:

"(5) REGULATIONS.—The Secretary shall prescribe such regulations as may be appropriate to carry out the purposes of this subsection, including regulations relating to the determination of whether any expenses are attributable to activities conducted in the United States or outside the United States and regulations providing such adjustments to the provisions of this subsection as may be appropriate in the case of cost-sharing arrangements and contract research.

"(6) APPLICABILITY.—This subsection shall apply to the taxpayer's first taxable year (beginning on or before August 1, 1994) following the taxpayer's last taxable year to which Revenue Procedure 92-56 applies or would apply if the taxpayer elected the benefits of such Revenue Procedure."

(2) Subparagraph (D) of section 864(f)(4) is amended by striking "subparagraph (C)" and inserting "subparagraph (B) or (C)".

Subpart C—Other Provisions

SEC. 13235. REPEAL OF CERTAIN EXCEPTIONS FOR WORKING CAPITAL.

(a) PROVISIONS RELATING TO OIL AND GAS INCOME.—

(1) AMENDMENTS TO SECTION 907.—

(A) Paragraph (1) of section 907(c) is amended by adding at the end thereof the following new flush sentence: "Such term does not include any dividend or interest income which is passive income (as defined in section 904(d)(2)(A)).".

(B) Paragraph (2) of section 907(c) is amended by adding at the end thereof the following new flush sentence: "Such term does not include any dividend or interest income which is passive income (as defined in section 904(d)(2)(A)).".

(2) SEPARATE APPLICATION OF FOREIGN TAX CREDIT.—Clause (iii) of section 904(d)(2)(A) is amended by inserting "and" at the end of subclause (II), by striking ", and" at the end of subclause (III) and inserting a period, and by striking subclause (IV).

(3) TREATMENT UNDER SUBPART F.—

(A) Paragraph (1) of section 954(g) is amended by adding at the end thereof the following new flush sentence: "Such term shall not include any foreign personal holding company income (as defined in subsection (c)).".

(B) Paragraph (8) of section 954(b) is amended by striking "(1),". 26 USC 954.

(b) TREATMENT OF SHIPPING INCOME.—Subsection (f) of section 954 is amended by adding at the end thereof the following new sentence: "Except as provided in paragraph (1), such term shall not include any dividend or interest income which is foreign personal holding company income (as defined in subsection (c))."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1992. 26 USC 904 note.

SEC. 13236. MODIFICATIONS OF ACCURACY-RELATED PENALTY.

(a) THRESHOLD REQUIREMENT.—Clause (ii) of section 6662(e)(1)(B) (relating to substantial valuation misstatement under chapter 1) is amended to read as follows:

"(ii) the net section 482 transfer price adjustment for the taxable year exceeds the lesser of $5,000,000 or 10 percent of the taxpayer's gross receipts."

(b) CERTAIN ADJUSTMENTS EXCLUDED IN DETERMINING THRESHOLD.—Subparagraph (B) of section 6662(e)(3) is amended to read as follows:

"(B) CERTAIN ADJUSTMENTS EXCLUDED IN DETERMINING THRESHOLD.—For purposes of determining whether the threshold requirements of paragraph (1)(B)(ii) are met, the following shall be excluded:

"(i) Any portion of the net increase in taxable income referred to in subparagraph (A) which is attributable to any redetermination of a price if—

"(I) it is established that the taxpayer determined such price in accordance with a specific pricing method set forth in the regulations prescribed under section 482 and that the taxpayer's use of such method was reasonable,

"(II) the taxpayer has documentation (which was in existence as of the time of filing the return) which sets forth the determination of such price in accordance with such a method and which establishes that the use of such method was reasonable, and

"(III) the taxpayer provides such documentation to the Secretary within 30 days of a request for such documentation.

"(ii) Any portion of the net increase in taxable income referred to in subparagraph (A) which is attributable to a redetermination of price where such price was not determined in accordance with such a specific pricing method if—

"(I) the taxpayer establishes that none of such pricing methods was likely to result in a price that would clearly reflect income, the taxpayer used another pricing method to determine such price, and such other pricing method was likely to result in a price that would clearly reflect income,

"(II) the taxpayer has documentation (which was in existence as of the time of filing the return) which sets forth the determination of such price in accordance with such other method and which

establishes that the requirements of subclause (I) were satisfied, and

"(III) the taxpayer provides such documentation to the Secretary within 30 days of request for such documentation.

"(iii) Any portion of such net increase which is attributable to any transaction solely between foreign corporations unless, in the case of any such corporations, the treatment of such transaction affects the determination of income from sources within the United States or taxable income effectively connected with the conduct of a trade or business within the United States."

26 USC 6662.

(c) COORDINATION WITH REASONABLE CAUSE EXCEPTION.—Paragraph (3) of section 6662(e) is amended by adding at the end thereof the following new subparagraph:

"(D) COORDINATION WITH REASONABLE CAUSE EXCEPTION.—For purposes of section 6664(c) the taxpayer shall not be treated as having reasonable cause for any portion of an underpayment attributable to a net section 482 transfer price adjustment unless such taxpayer meets the requirements of clause (i), (ii), or (iii) of subparagraph (B) with respect to such portion."

(d) CONFORMING AMENDMENT.—Clause (iii) of section 6662(h)(2)(A) is amended to read as follows:

"(iii) in paragraph (1)(B)(ii)—

"(I) '$20,000,000' for '$5,000,000', and

"(II) '20 percent' for '10 percent'."

26 USC 6662 note.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1993.

SEC. 13237. DENIAL OF PORTFOLIO INTEREST EXEMPTION FOR CONTINGENT INTEREST.

(a) GENERAL RULE.—

(1) Subsection (h) of section 871 (relating to repeal of tax on interest of nonresident alien individuals received from certain portfolio debt investments) is amended by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively, and by inserting after paragraph (3) the following new paragraph:

"(4) PORTFOLIO INTEREST NOT TO INCLUDE CERTAIN CONTINGENT INTEREST.—For purposes of this subsection—

"(A) IN GENERAL.—Except as otherwise provided in this paragraph, the term 'portfolio interest' shall not include—

"(i) any interest if the amount of such interest is determined by reference to—

"(I) any receipts, sales or other cash flow of the debtor or a related person,

"(II) any income or profits of the debtor or a related person,

"(III) any change in value of any property of the debtor or a related person, or

"(IV) any dividend, partnership distributions, or similar payments made by the debtor or a related person, or

"(ii) any other type of contingent interest that is identified by the Secretary by regulation, where a denial of the portfolio interest exemption is necessary or appropriate to prevent avoidance of Federal income tax.

"(B) RELATED PERSON.—The term 'related person' means any person who is related to the debtor within the meaning of section 267(b) or 707(b)(1), or who is a party to any arrangement undertaken for a purpose of avoiding the application of this paragraph.

"(C) EXCEPTIONS.—Subparagraph (A)(i) shall not apply to—

"(i) any amount of interest solely by reason of the fact that the timing of any interest or principal payment is subject to a contingency,

"(ii) any amount of interest solely by reason of the fact that the interest is paid with respect to nonrecourse or limited recourse indebtedness,

"(iii) any amount of interest all or substantially all of which is determined by reference to any other amount of interest not described in subparagraph (A) (or by reference to the principal amount of indebtedness on which such other interest is paid),

"(iv) any amount of interest solely by reason of the fact that the debtor or a related person enters into a hedging transaction to reduce the risk of interest rate or currency fluctuations with respect to such interest,

"(v) any amount of interest determined by reference to—

"(I) changes in the value of property (including stock) that is actively traded (within the meaning of section 1092(d)) other than property described in section 897(c)(1) or (g),

"(II) the yield on property described in subclause (I), other than a debt instrument that pays interest described in subparagraph (A), or stock or other property that represents a beneficial interest in the debtor or a related person, or

"(III) changes in any index of the value of property described in subclause (I) or of the yield on property described in subclause (II), and

"(vi) any other type of interest identified by the Secretary by regulation.

"(D) EXCEPTION FOR CERTAIN EXISTING INDEBTEDNESS.—Subparagraph (A) shall not apply to any interest paid or accrued with respect to any indebtedness with a fixed term—

"(i) which was issued on or before April 7, 1993, or

"(ii) which was issued after such date pursuant to a written binding contract in effect on such date and at all times thereafter before such indebtedness was issued."

(2) Subsection (c) of section 881 is amended by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and 26 USC 881.

(7), respectively, and by inserting after paragraph (3) the following new paragraph:

"(4) PORTFOLIO INTEREST NOT TO INCLUDE CERTAIN CONTINGENT INTEREST.—For purposes of this subsection, the term 'portfolio interest' shall not include any interest which is treated as not being portfolio interest under the rules of section 871(h)(4)."

26 USC 2105. (b) ESTATE TAX TREATMENT.—Subsection (b) of section 2105 is amended—

(1) by striking "this subchapter" in the material preceding paragraph (1) and inserting "this subchapter, the following shall not be deemed property within the United States", and

(2) by striking paragraph (3) and all that follows down through the period at the end thereof and inserting the following:

"(3) debt obligations, if, without regard to whether a statement meeting the requirements of section 871(h)(5) has been received, any interest thereon would be eligible for the exemption from tax under section 871(h)(1) were such interest received by the decedent at the time of his death.

Notwithstanding the preceding sentence, if any portion of the interest on an obligation referred to in paragraph (3) would not be eligible for the exemption referred to in paragraph (3) by reason of section 871(h)(4) if the interest were received by the decedent at the time of his death, then an appropriate portion (as determined in a manner prescribed by the Secretary) of the value (as determined for purposes of this chapter) of such debt obligation shall be deemed property within the United States."

(c) CONFORMING AMENDMENTS.—

(1) Clause (ii) of section 871(h)(2)(B) is amended by striking "paragraph (4)" and inserting "paragraph (5)".

(2) Clause (ii) of section 881(c)(2)(B) is amended by striking "section 871(h)(4)" and inserting "section 871(h)(5)".

(3) Paragraph (6) of section 881(c) (as redesignated by subsection (a)) is amended by striking "section 871(h)(5)" each place it appears and inserting "section 871(h)(6)".

(4) Paragraph (9) of section 1441(c) is amended by striking "section 871(h)(3)" and inserting "section 871(h)(3) or (4)".

(5) Subsection (a) of section 1442 is amended—

(A) by striking "871(h)(3)" and inserting "871(h)(3) or (4)", and

(B) by striking "881(c)(3)" and inserting "881(c)(3) or (4)".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to interest received after December 31, 1993; except that the amendments made by subsection (b) shall apply to the estates of decedents dying after December 31, 1993.

SEC. 13238. REGULATIONS DEALING WITH CONDUIT ARRANGEMENTS.

Section 7701 is amended by redesignating subsection (l) as subsection (m) and by inserting after subsection (k) the following new subsection:

"(l) REGULATIONS RELATING TO CONDUIT ARRANGEMENTS.—The Secretary may prescribe regulations recharacterizing any multiple-party financing transaction as a transaction directly among any 2 or more of such parties where the Secretary determines that

such recharacterization is appropriate to prevent avoidance of any tax imposed by this title."

SEC. 13239. TREATMENT OF EXPORT OF CERTAIN SOFTWOOD LOGS.

(a) FOREIGN SALES CORPORATIONS.—Paragraph (2) of section 927(a) (relating to exclusion of certain property) is amended by striking "or" at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting ", or", and by adding at the end the following: 26 USC 927.

"(E) any unprocessed timber which is a softwood.

For purposes of subparagraph (E), the term 'unprocessed timber' means any log, cant, or similar form of timber."

(b) DOMESTIC INTERNATIONAL SALES CORPORATIONS.—Paragraph (2) of section 993(c) (relating to exclusion of certain property) is amended—

(1) by striking "or" at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting ", or", and by adding after subparagraph (D) the following new subparagraph:

"(E) any unprocessed timber which is a softwood.", and

(2) by adding at the end the following new sentence: "For purposes of subparagraph (E), the term 'unprocessed timber' means any log, cant, or similar form of timber."

(c) SOURCE RULE.—Subsection (b) of section 865 (relating to source rules for personal property sales) is amended by adding at the end the following: "Notwithstanding the preceding sentence, any income from the sale of any unprocessed timber which is a softwood and was cut from an area in the United States shall be sourced in the United States and the rules of sections 862(a)(6) and 863(b) shall not apply to any such income. For purposes of the preceding sentence, the term 'unprocessed timber' means any log, cant, or similar form of timber."

(d) ELIMINATION OF DEFERRAL.—Subsection (d) of section 954 is amended by adding at the end the following new paragraph:

"(4) SPECIAL RULE FOR CERTAIN TIMBER PRODUCTS.—For purposes of subsection (a)(2), the term 'foreign base company sales income' includes any income (whether in the form of profits, commissions, fees, or otherwise) derived in connection with—

"(A) the sale of any unprocessed timber referred to in section 865(b), or

"(B) the milling of any such timber outside the United States.

Subpart G shall not apply to any amount treated as subpart F income by reason of this paragraph."

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to sales, exchanges, or other dispositions after the date of the enactment of this Act. 26 USC 865 note.

PART IV—TRANSPORTATION FUELS PROVISIONS

Subpart A—Transportation Fuels Tax

SEC. 13241. TRANSPORTATION FUELS TAX.

26 USC 4081.

(a) GASOLINE.—Clause (iii) of section 4081(a)(2)(B) (relating to rates of tax) is amended to read as follows:

"(iii) the deficit reduction rate is 6.8 cents per gallon."

(b) DIESEL FUEL AND NONCOMMERCIAL AVIATION FUEL.—

(1) DIESEL FUEL.—Paragraph (4) of section 4091(b) (relating to rate of tax) is amended by striking "2.5 cents" and inserting "6.8 cents".

(2) AVIATION FUEL.—

(A) GASOLINE IN NONCOMMERCIAL AVIATION.—Paragraph (3) of section 4041(c) is amended to read as follows:

"(3) RATE OF TAX.—The rate of tax imposed by paragraph (2) on any gasoline is 1 cent per gallon."

(B) FUEL OTHER THAN GASOLINE.—

(i) Clause (ii) of section 4091(b)(1)(A) is amended by inserting "and the aviation fuel deficit reduction rate" after "financing rate".

(ii) Subsection (b) of section 4091 is amended by redesignating paragraph (6) as paragraph (7) and by inserting after paragraph (5) the following new paragraph:

"(6) AVIATION FUEL DEFICIT REDUCTION RATE.—For purposes of paragraph (1), the aviation fuel deficit reduction rate is 4.3 cents per gallon."

(iii) Paragraph (1) of section 4041(c) is amended—

(I) by striking "of 17.5 cents a gallon", and

(II) by inserting before the last sentence the following new sentence:

"The rate of the tax imposed by this paragraph shall be the sum of the Airport and Airway Trust Fund financing rate and the aviation fuel deficit reduction rate in effect under section 4091 at the time of such sale or use."

(c) CERTAIN ALCOHOL FUELS.—Section 4041(m)(1)(A) is amended to read as follows:

"(A) under subsection (a)(2)—

"(i) the Highway Trust Fund financing rate shall be 5.75 cents per gallon, and

"(ii) the deficit reduction rate shall be 5.55 cents per gallon."

(d) FUEL USED IN COMMERCIAL TRANSPORTATION ON INLAND WATERWAYS.—

(1) IN GENERAL.—Section 4042(b)(1) (relating to amount of tax) is amended—

(A) by striking "and" at the end of subparagraph (A),

(B) by striking the period at the end of subparagraph (B) and inserting ", and", and

(C) by adding at the end thereof the following new subparagraph:

"(C) the deficit reduction rate."

(2) RATE.—Section 4042(b)(2) (relating to rates) is amended by adding at the end the following new subparagraph: 26 USC 4042.

"(C) The deficit reduction rate is 4.3 cents per gallon."

(e) COMPRESSED NATURAL GAS.—

(1) IN GENERAL.—Subsection (a) of section 4041 is amended by adding at the end thereof the following new paragraph:

"(3) COMPRESSED NATURAL GAS.—

"(A) IN GENERAL.—There is hereby imposed a tax on compressed natural gas—

"(i) sold by any person to an owner, lessee, or other operator of a motor vehicle or motorboat for use as a fuel in such motor vehicle or motorboat, or

"(ii) used by any person as a fuel in a motor vehicle or motorboat unless there was a taxable sale of such gas under clause (i).

The rate of the tax imposed by this paragraph shall be 48.54 cents per MCF (determined at standard temperature and pressure).

"(B) BUS USES.—No tax shall be imposed by this paragraph on any sale for use, or use, described in subparagraph (B) or (C) of section 6427(b)(2) (relating to school bus and intracity transportation).

"(C) ADMINISTRATIVE PROVISIONS.—For purposes of applying this title with respect to the taxes imposed by this subsection, references to any liquid subject to tax under this subsection shall be treated as including references to compressed natural gas subject to tax under this paragraph, and references to gallons shall be treated as including references to MCF with respect to such gas."

(2) EXEMPTION FROM LEAKING UNDERGROUND STORAGE TANK TRUST FUND TAX.—Paragraph (1) of section 4041(d) is amended by striking "subsection (a)" the second place it appears in the text and inserting "subsection (a)(1) or (2)".

(f) CONFORMING AMENDMENTS.—

(1) Paragraph (3) of section 4041(f) is hereby repealed.

(2) Subsection (g) of section 4041 is amended by striking the last sentence.

(3) Subparagraphs (A) and (B) of section 4093(c)(2) are amended to read as follows:

"(A) NO EXEMPTION FROM CERTAIN TAXES ON FUEL USED IN DIESEL-POWERED TRAINS.—In the case of fuel sold for use in a diesel-powered train, paragraph (1) shall not apply to so much of the tax imposed by section 4091 as is attributable to the Leaking Underground Storage Tank Trust Fund financing rate and the diesel fuel deficit reduction rate imposed under such section. The preceding sentence shall not apply in the case of fuel sold for exclusive use by a State or any political subdivision thereof.

"(B) NO EXEMPTION FROM LEAKING UNDERGROUND STORAGE TANK TRUST FUND TAXES ON FUEL USED IN COMMERCIAL AVIATION.—In the case of fuel sold for use in commercial aviation (other than supplies for vessels or aircraft within the meaning of section 4221(d)(3)), paragraph (1) also shall not apply to so much of the tax imposed by section 4091 as is attributable to the Leaking Underground Storage Tank Trust Fund financing rate imposed by such section. For purposes of the preceding sentence,

the term 'commercial aviation' means any use of an aircraft other than in noncommercial aviation (as defined in section 4041(c)(4))."

(4) Section 4093(d) is amended by inserting "and the aviation fuel deficit reduction rate" after "rate".

(5) Section 6420 is amended by striking subsection (h).

(6) Paragraph (3) of section 6421(f) is amended by inserting "and at the deficit reduction rate" after "financing rate", and by inserting "AND DEFICIT REDUCTION TAX" after "TAX" in the heading.

(7) Section 6421 is amended by striking subsection (i).

(8) Paragraph (2) of section 6427(b) is amended—

(A) by striking "3.1 cents" in subparagraph (A) and inserting "7.4 cents", and

(B) by striking "3-CENT REDUCTION" in the paragraph heading and inserting "REDUCTION".

(9) Section 6427(l) is amended by striking paragraphs (3) and (4) and inserting the following new paragraphs:

"(3) NO REFUND OF CERTAIN TAXES ON FUEL USED IN DIESEL-POWERED TRAINS.—In the case of fuel used in a diesel-powered train, paragraph (1) shall not apply to so much of the tax imposed by section 4091 as is attributable to the Leaking Underground Storage Tank Trust Fund financing rate and the diesel fuel deficit reduction rate imposed by such section. The preceding sentence shall not apply in the case of fuel sold for exclusive use by a State or any political subdivision thereof.

"(4) NO REFUND OF LEAKING UNDERGROUND STORAGE TANK TRUST FUND TAXES ON FUEL USED IN COMMERCIAL AVIATION.—In the case of fuel used in commercial aviation (as defined in section 4093(c)(2)(B)) (other than supplies for vessels or aircraft within the meaning of section 4221(d)(3)), paragraph (1) shall not apply to so much of the tax imposed by section 4091 as is attributable to the Leaking Underground Storage Tank Trust Fund financing rate imposed by such section."

(10) Section 6427 is amended by striking subsections (m) and (o).

26 USC 4041 note.

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1993.

26 USC 4081 note.

(h) FLOOR STOCKS TAXES.—

(1) IMPOSITION OF TAX.—In the case of gasoline, diesel fuel, and aviation fuel on which tax was imposed under section 4081 or 4091 of the Internal Revenue Code of 1986 before October 1, 1993, and which is held on such date by any person, there is hereby imposed a floor stocks tax of 4.3 cents per gallon on such gasoline, diesel fuel, and aviation fuel.

(2) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(A) LIABILITY FOR TAX.—A person holding gasoline, diesel fuel, or aviation fuel on October 1, 1993, to which the tax imposed by paragraph (1) applies shall be liable for such tax.

(B) METHOD OF PAYMENT.—The tax imposed by paragraph (1) shall be paid in such manner as the Secretary shall prescribe.

(C) TIME FOR PAYMENT.—The tax imposed by paragraph (1) shall be paid on or before November 30, 1993.

(3) DEFINITIONS.—For purposes of this subsection—

(A) HELD BY A PERSON.—Gasoline, diesel fuel, and aviation fuel shall be considered as "held by a person" if title thereto has passed to such person (whether or not delivery to the person has been made).

(B) GASOLINE.—The term "gasoline" has the meaning given such term by section 4082 of such Code.

(C) DIESEL FUEL.—The term "diesel fuel" has the meaning given such term by section 4092 of such Code.

(D) AVIATION FUEL.—The term "aviation fuel" has the meaning given such term by section 4092 of such Code.

(E) SECRETARY.—The term "Secretary" means the Secretary of the Treasury or his delegate.

(4) EXCEPTION FOR EXEMPT USES.—The tax imposed by paragraph (1) shall not apply to gasoline, diesel fuel, or aviation fuel held by any person exclusively for any use to the extent a credit or refund of the tax imposed by section 4081 or 4091 of such Code, as the case may be, is allowable for such use.

(5) EXCEPTION FOR FUEL HELD IN VEHICLE TANK.—No tax shall be imposed by paragraph (1) on gasoline or diesel fuel held in the tank of a motor vehicle or motorboat.

(6) EXCEPTION FOR CERTAIN AMOUNTS OF FUEL.—

(A) IN GENERAL.—No tax shall be imposed by paragraph (1)—

(i) on gasoline held on October 1, 1993, by any person if the aggregate amount of gasoline held by such person on such date does not exceed 4,000 gallons, and

(ii) on diesel fuel or aviation fuel held on October 1, 1993, by any person if the aggregate amount of diesel fuel or aviation fuel held by such person on such date does not exceed 2,000 gallons.

The preceding sentence shall apply only if such person submits to the Secretary (at the time and in the manner required by the Secretary) such information as the Secretary shall require for purposes of this paragraph.

(B) EXEMPT FUEL.—For purposes of subparagraph (A), there shall not be taken into account fuel held by any person which is exempt from the tax imposed by paragraph (1) by reason of paragraph (4) or (5).

(C) CONTROLLED GROUPS.—For purposes of this paragraph—

(i) CORPORATIONS.—

(I) IN GENERAL.—All persons treated as a controlled group shall be treated as 1 person.

(II) CONTROLLED GROUP.—The term "controlled group" has the meaning given to such term by subsection (a) of section 1563 of such Code; except that for such purposes the phrase "more than 50 percent" shall be substituted for the phrase "at least 80 percent" each place it appears in such subsection.

(ii) NONINCORPORATED PERSONS UNDER COMMON CONTROL.—Under regulations prescribed by the Secretary, principles similar to the principles of clause (i) shall apply to a group of persons under common control where 1 or more of such persons is not a corporation. Regulations.

(7) OTHER LAW APPLICABLE.—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 4081 of such Code in the case of gasoline and section 4091 of such Code in the case of diesel fuel and aviation fuel shall, insofar as applicable and not inconsistent with the provisions of this subsection, apply with respect to the floor stock taxes imposed by paragraph (1) to the same extent as if such taxes were imposed by such section 4081 or 4091.

Subpart B—Modifications to Tax on Diesel Fuel

SEC. 13242. MODIFICATIONS TO TAX ON DIESEL FUEL.

(a) IN GENERAL.—Subparts A and B of part III of subchapter A of chapter 32 (relating to manufacturers excise taxes), as amended by subpart A, are amended to read as follows:

"Subpart A—Gasoline and Diesel Fuel

"Sec. 4081. Imposition of tax.
"Sec. 4082. Exemptions for diesel fuel.
"Sec. 4083. Definitions; special rule; administrative authority.
"Sec. 4084. Cross references.

"SEC. 4081. IMPOSITION OF TAX.

"(a) TAX IMPOSED.—

"(1) TAX ON REMOVAL, ENTRY, OR SALE.—

"(A) IN GENERAL.—There is hereby imposed a tax at the rate specified in paragraph (2) on—

"(i) the removal of a taxable fuel from any refinery,

"(ii) the removal of a taxable fuel from any terminal,

"(iii) the entry into the United States of any taxable fuel for consumption, use, or warehousing, and

"(iv) the sale of a taxable fuel to any person who is not registered under section 4101 unless there was a prior taxable removal or entry of such fuel under clause (i), (ii), or (iii).

"(B) EXEMPTION FOR BULK TRANSFERS TO REGISTERED TERMINALS OR REFINERIES.—The tax imposed by this paragraph shall not apply to any removal or entry of a taxable fuel transferred in bulk to a terminal or refinery if the person removing or entering the taxable fuel and the operator of such terminal or refinery are registered under section 4101.

"(2) RATES OF TAX.—

"(A) IN GENERAL.—The rate of the tax imposed by this section is—

"(i) in the case of gasoline, 18.3 cents per gallon, and

"(ii) in the case of diesel fuel, 24.3 cents per gallon.

"(B) LEAKING UNDERGROUND STORAGE TANK TRUST FUND TAX.—The rates of tax specified in subparagraph (A) shall each be increased by 0.1 cent per gallon. The increase in tax under this subparagraph shall in this title be referred to as the Leaking Underground Storage Tank Trust Fund financing rate.

"(b) TREATMENT OF REMOVAL OR SUBSEQUENT SALE BY BLENDER.—

"(1) IN GENERAL.—There is hereby imposed a tax at the rate determined under subsection (a) on taxable fuel removed or sold by the blender thereof.

"(2) CREDIT FOR TAX PREVIOUSLY PAID.—If—

"(A) tax is imposed on the removal or sale of a taxable fuel by reason of paragraph (1), and

"(B) the blender establishes the amount of the tax paid with respect to such fuel by reason of subsection (a),

the amount of the tax so paid shall be allowed as a credit against the tax imposed by reason of paragraph (1).

"(c) TAXABLE FUELS MIXED WITH ALCOHOL.—Under regulations prescribed by the Secretary— Regulations.

"(1) IN GENERAL.—The rate of tax under subsection (a) shall be the alcohol mixture rate in the case of the removal or entry of any qualified alcohol mixture.

"(2) TAX PRIOR TO MIXING.—

"(A) IN GENERAL.—In the case of the removal or entry of any taxable fuel for use in producing at the time of such removal or entry a qualified alcohol mixture, the rate of tax under subsection (a) shall be the applicable fraction of the alcohol mixture rate. Subject to such terms and conditions as the Secretary may prescribe (including the application of section 4101), the treatment under the preceding sentence also shall apply to use in producing a qualified alcohol mixture after the time of such removal or entry.

"(B) APPLICABLE FRACTION.—For purposes of subparagraph (A), the applicable fraction is—

"(i) in the case of a qualified alcohol mixture which contains gasoline, the fraction the numerator of which is 10 and the denominator of which is—

"(I) 9 in the case of 10 percent gasohol,

"(II) 9.23 in the case of 7.7 percent gasohol, and

"(III) 9.43 in the case of 5.7 percent gasohol, and

"(ii) in the case of a qualified alcohol mixture which does not contain gasoline, 1%.

"(3) ALCOHOL; QUALIFIED ALCOHOL MIXTURE.—For purposes of this subsection—

"(A) ALCOHOL.—The term 'alcohol' includes methanol and ethanol but does not include alcohol produced from petroleum, natural gas, or coal (including peat). Such term does not include alcohol with a proof of less than 190 (determined without regard to any added denaturants).

"(B) QUALIFIED ALCOHOL MIXTURE.—The term 'qualified alcohol mixture' means—

"(i) any mixture of gasoline with alcohol if at least 5.7 percent of such mixture is alcohol, and

"(ii) any mixture of diesel fuel with alcohol if at least 10 percent of such mixture is alcohol.

"(4) ALCOHOL MIXTURE RATES FOR GASOLINE MIXTURES.—For purposes of this subsection—

"(A) IN GENERAL.—The alcohol mixture rate for a qualified alcohol mixture which contains gasoline is the excess

of the rate which would (but for this paragraph) be determined under subsection (a) over—

"(i) 5.4 cents per gallon for 10 percent gasohol,

"(ii) 4.158 cents per gallon for 7.7 percent gasohol, and

"(iii) 3.078 cents per gallon for 5.7 percent gasohol.

In the case of a mixture none of the alcohol in which consists of ethanol, clauses (i), (ii), and (iii) shall be applied by substituting '6 cents' for '5.4 cents', '4.62 cents' for '4.158 cents', and '3.42 cents' for '3.078 cents'.

"(B) 10 PERCENT GASOHOL.—The term '10 percent gasohol' means any mixture of gasoline with alcohol if at least 10 percent of such mixture is alcohol.

"(C) 7.7 PERCENT GASOHOL.—The term '7.7 percent gasohol' means any mixture of gasoline with alcohol if at least 7.7 percent, but not 10 percent or more, of such mixture is alcohol.

"(D) 5.7 PERCENT GASOHOL.—The term '5.7 percent gasohol' means any mixture of gasoline with alcohol if at least 5.7 percent, but not 7.7 percent or more, of such mixture is alcohol.

"(5) ALCOHOL MIXTURE RATE FOR DIESEL FUEL MIXTURES.—The alcohol mixture rate for a qualified alcohol mixture which does not contain gasoline is the excess of the rate which would (but for this paragraph) be determined under subsection (a) over 5.4 cents per gallon (6 cents per gallon in the case of a qualified alcohol mixture none of the alcohol in which consists of ethanol).

"(6) LIMITATION.—In no event shall any alcohol mixture rate determined under this subsection be less than 4.3 cents per gallon.

"(7) LATER SEPARATION OF FUEL FROM QUALIFIED ALCOHOL MIXTURE.—If any person separates the taxable fuel from a qualified alcohol mixture on which tax was imposed under subsection (a) at a rate determined under paragraph (1) or (2) (or with respect to which a credit or payment was allowed or made by reason of section 6427(f)(1)), such person shall be treated as the refiner of such taxable fuel. The amount of tax imposed on any removal of such fuel by such person shall be reduced by the amount of tax imposed (and not credited or refunded) on any prior removal or entry of such fuel.

"(8) TERMINATION.—Paragraphs (1) and (2) shall not apply to any removal, entry, or sale after September 30, 2000.

"(d) TERMINATION.—

"(1) IN GENERAL.—On and after October 1, 1999, each rate of tax specified in subsection (a)(2)(A) shall be 4.3 cents per gallon.

"(2) LEAKING UNDERGROUND STORAGE TANK TRUST FUND FINANCING RATE.—The Leaking Underground Storage Tank Trust Fund financing rate under subsection (a)(2) shall not apply after December 31, 1995.

Regulations.

"(e) REFUNDS IN CERTAIN CASES.—Under regulations prescribed by the Secretary, if any person who paid the tax imposed by this section with respect to any taxable fuel establishes to the satisfaction of the Secretary that a prior tax was paid (and not credited or refunded) with respect to such taxable fuel, then an amount equal to the tax paid by such person shall be allowed

as a refund (without interest) to such person in the same manner as if it were an overpayment of tax imposed by this section.

"SEC. 4082. EXEMPTIONS FOR DIESEL FUEL.

"(a) IN GENERAL.—The tax imposed by section 4081 shall not apply to diesel fuel—

"(1) which the Secretary determines is destined for a nontaxable use,

"(2) which is indelibly dyed in accordance with regulations which the Secretary shall prescribe, and

"(3) which meets such marking requirements (if any) as may be prescribed by the Secretary in regulations.

Such regulations shall allow an individual choice of dye color approved by the Secretary or chosen from any list of approved dye colors that the Secretary may publish.

"(b) NONTAXABLE USE.—For purposes of this section, the term 'nontaxable use' means—

"(1) any use which is exempt from the tax imposed by section 4041(a)(1) other than by reason of a prior imposition of tax,

"(2) any use in a train, and

"(3) any use described in section 6427(b)(1) (after the application of section 6427(b)(3)).

"(c) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out this section, including regulations requiring the conspicuous labeling of retail diesel fuel pumps and other delivery facilities to assure that persons are aware of which fuel is available only for nontaxable uses.

"(d) CROSS REFERENCE.—

"For tax on train and certain bus uses of fuel purchased tax-free, see section 4041(a)(1).

"SEC. 4083. DEFINITIONS; SPECIAL RULE; ADMINISTRATIVE AUTHORITY.

"(a) TAXABLE FUEL.—For purposes of this subpart—

"(1) IN GENERAL.—The term 'taxable fuel' means—

"(A) gasoline, and

"(B) diesel fuel.

"(2) GASOLINE.—The term 'gasoline' includes, to the extent prescribed in regulations—

"(A) gasoline blend stocks, and

"(B) products commonly used as additives in gasoline.

For purposes of subparagraph (A), the term 'gasoline blend stock' means any petroleum product component of gasoline.

"(3) DIESEL FUEL.—The term 'diesel fuel' means any liquid (other than gasoline) which is suitable for use as a fuel in a diesel-powered highway vehicle, a diesel-powered train, or a diesel-powered boat.

"(b) CERTAIN USES DEFINED AS REMOVAL.—If any person uses taxable fuel (other than in the production of gasoline, diesel fuel, or special fuels referred to in section 4041), such use shall for the purposes of this chapter be considered a removal.

"(c) ADMINISTRATIVE AUTHORITY.—

"(1) IN GENERAL.—In addition to the authority otherwise granted by this title, the Secretary may in administering compliance with this subpart, section 4041, and penalties and other administrative provisions related thereto—

"(A) enter any place at which taxable fuel is produced or is stored (or may be stored) for purposes of—

"(i) examining the equipment used to determine the amount or composition of such fuel and the equipment used to store such fuel, and

"(ii) taking and removing samples of such fuel, and

"(B) detain, for the purposes referred in subparagraph (A), any container which contains or may contain any taxable fuel.

"(2) INSPECTION SITES.—The Secretary may establish inspection sites for purposes of carrying out the Secretary's authority under paragraph (1)(B).

"(3) PENALTY FOR REFUSAL OF ENTRY.—The penalty provided by section 7342 shall apply to any refusal to admit entry or other refusal to permit an action by the Secretary authorized by paragraph (1), except that section 7342 shall be applied by substituting '$1,000' for '$500' for each such refusal.

"SEC. 4084. CROSS REFERENCES.

"(1) For provisions to relieve farmers from excise tax in the case of gasoline used on the farm for farming purposes, see section 6420.

"(2) For provisions to relieve purchasers of gasoline from excise tax in the case of gasoline used for certain nonhighway purposes, used by local transit systems, or sold for certain exempt purposes, see section 6421.

"(3) For provisions to relieve purchasers from excise tax in the case of taxable fuel not used for taxable purposes, see section 6427.

"Subpart B—Aviation Fuel

"Sec. 4091. Imposition of tax.
"Sec. 4092. Exemptions.
"Sec. 4093. Definitions.

"SEC. 4091. IMPOSITION OF TAX.

"(a) TAX ON SALE.—

"(1) IN GENERAL.—There is hereby imposed a tax on the sale of aviation fuel by the producer or the importer thereof or by any producer of aviation fuel.

"(2) USE TREATED AS SALE.—For purposes of paragraph (1), if any producer uses aviation fuel (other than for a nontaxable use as defined in section 6427(l)(2)(B)) on which no tax has been imposed under such paragraph, then such use shall be considered a sale.

"(b) RATE OF TAX.—

"(1) IN GENERAL.—The rate of the tax imposed by subsection (a) shall be 21.8 cents per gallon.

"(2) LEAKING UNDERGROUND STORAGE TANK TRUST FUND TAX.—The rate of tax specified in paragraph (1) shall be increased by 0.1 cent per gallon. The increase in tax under this paragraph shall in this title be referred to as the Leaking Underground Storage Tank Trust Fund financing rate.

"(3) TERMINATION.—

"(A) On and after January 1, 1996, the rate of tax specified in paragraph (1) shall be 4.3 cents per gallon.

"(B) The Leaking Underground Storage Tank Fund financing rate shall not apply during any period during

which the Leaking Underground Storage Tank Trust Fund financing rate under section 4081 does not apply.

"(c) REDUCED RATE OF TAX FOR AVIATION FUEL IN ALCOHOL MIXTURE, ETC.—Under regulations prescribed by the Secretary— Regulations.

"(1) IN GENERAL.—The rate of tax under subsection (a) shall be reduced by 13.4 cents per gallon in the case of the sale of any mixture of aviation fuel if—

"(A) at least 10 percent of such mixture consists of alcohol (as defined in section 4081(c)(3)), and

"(B) the aviation fuel in such mixture was not taxed under paragraph (2).

In the case of such a mixture none of the alcohol in which is ethanol, the preceding sentence shall be applied by substituting '14 cents' for '13.4 cents'.

"(2) TAX PRIOR TO MIXING.—In the case of the sale of aviation fuel for use (at the time of such sale) in producing a mixture described in paragraph (1), the rate of tax under subsection (a) shall be 1% of the rate which would (but for this paragraph) have been applicable to such mixture had such mixture been created prior to such sale.

"(3) LATER SEPARATION.—If any person separates the aviation fuel from a mixture of the aviation fuel and alcohol on which tax was imposed under subsection (a) at a rate determined under paragraph (1) or (2) (or with respect to which a credit or payment was allowed or made by reason of section 6427(f)(1)), such person shall be treated as the producer of such aviation fuel. The amount of tax imposed on any sale of such aviation fuel by such person shall be reduced by the amount of tax imposed (and not credited or refunded) on any prior sale of such fuel.

"(4) LIMITATION.—In no event shall any rate determined under paragraph (1) be less than 4.3 cents per gallon.

"(5) TERMINATION.—Paragraphs (1) and (2) shall not apply to any sale after September 30, 2000.

"SEC. 4092. EXEMPTIONS.

"(a) NONTAXABLE USES.—No tax shall be imposed by section 4091 on aviation fuel sold by a producer or importer for use by the purchaser in a nontaxable use (as defined in section 6427(l)(2)(B)).

"(b) NO EXEMPTION FROM CERTAIN TAXES ON FUEL USED IN COMMERCIAL AVIATION.—In the case of fuel sold for use in commercial aviation (other than supplies for vessels or aircraft within the meaning of section 4221(d)(3)), subsection (a) shall not apply to so much of the tax imposed by section 4091 as is attributable to—

"(1) the Leaking Underground Storage Tank Trust Fund financing rate imposed by such section, and

"(2) in the case of fuel sold after September 30, 1995, 4.3 cents per gallon of the rate specified in section 4091(b)(1).

For purposes of the preceding sentence, the term 'commercial aviation' means any use of an aircraft other than in noncommercial aviation (as defined in section 4041(c)(4)).

"(c) SALES TO PRODUCER.—Under regulations prescribed by the Secretary, the tax imposed by section 4091 shall not apply to aviation fuel sold to a producer of such fuel. Regulations.

"SEC. 4083. DEFINITIONS.

"(a) AVIATION FUEL.—For purposes of this subpart, the term 'aviation fuel' means any liquid (other than any product taxable under section 4081) which is suitable for use as a fuel in an aircraft.

"(b) PRODUCER.—For purposes of this subpart—

"(1) CERTAIN PERSONS TREATED AS PRODUCERS.—

"(A) IN GENERAL.—The term 'producer' includes any person described in subparagraph (B) and registered under section 4101 with respect to the tax imposed by section 4091.

"(B) PERSONS DESCRIBED.—A person is described in this subparagraph if such person is—

"(i) a refiner, blender, or wholesale distributor of aviation fuel, or

"(ii) a dealer selling aviation fuel exclusively to producers of aviation fuel.

"(C) REDUCED RATE PURCHASERS TREATED AS PRODUCERS.—Any person to whom aviation fuel is sold at a reduced rate under this subpart shall be treated as the producer of such fuel.

"(2) WHOLESALE DISTRIBUTOR.—For purposes of paragraph (1), the term 'wholesale distributor' includes any person who sells aviation fuel to producers, retailers, or to users who purchase in bulk quantities and accept delivery into bulk storage tanks. Such term does not include any person who (excluding the term 'wholesale distributor' from paragraph (1)) is a producer or importer."

(b) CIVIL PENALTY FOR USING REDUCED-RATE FUEL FOR TAXABLE USE, ETC.—

(1) IN GENERAL.—Part I of subchapter B of chapter 68 (relating to assessable penalties) is amended by adding at the end thereof the following new section:

"SEC. 6714. DYED FUEL SOLD FOR USE OR USED IN TAXABLE USE, ETC.

"(a) IMPOSITION OF PENALTY.—If—

"(1) any dyed fuel is sold or held for sale by any person for any use which such person knows or has reason to know is not a nontaxable use of such fuel,

"(2) any dyed fuel is held for use or used by any person for a use other than a nontaxable use and such person knew, or had reason to know, that such fuel was so dyed, or

"(3) any person willfully alters, or attempts to alter, the strength or composition of any dye or marking done pursuant to section 4082 in any dyed fuel,

then such person shall pay a penalty in addition to the tax (if any).

"(b) AMOUNT OF PENALTY.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the amount of the penalty under subsection (a) on each act shall be the greater of—

"(A) $1,000, or

"(B) $10 for each gallon of the dyed fuel involved.

"(2) MULTIPLE VIOLATIONS.—In determining the penalty under subsection (a) on any person, paragraph (1) shall be applied by increasing the amount in paragraph (1)(A) by the

product of such amount and the number of prior penalties (if any) imposed by this section on such person (or a related person or any predecessor of such person or related person).

"(c) DEFINITIONS.—For purposes of this section—

"(1) DYED FUEL.—The term 'dyed fuel' means any dyed diesel fuel, whether or not the fuel was dyed pursuant to section 4082.

"(2) NONTAXABLE USE.—The term 'nontaxable use' has the meaning given such term by section 4082(b).

"(d) JOINT AND SEVERAL LIABILITY OF CERTAIN OFFICERS AND EMPLOYEES.—If a penalty is imposed under this section on any business entity, each officer, employee, or agent of such entity who willfully participated in any act giving rise to such penalty shall be jointly and severally liable with such entity for such penalty."

(2) CLERICAL AMENDMENT.—The table of sections for such part I is amended by adding at the end thereof the following new item:

"Sec. 6714. Dyed fuel sold for use or used in taxable use, etc."

(c) REGISTERED VENDORS TO ADMINISTER CLAIMS FOR CERTAIN REFUNDS OF DIESEL FUEL.—

(1) IN GENERAL.—Section 6427(l) (relating to nontaxable uses of diesel fuel and aviation fuel) is amended by adding at the end the following new paragraph: 26 USC 6427.

"(5) REGISTERED VENDORS TO ADMINISTER CLAIMS FOR REFUND OF DIESEL FUEL SOLD TO FARMERS AND STATE AND LOCAL GOVERNMENTS.—

"(A) IN GENERAL.—Paragraph (1) shall not apply to diesel fuel used—

"(i) on a farm for farming purposes (within the meaning of section 6420(c)), or

"(ii) by a State or local government.

"(B) PAYMENT TO ULTIMATE, REGISTERED VENDOR.—The amount which would (but for subparagraph (A)) have been paid under paragraph (1) with respect to any fuel shall be paid to the ultimate vendor of such fuel, if such vendor—

"(i) is registered under section 4101, and

"(ii) meets the requirements of subparagraph (A), (B), or (D) of section 6416(a)(1)."

(2) SPECIAL REFUND RULES.—

(A) Subsection (i) of section 6427 is amended by adding at the end thereof the following new paragraph:

"(5) SPECIAL RULE FOR VENDOR REFUNDS.—

"(A) IN GENERAL.—A claim may be filed under subsection (l)(5) by any person with respect to fuel sold by such person for any period—

"(i) for which $200 or more is payable under subsection (l)(5), and

"(ii) which is not less than 1 week.

Notwithstanding subsection (l)(1), paragraph (3)(B) shall apply to claims filed under the preceding sentence.

"(B) TIME FOR FILING CLAIM.—No claim filed under this paragraph shall be allowed unless filed on or before the last day of the first quarter following the earliest quarter included in the claim."

26 USC 6427.

(B) Paragraph (1) of section 6427(i) is amended by striking "provided in paragraphs (2), (3), and (4)" and inserting "otherwise provided in this subsection".

(C) Paragraph (2) of section 6427(k) is amended by striking "or (4)" and inserting "(4), or (5)".

(D) Paragraph (3) of section 6427(i) is amended by adding at the end thereof the following new subparagraph:

"(C) TIME FOR FILING CLAIM.—No claim filed under this paragraph shall be allowed unless filed on or before the last day of the first quarter following the earliest quarter included in the claim."

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Sections 4101(a) and 4103 are each amended by striking "4081" and inserting "4041(a)(1), 4081,".

(2) Section 4102 is amended by striking "gasoline" and inserting "any taxable fuel (as defined in section 4083)".

(3) Paragraph (1) of section 4041(a), as amended by subchapter A, is amended to read as follows:

"(1) TAX ON DIESEL FUEL IN CERTAIN CASES.—

"(A) IN GENERAL.—There is hereby imposed a tax on any liquid other than gasoline (as defined in section 4083)—

"(i) sold by any person to an owner, lessee, or other operator of a diesel-powered highway vehicle, a diesel-powered train, or a diesel-powered boat for use as a fuel in such vehicle, train, or boat, or

"(ii) used by any person as a fuel in a diesel-powered highway vehicle, a diesel-powered train, or a diesel-powered boat unless there was a taxable sale of such fuel under clause (i).

"(B) EXEMPTION FOR PREVIOUSLY TAXED FUEL.—No tax shall be imposed by this paragraph on the sale or use of any liquid if tax was imposed on such liquid under section 4081 and the tax thereon was not credited or refunded.

"(C) RATE OF TAX.—

"(i) IN GENERAL.—Except as otherwise provided in this subparagraph, the rate of the tax imposed by this paragraph shall be the rate of tax specified in section 4081(a)(2)(A) on diesel fuel which is in effect at the time of such sale or use.

"(ii) RATE OF TAX ON TRAINS.—In the case of any sale for use, or use, of diesel fuel in a train, the rate of tax imposed by this paragraph shall be—

"(I) 6.8 cents per gallon after September 30, 1993, and before October 1, 1995,

"(II) 5.55 cents per gallon after September 30, 1995, and before October 1, 1999, and

"(III) 4.3 cents per gallon after September 30, 1999.

"(iii) RATE OF TAX ON CERTAIN BUSES.—

"(I) IN GENERAL.—Except as provided in subclause (II), in the case of fuel sold for use or used in a use described in section 6427(b)(1) (after the application of section 6427(b)(3)), the rate of tax imposed by this paragraph shall be 7.3 cents per gallon (4.3 cents per gallon after September 30, 1999).

"(II) SCHOOL BUS AND INTRACITY TRANSPORTATION.—No tax shall be imposed by this paragraph on any sale for use, or use, described in subparagraph (B) or (C) of section 6427(b)(2).

"(D) DIESEL FUEL USED IN MOTORBOATS.—In the case of any sale for use, or use, of fuel in a diesel-powered motorboat—

"(i) effective during the period after September 30, 1999, and before January 1, 2000, the rate of tax imposed by this paragraph is 24.3 cents per gallon, and

Effective date.

"(ii) the termination of the tax under subsection (d) shall not occur before January 1, 2000."

Termination date.

(4) Paragraph (2) of section 4041(a) is amended—

26 USC 4041.

(A) by striking "or paragraph (1) of this subsection", and

(B) by striking the last sentence and inserting the following new flush sentence:

"The rate of the tax imposed by this paragraph shall be the rate of tax specified in section 4081(a)(2)(A) on gasoline which is in effect at the time of such sale or use."

(5)(A) Subparagraph (B) of section 4041(b)(1) is amended by striking "paragraph (1)(B) or (2)(B)" and inserting "paragraph (1)(B), (2)(B), or (3)(A)(ii)" and by inserting before the period "(if any)".

(B) Subparagraph (C) of section 4041(b)(1) is amended by inserting before the period "; except that such term shall not, for purposes of subsection (a)(1), include use in a diesel-powered train".

(C) Clause (i) of section 4041(b)(2)(A) is amended by striking "Highway Trust Fund financing".

(6) Paragraph (1) of section 4041(c), as amended by subpart A, is amended by striking the next to the last sentence and inserting the following new flush sentence:

"The rate of the tax imposed by this paragraph shall be the rate of tax specified in section 4091(b)(1) which is in effect at the time of such sale or use."

(7) Paragraph (2) of section 4041(c) is amended by striking "any product taxable under section 4081" and inserting "gasoline (as defined in section 4083)".

(8) Paragraph (5) of section 4041(c) is amended by adding at the end thereof the following: "The termination under the preceding sentence shall not apply to so much of the tax imposed by paragraph (1) as does not exceed 4.3 cents per gallon.".

(9) Subsection (d) of section 4041 is amended by striking paragraph (2) and by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(10) Paragraph (2) of section 4041(d), as redesignated by the preceding paragraph, is amended by striking "(other than any product taxable under section 4081)" and inserting "(other than gasoline (as defined in section 4083))".

(11) Subparagraph (A) of section 4041(k)(1) is amended—

(A) by striking "Highway Trust Fund financing", and

(B) by striking "sections 4081(c) and 4091(c), as the case may be" and inserting "section 4081(c)".

26 USC 4041.

(12) Subparagraph (B) of section 4041(k)(1) is amended by striking "4091(d)" and inserting "4091(c)".

(13) Subparagraphs (A) and (B) of section 4041(m)(1) are amended to read as follows:

"(A) the rate of the tax imposed by subsection (a)(2) shall be—

"(i) 11.3 cents per gallon after September 30, 1993, and before October 1, 1999, and

"(ii) 4.3 cents per gallon after September 30, 1999, and

"(B) the rate of the tax imposed by subsection (c)(1) shall be the comparable rate under section 4091(c)(1)."

(14) Section 6206 is amended by striking "4041 or 4091" and inserting "4041, 4081, or 4091".

(15) The heading for subsection (f) of section 6302 is amended by inserting "AND DIESEL FUEL" after "GASOLINE".

(16) Paragraph (1) of section 6412(a) is amended by striking "gasoline" each place it appears (including the heading) and inserting "taxable fuel".

(17)(A) Subparagraph (A) of section 6416(a)(4) is amended by striking "product" each place it appears and inserting "gasoline".

(B) Subparagraph (B) of section 6416(a)(4) is amended—

(i) by striking "section 4092(b)(2)" and inserting "section 4093(b)(2)", and

(ii) by striking all that follows "substituting" and inserting "'any gasoline taxable under section 4081' for 'aviation fuel' therein)."

(18) The material following the first sentence of section 6416(b)(2) is amended by inserting "any tax imposed under section 4041(a)(1) or 4081 on diesel fuel and" after "This paragraph shall not apply in the case of".

(19)(A) Subparagraph (A) of section 6416(b)(3) is amended by striking "gasoline taxable under section 4081 and other than any fuel taxable under section 4091" and inserting "any fuel taxable under section 4081 or 4091".

(B) Subparagraph (B) of section 6416(b)(3) is amended by striking "gasoline taxable under section 4081 or any fuel taxable under section 4091, such gasoline or fuel" and inserting "any fuel taxable under section 4081 or 4091, such fuel".

(20) Sections 6420(c)(5) and 6421(e)(1) are each amended by striking "section 4082(b)" and inserting "section 4083(a)".

(21) Subsections (a) and (c) of section 6427 are each amended by striking "section 4041(a) or (c)" and inserting "paragraph (2) or (3) of section 4041(a) or section 4041(c)".

(22) Subsection (c) of section 6421 is amended by adding at the end thereof the following: "The preceding sentence shall apply notwithstanding paragraphs (2)(A) and (3) of subsection (f)."

(23) Subparagraph (B) of section 6421(f)(2) is amended by inserting before the period "and, in the case of fuel purchased after September 30, 1995, at so much of the rate specified in section 4081(a)(2)(A) as does not exceed 4.3 cents per gallon".

(24) Paragraph (3) of section 6421(f), as amended by subpart A, is amended to read as follows:

"(3) GASOLINE USED IN TRAINS.—In the case of gasoline used as a fuel in a train, this section shall not apply with respect to—

"(A) the Leaking Underground Storage Tank Trust Fund financing rate under section 4081, and

"(B) so much of the rate specified in section 4081(a)(2)(A) as does not exceed—

"(i) 6.8 cents per gallon after September 30, 1993, and before October 1, 1995,

"(ii) 5.55 cents per gallon after September 30, 1995, and before October 1, 1999, and

"(iii) 4.3 cents per gallon after September 30, 1999."

(25) Subsection (b) of section 6427 is amended— 26 USC 6427.

(A) by striking "if any fuel" in paragraph (1) and inserting "if any fuel other than gasoline (as defined in section 4083(a))", and

(B) by striking "4091" each place it appears and inserting "4081".

(26)(A) Paragraph (1) of section 6427(f) is amended by striking ", 4091(c)(1)(A), or 4091(d)(1)(A)" and inserting "or 4091(c)(1)(A)".

(B) Paragraph (2) of section 6427(f) is amended to read as follows:

"(2) DEFINITIONS.—For purposes of paragraph (1)—

"(A) REGULAR TAX RATE.—The term 'regular tax rate' means—

"(i) in the case of gasoline or diesel fuel, the aggregate rate of tax imposed by section 4081 determined without regard to subsection (c) thereof, and

"(ii) in the case of aviation fuel, the aggregate rate of tax imposed by section 4091 determined without regard to subsection (c) thereof.

"(B) INCENTIVE TAX RATE.—The term 'incentive tax rate' means—

"(i) in the case of gasoline or diesel fuel, the aggregate rate of tax imposed by section 4081 with respect to fuel described in subsection (c)(2) thereof, and

"(ii) in the case of aviation fuel, the aggregate rate of tax imposed by section 4091 with respect to fuel described in subsection (c)(2) thereof."

(27) Subsection (h) of section 6427 is amended by striking "section 4082(b)" and inserting "section 4083(a)(2)".

(28) Paragraph (3) of section 6427(i) is amended—

(A) by striking "GASOHOL" in the heading and inserting "ALCOHOL MIXTURE", and

(B) by striking "gasoline used to produce gasohol (as defined in section 4081(c)(1))" in subparagraph (A) and inserting "gasoline or diesel fuel used to produce a qualified alcohol mixture (as defined in section 4081(c)(3))".

(29) Paragraph (1) of section 6427(j) is amended by striking "section 4041" and inserting "sections 4041, 4081, and 4091".

(30) The heading of paragraph (4) of section 6427(i) is amended by inserting "4081 OR" before "4091".

(31) So much of subsection (l) of section 6427, as previously amended by this part, as precedes paragraph (5) is amended to read as follows:

"(l) NONTAXABLE USES OF DIESEL FUEL AND AVIATION FUEL.—

"(1) IN GENERAL.—Except as otherwise provided in this subsection and in subsection (k), if—

"(A) any diesel fuel on which tax has been imposed by section 4041 or 4081, or

"(B) any aviation fuel on which tax has been imposed by section 4091,

is used by any person in a nontaxable use, the Secretary shall pay (without interest) to the ultimate purchaser of such fuel an amount equal to the aggregate amount of tax imposed on such fuel under section 4041, 4081, or 4091, as the case may be.

"(2) NONTAXABLE USE.—For purposes of this subsection, the term 'nontaxable use' means—

"(A) in the case of diesel fuel, any use which is exempt from the tax imposed by section 4041(a)(1) other than by reason of a prior imposition of tax, and

"(B) in the case of aviation fuel, any use which is exempt from the tax imposed by section 4041(c)(1) other than by reason of a prior imposition of tax.

"(3) REFUND OF CERTAIN TAXES ON FUEL USED IN DIESEL-POWERED TRAINS.—For purposes of this subsection, the term 'nontaxable use' includes fuel used in a diesel-powered train. The preceding sentence shall not apply with respect to—

"(A) the Leaking Underground Storage Tank Trust Fund financing rate under sections 4041 and 4081, and

"(B) so much of the rate specified in section 4081(a)(2)(A) as does not exceed—

"(i) 6.8 cents per gallon after September 30, 1993, and before October 1, 1995,

"(ii) 5.55 cents per gallon after September 30, 1995, and before October 1, 1999, and

"(iii) 4.3 cents per gallon after September 30, 1999.

The preceding sentence shall not apply in the case of fuel sold for exclusive use by a State or any political subdivision thereof.

"(4) NO REFUND OF CERTAIN TAXES ON FUEL USED IN COMMERCIAL AVIATION.—In the case of fuel used in commercial aviation (as defined in section 4092(b)) (other than supplies for vessels or aircraft within the meaning of section 4221(d)(3)), paragraph (1) shall not apply to so much of the tax imposed by section 4091 as is attributable to—

"(A) the Leaking Underground Storage Tank Trust Fund financing rate imposed by such section, and

"(B) in the case of fuel purchased after September 30, 1995, so much of the rate of tax specified in section 4091(b)(1) as does not exceed 4.3 cents per gallon."

26 USC 9502.

(32) Section 9502 is amended by adding at the end thereof the following new subsection:

"(f) DEFINITION OF AIRPORT AND AIRWAY TRUST FUND FINANCING RATE.—For purposes of this section—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, the Airport and Airway Trust Fund financing rate is—

"(A) in the case of fuel used in an aircraft in non-commercial aviation (as defined in section 4041(c)(4)), 17.5 cents per gallon, and

"(B) in the case of fuel used in an aircraft other than in noncommercial aviation (as so defined), zero.

"(2) ALCOHOL FUELS.—If the rate of tax on any fuel is determined under section 4091(c), the Airport and Airway Trust Fund financing rate is the excess (if any) of the rate of tax determined under section 4091(c) over 4.4 cents per gallon (1⅑ of 4.4 cents per gallon in the case of a rate of tax determined under section 4091(c)(2)).

"(3) TERMINATION.—Notwithstanding the preceding provisions of this subsection, the Airport and Airway Trust Fund financing rate is zero with respect to tax received after December 31, 1995."

(33) Paragraph (2) of section 9502(b) is amended by striking "(to the extent attributable to the Highway Trust Fund financing rate and the deficit reduction rate)" and inserting "(to the extent of 14 cents per gallon)". 26 USC 9502.

(34) Paragraph (1) of section 9503(b) is amended—

(A) by striking "gasoline)," in subparagraph (E) and inserting "gasoline and diesel fuel), and",

(B) by striking subparagraph (F), and

(C) by redesignating subparagraph (G) as subparagraph (F).

(35)(A) Subparagraph (B) of section 9503(b)(4) is amended by striking ", 4081, and 4091" and inserting "and 4081" and by striking "rates under such sections" and inserting "rate".

(B) Subparagraph (C) of section 9503(b)(4), as amended by subchapter A, is amended by striking "4091" and inserting "4081".

(36) Paragraph (5) of section 9503(b) is amended by striking ", (E), and (F)" and inserting "and (E)".

(37) Subparagraph (D) of section 9503(c)(6) is amended by striking ", 4081, and 4091" and inserting "and 4081".

(38) Subparagraph (D) of section 9503(c)(4) is amended by striking "rates under such sections" and inserting "rate".

(39) Subparagraph (B) of section 9503(c)(5) is amended by striking "rate under such section" and inserting "rate".

(40) Paragraph (2) of section 9503(e) is amended—

(A) by striking ", 4081, and 4091" and inserting "and 4081", and

(B) by striking ", 4081, or 4091" and inserting "or 4081".

(41) Section 9503 is amended by adding at the end thereof the following new subsection:

"(f) DEFINITION OF HIGHWAY TRUST FUND FINANCING RATE.—For purposes of this section—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, the Highway Trust Fund financing rate is—

"(A) in the case of gasoline and special motor fuels, 11.5 cents per gallon (14 cents per gallon after September 30, 1995), and

"(B) in the case of diesel fuel, 17.5 cents per gallon (20 cents per gallon after September 30, 1995).

"(2) CERTAIN USES.—

"(A) TRAINS.—In the case of fuel used in a train, the Highway Trust Fund financing rate is zero.

"(B) CERTAIN BUSES.—In the case of diesel fuel used in a use described in section 6427(b)(1) (after the applica-

tion of section 6427(b)(3)), the Highway Trust Fund financing rate is 3 cents per gallon.

"(C) CERTAIN BOATS.—In the case of diesel fuel used in a boat described in clause (iv) of section 6421(e)(2)(B), the Highway Trust Fund financing rate is zero.

"(D) COMPRESSED NATURAL GAS.—In the case of the tax imposed by section 4041(a)(3), the Highway Trust Fund financing rate is zero.

"(E) CERTAIN OTHER NONHIGHWAY USES.—In the case of gasoline and special motor fuels used as described in paragraph (4)(D), (5)(B), or (6)(D) of subsection (c), the Highway Trust Fund financing rate is 11.5 cents per gallon; and, in the case of diesel fuel used as described in subsection (c)(6)(D), the Highway Trust Fund financing rate is 17.5 cents per gallon.

"(3) ALCOHOL FUELS.—

"(A) IN GENERAL.—If the rate of tax on any fuel is determined under section 4041(b)(2)(A), 4041(k), or 4081(c), the Highway Trust Fund financing rate is the excess (if any) of the rate so determined over—

"(i) 6.8 cents per gallon after September 30, 1993, and before October 1, 1999,

"(ii) 4.3 cents per gallon after September 30, 1999.

In the case of a rate of tax determined under section 4081(c), the preceding sentence shall be applied by increasing the rates specified in clauses (i) and (ii) by 0.1 cent.

"(B) FUELS USED TO PRODUCE MIXTURES.—In the case of a rate of tax determined under section 4081(c)(2), subparagraph (A) shall be applied by substituting rates which are 1% of the rates otherwise applicable under clauses (i) and (ii) of subparagraph (A).

"(C) PARTIALLY EXEMPT METHANOL OR ETHANOL FUEL.—In the case of a rate of tax determined under section 4041(m), the Highway Trust Fund financing rate is the excess (if any) of the rate so determined over—

"(i) 5.55 cents per gallon after September 30, 1993, and before October 1, 1995, and

"(ii) 4.3 cents per gallon after September 30, 1995.

"(4) TERMINATION.—Notwithstanding the preceding provisions of this subsection, the Highway Trust Fund financing rate is zero with respect to taxes received in the Treasury after June 30, 2000."

26 USC 9508.

(42) Subsection (b) of section 9508 is amended—

(A) by inserting "and diesel fuel" after "gasoline" in paragraph (2),

(B) by striking "diesel fuel and" in paragraph (3), and

(C) by striking "4091" in the last sentence, as added by subtitle A, and inserting "4081".

(43) The table of subparts for part III of subchapter A of chapter 32 is amended by striking the items relating to subparts A and B and inserting the following new items:

"Subpart A. Gasoline and diesel fuel.
"Subpart B. Aviation fuel."

26 USC 4041 note.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1994.

SEC. 13243. FLOOR STOCKS TAX. 26 USC 4081 note.

(a) IN GENERAL.—There is hereby imposed a floor stocks tax on diesel fuel held by any person on January 1, 1994, if—

(1) no tax was imposed on such fuel under section 4041(a) or 4091 of the Internal Revenue Code of 1986 as in effect on December 31, 1993, and

(2) tax would have been imposed by section 4081 of such Code, as amended by this Act, on any prior removal, entry, or sale of such fuel had such section 4081 applied to such fuel for periods before January 1, 1994.

(b) RATE OF TAX.—The rate of the tax imposed by subsection (a) shall be the amount of tax which would be imposed under section 4081 of the Internal Revenue Code of 1986 if there were a taxable sale of such fuel on such date.

(c) LIABILITY AND PAYMENT OF TAX.—

(1) LIABILITY FOR TAX.—A person holding the diesel fuel on January 1, 1994, to which the tax imposed by this section applies shall be liable for such tax.

(2) METHOD OF PAYMENT.—The tax imposed by this section shall be paid in such manner as the Secretary shall prescribe.

(3) TIME FOR PAYMENT.—The tax imposed by this section shall be paid on or before July 31, 1994.

(d) DEFINITIONS.—For purposes of this section—

(1) DIESEL FUEL.—The term "diesel fuel" has the meaning given such term by section 4083(a) of such Code.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Treasury or his delegate.

(e) EXCEPTIONS.—

(1) PERSONS ENTITLED TO CREDIT OR REFUND.—The tax imposed by this section shall not apply to fuel held by any person exclusively for any use to the extent a credit or refund of the tax imposed by section 4081 is allowable for such use.

(2) COMPLIANCE WITH DYEING REQUIRED.—Paragraph (1) shall not apply to the holder of any fuel if the holder of such fuel fails to comply with any requirement imposed by the Secretary with respect to dyeing and marking such fuel.

(f) OTHER LAWS APPLICABLE.—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 4081 of such Code shall, insofar as applicable and not inconsistent with the provisions of this section, apply with respect to the floor stock taxes imposed by this section to the same extent as if such taxes were imposed by such section 4081.

Subpart C—Other Provisions

SEC. 13244. INCREASED DEPOSITS INTO MASS TRANSIT ACCOUNT.

(a) IN GENERAL.—Paragraph (2) of section 9503(e) is amended by striking "1.5 cents" and inserting "2 cents". 26 USC 9503.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts attributable to taxes imposed on or after October 1, 1995. 26 USC 9503 note.

SEC. 13245. FLOOR STOCKS TAX ON COMMERCIAL AVIATION FUEL HELD ON OCTOBER 1, 1995. 26 USC 4091 note.

(a) IMPOSITION OF TAX.—In the case of commercial aviation fuel on which tax was imposed under section 4091 of the Internal Revenue Code of 1986 before October 1, 1995, and which is held

on such date by any person, there is hereby imposed a floor stocks tax of 4.3 cents per gallon.

(b) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(1) LIABILITY FOR TAX.—A person holding aviation fuel on October 1, 1995, to which the tax imposed by subsection (a) applies shall be liable for such tax.

(2) METHOD OF PAYMENT.—The tax imposed by subsection (a) shall be paid in such manner as the Secretary shall prescribe.

(3) TIME FOR PAYMENT.—The tax imposed by subsection (a) shall be paid on or before April 30, 1996.

(c) DEFINITIONS.—For purposes of this subsection—

(1) HELD BY A PERSON.—Aviation fuel shall be considered as "held by a person" if title thereto has passed to such person (whether or not delivery to the person has been made).

(2) COMMERCIAL AVIATION FUEL.—The term "commercial aviation fuel" means aviation fuel (as defined in section 4093 of such Code) which is held on October 1, 1995, for sale or use in commercial aviation (as defined in section 4092(b) of such Code).

(3) SECRETARY.—The term "Secretary" means the Secretary of the Treasury or his delegate.

(d) EXCEPTION FOR EXEMPT USES.—The tax imposed by subsection (a) shall not apply to aviation fuel held by any person exclusively for any use for which a credit or refund of the entire tax imposed by section 4091 of such Code is allowable for aviation fuel purchased after September 30, 1995, for such use.

(e) EXCEPTION FOR CERTAIN AMOUNTS OF FUEL.—

(1) IN GENERAL.—No tax shall be imposed by subsection (a) on aviation fuel held on October 1, 1995, by any person if the aggregate amount of commercial aviation fuel held by such person on such date does not exceed 2,000 gallons. The preceding sentence shall apply only if such person submits to the Secretary (at the time and in the manner required by the Secretary) such information as the Secretary shall require for purposes of this paragraph.

(2) EXEMPT FUEL.—For purposes of paragraph (1), there shall not be taken into account fuel held by any person which is exempt from the tax imposed by subsection (a) by reason of subsection (d).

(3) CONTROLLED GROUPS.—For purposes of this subsection—

(A) CORPORATIONS.—

(i) IN GENERAL.—All persons treated as a controlled group shall be treated as 1 person.

(ii) CONTROLLED GROUP.—The term "controlled group" has the meaning given to such term by subsection (a) of section 1563 of such Code; except that for such purposes the phrase "more than 50 percent" shall be substituted for the phrase "at least 80 percent" each place it appears in such subsection.

Regulations.

(B) NONINCORPORATED PERSONS UNDER COMMON CONTROL.—Under regulations prescribed by the Secretary, principles similar to the principles of subparagraph (A) shall apply to a group of persons under common control where 1 or more of such persons is not a corporation.

(f) OTHER LAW APPLICABLE.—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 4091 of such Code shall, insofar as applicable and not inconsistent with the provisions of this section, apply with respect to the floor stock taxes imposed by subsection (a) to the same extent as if such taxes were imposed by such section 4091.

PART V—COMPLIANCE PROVISIONS

SEC. 13251. MODIFICATIONS TO SUBSTANTIAL UNDERSTATEMENT PENALTY.

(a) REASONABLE BASIS REQUIRED.—Clause (ii) of section 6662(d)(2)(B) (relating to reduction for understatement due to position of taxpayer or disclosed item) is amended to read as follows: 26 USC 6662.

"(ii) any item if—

"(I) the relevant facts affecting the item's tax treatment are adequately disclosed in the return or in a statement attached to the return, and

"(II) there is a reasonable basis for the tax treatment of such item by the taxpayer."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to returns the due dates for which (determined without regard to extensions) are after December 31, 1993. 26 USC 6662 note.

SEC. 13252. RETURNS RELATING TO THE CANCELLATION OF INDEBTEDNESS BY CERTAIN FINANCIAL ENTITIES.

(a) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 (relating to information concerning transactions with other persons) is amended by adding at the end thereof the following new section:

"SEC. 6050P. RETURNS RELATING TO THE CANCELLATION OF INDEBTEDNESS BY CERTAIN FINANCIAL ENTITIES.

"(a) IN GENERAL.—Any applicable financial entity which discharges (in whole or in part) the indebtedness of any person during any calendar year shall make a return (at such time and in such form as the Secretary may by regulations prescribe) setting forth—

"(1) the name, address, and TIN of each person whose indebtedness was discharged during such calendar year,

"(2) the date of the discharge and the amount of the indebtedness discharged, and

"(3) such other information as the Secretary may prescribe.

"(b) EXCEPTION.—Subsection (a) shall not apply to any discharge of less than $600.

"(c) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) APPLICABLE FINANCIAL ENTITY.—The term 'applicable financial entity' means—

"(A) any financial institution described in section 581 or 591(a) and any credit union,

"(B) the Federal Deposit Insurance Corporation, the Resolution Trust Corporation, the National Credit Union Administration, and any other Federal executive agency (as defined in section 6050M), and any successor or subunit of any of the foregoing, and

"(C) any other corporation which is a direct or indirect subsidiary of an entity referred to in subparagraph (A) but only if, by virtue of being affiliated with such entity,

such other corporation is subject to supervision and examination by a Federal or State agency which regulates entities referred to in subparagraph (A).

"(2) GOVERNMENTAL UNITS.—In the case of an entity described in paragraph (1)(B), any return under this section shall be made by the officer or employee appropriately designated for the purpose of making such return.

"(d) STATEMENTS TO BE FURNISHED TO PERSONS WITH RESPECT TO WHOM INFORMATION IS REQUIRED TO BE FURNISHED.—Every applicable financial entity required to make a return under subsection (a) shall furnish to each person whose name is required to be set forth in such return a written statement showing—

"(1) the name and address of the entity required to make such return, and

"(2) the information required to be shown on the return with respect to such person.

The written statement required under the preceding sentence shall be furnished to the person on or before January 31 of the year following the calendar year for which the return under subsection (a) was made."

(b) PENALTIES.—

26 USC 6724.

(1) RETURNS.—Subparagraph (B) of section 6724(d)(1) is amended by inserting after clause (vii) the following new clause (and by redesignating the following clauses accordingly):

"(viii) section 6050P (relating to returns relating to the cancellation of indebtedness by certain financial entities),".

(2) STATEMENTS.—Paragraph (2) of section 6724(d) is amended by redesignating subparagraphs (P) through (S) as subparagraphs (Q) through (T), respectively, and by inserting after subparagraph (O) the following new subparagraph:

"(P) section 6050P(d) (relating to returns relating to the cancellation of indebtedness by certain financial entities),".

(c) CLERICAL AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61 is amended by adding at the end thereof the following new item:

"Sec. 6050P. Returns relating to the cancellation of indebtedness by certain financial entities."

26 USC 6050P note.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to discharges of indebtedness after December 31, 1993.

(2) GOVERNMENTAL ENTITIES.—In the case of an entity referred to in section 6050P(c)(1)(B) of the Internal Revenue Code of 1986 (as added by this section), the amendments made by this section shall apply to discharges of indebtedness after the date of the enactment of this Act.

PART VI—TREATMENT OF INTANGIBLES

SEC. 13261. AMORTIZATION OF GOODWILL AND CERTAIN OTHER INTANGIBLES.

(a) GENERAL RULE.—Part VI of subchapter B of chapter 1 (relating to itemized deductions for individuals and corporations) is amended by adding at the end thereof the following new section:

"SEC. 197. AMORTIZATION OF GOODWILL AND CERTAIN OTHER INTANGIBLES.

"(a) GENERAL RULE.—A taxpayer shall be entitled to an amortization deduction with respect to any amortizable section 197 intangible. The amount of such deduction shall be determined by amortizing the adjusted basis (for purposes of determining gain) of such intangible ratably over the 15-year period beginning with the month in which such intangible was acquired.

"(b) NO OTHER DEPRECIATION OR AMORTIZATION DEDUCTION ALLOWABLE.—Except as provided in subsection (a), no depreciation or amortization deduction shall be allowable with respect to any amortizable section 197 intangible.

"(c) AMORTIZABLE SECTION 197 INTANGIBLE.—For purposes of this section—

"(1) IN GENERAL.—Except as otherwise provided in this section, the term 'amortizable section 197 intangible' means any section 197 intangible—

"(A) which is acquired by the taxpayer after the date of the enactment of this section, and

"(B) which is held in connection with the conduct of a trade or business or an activity described in section 212.

"(2) EXCLUSION OF SELF-CREATED INTANGIBLES, ETC.—The term 'amortizable section 197 intangible' shall not include any section 197 intangible—

"(A) which is not described in subparagraph (D), (E), or (F) of subsection (d)(1), and

"(B) which is created by the taxpayer.

This paragraph shall not apply if the intangible is created in connection with a transaction (or series of related transactions) involving the acquisition of assets constituting a trade or business or substantial portion thereof.

"(3) ANTI-CHURNING RULES.—

"For exclusion of intangibles acquired in certain transactions, see subsection (f)(9).

"(d) SECTION 197 INTANGIBLE.—For purposes of this section—

"(1) IN GENERAL.—Except as otherwise provided in this section, the term 'section 197 intangible' means—

"(A) goodwill,

"(B) going concern value,

"(C) any of the following intangible items:

"(i) workforce in place including its composition and terms and conditions (contractual or otherwise) of its employment,

"(ii) business books and records, operating systems, or any other information base (including lists or other information with respect to current or prospective customers),

"(iii) any patent, copyright, formula, process, design, pattern, knowhow, format, or other similar item,

"(iv) any customer-based intangible,

"(v) any supplier-based intangible, and

"(vi) any other similar item,

"(D) any license, permit, or other right granted by a governmental unit or an agency or instrumentality thereof,

"(E) any covenant not to compete (or other arrangement to the extent such arrangement has substantially the same effect as a covenant not to compete) entered into in connection with an acquisition (directly or indirectly) of an interest in a trade or business or substantial portion thereof, and

"(F) any franchise, trademark, or trade name.

"(2) CUSTOMER-BASED INTANGIBLE.—

"(A) IN GENERAL.—The term 'customer-based intangible' means—

"(i) composition of market,

"(ii) market share, and

"(iii) any other value resulting from future provision of goods or services pursuant to relationships (contractual or otherwise) in the ordinary course of business with customers.

"(B) SPECIAL RULE FOR FINANCIAL INSTITUTIONS.—In the case of a financial institution, the term 'customer-based intangible' includes deposit base and similar items.

"(3) SUPPLIER-BASED INTANGIBLE.—The term 'supplier-based intangible' means any value resulting from future acquisitions of goods or services pursuant to relationships (contractual or otherwise) in the ordinary course of business with suppliers of goods or services to be used or sold by the taxpayer.

"(e) EXCEPTIONS.—For purposes of this section, the term 'section 197 intangible' shall not include any of the following:

"(1) FINANCIAL INTERESTS.—Any interest—

"(A) in a corporation, partnership, trust, or estate, or

"(B) under an existing futures contract, foreign currency contract, notional principal contract, or other similar financial contract.

"(2) LAND.—Any interest in land.

"(3) COMPUTER SOFTWARE.—

"(A) IN GENERAL.—Any—

"(i) computer software which is readily available for purchase by the general public, is subject to a nonexclusive license, and has not been substantially modified, and

"(ii) other computer software which is not acquired in a transaction (or series of related transactions) involving the acquisition of assets constituting a trade or business or substantial portion thereof.

"(B) COMPUTER SOFTWARE DEFINED.—For purposes of subparagraph (A), the term 'computer software' means any program designed to cause a computer to perform a desired function. Such term shall not include any data base or similar item unless the data base or item is in the public domain and is incidental to the operation of otherwise qualifying computer software.

"(4) CERTAIN INTERESTS OR RIGHTS ACQUIRED SEPARATELY.—Any of the following not acquired in a transaction (or series of related transactions) involving the acquisition of assets constituting a trade business or substantial portion thereof:

"(A) Any interest in a film, sound recording, video tape, book, or similar property.

"(B) Any right to receive tangible property or services under a contract or granted by a governmental unit or agency or instrumentality thereof.

"(C) Any interest in a patent or copyright.

"(D) To the extent provided in regulations, any right under a contract (or granted by a governmental unit or an agency or instrumentality thereof) if such right—

"(i) has a fixed duration of less than 15 years, or

"(ii) is fixed as to amount and, without regard to this section, would be recoverable under a method similar to the unit-of-production method.

"(5) INTERESTS UNDER LEASES AND DEBT INSTRUMENTS.—Any interest under—

"(A) an existing lease of tangible property, or

"(B) except as provided in subsection (d)(2)(B), any existing indebtedness.

"(6) TREATMENT OF SPORTS FRANCHISES.—A franchise to engage in professional football, basketball, baseball, or other professional sport, and any item acquired in connection with such a franchise.

"(7) MORTGAGE SERVICING.—Any right to service indebtedness which is secured by residential real property unless such right is acquired in a transaction (or series of related transactions) involving the acquisition of assets (other than rights described in this paragraph) constituting a trade or business or substantial portion thereof.

"(8) CERTAIN TRANSACTION COSTS.—Any fees for professional services, and any transaction costs, incurred by parties to a transaction with respect to which any portion of the gain or loss is not recognized under part III of subchapter C.

"(f) SPECIAL RULES.—

"(1) TREATMENT OF CERTAIN DISPOSITIONS, ETC.—

"(A) IN GENERAL.—If there is a disposition of any amortizable section 197 intangible acquired in a transaction or series of related transactions (or any such intangible becomes worthless) and one or more other amortizable section 197 intangibles acquired in such transaction or series of related transactions are retained—

"(i) no loss shall be recognized by reason of such disposition (or such worthlessness), and

"(ii) appropriate adjustments to the adjusted bases of such retained intangibles shall be made for any loss not recognized under clause (i).

"(B) SPECIAL RULE FOR COVENANTS NOT TO COMPETE.—In the case of any section 197 intangible which is a covenant not to compete (or other arrangement) described in subsection (d)(1)(E), in no event shall such covenant or other arrangement be treated as disposed of (or becoming worthless) before the disposition of the entire interest described in such subsection in connection with which such covenant (or other arrangement) was entered into.

"(C) SPECIAL RULE.—All persons treated as a single taxpayer under section 41(f)(1) shall be so treated for purposes of this paragraph.

"(2) TREATMENT OF CERTAIN TRANSFERS.—

"(A) IN GENERAL.—In the case of any section 197 intangible transferred in a transaction described in subparagraph (B), the transferee shall be treated as the transferor for purposes of applying this section with respect to so much of the adjusted basis in the hands of the transferee as does not exceed the adjusted basis in the hands of the transferor.

"(B) TRANSACTIONS COVERED.—The transactions described in this subparagraph are—

"(i) any transaction described in section 332, 351, 361, 721, 731, 1031, or 1033, and

"(ii) any transaction between members of the same affiliated group during any taxable year for which a consolidated return is made by such group.

"(3) TREATMENT OF AMOUNTS PAID PURSUANT TO COVENANTS NOT TO COMPETE, ETC.—Any amount paid or incurred pursuant to a covenant or arrangement referred to in subsection (d)(1)(E) shall be treated as an amount chargeable to capital account.

"(4) TREATMENT OF FRANCHISES, ETC.—

"(A) FRANCHISE.—The term 'franchise' has the meaning given to such term by section 1253(b)(1).

"(B) TREATMENT OF RENEWALS.—Any renewal of a franchise, trademark, or trade name (or of a license, a permit, or other right referred to in subsection (d)(1)(D)) shall be treated as an acquisition. The preceding sentence shall only apply with respect to costs incurred in connection with such renewal.

"(C) CERTAIN AMOUNTS NOT TAKEN INTO ACCOUNT.—Any amount to which section 1253(d)(1) applies shall not be taken into account under this section.

"(5) TREATMENT OF CERTAIN REINSURANCE TRANSACTIONS.—In the case of any amortizable section 197 intangible resulting from an assumption reinsurance transaction, the amount taken into account as the adjusted basis of such intangible under this section shall be the excess of—

"(A) the amount paid or incurred by the acquirer under the assumption reinsurance transaction, over

"(B) the amount required to be capitalized under section 848 in connection with such transaction.

Subsection (b) shall not apply to any amount required to be capitalized under section 848.

"(6) TREATMENT OF CERTAIN SUBLEASES.—For purposes of this section, a sublease shall be treated in the same manner as a lease of the underlying property involved.

"(7) TREATMENT AS DEPRECIABLE.—For purposes of this chapter, any amortizable section 197 intangible shall be treated as property which is of a character subject to the allowance for depreciation provided in section 167.

"(8) TREATMENT OF CERTAIN INCREMENTS IN VALUE.—This section shall not apply to any increment in value if, without regard to this section, such increment is properly taken into account in determining the cost of property which is not a section 197 intangible.

"(9) ANTI-CHURNING RULES.—For purposes of this section—

"(A) IN GENERAL.—The term 'amortizable section 197 intangible' shall not include any section 197 intangible which is described in subparagraph (A) or (B) of subsection

(d)(1) (or for which depreciation or amortization would not have been allowable but for this section) and which is acquired by the taxpayer after the date of the enactment of this section, if—

"(i) the intangible was held or used at any time on or after July 25, 1991, and on or before such date of enactment by the taxpayer or a related person,

"(ii) the intangible was acquired from a person who held such intangible at any time on or after July 25, 1991, and on or before such date of enactment, and, as part of the transaction, the user of such intangible does not change, or

"(iii) the taxpayer grants the right to use such intangible to a person (or a person related to such person) who held or used such intangible at any time on or after July 25, 1991, and on or before such date of enactment.

For purposes of this subparagraph, the determination of whether the user of property changes as part of a transaction shall be determined in accordance with regulations prescribed by the Secretary. For purposes of this subparagraph, deductions allowable under section 1253(d) shall be treated as deductions allowable for amortization.

"(B) EXCEPTION WHERE GAIN RECOGNIZED.—If—

"(i) subparagraph (A) would not apply to an intangible acquired by the taxpayer but for the last sentence of subparagraph (C)(i), and

"(ii) the person from whom the taxpayer acquired the intangible elects, notwithstanding any other provision of this title—

"(I) to recognize gain on the disposition of the intangible, and

"(II) to pay a tax on such gain which, when added to any other income tax on such gain under this title, equals such gain multiplied by the highest rate of income tax applicable to such person under this title,

then subparagraph (A) shall apply to the intangible only to the extent that the taxpayer's adjusted basis in the intangible exceeds the gain recognized under clause (ii)(I).

"(C) RELATED PERSON DEFINED.—For purposes of this paragraph—

"(i) RELATED PERSON.—A person (hereinafter in this paragraph referred to as the 'related person') is related to any person if—

"(I) the related person bears a relationship to such person specified in section 267(b) or section 707(b)(1), or

"(II) the related person and such person are engaged in trades or businesses under common control (within the meaning of subparagraphs (A) and (B) of section 41(f)(1)).

For purposes of subclause (I), in applying section 267(b) or 707(b)(1), '20 percent' shall be substituted for '50 percent'.

"(ii) TIME FOR MAKING DETERMINATION.—A person shall be treated as related to another person if such relationship exists immediately before or immediately after the acquisition of the intangible involved.

"(D) ACQUISITIONS BY REASON OF DEATH.—Subparagraph (A) shall not apply to the acquisition of any property by the taxpayer if the basis of the property in the hands of the taxpayer is determined under section 1014(a).

"(E) SPECIAL RULE FOR PARTNERSHIPS.—With respect to any increase in the basis of partnership property under section 732, 734, or 743, determinations under this paragraph shall be made at the partner level and each partner shall be treated as having owned and used such partner's proportionate share of the partnership assets.

"(F) ANTI-ABUSE RULES.—The term 'amortizable section 197 intangible' does not include any section 197 intangible acquired in a transaction, one of the principal purposes of which is to avoid the requirement of subsection (c)(1) that the intangible be acquired after the date of the enactment of this section or to avoid the provisions of subparagraph (A).

"(g) REGULATIONS.—The Secretary shall prescribe such regulations as may be appropriate to carry out the purposes of this section, including such regulations as may be appropriate to prevent avoidance of the purposes of this section through related persons or otherwise."

(b) MODIFICATIONS TO DEPRECIATION RULES.—

26 USC 167.

(1) TREATMENT OF CERTAIN PROPERTY EXCLUDED FROM SECTION 197.—Section 167 (relating to depreciation deduction) is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

"(f) TREATMENT OF CERTAIN PROPERTY EXCLUDED FROM SECTION 197.—

"(1) COMPUTER SOFTWARE.—

"(A) IN GENERAL.—If a depreciation deduction is allowable under subsection (a) with respect to any computer software, such deduction shall be computed by using the straight line method and a useful life of 36 months.

"(B) COMPUTER SOFTWARE.—For purposes of this section, the term 'computer software' has the meaning given to such term by section 197(e)(3)(B); except that such term shall not include any such software which is an amortizable section 197 intangible.

"(2) CERTAIN INTERESTS OR RIGHTS ACQUIRED SEPARATELY.—If a depreciation deduction is allowable under subsection (a) with respect to any property described in subparagraph (B), (C), or (D) of section 197(e)(4), such deduction shall be computed in accordance with regulations prescribed by the Secretary.

"(3) MORTGAGE SERVICING RIGHTS.—If a depreciation deduction is allowable under subsection (a) with respect to any right described in section 197(e)(7), such deduction shall be computed by using the straight line method and a useful life of 108 months."

(2) ALLOCATION OF BASIS IN CASE OF LEASED PROPERTY.—Subsection (c) of section 167 is amended to read as follows:

"(c) BASIS FOR DEPRECIATION.—

"(1) IN GENERAL.—The basis on which exhaustion, wear and tear, and obsolescence are to be allowed in respect of any property shall be the adjusted basis provided in section 1011, for the purpose of determining the gain on the sale or other disposition of such property.

"(2) SPECIAL RULE FOR PROPERTY SUBJECT TO LEASE.—If any property is acquired subject to a lease—

"(A) no portion of the adjusted basis shall be allocated to the leasehold interest, and

"(B) the entire adjusted basis shall be taken into account in determining the depreciation deduction (if any) with respect to the property subject to the lease."

(c) AMENDMENTS TO SECTION 1253.—Subsection (d) of section 1253 is amended by striking paragraphs (2), (3), (4), and (5) and inserting the following: 26 USC 1253.

"(2) OTHER PAYMENTS.—Any amount paid or incurred on account of a transfer, sale, or other disposition of a franchise, trademark, or trade name to which paragraph (1) does not apply shall be treated as an amount chargeable to capital account.

"(3) RENEWALS, ETC.—For purposes of determining the term of a transfer agreement under this section, there shall be taken into account all renewal options (and any other period for which the parties reasonably expect the agreement to be renewed)."

(d) AMENDMENT TO SECTION 848.—Subsection (g) of section 848 is amended by striking "this section" and inserting "this section or section 197".

(e) AMENDMENTS TO SECTION 1060.—

(1) Paragraph (1) of section 1060(b) is amended by striking "goodwill or going concern value" and inserting "section 197 intangibles".

(2) Paragraph (1) of section 1060(d) is amended by striking "goodwill or going concern value (or similar items)" and inserting "section 197 intangibles".

(f) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Subsection (g) of section 167 (as redesignated by subsection (b)) is amended to read as follows:

"(g) CROSS REFERENCES.—

"(1) For additional rule applicable to depreciation of improvements in the case of mines, oil and gas wells, other natural deposits, and timber, see section 611.

"(2) For amortization of goodwill and certain other intangibles, see section 197."

(2) Subsection (f) of section 642 is amended by striking "section 169" and inserting "sections 169 and 197".

(3) Subsection (a) of section 1016 is amended by striking paragraph (19) and by redesignating the following paragraphs accordingly.

(4) Subparagraph (C) of section 1245(a)(2) is amended by striking "193, or 1253(d) (2) or (3)" and inserting "or 193".

(5) Paragraph (3) of section 1245(a) is amended by striking "section 185 or 1253(d) (2) or (3)".

(6) The table of sections for part VI of subchapter B of chapter 1 is amended by adding at the end thereof the following new item:

"Sec. 197. Amortization of goodwill and certain other intangibles.".

26 USC 197 note.

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply with respect to property acquired after the date of the enactment of this Act.

(2) ELECTION TO HAVE AMENDMENTS APPLY TO PROPERTY ACQUIRED AFTER JULY 25, 1991.—

(A) IN GENERAL.—If an election under this paragraph applies to the taxpayer—

(i) the amendments made by this section shall apply to property acquired by the taxpayer after July 25, 1991,

(ii) subsection (c)(1)(A) of section 197 of the Internal Revenue Code of 1986 (as added by this section) (and so much of subsection (f)(9)(A) of such section 197 as precedes clause (i) thereof) shall be applied with respect to the taxpayer by treating July 25, 1991, as the date of the enactment of such section, and

(iii) in applying subsection (f)(9) of such section, with respect to any property acquired by the taxpayer on or before the date of the enactment of this Act, only holding or use on July 25, 1991, shall be taken into account.

(B) ELECTION.—An election under this paragraph shall be made at such time and in such manner as the Secretary of the Treasury or his delegate may prescribe. Such an election by any taxpayer, once made—

(i) may be revoked only with the consent of the Secretary, and

(ii) shall apply to the taxpayer making such election and any other taxpayer under common control with the taxpayer (within the meaning of subparagraphs (A) and (B) of section 41(f)(1) of such Code) at any time after August 2, 1993, and on or before the date on which such election is made.

(3) ELECTIVE BINDING CONTRACT EXCEPTION.—

(A) IN GENERAL.—The amendments made by this section shall not apply to any acquisition of property by the taxpayer if—

(i) such acquisition is pursuant to a written binding contract in effect on the date of the enactment of this Act and at all times thereafter before such acquisition,

(ii) an election under paragraph (2) does not apply to the taxpayer, and

(iii) the taxpayer makes an election under this paragraph with respect to such contract.

(B) ELECTION.—An election under this paragraph shall be made at such time and in such manner as the Secretary of the Treasury or his delegate shall prescribe. Such an election, once made—

(i) may be revoked only with the consent of the Secretary, and

(ii) shall apply to all property acquired pursuant to the contract with respect to which such election was made.

SEC. 13262. TREATMENT OF CERTAIN PAYMENTS TO RETIRED OR DECEASED PARTNER.

(a) SECTION 736(b) NOT TO APPLY IN CERTAIN CASES.—Subsection (b) of section 736 (relating to payments for interest in partnership) is amended by adding at the end thereof the following new paragraph: 26 USC 736.

"(3) LIMITATION ON APPLICATION OF PARAGRAPH (2).—Paragraph (2) shall apply only if—

"(A) capital is not a material income-producing factor for the partnership, and

"(B) the retiring or deceased partner was a general partner in the partnership."

(b) LIMITATION ON DEFINITION OF UNREALIZED RECEIVABLES.—

(1) IN GENERAL.—Subsection (c) of section 751 (defining unrealized receivables) is amended—

(A) by striking "sections 731, 736, and 741" each place they appear and inserting ", sections 731 and 741 (but not for purposes of section 736)", and

(B) by striking "section 731, 736, or 741" each place it appears and inserting "section 731 or 741".

(2) TECHNICAL AMENDMENTS.—

(A) Subsection (e) of section 751 is amended by striking "sections 731, 736, and 741" and inserting "sections 731 and 741".

(B) Section 736 is amended by striking subsection (c).

(c) EFFECTIVE DATE.— 26 USC 736 note.

(1) IN GENERAL.—The amendments made by this section shall apply in the case of partners retiring or dying on or after January 5, 1993.

(2) BINDING CONTRACT EXCEPTION.—The amendments made by this section shall not apply to any partner retiring on or after January 5, 1993, if a written contract to purchase such partner's interest in the partnership was binding on January 4, 1993, and at all times thereafter before such purchase.

PART VII—MISCELLANEOUS PROVISIONS

SEC. 13271. DISALLOWANCE OF INTEREST ON CERTAIN OVERPAYMENTS OF TAX.

(a) GENERAL RULE.—Subsection (e) of section 6611 is amended to read as follows:

"(e) DISALLOWANCE OF INTEREST ON CERTAIN OVERPAYMENTS.—

"(1) REFUNDS WITHIN 45 DAYS AFTER RETURN IS FILED.—If any overpayment of tax imposed by this title is refunded within 45 days after the last day prescribed for filing the return of such tax (determined without regard to any extension of time for filing the return) or, in the case of a return filed after such last date, is refunded within 45 days after the date the return is filed, no interest shall be allowed under subsection (a) on such overpayment.

"(2) REFUNDS AFTER CLAIM FOR CREDIT OR REFUND.—If—

"(A) the taxpayer files a claim for a credit or refund for any overpayment of tax imposed by this title, and

"(B) such overpayment is refunded within 45 days after such claim is filed,

no interest shall be allowed on such overpayment from the date the claim is filed until the day the refund is made.

"(3) IRS INITIATED ADJUSTMENTS.—If an adjustment initiated by the Secretary, results in a refund or credit of an overpayment, interest on such overpayment shall be computed by subtracting 45 days from the number of days interest would otherwise be allowed with respect to such overpayment."

26 USC 6611 note.

(b) EFFECTIVE DATES.—

(1) Paragraph (1) of section 6611(e) of the Internal Revenue Code of 1986 (as amended by subsection (a)) shall apply in the case of returns the due date for which (determined without regard to extensions) is on or after January 1, 1994.

(2) Paragraph (2) of section 6611(e) of such Code (as so amended) shall apply in the case of claims for credit or refund of any overpayment filed on or after January 1, 1995, regardless of the taxable period to which such refund relates.

(3) Paragraph (3) of section 6611(e) of such Code (as so amended) shall apply in the case of any refund paid on or after January 1, 1995, regardless of the taxable period to which such refund relates.

SEC. 13272. DENIAL OF DEDUCTION RELATING TO TRAVEL EXPENSES.

26 USC 274.

(a) IN GENERAL.—Section 274(m) (relating to additional limitations on travel expenses) is amended by adding at the end thereof the following new paragraph:

"(3) TRAVEL EXPENSES OF SPOUSE, DEPENDENT, OR OTHERS.—No deduction shall be allowed under this chapter (other than section 217) for travel expenses paid or incurred with respect to a spouse, dependent, or other individual accompanying the taxpayer (or an officer or employee of the taxpayer) on business travel, unless—

"(A) the spouse, dependent, or other individual is an employee of the taxpayer,

"(B) the travel of the spouse, dependent, or other individual is for a bona fide business purpose, and

"(C) such expenses would otherwise be deductible by the spouse, dependent, or other individual."

26 USC 274 note.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or incurred after December 31, 1993.

SEC. 13273. INCREASE IN WITHHOLDING FROM SUPPLEMENTAL WAGE PAYMENTS.

If an employer elects under Treasury Regulation 31.3402 (g)–1 to determine the amount to be deducted and withheld from any supplemental wage payment by using a flat percentage rate, the rate to be used in determining the amount to be so deducted and withheld shall not be less than 28 percent. The preceding sentence shall apply to payments made after December 31, 1993.

Subchapter C—Empowerment Zones, Enterprise Communities, Rural Development Investment Areas, Etc.

PART I—EMPOWERMENT ZONES, ENTERPRISE COMMUNITIES, AND RURAL DEVELOPMENT INVESTMENT AREAS

Intergovernmental relations.

SEC. 13301. DESIGNATION AND TREATMENT OF EMPOWERMENT ZONES, ENTERPRISE COMMUNITIES, AND RURAL DEVELOPMENT INVESTMENT AREAS.

(a) IN GENERAL.—Chapter 1 (relating to normal taxes and surtaxes) is amended by inserting after subchapter T the following new subchapter:

"Subchapter U—Designation and Treatment of Empowerment Zones, Enterprise Communities, and Rural Development Investment Areas

"Part I. Designation.
"Part II. Tax-exempt facility bonds for empowerment zones and enterprise communities.
"Part III. Additional incentives for empowerment zones.
"Part IV. Regulations.

"PART I—DESIGNATION

"Sec. 1391. Designation procedure.
"Sec. 1392. Eligibility criteria.
"Sec. 1393. Definitions and special rules.

"SEC. 1391. DESIGNATION PROCEDURE.

"(a) IN GENERAL.—From among the areas nominated for designation under this section, the appropriate Secretaries may designate empowerment zones and enterprise communities.

"(b) NUMBER OF DESIGNATIONS.—

"(1) ENTERPRISE COMMUNITIES.—The appropriate Secretaries may designate in the aggregate 95 nominated areas as enterprise communities under this section, subject to the availability of eligible nominated areas. Of that number, not more than 65 may be designated in urban areas and not more than 30 may be designated in rural areas.

"(2) EMPOWERMENT ZONES.—The appropriate Secretaries may designate in the aggregate 9 nominated areas as empowerment zones under this section, subject to the availability of eligible nominated areas. Of that number, not more than 6 may be designated in urban areas and not more than 3 may be designated in rural areas. If 6 empowerment zones are designated in urban areas, no less than 1 shall be designated in an urban area the most populous city of which has a population of 500,000 or less and no less than 1 shall be a nominated area which includes areas in 2 States and which has a population of 50,000 or less. The Secretary of Housing and Urban Development shall designate empowerment zones located in urban areas in such a manner that the aggregate population of all such zones does not exceed 750,000.

"(c) PERIOD DESIGNATIONS MAY BE MADE.—A designation may be made under this section only after 1993 and before 1996.

"(d) PERIOD FOR WHICH DESIGNATION IS IN EFFECT.—

"(1) IN GENERAL.—Any designation under this section shall remain in effect during the period beginning on the date of the designation and ending on the earliest of—

"(A) the close of the 10th calendar year beginning on or after such date of designation,

"(B) the termination date designated by the State and local governments as provided for in their nomination, or

"(C) the date the appropriate Secretary revokes the designation.

"(2) REVOCATION OF DESIGNATION.—The appropriate Secretary may revoke the designation under this section of an area if such Secretary determines that the local government or the State in which it is located—

"(A) has modified the boundaries of the area, or

"(B) is not complying substantially with, or fails to make progress in achieving the benchmarks set forth in, the strategic plan under subsection (f)(2).

"(e) LIMITATIONS ON DESIGNATIONS.—No area may be designated under subsection (a) unless—

"(1) the area is nominated by 1 or more local governments and the State or States in which it is located for designation under this section,

"(2) such State or States and the local governments have the authority—

"(A) to nominate the area for designation under this section, and

"(B) to provide the assurances described in paragraph (3),

"(3) such State or States and the local governments provide written assurances satisfactory to the appropriate Secretary that the strategic plan described in the application under subsection (f)(2) for such area will be implemented,

"(4) the appropriate Secretary determines that any information furnished is reasonably accurate, and

"(5) such State or States and local governments certify that no portion of the area nominated is already included in an empowerment zone or in an enterprise community or in an area otherwise nominated to be designated under this section.

"(f) APPLICATION.—No area may be designated under subsection (a) unless the application for such designation—

"(1) demonstrates that the nominated area satisfies the eligibility criteria described in section 1392,

"(2) includes a strategic plan for accomplishing the purposes of this subchapter that—

"(A) describes the coordinated economic, human, community, and physical development plan and related activities proposed for the nominated area,

"(B) describes the process by which the affected community is a full partner in the process of developing and implementing the plan and the extent to which local institutions and organizations have contributed to the planning process,

"(C) identifies the amount of State, local, and private resources that will be available in the nominated area and the private/public partnerships to be used, which may

include participation by, and cooperation with, universities, medical centers, and other private and public entities,

"(D) identifies the funding requested under any Federal program in support of the proposed economic, human, community, and physical development and related activities,

"(E) identifies baselines, methods, and benchmarks for measuring the success of carrying out the strategic plan, including the extent to which poor persons and families will be empowered to become economically self-sufficient, and

"(F) does not include any action to assist any establishment in relocating from one area outside the nominated area to the nominated area, except that assistance for the expansion of an existing business entity through the establishment of a new branch, affiliate, or subsidiary is permitted if—

"(i) the establishment of the new branch, affiliate, or subsidiary will not result in a decrease in employment in the area of original location or in any other area where the existing business entity conducts business operations, and

"(ii) there is no reason to believe that the new branch, affiliate, or subsidiary is being established with the intention of closing down the operations of the existing business entity in the area of its original location or in any other area where the existing business entity conducts business operation, and

"(3) includes such other information as may be required by the appropriate Secretary.

"SEC. 1392. ELIGIBILITY CRITERIA.

"(a) IN GENERAL.—A nominated area shall be eligible for designation under section 1391 only if it meets the following criteria:

"(1) POPULATION.—The nominated area has a maximum population of—

"(A) in the case of an urban area, the lesser of—

"(i) 200,000, or

"(ii) the greater of 50,000 or 10 percent of the population of the most populous city located within the nominated area, and

"(B) in the case of a rural area, 30,000.

"(2) DISTRESS.—The nominated area is one of pervasive poverty, unemployment, and general distress.

"(3) SIZE.—The nominated area—

"(A) does not exceed 20 square miles if an urban area or 1,000 square miles if a rural area,

"(B) has a boundary which is continuous, or, except in the case of a rural area located in more than 1 State, consists of not more than 3 noncontiguous parcels,

"(C)(i) in the case of an urban area, is located entirely within no more than 2 contiguous States, and

"(ii) in the case of a rural area, is located entirely within no more than 3 contiguous States, and

"(D) does not include any portion of a central business district (as such term is used for purposes of the most recent Census of Retail Trade) unless the poverty rate

for each population census tract in such district is not less than 35 percent (30 percent in the case of an enterprise community).

"(4) POVERTY RATE.—The poverty rate—

"(A) for each population census tract within the nominated area is not less than 20 percent,

"(B) for at least 90 percent of the population census tracts within the nominated area is not less than 25 percent, and

"(C) for at least 50 percent of the population census tracts within the nominated area is not less than 35 percent.

"(b) SPECIAL RULES RELATING TO DETERMINATION OF POVERTY RATE.—For purposes of subsection (a)(4)—

"(1) TREATMENT OF CENSUS TRACTS WITH SMALL POPULATIONS.—

"(A) TRACTS WITH NO POPULATION.—In the case of a population census tract with no population—

"(i) such tract shall be treated as having a poverty rate which meets the requirements of subparagraphs (A) and (B) of subsection (a)(4), but

"(ii) such tract shall be treated as having a zero poverty rate for purposes of applying subparagraph (C) thereof.

"(B) TRACTS WITH POPULATIONS OF LESS THAN 2,000.—A population census tract with a population of less than 2,000 shall be treated as having a poverty rate which meets the requirements of subparagraphs (A) and (B) of subsection (a)(4) if more than 75 percent of such tract is zoned for commercial or industrial use.

"(2) DISCRETION TO ADJUST REQUIREMENTS FOR ENTERPRISE COMMUNITIES.—In determining whether a nominated area is eligible for designation as an enterprise community, the appropriate Secretary may, where necessary to carry out the purposes of this subchapter, reduce by 5 percentage points one of the following thresholds for not more than 10 percent of the population census tracts (or, if fewer, 5 population census tracts) in the nominated area:

"(A) The 20 percent threshold in subsection (a)(4)(A).

"(B) The 25 percent threshold in subsection (a)(4)(B).

"(C) The 35 percent threshold in subsection (a)(4)(C).

If the appropriate Secretary elects to reduce the threshold under subparagraph (C), such Secretary may (in lieu of applying the preceding sentence) reduce by 10 percentage points the threshold under subparagraph (C) for 3 population census tracts.

"(3) EACH NONCONTIGUOUS AREA MUST SATISFY POVERTY RATE RULE.—A nominated area may not include a noncontiguous parcel unless such parcel separately meets (subject to paragraphs (1) and (2)) the criteria set forth in subsection (a)(4).

"(4) AREAS NOT WITHIN CENSUS TRACTS.—In the case of an area which is not tracted for population census tracts, the equivalent county divisions (as defined by the Bureau of the Census for purposes of defining poverty areas) shall be used for purposes of determining poverty rates.

"(c) FACTORS TO CONSIDER.—From among the nominated areas eligible for designation under section 1391 by the appropriate Secretary, such appropriate Secretary shall make designations of empowerment zones and enterprise communities on the basis of—

"(1) the effectiveness of the strategic plan submitted pursuant to section 1391(f)(2) and the assurances made pursuant to section 1391(e)(3), and

"(2) criteria specified by the appropriate Secretary.

"SEC. 1393. DEFINITIONS AND SPECIAL RULES.

"(a) IN GENERAL.—For purposes of this subchapter—

"(1) APPROPRIATE SECRETARY.—The term 'appropriate Secretary' means—

"(A) the Secretary of Housing and Urban Development in the case of any nominated area which is located in an urban area, and

"(B) the Secretary of Agriculture in the case of any nominated area which is located in a rural area.

"(2) RURAL AREA.—The term 'rural area' means any area which is—

"(A) outside of a metropolitan statistical area (within the meaning of section 143(k)(2)(B)), or

"(B) determined by the Secretary of Agriculture, after consultation with the Secretary of Commerce, to be a rural area.

"(3) URBAN AREA.—The term 'urban area' means an area which is not a rural area.

"(4) SPECIAL RULES FOR INDIAN RESERVATIONS.—

"(A) IN GENERAL.—No empowerment zone or enterprise community may include any area within an Indian reservation.

"(B) INDIAN RESERVATION DEFINED.—The term 'Indian reservation' has the meaning given such term by section 168(j)(6).

"(5) LOCAL GOVERNMENT.—The term 'local government' means—

"(A) any county, city, town, township, parish, village, or other general purpose political subdivision of a State, and

"(B) any combination of political subdivisions described in subparagraph (A) recognized by the appropriate Secretary.

"(6) NOMINATED AREA.—The term 'nominated area' means an area which is nominated by 1 or more local governments and the State or States in which it is located for designation under section 1391.

"(7) GOVERNMENTS.—If more than 1 State or local government seeks to nominate an area under this part, any reference to, or requirement of, this subchapter shall apply to all such governments.

"(8) SPECIAL RULE.—An area shall be treated as nominated by a State and a local government if it is nominated by an economic development corporation chartered by the State.

"(9) USE OF CENSUS DATA.—Population and poverty rate shall be determined by the most recent decennial census data available.

"(b) EMPOWERMENT ZONE; ENTERPRISE COMMUNITY.—For purposes of this title, the terms 'empowerment zone' and 'enterprise community' mean areas designated as such under section 1391.

"PART II—TAX-EXEMPT FACILITY BONDS FOR EMPOWERMENT ZONES AND ENTERPRISE COMMUNITIES

"Sec. 1394. Tax-exempt enterprise zone facility bonds.

"SEC. 1394. TAX-EXEMPT ENTERPRISE ZONE FACILITY BONDS.

"(a) IN GENERAL.—For purposes of part IV of subchapter B of this chapter (relating to tax exemption requirements for State and local bonds), the term 'exempt facility bond' includes any bond issued as part of an issue 95 percent or more of the net proceeds (as defined in section 150(a)(3)) of which are to be used to provide any enterprise zone facility.

"(b) ENTERPRISE ZONE FACILITY.—For purposes of this section—

"(1) IN GENERAL.—The term 'enterprise zone facility' means any qualified zone property the principal user of which is an enterprise zone business, and any land which is functionally related and subordinate to such property.

"(2) QUALIFIED ZONE PROPERTY.—The term 'qualified zone property' has the meaning given such term by section 1397C; except that the references to empowerment zones shall be treated as including references to enterprise communities.

"(3) ENTERPRISE ZONE BUSINESS.—The term 'enterprise zone business' has the meaning given to such term by section 1397B, except that—

"(A) references to empowerment zones shall be treated as including references to enterprise communities, and

"(B) such term includes any trades or businesses which would qualify as an enterprise zone business (determined after the modification of subparagraph (A)) if such trades or businesses were separately incorporated.

"(c) LIMITATION ON AMOUNT OF BONDS.—

"(1) IN GENERAL.—Subsection (a) shall not apply to any issue if the aggregate amount of outstanding enterprise zone facility bonds allocable to any person (taking into account such issue) exceeds—

"(A) $3,000,000 with respect to any 1 empowerment zone or enterprise community, or

"(B) $20,000,000 with respect to all empowerment zones and enterprise communities.

"(2) AGGREGATE ENTERPRISE ZONE FACILITY BOND BENEFIT.—For purposes of subparagraph (A), the aggregate amount of outstanding enterprise zone facility bonds allocable to any person shall be determined under rules similar to the rules of section 144(a)(10), taking into account only bonds to which subsection (a) applies.

"(d) ACQUISITION OF LAND AND EXISTING PROPERTY PERMITTED.—The requirements of sections 147(c)(1)(A) and 147(d) shall not apply to any bond described in subsection (a).

"(e) PENALTY FOR CEASING TO MEET REQUIREMENTS.—

"(1) FAILURES CORRECTED.—An issue which fails to meet 1 or more of the requirements of subsections (a) and (b) shall be treated as meeting such requirements if—

"(A) the issuer and any principal user in good faith attempted to meet such requirements, and

"(B) any failure to meet such requirements is corrected within a reasonable period after such failure is first discovered.

"(2) LOSS OF DEDUCTIONS WHERE FACILITY CEASES TO BE QUALIFIED.—No deduction shall be allowed under this chapter for interest on any financing provided from any bond to which subsection (a) applies with respect to any facility to the extent such interest accrues during the period beginning on the first day of the calendar year which includes the date on which—

"(A) substantially all of the facility with respect to which the financing was provided ceases to be used in an empowerment zone or enterprise community, or

"(B) the principal user of such facility ceases to be an enterprise zone business (as defined in subsection (b)).

"(3) EXCEPTION IF ZONE CEASES.—Paragraphs (1) and (2) shall not apply solely by reason of the termination or revocation of a designation as an empowerment zone or an enterprise community.

"(4) EXCEPTION FOR BANKRUPTCY.—Paragraphs (1) and (2) shall not apply to any cessation resulting from bankruptcy.

"PART III—ADDITIONAL INCENTIVES FOP EMPOWERMENT ZONES

"SUBPART A. Empowerment zone employment credit.
"SUBPART B. Additional expensing.
"SUBPART C. General provisions.

"Subpart A—Empowerment Zone Employment Credit

"Sec. 1396. Empowerment zone employment credit.
"Sec. 1397. Other definitions and special rules.

"SEC. 1396. EMPOWERMENT ZONE EMPLOYMENT CREDIT.

"(a) AMOUNT OF CREDIT.—For purposes of section 38, the amount of the empowerment zone employment credit determined under this section with respect to any employer for any taxable year is the applicable percentage of the qualified zone wages paid or incurred during the calendar year which ends with or within such taxable year.

"(b) APPLICABLE PERCENTAGE.—For purposes of this section, the term 'applicable percentage' means the percentage determined in accordance with the following table:

"In the case of wages paid or incurred during calendar year:	The applicable percentage is:
1994 through 2001	20
2002	15
2003	10
2004	5

"(c) QUALIFIED ZONE WAGES.—

"(1) IN GENERAL.—For purposes of this section, the term 'qualified zone wages' means any wages paid or incurred by

an employer for services performed by an employee while such employee is a qualified zone employee.

"(2) ONLY FIRST $15,000 OF WAGES PER YEAR TAKEN INTO ACCOUNT.—With respect to each qualified zone employee, the amount of qualified zone wages which may be taken into account for a calendar year shall not exceed $15,000.

"(3) COORDINATION WITH TARGETED JOBS CREDIT.—

"(A) IN GENERAL.—The term 'qualified zone wages' shall not include wages taken into account in determining the credit under section 51.

"(B) COORDINATION WITH PARAGRAPH (2).—The $15,000 amount in paragraph (2) shall be reduced for any calendar year by the amount of wages paid or incurred during such year which are taken into account in determining the credit under section 51.

"(d) QUALIFIED ZONE EMPLOYEE.—For purposes of this section—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, the term 'qualified zone employee' means, with respect to any period, any employee of an employer if—

"(A) substantially all of the services performed during such period by such employee for such employer are performed within an empowerment zone in a trade or business of the employer, and

"(B) the principal place of abode of such employee while performing such services is within such empowerment zone.

"(2) CERTAIN INDIVIDUALS NOT ELIGIBLE.—The term 'qualified zone employee' shall not include—

"(A) any individual described in subparagraph (A), (B), or (C) of section 51(i)(1),

"(B) any 5-percent owner (as defined in section 416(i)(1)(B)),

"(C) any individual employed by the employer for less than 90 days,

"(D) any individual employed by the employer at any facility described in section 144(c)(6)(B), and

"(E) any individual employed by the employer in a trade or business the principal activity of which is farming (within the meaning of subparagraph (A) or (B) of section 2032A(e)(5)), but only if, as of the close of the taxable year, the sum of—

"(i) the aggregate unadjusted bases (or, if greater, the fair market value) of the assets owned by the employer which are used in such a trade or business, and

"(ii) the aggregate value of assets leased by the employer which are used in such a trade or business (as determined under regulations prescribed by the Secretary),

exceeds $500,000.

"(3) SPECIAL RULES RELATED TO TERMINATION OF EMPLOYMENT.—

"(A) IN GENERAL.—Paragraph (2)(C) shall not apply to—

"(i) a termination of employment of an individual who before the close of the period referred to in paragraph (2)(C) becomes disabled to perform the services

of such employment unless such disability is removed before the close of such period and the taxpayer fails to offer reemployment to such individual, or

"(ii) a termination of employment of an individual if it is determined under the applicable State unemployment compensation law that the termination was due to the misconduct of such individual.

"(B) CHANGES IN FORM OF BUSINESS.—For purposes of paragraph (2)(C), the employment relationship between the taxpayer and an employee shall not be treated as terminated—

"(i) by a transaction to which section 381(a) applies if the employee continues to be employed by the acquiring corporation, or

"(ii) by reason of a mere change in the form of conducting the trade or business of the taxpayer if the employee continues to be employed in such trade or business and the taxpayer retains a substantial interest in such trade or business.

"SEC. 1397. OTHER DEFINITIONS AND SPECIAL RULES.

"(a) WAGES.—For purposes of this subpart—

"(1) IN GENERAL.—The term 'wages' has the same meaning as when used in section 51.

"(2) CERTAIN TRAINING AND EDUCATIONAL BENEFITS.—

"(A) IN GENERAL.—The following amounts shall be treated as wages paid to an employee:

"(i) Any amount paid or incurred by an employer which is excludable from the gross income of an employee under section 127, but only to the extent paid or incurred to a person not related to the employer.

"(ii) In the case of an employee who has not attained the age of 19, any amount paid or incurred by an employer for any youth training program operated by such employer in conjunction with local education officials.

"(B) RELATED PERSON.—A person is related to any other person if the person bears a relationship to such other person specified in section 267(b) or 707(b)(1), or such person and such other person are engaged in trades or businesses under common control (within the meaning of subsections (a) and (b) of section 52). For purposes of the preceding sentence, in applying section 267(b) or 707(b)(1), '10 percent' shall be substituted for '50 percent'.

"(b) CONTROLLED GROUPS.—For purposes of this subpart—

"(1) all employers treated as a single employer under subsection (a) or (b) of section 52 shall be treated as a single employer for purposes of this subpart, and

"(2) the credit (if any) determined under section 1396 with respect to each such employer shall be its proportionate share of the wages giving rise to such credit.

"(c) CERTAIN OTHER RULES MADE APPLICABLE.—For purposes of this subpart, rules similar to the rules of section 51(k) and subsections (c), (d), and (e) of section 52 shall apply.

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"Subpart B—Additional Expensing

"Sec. 1397A. Increase in expensing under section 179.

"SEC. 1397A. INCREASE IN EXPENSING UNDER SECTION 179.

"(a) GENERAL RULE.—In the case of an enterprise zone business, for purposes of section 179—

"(1) the limitation under section 179(b)(1) shall be increased by the lesser of—

"(A) $20,000, or

"(B) the cost of section 179 property which is qualified zone property placed in service during the taxable year, and

"(2) the amount taken into account under section 179(b)(2) with respect to any section 179 property which is qualified zone property shall be 50 percent of the cost thereof.

"(b) RECAPTURE.—Rules similar to the rules under section 179(d)(10) shall apply with respect to any qualified zone property which ceases to be used in an empowerment zone by an enterprise zone business.

"Subpart C—General Provisions

"Sec. 1397B. Enterprise zone business defined.
"Sec. 1397C. Qualified zone property defined.

"SEC. 1397B. ENTERPRISE ZONE BUSINESS DEFINED.

"(a) IN GENERAL.—For purposes of this part, the term 'enterprise zone business' means—

"(1) any qualified business entity, and

"(2) any qualified proprietorship.

"(b) QUALIFIED BUSINESS ENTITY.—For purposes of this section, the term 'qualified business entity' means, with respect to any taxable year, any corporation or partnership if for such year—

"(1) every trade or business of such entity is the active conduct of a qualified business within an empowerment zone,

"(2) at least 80 percent of the total gross income of such entity is derived from the active conduct of such business,

"(3) substantially all of the use of the tangible property of such entity (whether owned or leased) is within an empowerment zone,

"(4) substantially all of the intangible property of such entity is used in, and exclusively related to, the active conduct of any such business,

"(5) substantially all of the services performed for such entity by its employees are performed in an empowerment zone,

"(6) at least 35 percent of its employees are residents of an empowerment zone,

"(7) less than 5 percent of the average of the aggregate unadjusted bases of the property of such entity is attributable to collectibles (as defined in section 408(m)(2)) other than collectibles that are held primarily for sale to customers in the ordinary course of such business, and

"(8) less than 5 percent of the average of the aggregate unadjusted bases of the property of such entity is attributable to nonqualified financial property.

"(c) QUALIFIED PROPRIETORSHIP.—For purposes of this section, the term 'qualified proprietorship' means, with respect to any taxable year, any qualified business carried on by an individual as a proprietorship if for such year—

"(1) at least 80 percent of the total gross income of such individual from such business is derived from the active conduct of such business in an empowerment zone,

"(2) substantially all of the use of the tangible property of such individual in such business (whether owned or leased) is within an empowerment zone,

"(3) substantially all of the intangible property of such business is used in, and exclusively related to, the active conduct of such business,

"(4) substantially all of the services performed for such individual in such business by employees of such business are performed in an empowerment zone,

"(5) at least 35 percent of such employees are residents of an empowerment zone,

"(6) less than 5 percent of the average of the aggregate unadjusted bases of the property of such individual which is used in such business is attributable to collectibles (as defined in section 408(m)(2)) other than collectibles that are held primarily for sale to customers in the ordinary course of such business, and

"(7) less than 5 percent of the average of the aggregate unadjusted bases of the property of such individual which is used in such business is attributable to nonqualified financial property.

For purposes of this subsection, the term 'employee' includes the proprietor.

"(d) QUALIFIED BUSINESS.—For purposes of this section—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, the term 'qualified business' means any trade or business.

"(2) RENTAL OF REAL PROPERTY.—The rental to others of real property located in an empowerment zone shall be treated as a qualified business if and only if—

"(A) the property is not residential rental property (as defined in section 168(e)(2)), and

"(B) at least 50 percent of the gross rental income from the real property is from enterprise zone businesses.

"(3) RENTAL OF TANGIBLE PERSONAL PROPERTY.—The rental to others of tangible personal property shall be treated as a qualified business if and only if substantially all of the rental of such property is by enterprise zone businesses or by residents of an empowerment zone.

"(4) TREATMENT OF BUSINESS HOLDING INTANGIBLES.—The term 'qualified business' shall not include any trade or business consisting predominantly of the development or holding of intangibles for sale or license.

"(5) CERTAIN BUSINESSES EXCLUDED.—The term 'qualified business' shall not include—

"(A) any trade or business consisting of the operation of any facility described in section 144(c)(6)(B), and

"(B) any trade or business the principal activity of which is farming (within the meaning of subparagraphs

(A) or (B) of section 2032A(e)(5)), but only if, as of the close of the preceding taxable year, the sum of—

"(i) the aggregate unadjusted bases (or, if greater, the fair market value) of the assets owned by the taxpayer which are used in such a trade or business, and

"(ii) the aggregate value of assets leased by the taxpayer which are used in such a trade or business, exceeds $500,000.

For purposes of subparagraph (B), rules similar to the rules of section 1397(b) shall apply.

"(e) NONQUALIFIED FINANCIAL PROPERTY.—For purposes of this section, the term 'nonqualified financial property' means debt, stock, partnership interests, options, futures contracts, forward contracts, warrants, notional principal contracts, annuities, and other similar property specified in regulations; except that such term shall not include—

"(1) reasonable amounts of working capital held in cash, cash equivalents, or debt instruments with a term of 18 months or less, or

"(2) debt instruments described in section 1221(4).

"SEC. 1397C. QUALIFED ZONE PROPERTY DEFINED.

"(a) GENERAL RULE.—For purposes of this part—

"(1) IN GENERAL.—The term 'qualified zone property' means any property to which section 168 applies (or would apply but for section 179) if—

"(A) such property was acquired by the taxpayer by purchase (as defined in section 179(d)(2)) after the date on which the designation of the empowerment zone took effect,

"(B) the original use of which in an empowerment zone commences with the taxpayer, and

"(C) substantially all of the use of which is in an empowerment zone and is in the active conduct of a qualified business by the taxpayer in such zone.

"(2) SPECIAL RULE FOR SUBSTANTIAL RENOVATIONS.—In the case of any property which is substantially renovated by the taxpayer, the requirements of subparagraphs (A) and (B) of paragraph (1) shall be treated as satisfied. For purposes of the preceding sentence, property shall be treated as substantially renovated by the taxpayer if, during any 24-month period beginning after the date on which the designation of the empowerment zone took effect, additions to basis with respect to such property in the hands of the taxpayer exceed the greater of (i) an amount equal to the adjusted basis at the beginning of such 24-month period in the hands of the taxpayer, or (ii) $5,000.

"(b) SPECIAL RULES FOR SALE-LEASEBACKS.—For purposes of subsection (a)(1)(B), if property is sold and leased back by the taxpayer within 3 months after the date such property was originally placed in service, such property shall be treated as originally placed in service not earlier than the date on which such property is used under the leaseback.

"PART IV—REGULATIONS

"Sec. 1397D. Regulations.

"SEC. 1397D. REGULATIONS.

"The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of parts II and III, including—

"(1) regulations limiting the benefit of parts II and III in circumstances where such benefits, in combination with benefits provided under other Federal programs, would result in an activity being 100 percent or more subsidized by the Federal Government,

"(2) regulations preventing abuse of the provisions of parts II and III, and

"(3) regulations dealing with inadvertent failures of entities to be enterprise zone businesses."

(b) CLERICAL AMENDMENT.—The table of subchapters for chapter 1 is amended by inserting after the item relating to subchapter T the following new item:

"Subchapter U. Designation and treatment of empowerment zones, enterprise communities, and rural development investment areas."

SEC. 13302. TECHNICAL AND CONFORMING AMENDMENTS.

(a) EMPOWERMENT ZONE EMPLOYMENT CREDIT PART OF GENERAL BUSINESS CREDIT.—

(1) Subsection (b) of section 38 (relating to current year business credit) is amended by striking "plus" at the end of paragraph (7), by striking the period at the end of paragraph (8) and inserting ", and", and by adding at the end the following new paragraph: 26 USC 38.

"(9) the empowerment zone employment credit determined under section 1396(a)."

(2) Subsection (d) of section 39 is amended by adding at the end the following new paragraph:

"(4) EMPOWERMENT ZONE EMPLOYMENT CREDIT.—No portion of the unused business credit which is attributable to the credit determined under section 1396 (relating to empowerment zone employment credit) may be carried to any taxable year ending before January 1, 1994."

(b) DENIAL OF DEDUCTION FOR PORTION OF WAGES EQUAL TO EMPOWERMENT ZONE EMPLOYMENT CREDIT.—

(1) Subsection (a) of section 280C (relating to rule for targeted jobs credit) is amended—

(A) by striking "the amount of the credit determined for the taxable year under section 51(a)" and inserting "the sum of the credits determined for the taxable year under sections 51(a) and 1396(a)", and

(B) by striking "TARGETED JOBS CREDIT" in the subsection heading and inserting "EMPLOYMENT CREDITS".

(2) Subsection (c) of section 196 (relating to deduction for certain unused business credits) is amended by striking "and" at the end of paragraph (4), by striking the period at the end of paragraph (5) and inserting ", and", and by adding at the end the following new paragraph:

"(6) the empowerment zone employment credit determined under section 1396(a)."

(c) EMPOWERMENT ZONE EMPLOYMENT CREDIT MAY OFFSET 25 PERCENT OF MINIMUM TAX.—

(1) IN GENERAL.—Section 38(c) (relating to limitation based on amount of tax) is amended by redesignating paragraph

(2) as paragraph (3) and by inserting after paragraph (1) the following new paragraph:

"(2) EMPOWERMENT ZONE EMPLOYMENT CREDIT MAY OFFSET 25 PERCENT OF MINIMUM TAX.—

"(A) IN GENERAL.—In the case of the empowerment zone employment credit credit—

"(i) this section and section 39 shall be applied separately with respect to such credit, and

"(ii) for purposes of applying paragraph (1) to such credit—

"(I) 75 percent of the tentative minimum tax shall be substituted for the tentative minimum tax under subparagraph (A) thereof, and

"(II) the limitation under paragraph (1) (as modified by subclause (I)) shall be reduced by the credit allowed under subsection (a) for the taxable year (other than the empowerment zone employment credit).

"(B) EMPOWERMENT ZONE EMPLOYMENT CREDIT.—For purposes of this paragraph, the term 'empowerment zone employment credit' means the portion of the credit under subsection (a) which is attributable to the credit determined under section 1396 (relating to empowerment zone employment credit)."

(d) AMENDMENT OF TARGETED JOBS CREDIT.—Subparagraph (A) of section 51(i)(1) is amended by inserting ", or, if the taxpayer is an entity other than a corporation, to any individual who owns, directly or indirectly, more than 50 percent of the capital and profits interests in the entity," after "of the corporation".

26 USC 381.

(e) CARRYOVERS.—Subsection (c) of section 381 (relating to carryovers in certain corporate acquisitions) is amended by adding at the end the following new paragraph:

"(26) ENTERPRISE ZONE PROVISIONS.—The acquiring corporation shall take into account (to the extent proper to carry out the purposes of this section and subchapter U, and under such regulations as may be prescribed by the Secretary) the items required to be taken into account for purposes of subchapter U in respect of the distributor or transferor corporation."

26 USC 38 note.

SEC. 13303. EFFECTIVE DATE.

The amendments made by this part shall take effect on the date of the enactment of this Act.

PART II—CREDIT FOR CONTRIBUTIONS TO CERTAIN COMMUNITY DEVELOPMENT CORPORATIONS

26 USC 38 note.

SEC. 13311. CREDIT FOR CONTRIBUTIONS TO CERTAIN COMMUNITY DEVELOPMENT CORPORATIONS.

(a) IN GENERAL.—For purposes of section 38 of the Internal Revenue Code of 1986, the current year business credit shall include the credit determined under this section.

(b) DETERMINATION OF CREDIT.—The credit determined under this section for each taxable year in the credit period with respect

to any qualified CDC contribution made by the taxpayer is an amount equal to 5 percent of such contribution.

(c) CREDIT PERIOD.—For purposes of this section, the credit period with respect to any qualified CDC contribution is the period of 10 taxable years beginning with the taxable year during which such contribution was made.

(d) QUALIFIED CDC CONTRIBUTION.—For purposes of this section—

(1) IN GENERAL.—The term "qualified CDC contribution" means any transfer of cash—

(A) which is made to a selected community development corporation during the 5-year period beginning on the date such corporation was selected for purposes of this section,

(B) the amount of which is available for use by such corporation for at least 10 years,

(C) which is to be used by such corporation for qualified low-income assistance within its operational area, and

(D) which is designated by such corporation for purposes of this section.

(2) LIMITATIONS ON AMOUNT DESIGNATED.—The aggregate amount of contributions to a selected community development corporation which may be designated by such corporation shall not exceed $2,000,000.

(e) SELECTED COMMUNITY DEVELOPMENT CORPORATIONS.—

(1) IN GENERAL.—For purposes of this section, the term "selected community development corporation" means any corporation—

(A) which is described in section 501(c)(3) of such Code and exempt from tax under section 501(a) of such Code,

(B) the principal purposes of which include promoting employment of, and business opportunities for, low-income individuals who are residents of the operational area, and

(C) which is selected by the Secretary of Housing and Urban Development for purposes of this section.

(2) ONLY 20 CORPORATIONS MAY BE SELECTED.—The Secretary of Housing and Urban Development may select 20 corporations for purposes of this section, subject to the availability of eligible corporations. Such selections may be made only before July 1, 1994. At least 8 of the operational areas of the corporations selected must be rural areas (as defined by section 1393(a)(3) of such Code).

(3) OPERATIONAL AREAS MUST HAVE CERTAIN CHARACTERISTICS.—A corporation may be selected for purposes of this section only if its operational area meets the following criteria:

(A) The area meets the size requirements under section 1392(a)(3).

(B) The unemployment rate (as determined by the appropriate available data) is not less than the national unemployment rate.

(C) The median family income of residents of such area does not exceed 80 percent of the median gross income of residents of the jurisdiction of the local government which includes such area.

(f) QUALIFIED LOW-INCOME ASSISTANCE.—For purposes of this section, the term "qualified low-income assistance" means assistance—

(1) which is designed to provide employment of, and business opportunities for, low-income individuals who are residents of the operational area of the community development corporation, and

(2) which is approved by the Secretary of Housing and Urban Development.

Part III—Investment in Indian Reservations

SEC. 13321. ACCELERATED DEPRECIATION FOR PROPERTY ON INDIAN RESERVATIONS.

26 USC 168.

(a) IN GENERAL.—Section 168 is amended by adding at the end the following new subsection:

"(j) PROPERTY ON INDIAN RESERVATIONS.—

"(1) IN GENERAL.—For purposes of subsection (a), the applicable recovery period for qualified Indian reservation property shall be determined in accordance with the table contained in paragraph (2) in lieu of the table contained in subsection (c).

"(2) APPLICABLE RECOVERY PERIOD FOR INDIAN RESERVATION PROPERTY.—For purposes of paragraph (1)—

"In the case of:	The applicable recovery period is:
3-year property	2 years
5-year property	3 years
7-year property	4 years
10-year property	6 years
15-year property	9 years
20-year property	12 years
Nonresidential real property	22 years.

"(3) DEDUCTION ALLOWED IN COMPUTING MINIMUM TAX.—For purposes of determining alternative minimum taxable income under section 55, the deduction under subsection (a) for property to which paragraph (1) applies shall be determined under this section without regard to any adjustment under section 56.

"(4) QUALIFIED INDIAN RESERVATION PROPERTY DEFINED.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'qualified Indian reservation property' means property which is property described in the table in paragraph (2) and which is—

"(i) used by the taxpayer predominantly in the active conduct of a trade or business within an Indian reservation,

"(ii) not used or located outside the Indian reservation on a regular basis,

"(iii) not acquired (directly or indirectly) by the taxpayer from a person who is related to the taxpayer (within the meaning of section 465(b)(3)(C)), and

"(iv) not property (or any portion thereof) placed in service for purposes of conducting or housing class I, II, or III gaming (as defined in section 4 of the Indian Regulatory Act (25 U.S.C. 2703)).

"(B) EXCEPTION FOR ALTERNATIVE DEPRECIATION PROPERTY.—The term 'qualified Indian reservation property' does not include any property to which the alternative

depreciation system under subsection (g) applies, determined—

"(i) without regard to subsection (g)(7) (relating to election to use alternative depreciation system), and

"(ii) after the application of section 280F(b) (relating to listed property with limited business use).

"(C) SPECIAL RULE FOR RESERVATION INFRASTRUCTURE INVESTMENT.—

"(i) IN GENERAL.—Subparagraph (A)(ii) shall not apply to qualified infrastructure property located outside of the Indian reservation if the purpose of such property is to connect with qualified infrastructure property located within the Indian reservation.

"(ii) QUALIFIED INFRASTRUCTURE PROPERTY.—For purposes of this subparagraph, the term 'qualified infrastructure property' means qualified Indian reservation property (determined without regard to subparagraph (A)(ii)) which—

"(I) benefits the tribal infrastructure,

"(II) is available to the general public, and

"(III) is placed in service in connection with the taxpayer's active conduct of a trade or business within an Indian reservation.

Such term includes, but is not limited to, roads, power lines, water systems, railroad spurs, and communications facilities.

"(5) REAL ESTATE RENTALS.—For purposes of this subsection, the rental to others of real property located within an Indian reservation shall be treated as the active conduct of a trade or business within an Indian reservation.

"(6) INDIAN RESERVATION DEFINED.—For purposes of this subsection, the term 'Indian reservation' means a reservation, as defined in—

"(A) section 3(d) of the Indian Financing Act of 1974 (25 U.S.C. 1452(d)), or

"(B) section 4(10) of the Indian Child Welfare Act of 1978 (25 U.S.C. 1903(10)).

"(7) COORDINATION WITH NONREVENUE LAWS.—Any reference in this subsection to a provision not contained in this title shall be treated for purposes of this subsection as a reference to such provision as in effect on the date of the enactment of this paragraph.

"(8) TERMINATION.—This subsection shall not apply to property placed in service after December 31, 2003."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 1993. 26 USC 168 note.

SEC. 13322. INDIAN EMPLOYMENT CREDIT.

(a) ALLOWANCE OF INDIAN EMPLOYMENT CREDIT.—Section 38(b) (relating to general business credits) is amended by striking "plus" at the end of paragraph (8), by striking the period at the end of paragraph (9) and inserting ", plus", and by adding after paragraph (9) the following new paragraph: 26 USC 38.

"(10) the Indian employment credit as determined under section 45A(a)."

(b) AMOUNT OF INDIAN EMPLOYMENT CREDIT.—Subpart D of part IV of subchapter A of chapter 1 (relating to business related

credits) is amended by adding at the end thereof the following new section:

"SEC. 45A. INDIAN EMPLOYMENT CREDIT.

"(a) AMOUNT OF CREDIT.—For purposes of section 38, the amount of the Indian employment credit determined under this section with respect to any employer for any taxable year is an amount equal to 20 percent of the excess (if any) of —

"(1) the sum of—

"(A) the qualified wages paid or incurred during such taxable year, plus

"(B) qualified employee health insurance costs paid or incurred during such taxable year, over

"(2) the sum of the qualified wages and qualified employee health insurance costs (determined as if this section were in effect) which were paid or incurred by the employer (or any predecessor) during calendar year 1993.

"(b) QUALIFIED WAGES; QUALIFIED EMPLOYEE HEALTH INSURANCE COSTS.—For purposes of this section—

"(1) QUALIFIED WAGES.—

"(A) IN GENERAL.—The term 'qualified wages' means any wages paid or incurred by an employer for services performed by an employee while such employee is a qualified employee.

"(B) COORDINATION WITH TARGETED JOBS CREDIT.—The term 'qualified wages' shall not include wages attributable to service rendered during the 1-year period beginning with the day the individual begins work for the employer if any portion of such wages is taken into account in determining the credit under section 51.

"(2) QUALIFIED EMPLOYEE HEALTH INSURANCE COSTS.—

"(A) IN GENERAL.—The term 'qualified employee health insurance costs' means any amount paid or incurred by an employer for health insurance to the extent such amount is attributable to coverage provided to any employee while such employee is a qualified employee.

"(B) EXCEPTION FOR AMOUNTS PAID UNDER SALARY REDUCTION ARRANGEMENTS.—No amount paid or incurred for health insurance pursuant to a salary reduction arrangement shall be taken into account under subparagraph (A).

"(3) LIMITATION.—The aggregate amount of qualified wages and qualified employee health insurance costs taken into account with respect to any employee for any taxable year (and for the base period under subsection (a)(2)) shall not exceed $20,000.

"(c) QUALIFIED EMPLOYEE.—For purposes of this section—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, the term 'qualified employee' means, with respect to any period, any employee of an employer if—

"(A) the employee is an enrolled member of an Indian tribe or the spouse of an enrolled member of an Indian tribe,

"(B) substantially all of the services performed during such period by such employee for such employer are performed within an Indian reservation, and

"(C) the principal place of abode of such employee while performing such services is on or near the reservation in which the services are performed.

"(2) INDIVIDUALS RECEIVING WAGES IN EXCESS OF $30,000 NOT ELIGIBLE.—An employee shall not be treated as a qualified employee for any taxable year of the employer if the total amount of the wages paid or incurred by such employer to such employee during such taxable year (whether or not for services within an Indian reservation) exceeds the amount determined at an annual rate of $30,000.

"(3) INFLATION ADJUSTMENT.—The Secretary shall adjust the $30,000 amount under paragraph (2) for years beginning after 1994 at the same time and in the same manner as under section 415(d).

"(4) EMPLOYMENT MUST BE TRADE OR BUSINESS EMPLOYMENT.—An employee shall be treated as a qualified employee for any taxable year of the employer only if more than 50 percent of the wages paid or incurred by the employer to such employee during such taxable year are for services performed in a trade or business of the employer. Any determination as to whether the preceding sentence applies with respect to any employee for any taxable year shall be made without regard to subsection (e)(2).

"(5) CERTAIN EMPLOYEES NOT ELIGIBLE.—The term 'qualified employee' shall not include—

"(A) any individual described in subparagraph (A), (B), or (C) of section 51(i)(1),

"(B) any 5-percent owner (as defined in section 416(i)(1)(B)), and

"(C) any individual if the services performed by such individual for the employer involve the conduct of class I, II, or III gaming as defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703), or are performed in a building housing such gaming activity.

"(6) INDIAN TRIBE DEFINED.—The term 'Indian tribe' means any Indian tribe, band, nation, pueblo, or other organized group or community, including any Alaska Native village, or regional or village corporation, as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

"(7) INDIAN RESERVATION DEFINED.—The term 'Indian reservation' has the meaning given such term by section 168(j)(6).

"(d) EARLY TERMINATION OF EMPLOYMENT BY EMPLOYER.—

"(1) IN GENERAL.—If the employment of any employee is terminated by the taxpayer before the day 1 year after the day on which such employee began work for the employer—

"(A) no wages (or qualified employee health insurance costs) with respect to such employee shall be taken into account under subsection (a) for the taxable year in which such employment is terminated, and

"(B) the tax under this chapter for the taxable year in which such employment is terminated shall be increased by the aggregate credits (if any) allowed under section 38(a) for prior taxable years by reason of wages (or qualified

employee health insurance costs) taken into account with respect to such employee.

"(2) CARRYBACKS AND CARRYOVERS ADJUSTED.—In the case of any termination of employment to which paragraph (1) applies, the carrybacks and carryovers under section 39 shall be properly adjusted.

"(3) SUBSECTION NOT TO APPLY IN CERTAIN CASES.—

"(A) IN GENERAL.—Paragraph (1) shall not apply to—

"(i) a termination of employment of an employee who voluntarily leaves the employment of the taxpayer,

"(ii) a termination of employment of an individual who before the close of the period referred to in paragraph (1) becomes disabled to perform the services of such employment unless such disability is removed before the close of such period and the taxpayer fails to offer reemployment to such individual, or

"(iii) a termination of employment of an individual if it is determined under the applicable State unemployment compensation law that the termination was due to the misconduct of such individual.

"(B) CHANGES IN FORM OF BUSINESS.—For purposes of paragraph (1), the employment relationship between the taxpayer and an employee shall not be treated as terminated—

"(i) by a transaction to which section 381(a) applies if the employee continues to be employed by the acquiring corporation, or

"(ii) by reason of a mere change in the form of conducting the trade or business of the taxpayer if the employee continues to be employed in such trade or business and the taxpayer retains a substantial interest in such trade or business.

"(4) SPECIAL RULE.—Any increase in tax under paragraph (1) shall not be treated as a tax imposed by this chapter for purposes of—

"(A) determining the amount of any credit allowable under this chapter, and

"(B) determining the amount of the tax imposed by section 55.

"(e) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) WAGES.—The term 'wages' has the same meaning given to such term in section 51.

"(2) CONTROLLED GROUPS.—

"(A) All employers treated as a single employer under section (a) or (b) of section 52 shall be treated as a single employer for purposes of this section.

"(B) The credit (if any) determined under this section with respect to each such employer shall be its proportionate share of the wages and qualified employee health insurance costs giving rise to such credit.

"(3) CERTAIN OTHER RULES MADE APPLICABLE.—Rules similar to the rules of section 51(k) and subsections (c), (d), and (e) of section 52 shall apply.

"(4) COORDINATION WITH NONREVENUE LAWS.—Any reference in this section to a provision not contained in this title shall be treated for purposes of this section as a reference

to such provision as in effect on the date of the enactment of this paragraph.

"(5) SPECIAL RULE FOR SHORT TAXABLE YEARS.—For any taxable year having less than 12 months, the amount determined under subsection (a)(2) shall be multiplied by a fraction, the numerator of which is the number of days in the taxable year and the denominator of which is 365.

"(f) TERMINATION.—This section shall not apply to taxable years beginning after December 31, 2003."

(c) DENIAL OF DEDUCTION FOR PORTION OF WAGES EQUAL TO INDIAN EMPLOYMENT CREDIT.—

(1) Subsection (a) of section 280C (relating to rule for targeted jobs credit) is amended by striking "51(a)" and inserting "45A(a), 51(a), and".

(2) Subsection (c) of section 196 (relating to deduction for certain unused business credits) is amended by striking "and" at the end of paragraph (5), by striking the period at the end of paragraph (6) and inserting ", and", and by adding at the end the following new paragraph:

"(7) the Indian employment credit determined under section 45A(a)."

(d) DENIAL OF CARRYBACKS TO PREENACTMENT YEARS.—Subsection (d) of section 39 is amended by adding at the end thereof the following new paragraph:

"(5) NO CARRYBACK OF SECTION 45 CREDIT BEFORE ENACTMENT.—No portion of the unused business credit for any taxable year which is attributable to the Indian employment credit determined under section 45A may be carried to a taxable year ending before the date of the enactment of section 45A."

(e) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end thereof the following:

"Sec. 45A. Indian employment credit."

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to wages paid or incurred after December 31, 1993. 26 USC 38 note.

Subchapter D—Other Provisions

PART I—DISCLOSURE PROVISIONS

SEC. 13401. DISCLOSURE OF RETURN INFORMATION FOR ADMINISTRATION OF CERTAIN VETERANS PROGRAMS.

(a) GENERAL RULE.—Subparagraph (D) of section 6103(l)(7) (relating to disclosure of return information to Federal, State, and local agencies administering certain programs) is amended by striking "September 30, 1997" in the second sentence following clause (viii) and inserting "September 30, 1998". 26 USC 6103.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act. 26 USC 6103 note.

SEC. 13402. DISCLOSURE OF RETURN INFORMATION TO CARRY OUT INCOME CONTINGENT REPAYMENT OF STUDENT LOANS.

(a) GENERAL RULE.—Subsection (l) of section 6103 (relating to confidentiality and disclosure of returns and return information) is amended by adding at the end thereof the following new paragraph:

"(13) DISCLOSURE OF RETURN INFORMATION TO CARRY OUT INCOME CONTINGENT REPAYMENT OF STUDENT LOANS.—

"(A) IN GENERAL.—The Secretary may, upon written request from the Secretary of Education, disclose to officers and employees of the Department of Education return information with respect to a taxpayer who has received an applicable student loan and whose loan repayment amounts are based in whole or in part on the taxpayer's income. Such return information shall be limited to—

"(i) taxpayer identity information with respect to such taxpayer,

"(ii) the filing status of such taxpayer, and

"(iii) the adjusted gross income of such taxpayer.

"(B) RESTRICTION ON USE OF DISCLOSED INFORMATION.—Return information disclosed under subparagraph (A) may be used by officers and employees of the Department of Education only for the purposes of, and to the extent necessary in, establishing the appropriate income contingent repayment amount for an applicable student loan.

"(C) APPLICABLE STUDENT LOAN.—For purposes of this paragraph, the term 'applicable student loan' means—

"(i) any loan made under the program authorized under part D of title IV of the Higher Education Act of 1965, and

"(ii) any loan made under part B or E of title IV of the Higher Education Act of 1965 which is in default and has been assigned to the Department of Education.

"(D) TERMINATION.—This paragraph shall not apply to any request made after September 30, 1998."

(b) CONFORMING AMENDMENTS.—

26 USC 6103.

(1) So much of paragraph (4) of section 6103(m) as precedes subparagraph (B) thereof is amended to read as follows:

"(4) INDIVIDUALS WHO OWE AN OVERPAYMENT OF FEDERAL PELL GRANTS OR WHO HAVE DEFAULTED ON STUDENT LOANS ADMINISTERED BY THE DEPARTMENT OF EDUCATION.—

"(A) IN GENERAL.—Upon written request by the Secretary of Education, the Secretary may disclose the mailing address of any taxpayer—

"(i) who owes an overpayment of a grant awarded to such taxpayer under subpart 1 of part A of title IV of the Higher Education Act of 1965, or

"(ii) who has defaulted on a loan—

"(I) made under part B, D, or E of title IV of the Higher Education Act of 1965, or

"(II) made pursuant to section 3(a)(1) of the Migration and Refugee Assistance Act of 1962 to a student at an institution of higher education,

for use only by officers, employees, or agents of the Department of Education for purposes of locating such taxpayer for purposes of collecting such overpayment or loan ."

(2) Subparagraph (B) of section 6103(m)(4) is amended—

(A) in clause (i), by striking "under part B" and inserting "under part B or D"; and

(B) in clause (ii), by striking "under part E" and inserting "under subpart 1 of part A, or part D or E,";

(3) Section 6103(p) is amended— 26 USC 6103.

(A) in paragraph (3)(A), by striking "(11), or (12), (m)" and inserting "(11), (12), or (13), (m)";

(B) in paragraph (4)—

(i) in the matter preceding subparagraph (A), by striking out "(10), or (11)," and inserting "(10), (11), or (13),", and

(ii) in subparagraph (F)(ii), by striking "(11), or (12)," and inserting "(11), (12), or (13),".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act. 26 USC 6103 note.

SEC. 13403. USE OF RETURN INFORMATION FOR INCOME VERIFICATION UNDER CERTAIN HOUSING ASSISTANCE PROGRAMS.

(a) IN GENERAL.—Subparagraph (D) of section 6103(l)(7) (relating to the disclosure of return information to Federal, State, and local agencies administering certain programs) is amended—

(1) in clause (vii), by striking "and" at the end;

(2) in clause (viii), by striking the period at the end and inserting "; and";

(3) by inserting after clause (viii) the following new clause:

"(ix) any housing assistance program administered by the Department of Housing and Urban Development that involves initial and periodic review of an applicant's or participant's income, except that return information may be disclosed under this clause only on written request by the Secretary of Housing and Urban Development and only for use by officers and employees of the Department of Housing and Urban Development with respect to applicants for and participants in such programs."; and

(4) by adding at the end thereof the following: "Clause (ix) shall not apply after September 30, 1998."

(b) CONFORMING AMENDMENT.—The heading of paragraph (7) of section 6103(l) is amended by inserting after "CODE" the following: ", OR CERTAIN HOUSING ASSISTANCE PROGRAMS".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act. 26 USC 6103 note.

PART II—PUBLIC DEBT LIMIT

SEC. 13411. INCREASE IN PUBLIC DEBT LIMIT.

(a) GENERAL RULE.—Subsection (b) of section 3101 of title 31, United States Code, is amended by striking out the dollar limitation contained in such subsection and inserting in lieu thereof "$4,900,000,000,000".

(b) REPEAL OF TEMPORARY INCREASE.—Effective on and after the date of the enactment of this Act, section 1 of Public Law 103-12 is hereby repealed. Effective date. 31 USC 3101 note.

PART III—VACCINE PROVISIONS

SEC. 13421. EXCISE TAX ON CERTAIN VACCINES MADE PERMANENT.

(a) TAX.—Subsection (c) of section 4131 (relating to tax on certain vaccines) is amended to read as follows:

"(c) APPLICATION OF SECTION.—The tax imposed by this section shall apply—

"(1) after December 31, 1987, and before January 1, 1993, and

"(2) during periods after the date of the enactment of the Revenue Reconciliation Act of 1993."

26 USC 9510. (b) TRUST FUND.—Paragraph (1) of section 9510(c) (relating to expenditures from Vaccine Injury Compensation Trust Fund) is amended by striking "and before October 1, 1992,".

26 USC 4131 note. (c) FLOOR STOCKS TAX.—

(1) IMPOSITION OF TAX.—On any taxable vaccine—

(A) which was sold by the manufacturer, producer, or importer on or before the date of the enactment of this Act,

(B) on which no tax was imposed by section 4131 of the Internal Revenue Code of 1986 (or, if such tax was imposed, was credited or refunded), and

(C) which is held on such date by any person for sale or use,

there is hereby imposed a tax in the amount determined under section 4131(b) of such Code.

(2) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(A) LIABILITY FOR TAX.—The person holding any taxable vaccine to which the tax imposed by paragraph (1) applies shall be liable for such tax.

(B) METHOD OF PAYMENT.—The tax imposed by paragraph (1) shall be paid in such manner as the Secretary shall prescribe by regulations.

(C) TIME FOR PAYMENT.—The tax imposed by paragraph (1) shall be paid on or before the last day of the 6th month beginning after the date of the enactment of this Act.

(3) DEFINITIONS.—For purposes of this subsection, terms used in this subsection which are also used in section 4131 of such Code shall have the respective meanings such terms have in such section.

(4) OTHER LAWS APPLICABLE.—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 4131 of such Code shall, insofar as applicable and not inconsistent with the provisions of this subsection, apply to the floor stocks taxes imposed by paragraph (1), to the same extent as if such taxes were imposed by such section 4131.

SEC. 13422. CONTINUATION COVERAGE UNDER GROUP HEALTH PLANS OF COSTS OF PEDIATRIC VACCINES.

(a) IN GENERAL.—Paragraph (1) of section 4980B(f) is amended by inserting "the coverage of the costs of pediatric vaccines (as defined under section 2162 of the Public Health Service Act) is not reduced below the coverage provided by the plan as of May 1, 1993, and only if" after "only if".

26 USC 4980B note. (b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to plan years beginning after the date of the enactment of this Act.

PART IV—DISASTER RELIEF PROVISIONS

SEC. 13431. MODIFICATION OF INVOLUNTARY CONVERSION RULES FOR CERTAIN DISASTER-RELATED CONVERSIONS.

(a) IN GENERAL.—Section 1033 (relating to involuntary conversions) is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection: 26 USC 1033.

"(h) SPECIAL RULES FOR PRINCIPAL RESIDENCES DAMAGED BY PRESIDENTIALLY DECLARED DISASTERS.—

"(1) IN GENERAL.—If the taxpayer's principal residence or any of its contents is compulsorily or involuntarily converted as a result of a Presidentially declared disaster—

"(A) TREATMENT OF INSURANCE PROCEEDS.—

"(i) EXCLUSION FOR UNSCHEDULED PERSONAL PROPERTY.—No gain shall be recognized by reason of the receipt of any insurance proceeds for personal property which was part of such contents and which was not scheduled property for purposes of such insurance.

"(ii) OTHER PROCEEDS TREATED AS COMMON FUND.—In the case of any insurance proceeds (not described in clause (i)) for such residence or contents—

"(I) such proceeds shall be treated as received for the conversion of a single item of property, and

"(II) any property which is similar or related in service or use to the residence so converted (or contents thereof) shall be treated for purposes of subsection (a)(2) as property similar or related in service or use to such single item of property.

"(B) EXTENSION OF REPLACEMENT PERIOD.—Subsection (a)(2)(B) shall be applied with respect to any property so converted by substituting '4 years' for '2 years'.

"(2) PRESIDENTIALLY DECLARED DISASTER.—For purposes of this subsection, the term 'Presidentially declared disaster' means any disaster which, with respect to the area in which the residence is located, resulted in a subsequent determination by the President that such area warrants assistance by the Federal Government under the Disaster Relief and Emergency Assistance Act.

"(3) PRINCIPAL RESIDENCE.—For purposes of this subsection, the term 'principal residence' has the same meaning as when used in section 1034, except that such term shall include a residence not treated as a principal residence solely because the taxpayer does not own the residence.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to property compulsorily or involuntarily converted as a result of disasters for which the determination referred to in section 1033(h)(2) of the Internal Revenue Code of 1986 (as added by this section) is made on or after September 1, 1991, and to taxable years ending on or after such date. 26 USC 1033 note.

Part V—Miscellaneous Provisions

SEC. 13441. INCREASE IN PRESIDENTIAL ELECTION CAMPAIGN FUND CHECK-OFF.

(a) IN GENERAL.—Section 6096(a) (relating to designation by individuals) is amended—

(1) by striking "$1" each place it appears and inserting "$3", and

(2) by striking "$2" and inserting "$6".

26 USC 6096 note.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply with respect to tax returns required to be filed after December 31, 1993.

SEC. 13442. SPECIAL RULE FOR HOSPITAL SERVICES.

26 USC 162.

(a) IN GENERAL.—Section 162 (relating to trade or business deductions), as amended by section 13211, is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

"(n) SPECIAL RULE FOR CERTAIN GROUP HEALTH PLANS.—

New York.

"(1) IN GENERAL.—No deduction shall be allowed under this chapter to an employer for any amount paid or incurred in connection with a group health plan if the plan does not reimburse for inpatient hospital care services provided in the State of New York—

"(A) except as provided in subparagraphs (B) and (C), at the same rate as licensed commercial insurers are required to reimburse hospitals for such services when such reimbursement is not through such a plan,

"(B) in the case of any reimbursement through a health maintenance organization, at the same rate as health maintenance organizations are required to reimburse hospitals for such services for individuals not covered by such a plan (determined without regard to any government-supported individuals exempt from such rate), or

"(C) in the case of any reimbursement through any corporation organized under Article 43 of the New York State Insurance Law, at the same rate as any such corporation is required to reimburse hospitals for such services for individuals not covered by such a plan.

"(2) STATE LAW EXCEPTION.—Paragraph (1) shall not apply to any group health plan which is not required under the laws of the State of New York (determined without regard to this subsection or other provisions of Federal law) to reimburse at the rates provided in paragraph (1).

"(3) GROUP HEALTH PLAN.—For purposes of this subsection, the term 'group health plan' means a plan of, or contributed to by, an employer or employee organization (including a self-insured plan) to provide health care (directly or otherwise) to any employee, any former employee, the employer, or any other individual associated or formerly associated with the employer in a business relationship, or any member of their family."

26 USC 162 note.

(b) EFFECTIVE DATE.—The provisions of this section shall apply to services provided after February 2, 1993, and on or before May 12, 1995.

SEC. 13443. CREDIT FOR PORTION OF EMPLOYER SOCIAL SECURITY TAXES PAID WITH RESPECT TO EMPLOYEE CASH TIPS.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business related credits) is amended by adding at the end the following new section:

"SEC. 45B. CREDIT FOR PORTION OF EMPLOYER SOCIAL SECURITY TAXES PAID WITH RESPECT TO EMPLOYEE CASH TIPS.

"(a) GENERAL RULE.—For purposes of section 38, the employer social security credit determined under this section for the taxable year is an amount equal to the excess employer social security tax paid or incurred by the taxpayer during the taxable year.

"(b) EXCESS EMPLOYER SOCIAL SECURITY TAX.—For purposes of this section—

"(1) IN GENERAL.—The term 'excess employer social security tax' means any tax paid by an employer under section 3111 with respect to tips received by an employee during any month, to the extent such tips—

"(A) are deemed to have been paid by the employer to the employee pursuant to section 3121(q), and

"(B) exceed the amount by which the wages (excluding tips) paid by the employer to the employee during such month are less than the total amount which would be payable (with respect to such employment) at the minimum wage rate applicable to such individual under section 6(a)(1) of the Fair Labor Standards Act of 1938 (determined without regard to section 3(m) of such Act).

"(2) ONLY TIPS RECEIVED AT FOOD AND BEVERAGE ESTABLISHMENTS TAKEN INTO ACCOUNT.—In applying paragraph (1), there shall be taken into account only tips received from customers in connection with the provision of food or beverages for consumption on the premises of an establishment with respect to which the tipping of employees serving food or beverages by customers is customary.

"(c) DENIAL OF DOUBLE BENEFIT.—No deduction shall be allowed under this chapter for any amount taken into account in determining the credit under this section.

"(d) ELECTION NOT TO CLAIM CREDIT.—This section shall not apply to a taxpayer for any taxable year if such taxpayer elects to have this section not apply for such taxable year."

(b) CREDIT TO BE PART OF GENERAL BUSINESS CREDIT.—

(1) IN GENERAL.—Subsection (b) of section 38 (relating to current year business credit) is amended by striking "plus" at the end of paragraph (9), by striking the period at the end of paragraph (10) and inserting ", plus", and by adding at the end the following new paragraph:

"(11) the employer social security credit determined under section 45B(a)."

(2) LIMITATION ON CARRYBACKS.—Subsection (d) of section 39 (relating to transitional rules) is amended by adding at the end the following new paragraph:

"(6) NO CARRYBACK OF SECTION 45 CREDIT BEFORE ENACTMENT.—No portion of the unused business credit for any taxable year which is attributable to the employer social security credit determined under section 45B may be carried back to a taxable year ending before the date of the enactment of section 45B."

(c) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

"Sec. 45B. Credit for portion of employer social security taxes paid with respect to employee cash tips."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to taxes paid after December 31, 1993. 26 USC 38 note.

SEC. 13444. AVAILABILITY AND USE OF DEATH INFORMATION.

26 USC 6103.

(a) RESTRICTION ON DISCLOSURE OF TAX RETURN INFORMATION.—Subsection (d) of section 6103 is amended by adding at the end thereof the following new paragraph:

"(4) AVAILABILITY AND USE OF DEATH INFORMATION.—

"(A) IN GENERAL.—No returns or return information may be disclosed under paragraph (1) to any agency, body, or commission of any State (or any legal representative thereof) during any period during which a contract meeting the requirements of subparagraph (B) is not in effect between such State and the Secretary of Health and Human Services.

"(B) CONTRACTUAL REQUIREMENTS.—A contract meets the requirements of this subparagraph if—

"(i) such contract requires the State to furnish the Secretary of Health and Human Services information concerning individuals with respect to whom death certificates (or equivalent documents maintained by the State or any subdivision thereof) have been officially filed with it, and

"(ii) such contract does not include any restriction on the use of information obtained by such Secretary pursuant to such contract, except that such contract may provide that such information is only to be used by the Secretary (or any other Federal agency) for purposes of ensuring that Federal benefits or other payments are not erroneously paid to deceased individuals.

Any information obtained by the Secretary of Health and Human Services under such a contract shall be exempt from disclosure under section 552 of title 5, United States Code, and from the requirements of section 552a of such title 5.

"(C) SPECIAL EXCEPTION.—The provisions of subparagraph (A) shall not apply to any State which on July 1, 1993, was not, pursuant to a contract, furnishing the Secretary of Health and Human Services information concerning individuals with respect to whom death certificates (or equivalent documents maintained by the State or any subdivision thereof) have been officially filed with it."

26 USC 6103 note.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by subsection (a) shall take effect on the date one year after the date of the enactment of this Act.

(2) SPECIAL RULE.—The amendment made by subsection (a) shall take effect on the date 2 years after the date of the enactment of this Act in the case of any State if it is established to the satisfaction of the Secretary of the Treasury that—

(A) under the law of such State as in effect on the date of the enactment of this Act, it is impossible for such State to enter into an agreement meeting the requirements of section 6103(d)(4)(B) of the Internal Revenue Code of 1986 (as added by subsection (a)), and

(B) it is likely that such State will enter into such an agreement during the extension period under this paragraph.

CHAPTER 2—HEALTH CARE, HUMAN RESOURCES, INCOME SECURITY, AND CUSTOMS AND TRADE PROVISIONS

Subchapter A—Medicare

SEC. 13500. REFERENCES IN SUBCHAPTER; TABLE OF CONTENTS OF SUBCHAPTER.

(a) AMENDMENTS TO SOCIAL SECURITY ACT.—Except as otherwise specifically provided, whenever in this subchapter an amendment is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to that section or other provision of the Social Security Act.

(b) REFERENCES TO OBRA.—In this subchapter, the terms "OBRA–1986", "OBRA–1987", "OBRA–1989", and "OBRA–1990" refer to the Omnibus Budget Reconciliation Act of 1986 (Public Law 99–509), the Omnibus Budget Reconciliation Act of 1987 (Public Law 100–203), the Omnibus Budget Reconciliation Act of 1989 (Public Law 101–239), and the Omnibus Budget Reconciliation Act of 1990 (Public Law 101–508), respectively.

(c) TABLE OF CONTENTS OF SUBCHAPTER.—The table of contents of this subchapter is as follows:

SUBCHAPTER A—MEDICARE

Sec. 13500. References in subchapter; table of contents of subchapter.

PART I—PROVISIONS RELATING TO PART A

Sec. 13501. Payments for PPS hospitals.
Sec. 13502. Reductions in payments for PPS-exempt hospitals.
Sec. 13503. Reductions in payments for skilled nursing facility services.
Sec. 13504. Reductions in payments for hospice services.
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PART II—PROVISIONS RELATING TO PART B

SUBPART A—PHYSICIANS' SERVICES

Sec. 13511. Reduction in default update for conversion factor for 1994 and 1995.
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Sec. 13517. Extension of physician payment provisions to nonparticipating suppliers and other persons.
Sec. 13518. Antigens under physician fee schedule.

SUBPART B—OUTPATIENT HOSPITAL SERVICES

Sec. 13521. Extension of 10 percent reduction in payments for capital-related costs of outpatient hospital services.
Sec. 13522. Extension of reduction in payments for other costs of outpatient hospital services.

SUBPART C—AMBULATORY SURGICAL CENTER SERVICES

Sec. 13531. Ambulatory surgical center services.

Sec. 13532. Designation of certain hospitals as eye or eye and ear hospitals.
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SUBPART D—DURABLE MEDICAL EQUIPMENT

Sec. 13541. Payment for parenteral and enteral nutrients, supplies, and equipment during 1994 and 1995.
Sec. 13542. Revisions to payment rules for durable medical equipment.
Sec. 13543. Treatment of nebulizers, aspirators, and certain ventilators.
Sec. 13544. Payment for ostomy supplies and other supplies.
Sec. 13545. Payments for TENS devices.
Sec. 13546. Payments for orthotics, prosthetics, and prosthetic devices.

SUBPART E—OTHER PROVISIONS

Sec. 13551. Payments for clinical diagnostic laboratory tests.
Sec. 13552. Extension of Alzheimer's disease demonstration projects.
Sec. 13553. Oral cancer drugs.
Sec. 13554. Clarification of coverage of certified nurse-midwife services performed outside the maternity cycle.
Sec. 13555. Increase in annual cap on amount of medicare payment for outpatient physical therapy and occupational therapy services.
Sec. 13556. Rural health clinics and federally qualified health centers.
Sec. 13557. Extension of municipal health service demonstration projects.

PART III—PROVISIONS RELATING TO PARTS A AND B

Sec. 13561. Medicare as secondary payer.
Sec. 13562. Physician ownership and referral.
Sec. 13563. Direct graduate medical education.
Sec. 13564. Reduction in payments for home health services.
Sec. 13565. Immunosuppressive drug therapy.
Sec. 13566. Reduction in payments for erythropoientin.
Sec. 13567. Extension of social health maintenance organization demonstrations.
Sec. 13568. Timing of claims payment.
Sec. 13569. Extension of waiver for Watts Health Foundation.

PART IV—PROVISION RELATING TO PART B PREMIUM

Sec. 13571. Part B premium.

PART V—PROVISION RELATING TO DATA BANK

Sec. 13581. Medicare and medicaid coverage data bank.

PART I—PROVISIONS RELATING TO PART A

SEC. 13501. PAYMENTS FOR PPS HOSPITALS.

(a) REDUCTIONS IN PAYMENTS.—

(1) REDUCTIONS IN INFLATION UPDATES.—Section 1886(b)(3)(B)(i) (42 U.S.C. 1395ww(b)(3)(B)(i)) is amended—

(A) in subclause (IX)—

(i) by inserting "minus 2.5 percentage points" after "market basket percentage increase" the first place it appears, and

(ii) by striking "plus 1.5 percentage points" and inserting "minus 1.0 percentage point";

(B) in subclause (X)—

(i) by inserting "minus 2.5 percentage points" after "market basket percentage increase", and

(ii) by striking "and" at the end;

(C) in subclause (XI)—

(i) by striking "and each subsequent fiscal year",

(ii) by inserting "minus 2.0 percentage points" after "market basket percentage increase", and

(iii) by striking the period at the end and inserting a comma; and

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

"(XII) for fiscal year 1997, the market basket percentage increase minus 0.5 percentage point for hospitals in all areas, and

"(XIII) for fiscal year 1998 and each subsequent fiscal year, the market basket percentage increase for hospitals in all areas.".

(2) UPDATES FOR SOLE COMMUNITY HOSPITALS AND MEDICARE-DEPENDENT, SMALL RURAL HOSPITALS.—

(A) IN GENERAL.—Section 1886(b)(3)(B) (42 U.S.C. 1395ww(b)(3)(B)) is amended by adding at the end the following new clause:

"(iv) For purposes of subparagraphs (C) and (D), the 'applicable percentage increase' is—

"(I) for 12-month cost reporting periods beginning during fiscal years 1986 through 1993, the applicable percentage increase specified in clause (ii),

"(II) for fiscal year 1994, the market basket percentage increase minus 2.3 percentage points (taking into account any portion of the 12-month cost reporting period beginning during fiscal year 1993 that occurred during fiscal year 1994),

"(III) for fiscal year 1995, the market basket percentage increase minus 2.2 percentage points, and

"(IV) for fiscal year 1996 and each subsequent fiscal year, the applicable percentage increase under clause (i).".

(B) CONFORMING AMENDMENTS.—Section 1886(b)(3) (42 U.S.C. 1395ww(b)(3)) is amended—

(i) in subparagraph (B)(ii), by striking ", (C), (D),";

(ii) in subparagraph (C)(i)(II), by striking "or" at the end;

(iii) in clause (ii) of subparagraph (C)—

(I) by striking "period, the target" and inserting "period beginning before fiscal year 1994, the target",

(II) by striking "subparagraph (B)(ii)" and inserting "subparagraph (B)(iv)", and

(III) by striking the period at the end of such clause and inserting a comma;

(iv) in subparagraph (C), by inserting after clause (ii) the following new clauses:

"(iii) with respect to discharges occurring in fiscal year 1994, the target amount for the cost reporting period beginning in fiscal year 1993 increased by the applicable percentage increase under subparagraph (B)(iv), or

"(iv) with respect to discharges occurring in fiscal year 1995 and each subsequent fiscal year, the target amount for the preceding year increased by the applicable percentage increase under subparagraph (B)(iv).";

(v) in clause (ii) of subparagraph (D)—

(I) by striking "period, the target" and inserting "period beginning before fiscal year 1994, the target",

(II) by striking "(B)(ii)" and inserting "(B)(iv)", and

(III) by striking the period at the end of such clause and inserting ", and"; and

(vi) in subparagraph (D), by inserting after clause (ii) the following new clause:

"(iii) with respect to discharges occurring in fiscal year 1994, the target amount for the cost reporting period beginning

in fiscal year 1993 increased by the applicable percentage increase under subparagraph (B)(iv).".

(3) REDUCTION IN FEDERAL PORTION OF CAPITAL PAYMENT RATE.—Section 1886(g)(1)(A) (42 U.S.C. 1395ww(g)(1)(A)) is amended by adding at the end the following new sentence: "For discharges occurring after September 30, 1993, the Secretary shall reduce by 7.4 percent the unadjusted standard Federal capital payment rate (as described in 42 CFR 412.308(c), as in effect on the date of the enactment of the Omnibus Budget Reconciliation Act of 1993) and shall (for hospital cost reporting periods beginning on or after October 1, 1993) redetermine which payment methodology is applied to the hospital under such system to take into account such reduction.".

(b) WAGE INDEX HOLD HARMLESS PROTECTION.—

(1) IN GENERAL.—Section 1886(d)(8)(C) (42 U.S.C. 1395ww(d)(8)(C)) is amended by adding at the end the following new clause:

"(iv) The application of subparagraph (B) or a decision of the Medicare Geographic Classification Review Board or of the Secretary under paragraph (1) may not result in a reduction in an urban area's wage index if—

"(I) the urban area has a wage index below the wage index for rural areas in the State in which it is located; or

"(II) the urban area is located in a State that is composed of a single urban area.".

42 USC 1395ww note.

(2) NO STANDARDIZED AMOUNT ADJUSTMENT.—The Secretary of Health and Human Services shall not revise the fiscal year 1992 or fiscal year 1993 standardized amounts pursuant to subsections (d)(3)(B) and (d)(8)(D) of section 1886 of the Social Security Act to account for the amendment made by paragraph (1).

42 USC 1395ww note.

(3) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to discharges occurring on or after October 1, 1991.

(c) TRANSITION FOR HOSPITAL OUTLIER THRESHOLDS.—Section 1886(d)(5)(A) (42 U.S.C. 1395ww(d)(5)(A)) is amended—

(1) in clause (i), by striking "The Secretary" and inserting "For discharges occurring during fiscal years ending on or before September 30, 1997, the Secretary";

(2) in clause (ii), by striking the period at the end and inserting the following: ", or, for discharges in fiscal years beginning on or after October 1, 1994, exceed the applicable DRG prospective payment rate plus a fixed dollar amount determined by the Secretary.";

(3) in clause (iii), by striking "shall approximate" and inserting "shall (except as payments under clause (i) are required to be reduced to take into account the requirements of clause (v)) approximate"; and

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

"(v) The Secretary shall provide that—

"(I) the day outlier percentage for fiscal year 1995 shall be 75 percent of the day outlier percentage for fiscal year 1994;

"(II) the day outlier percentage for fiscal year 1996 shall be 50 percent of the day outlier percentage for fiscal year 1994; and

"(III) the day outlier percentage for fiscal year 1997 shall be 25 percent of the day outlier percentage for fiscal year 1994.

"(vi) For purposes of this subparagraph, the term 'day outlier percentage' means, for a fiscal year, the percentage of the total additional payments made by the Secretary under this subparagraph for discharges in that fiscal year which are additional payments under clause (i).".

(d) EXTENSION FOR REGIONAL REFERRAL CENTERS.— 42 USC 1395ww note.

(1) EXTENSION OF CLASSIFICATION THROUGH FISCAL YEAR 1994.—Any hospital that is classified as a regional referral center under section 1886(d)(5)(C) of the Social Security Act as of September 30, 1992, shall continue to be so classified for cost reporting periods beginning during fiscal year 1993 or fiscal year 1994, unless the area in which the hospital is located is redesignated as a Metropolitan Statistical Area by the Office of Management and Budget for such a fiscal year.

(2) PERMITTING HOSPITALS TO DECLINE RECLASSIFICATION.—If any hospital fails to qualify as a rural referral center under section 1886(d)(5)(C) of the Social Security Act as a result of a decision by the Medicare Geographic Classification Review Board under section 1886(d)(10) of such Act to reclassify the hospital as being located in an urban area for fiscal year 1993 or fiscal year 1994, the Secretary of Health and Human Services shall—

(A) notify such hospital of such failure to qualify,

(B) provide an opportunity for such hospital to decline such reclassification, and

(C) if the hospital—

(i) declines such reclassification, administer the Social Security Act (other than section 1886(d)(8)(D)) for such fiscal year as if the decision by the Review Board had not occurred, or

(ii) fails to decline such reclassification, administer the Social Security Act without regard to paragraph (1).

(3) REQUIRING LUMP-SUM RETROACTIVE PAYMENT FOR HOSPITALS LOSING CLASSIFICATION.—

(A) IN GENERAL.—In the case of a hospital described in paragraph (1), the Secretary of Health and Human Services shall make a lump-sum payment to the hospital equal to the difference between the aggregate payment made to the hospital under section 1886 of such Act (excluding outlier payments under subsection (d)(5)(A) of such section) during the period of applicability described in subparagraph (B) and the aggregate payment that would have been made to the hospital under such section if, during the period of applicability, the hospital was classified a regional referral center under section 1886(d)(5)(C) of such Act.

(B) PERIOD OF APPLICABILITY.—In subparagraph (A), the "period of applicability" is the period that begins on October 1, 1992, and ends on the date of the enactment of this Act.

(e) EXTENSION FOR MEDICARE-DEPENDENT, SMALL RURAL HOSPITALS.—

(1) EXTENSION OF ADDITIONAL PAYMENTS.—Section 1886(d)(5)(G) (42 U.S.C. 1395ww(d)(5)(G)) is amended—

(A) in clause (i) in the matter preceding subclause (I), by striking "ending on or before March 31, 1993," and all that follows and inserting the following: "before October 1, 1994, in the case of a subsection (d) hospital which is a medicare-dependent, small rural hospital, payment under paragraph (1)(A) shall be equal to the sum of the amount determined under clause (ii) and the amount determined under paragraph (1)(A)(iii).";

(B) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv); and

(C) by inserting after clause (i) the following new clause:

"(ii) The amount determined under this clause is—

"(I) for discharges occurring during the first 3 12-month cost reporting periods that begin on or after April 1, 1990, the amount by which the hospital's target amount for the cost reporting period (as defined in subsection (b)(3)(D)) exceeds the amount determined under paragraph (1)(A)(iii); and

"(II) for discharges occurring during any subsequent cost reporting period (or portion thereof) and before October 1, 1994, 50 percent of the amount by which the hospital's target amount for the cost reporting period (as defined in subsection (b)(3)(D)) exceeds the amount determined under paragraph (1)(A)(iii).".

42 USC 1395ww note.

(2) PERMITTING HOSPITALS TO DECLINE RECLASSIFICATION.—If any hospital fails to qualify as a medicare-dependent, small rural hospital under section 1886(d)(5)(G)(i) of the Social Security Act as a result of a decision by the Medicare Geographic Classification Review Board under section 1886(d)(10) of such Act to reclassify the hospital as being located in an urban area for fiscal year 1993 or fiscal year 1994, the Secretary of Health and Human Services shall—

(A) notify such hospital of such failure to qualify,

(B) provide an opportunity for such hospital to decline such reclassification, and

(C) if the hospital declines such reclassification, administer the Social Security Act (other than section 1886(d)(8)(D)) for such fiscal year as if the decision by the Review Board had not occurred.

(3) REQUIRING LUMP-SUM RETROACTIVE PAYMENT.—

(A) IN GENERAL.—In the case of a hospital treated as a medicare-dependent, small rural hospital under section 1886(d)(5)(G) of the Social Security Act, the Secretary of Health and Human Services shall make a lump-sum payment to the hospital equal to the difference between the aggregate payment made to the hospital under section 1886 of such Act (excluding outlier payments under subsection (d)(5)(A) of such section) during the period of applicability described in subparagraph (B) and the aggregate payment that would have been made to the hospital under such section if, during the period of applicability, section 1886(d)(5)(G) of such Act had been applied as if the amendments made by paragraph (1) had been in effect.

(B) PERIOD OF APPLICABILITY.—In subparagraph (A), the "period of applicability" is, with respect to a hospital, the period that begins on the first day of the hospital's

first 12-month cost reporting period that begins after April 1, 1992, and ends on the date of the enactment of this Act.

(f) EXTENSION OF REGIONAL FLOOR.—Section 1886(d)(1)(A)(iii) (42 U.S.C. 1395ww(d)(1)(A)(iii)) is amended to read as follows:

"(iii) beginning on or after April 1, 1988, is equal to—

"(I) the national adjusted DRG prospective payment rate determined under paragraph (3) for such discharges, or

"(II) for discharges occurring during a fiscal year ending on or before September 30, 1996, the sum of 85 percent of the national adjusted DRG prospective payment rate determined under paragraph (3) for such discharges and 15 percent of the regional adjusted DRG prospective payment rate determined under such paragraph, but only if the average standardized amount (described in clause (i)(I) or clause (ii)(I) of paragraph (3)(D)) for hospitals within the region of, and in the same large urban or other area (or, for discharges occurring during a fiscal year ending on or before September 30, 1994, the same rural, large urban, or other urban area) as, the hospital is greater than the average standardized amount (described in the respective clause) for hospitals within the United States in that type of area for discharges occurring during such fiscal year.".

SEC. 13502. REDUCTIONS IN PAYMENTS FOR PPS-EXEMPT HOSPITALS.

(a) IN GENERAL.—Section 1886(b)(3)(B) (42 U.S.C. 1395ww(b)(3)(B)), as amended by section 13501(a)(2)(B)(i), is amended—

(1) in clause (ii)—

(A) by striking "and" at the end of subclause (III);

(B) in subclause (IV)—

(i) by striking "subsequent fiscal years" and inserting "a subsequent fiscal year ending on or before September 30, 1993,", and

(ii) by striking the period at the end and inserting a comma; and

(C) by adding at the end the following new subclauses:

"(V) fiscal years 1994 through 1997, is the market basket percentage increase minus the applicable reduction (as defined in clause (v)(II)), or in the case of a hospital for a fiscal year for which the hospital's update adjustment percentage (as defined in clause (v)(I)) is at least 10 percent, the market basket percentage increase, and

"(VI) subsequent fiscal years is the market basket percentage increase."; and

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

"(v) For purposes of clause (ii)(V)—

"(I) a hospital's 'update adjustment percentage' for a fiscal year is the percentage by which the hospital's allowable operating costs of inpatient hospital services recognized under this title for the cost reporting period beginning in fiscal year 1990 exceeds the hospital's target amount (as determined under subparagraph (A)) for such cost reporting period, increased for each fiscal year (beginning with fiscal year 1994) by the

sum of any of the hospital's applicable reductions under subclause (V) for previous fiscal years; and

"(II) the 'applicable reduction' with respect to a hospital for a fiscal year is the lesser of 1 percentage point or the percentage point difference between 10 percent and the hospital's update adjustment percentage for the fiscal year.".

(b) EFFECT OF PAYMENT REDUCTION ON EXCEPTIONS AND ADJUSTMENTS.—Section 1886(b)(4)(A) (42 U.S.C. 1395ww(b)(4)(A)) is amended—

(1) by inserting "(i)" after "(A)", and

(2) by adding at the end the following:

"(ii) The payment reductions under paragraph (3)(B)(ii)(V) shall not be considered by the Secretary in making adjustments pursuant to clause (i).".

SEC. 13503. REDUCTIONS IN PAYMENTS FOR SKILLED NURSING FACILITY SERVICES.

(a) PAYMENTS BASED ON COST LIMITS.—

42 USC 1395yy note.

(1) NO CHANGES IN COST LIMITS.—The Secretary of Health and Human Services may not provide for any change in the limits on per diem routine service costs for extended care services under section 1888 of the Social Security Act for cost reporting periods beginning during fiscal years 1994 and 1995, except as may be necessary to take into account the amendments made by paragraph (3)(A). The effect of the preceding sentence shall not be considered by the Secretary in making adjustments pursuant to section 1888(c) of such Act to the payment limits for such services during such fiscal years.

(2) DELAY IN UPDATES.—The last sentence of section 1888(a) (42 U.S.C. 1395yy(a)) is amended by inserting after "October 1, 1992" the following: ", on or after October 1, 1995,".

(3) REPEAL OF EXCESS OVERHEAD ALLOCATIONS FOR HOSPITAL-BASED FACILITIES.—

(A) IN GENERAL.—Section 1888(b) (42 U.S.C. 1395yy(b)) is amended—

(i) by striking "shall recognize" and inserting "may not recognize"; and

(ii) by striking "(as determined by" and all that follows and inserting a period.

42 USC 1395yy note.

(B) EFFECTIVE DATE.—The amendments made by subparagraph (A) shall apply to cost reporting periods beginning on or after October 1, 1993.

42 USC 1395yy note.

(b) PAYMENTS DETERMINED ON PROSPECTIVE BASIS.—The Secretary of Health and Human Services may not change the amount of any prospective payment paid to a skilled nursing facility under section 1888(d) of the Social Security Act for services furnished during cost reporting periods beginning during fiscal years 1994 and 1995, except as may be necessary to take into account the amendment made by subsection (c)(1)(A).

(c) ELIMINATION OF RETURN ON EQUITY FOR PROPRIETARY SKILLED NURSING FACILITIES.—

(1) REPEAL OF REQUIREMENT FOR RETURN ON EQUITY.—(A) Section 1861(v)(1)(B) (42 U.S.C. 1395x(v)(1)(B)) is amended to read as follows:

"(B) In the case of extended care services, the regulations under subparagraph (A) shall not include provision for specific recognition of a return on equity capital.".

(B) Section 1878(f)(2) (42 U.S.C. 1395oo(f)(2)) is amended by striking "the rate of return on equity capital established by regulation pursuant to section 1861(v)(1)(B) and in effect at the time" and inserting "the rate of interest on obligations issued for purchase by the Federal Hospital Insurance Trust Fund for the month in which".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect October 1, 1993. 42 USC 1395x note.

SEC. 13504. REDUCTIONS IN PAYMENTS FOR HOSPICE SERVICES.

Section 1814(i)(1)(C) (42 U.S.C. 1395f(i)(1)(C)) is amended by striking "increased by" and all that follows and inserting the following: "increased by—

"(I) for a fiscal year ending on or before September 30, 1993, the market basket percentage increase (as defined in section 1886(b)(3)(B)(iii)) for the fiscal year;

"(II) for fiscal year 1994, the market basket percentage increase for the fiscal year minus 2.0 percentage points;

"(III) for fiscal year 1995, the market basket percentage increase for the fiscal year minus 1.5 percentage points;

"(IV) for fiscal year 1996, the market basket percentage increase for the fiscal year minus 1.5 percentage points;

"(V) for fiscal year 1997, the market basket percentage increase for the fiscal year minus 0.5 percentage point; and

"(VI) for a subsequent fiscal year, the market basket percentage increase for the fiscal year.".

SEC. 13505. HEMOPHILIA PASS-THROUGH EXTENSION.

Effective as if included in the enactment of OBRA–1989, section 6011(d) of such Act is amended by striking "2 years after the date of enactment of this Act" and inserting "September 30, 1994". 42 USC 1395ww note.

SEC. 13506. GRADUATE MEDICAL EDUCATION PAYMENTS IN HOSPITAL-OWNED COMMUNITY HEALTH CENTERS.

Section 1886(d)(5)(B)(iv) (42 U.S.C. 1395ww(d)(5)(B)(iv)) is amended by inserting after "the hospital" the following: "or providing services at any entity receiving a grant under section 330 of the Public Health Service Act that is under the ownership or control of the hospital (if the hospital incurs all, or substantially all, of the costs of the services furnished by such interns and residents)".

SEC. 13507. EXTENSION OF RURAL HOSPITAL DEMONSTRATION.

Section 4008(i)(1) of OBRA–1990 is amended by adding at the end the following new sentence: "The Secretary shall continue any such demonstration project until at least July 1, 1997.". 42 USC 1395b-1 note.

SEC. 13508. REDUCTION IN PART A PREMIUM FOR CERTAIN INDIVIDUALS WITH 30 OR MORE QUARTERS OF SOCIAL SECURITY COVERAGE.

(a) IN GENERAL.—Section 1818(d) (42 U.S.C. 1395i–2(d)) is amended—

(1) in the second sentence of paragraph (2), by striking "Such amount" and inserting "Subject to paragraph (4), the amount of an individual's monthly premium under this section"; and

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

"(4)(A) In the case of an individual described in subparagraph (B), the monthly premium for a month shall be reduced by the applicable reduction percent specified in the following table:

"For a month in:	The applicable reduction percent is:
1994	25 percent
1995	30 percent
1996	35 percent
1997	40 percent
1998 or subsequent year	45 percent.

"(B) An individual described in this subparagraph with respect to a month is an individual who establishes to the satisfaction of the Secretary that, as of the last day of the previous month, the individual—

"(i) had at least 30 quarters of coverage under title II;

"(ii) was married (and had been married for the previous 1-year period) to an individual who had at least 30 quarters of coverage under such title;

"(iii) had been married to an individual for a period of at least 1 year (at the time of such individual's death) if at such time the individual had at least 30 quarters of coverage under such title; or

"(iv) is divorced from an individual and had been married to the individual for a period of at least 10 years (at the time of the divorce) if at such time the individual had at least 30 quarters of coverage under such title.".

42 USC 1395i-2 note.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to monthly premiums under section 1818 of the Social Security Act for months beginning with January 1, 1994.

PART II—PROVISIONS RELATING TO PART B

Subpart A—Physicians' Services

SEC. 13511. REDUCTION IN DEFAULT UPDATE FOR CONVERSION FACTOR FOR 1994 AND 1995.

(a) IN GENERAL.—Section 1848 (42 U.S.C. 1395w-4) is amended—

(1) in subsection (d)(3)(A)—

(A) in clause (i), by striking "clause (iii)" and inserting "clauses (iii) through (v)", and

(B) by adding at the end the following new clauses:

"(iv) ADJUSTMENT IN PERCENTAGE INCREASE FOR 1994.—In applying clause (i) for services furnished in 1994, the percentage increase in the appropriate update index shall be reduced by—

"(I) 3.6 percentage points for services included in the category of surgical services (as defined for purposes of subsection (j)(1)), and

"(II) 2.6 percentage points for other services.

"(v) ADJUSTMENT IN PERCENTAGE INCREASE FOR 1995.—In applying clause (i) for services furnished in 1995, the percentage increase in the appropriate update index shall be reduced by 2.7 percentage points.

"(vi) EXCEPTION FOR CATEGORY OF PRIMARY CARE SERVICES.—Clauses (iv) and (v) shall not apply to serv-

ices included in the category of primary care services (as defined for purposes of subsection (j)(1))."; and

(2) in subsection (j)(1), by striking "Secretary)" and inserting "Secretary and including anesthesia services), primary care services (as defined in section 1842(i)(4)),".

(b) EFFECTIVE DATES.—The amendments made by this section shall apply to services furnished on or after January 1, 1994; except that amendment made by subsection (a)(2) shall not apply— 42 USC 1395w-4 note.

(1) to volume performance standard rates of increase established under section 1848(f) of the Social Security Act for fiscal years before fiscal year 1994, and

(2) to adjustment in updates in the conversion factors for physicians' services under section 1848(d)(3)(B) of such Act for physicians' services to be furnished in calendar years before 1996.

SEC. 13512. REDUCTION IN PERFORMANCE STANDARD RATE OF INCREASE AND INCREASE IN MAXIMUM REDUCTION PERMITTED IN DEFAULT UPDATE.

(a) REDUCTION IN PERFORMANCE STANDARD FACTOR.—Section 1848(f)(2)(B) (42 U.S.C. 1395w-4(f)(2)(B)) is amended—

(1) by striking "and" at the end of clause (ii), and

(2) by striking clause (iii) and inserting the following:

"(iii) for 1993 is 2 percentage points,

"(iv) for 1994 is 3½ percentage points, and

"(v) for each succeeding year is 4 percentage points.".

(b) INCREASE IN MAXIMUM REDUCTION PERMITTED IN DEFAULT UPDATE.—Section 1848(d)(3)(B)(ii) (42 U.S.C. 1395w-4(d)(3)(B)(ii)) is amended—

(1) in subclause (II), by striking "or 1995", and

(2) in subclause (III), by striking "3" and inserting "5".

SEC. 13513. PRACTICE EXPENSE RELATIVE VALUE UNITS.

Section 1848(c)(2) (42 U.S.C. 1395w-4(c)(2)) is amended by adding at the end the following new subparagraph:

"(E) REDUCTION IN PRACTICE EXPENSE RELATIVE VALUE UNITS FOR CERTAIN SERVICES.—

"(i) IN GENERAL.—Subject to clause (ii), the Secretary shall reduce the practice expense relative value units applied to services described in clause (iii) furnished in—

"(I) 1994, by 25 percent of the number by which the number of practice expense relative value units (determined for 1994 without regard to this subparagraph) exceeds the number of work relative value units determined for 1994,

"(II) 1995, by an additional 25 percent of such excess, and

"(III) 1996, by an additional 25 percent of such excess.

"(ii) FLOOR ON REDUCTIONS.—The practice expense relative value units for a physician's service shall not be reduced under this subparagraph to a number less than 128 percent of the number of work relative value units.

"(iii) SERVICES COVERED.—For purposes of clause (i), the services described in this clause are physicians'

services that are not described in clause (iv) and for which—

"(I) there are work relative value units, and

"(II) the number of practice expense relative value units (determined for 1994) exceeds 128 percent of the number of work relative value units (determined for such year).

"(iv) EXCLUDED SERVICES.—For purposes of clause (iii), the services described in this clause are services which the Secretary determines at least 75 percent of which are provided under this title in an office setting.".

SEC. 13514. SEPARATE PAYMENT FOR INTERPRETATION OF ELECTROCARDIOGRAMS.

(a) IN GENERAL.—Paragraph (3) of section 1848(b) (42 U.S.C. 1395w–4(b)) is amended to read as follows:

"(3) TREATMENT OF INTERPRETATION OF ELECTROCARDIOGRAMS.—The Secretary—

"(A) shall make separate payment under this section for the interpretation of electrocardiograms performed or ordered to be performed as part of or in conjunction with a visit to or a consultation with a physician, and

"(B) shall adjust the relative values established for visits and consultations under subsection (c) so as not to include relative value units for interpretations of electrocardiograms in the relative value for visits and consultations.".

(b) ASSURING BUDGET NEUTRALITY.—Section 1848(c)(2) (42 U.S.C. 1395w–4(c)(2)), as amended by section 13513, is further amended by adding at the end the following new subparagraph:

"(F) BUDGET NEUTRALITY ADJUSTMENTS.—The Secretary—

"(i) shall reduce the relative values for all services (other than anesthesia services) established under this paragraph (and, in the case of anesthesia services, the conversion factor established by the Secretary for such services) by such percentage as the Secretary determines to be necessary so that, beginning in 1996, the amendment made by section 13514(a) of the Omnibus Budget Reconciliation Act of 1993 would not result in expenditures under this section that exceed the amount of such expenditures that would have been made if such amendment had not been made, and

"(ii) shall reduce the amounts determined under subsection (a)(2)(B)(ii)(I) by such percentage as the Secretary determines to be required to assure that, taking into account the reductions made under clause (i), the amendment made by section 13514(a) of the Omnibus Budget Reconciliation Act of 1993 would not result in expenditures under this section in 1994 that exceed the amount of such expenditures that would have been made if such amendment had not been made.".

(c) CONFORMING AMENDMENTS.—Section 1848 (42 U.S.C. 1395w–4) is amended—

(1) in subsection (a)(2)(B)(ii)(I), by inserting "and as adjusted under subsection (c)(2)(F)(ii)" after "for 1994";

(2) in subsection (c)(2)(A)(i), by adding at the end the following: "Such relative values are subject to adjustment under subparagraph (F)(i).."; and

(3) in subsection (i)(1)(B), by adding at the end "including adjustments under subsection (c)(2)(F),".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after January 1, 1994. 42 USC 1395w-4 note.

SEC. 13515. PAYMENTS FOR NEW PHYSICIANS AND PRACTITIONERS.

(a) EQUAL TREATMENT OF NEW PHYSICIANS AND PRACTITIONERS.—(1) Section 1848(a) (42 U.S.C. 1395w-4(a)) is amended by striking paragraph (4).

(2) Section 1842(b)(4) (42 U.S.C. 1395u(b)(4)) is amended by striking subparagraph (F).

(b) BUDGET NEUTRALITY ADJUSTMENT.—Notwithstanding any other provision of law, the Secretary of Health and Human Services shall reduce the following values and amounts for 1994 (to be applied for that year and subsequent years) by such uniform percentage as the Secretary determines to be required to assure that the amendments made by subsection (a) will not result in expenditures under part B of title XVIII of the Social Security Act in 1994 that exceed the amount of such expenditures that would have been made if such amendments had not been made: 42 USC 1395u note.

(1) The relative values established under section 1848(c) of such Act for services (other than anesthesia services) and, in the case of anesthesia services, the conversion factor established under section 1848 of such Act for such services.

(2) The amounts determined under section 1848(a)(2)(B)(ii)(I) of such Act.

(3) The prevailing charges or fee schedule amounts to be applied under such part for services of a health care practitioner (as defined in section 1842(b)(4)(F)(ii)(I) of such Act, as in effect before the date of the enactment of this Act).

(c) CONFORMING AMENDMENTS.—Section 1848 (42 U.S.C. 1395w-4), as amended by section 13514(c), is amended—

(1) in subsection (a)(2)(B)(ii)(I), by inserting "and under section 13515(b) of the Omnibus Budget Reconciliation Act of 1993" after "subsection (c)(2)(F)(ii)";

(2) in subsection (c)(2)(A)(i), by inserting "and section 13515(b) of the Omnibus Budget Reconciliation Act of 1993" after "under subparagraph (F)(i)"; and

(3) in subsection (i)(1)(B), by inserting "and section 13515(b) of the Omnibus Budget Reconciliation Act of 1993" after "under subsection (c)(2)(F)".

(d) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to services furnished on or after January 1, 1994. 42 USC 1395u note.

SEC. 13516. PAYMENTS FOR ANESTHESIA.

(a) PAYMENT TO A PHYSICIAN FOR MEDICAL DIRECTION.—

(1) IN GENERAL.—Section 1848(a) (42 U.S.C. 1395w-4(a)), as amended by section 13515(a)(1), is amended by adding at the end the following new paragraph:

"(4) SPECIAL RULE FOR MEDICAL DIRECTION.—

"(A) IN GENERAL.—With respect to physicians' services furnished on or after January 1, 1994, and consisting of medical direction of two, three, or four concurrent anesthe-

sia cases, the fee schedule amount to be applied shall be equal to one-half of the amount described in subparagraph (B).

"(B) AMOUNT.—The amount described in this subparagraph, for a physician's medical direction of the performance of anesthesia services, is the following percentage of the fee schedule amount otherwise applicable under this section if the anesthesia services were personally performed by the physician alone:

"(i) For services furnished during 1994, 120 percent.

"(ii) For services furnished during 1995, 115 percent.

"(iii) For services furnished during 1996, 110 percent.

"(iv) For services furnished during 1997, 105 percent.

"(v) For services furnished after 1997, 100 percent.".

(2) ELIMINATION OF REDUCTION FOR MEDICAL DIRECTION OF MULTIPLE NURSE ANESTHETISTS AND ESTABLISHMENT OF CONSISTENT BASE AND TIME UNITS.—Paragraph (13) of section 1842(b) (42 U.S.C. 1395u(b)) is amended—

(A) by striking subparagraphs (A) and (B) and inserting the following:

"(13)(A) In determining payments under section 1833(l) and section 1848 for anesthesia services furnished on or after January 1, 1994, the methodology for determining the base and time units used shall be the same for services furnished by physicians, for medical direction by physicians of two, three, or four certified registered nurse anesthetists, or for services furnished by a certified registered nurse anesthetist (whether or not medically directed) and shall be based on the methodology in effect, for anesthesia services furnished by physicians, as of the date of the enactment of the Omnibus Budget Reconciliation Act of 1993.";

(B) by redesignating subparagraph (C) as subparagraph (B); and

(C) by striking "subparagraph (A) or (B)" in subparagraph (B) (as so redesignated) and inserting "subparagraph (A)".

(b) PAYMENT TO A CERTIFIED REGISTERED NURSE ANESTHETIST FOR MEDICALLY DIRECTED SERVICES.—Section 1833(l)(4)(B) (42 U.S.C. 1395l(l)(4)(B)) is amended—

(1) in clause (i), by inserting "and before January 1, 1994," after "1991,";

(2) in clause (ii)—

(A) by adding "and" at the end of subclause (II),

(B) by striking the comma at the end of subclause (III) and inserting a period, and

(C) by striking subclauses (IV) through (VII); and

(3) by adding at the end the following new clause:

"(iii) In the case of services of a certified registered nurse anesthetist who is medically directed or medically supervised by a physician which are furnished on or after January 1, 1994, the fee schedule amount shall be one-half of the amount described in section 1848(a)(5)(B) with respect to the physician.".

SEC. 13517. EXTENSION OF PHYSICIAN PAYMENT PROVISIONS TO NONPARTICIPATING SUPPLIERS AND OTHER PERSONS.

(a) IN GENERAL.—Section 1848 (42 U.S.C. 1395w–4) is amended—

(1) in subsection (a)(3)—

(A) in the heading, by inserting "AND SUPPLIERS" after "PHYSICIANS",

(B) by inserting "or a nonparticipating supplier or other person" after "nonparticipating physician", and

(C) by adding at the end the following: "In the case of physicians' services (including services which the Secretary excludes pursuant to subsection (j)(3)) of a nonparticipating physician, supplier, or other person for which payment is made under this part on a basis other than the fee schedule amount, the payment shall be based on 95 percent of the payment basis for such services furnished by a participating physician, supplier, or other person.";

(2) in subsection (g)(1)—

(A) by inserting "or nonparticipating supplier or other person (as defined in section 1842(i)(2))" after "nonparticipating physician",

(B) by inserting "including services which the Secretary excludes pursuant to subsection (j)(3)," after "physician's services (",

(C) by inserting ", supplier, or other person" after "such physician", and

(D) by adding at the end the following: "In applying this subparagraph, any reference in such section to a physician is deemed also to include a reference to a supplier or other person under this subparagraph.";

(3) in subsection (g)(2)(C), by inserting "or for nonparticipating suppliers or other persons" after "nonparticipating physicians";

(4) in subsection (g)(2)(D), by inserting "(or, if payment under this part is made on a basis other than the fee schedule under this section, 95 percent of the other payment basis)" after "subsection (a)";

(5) in subsection (h)—

(A) by inserting "or nonparticipating supplier or other person furnishing physicians' services (as defined in section 1848(j)(3))" after "physician" the first place it appears,

(B) by inserting ", supplier, or other person" after "physician" the second place it appears, and

(C) by inserting ", suppliers, and other persons" after "physicians" the second place it appears; and

(6) in subsection (j)(3), by inserting ", except for purposes of subsections (a)(3), (g), and (h)" after "tests and".

(b) CONFORMING DEFINITION.—Section 1842(i)(2) (42 U.S.C. 1395u(i)(2)) is amended—

(1) by striking ", and the term" and inserting "; the term", and

(2) by inserting before the period at the end the following: "; and the term 'nonparticipating supplier or other person' means a supplier or other person (excluding a provider of services) that is not a participating physician or supplier (as defined in subsection (h)(1))".

42 USC 1395w-4 note.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to services furnished on or after January 1, 1994.

SEC. 13518. ANTIGENS UNDER PHYSICIAN FEE SCHEDULE.

(a) IN GENERAL.—Section 1848(j)(3) (42 U.S.C. 1395w-4(j)(3)) is amended by inserting "(2)(G)," after "(2)(D),".

42 USC 1395w-4 note.

(b) BUDGET NEUTRALITY ADJUSTMENT IN 1995.—Notwithstanding any other provision of law, the Secretary of Health and Human Services shall implement the amendment made by subsection (a) in a manner to assure that such amendment will result in expenditures under part B of title XVIII of the Social Security Act in 1995 for services described in such amendment that shall be equal to the amount of expenditures for such services that would have been made if such amendment had not been made.

42 USC 1395w-4 note.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to services furnished on or after January 1, 1995.

Subpart B—Outpatient Hospital Services

SEC. 13521. EXTENSION OF 10 PERCENT REDUCTION IN PAYMENTS FOR CAPITAL-RELATED COSTS OF OUTPATIENT HOSPITAL SERVICES.

Section 1861(v)(1)(S)(ii)(I) (42 U.S.C. 1395x(v)(1)(S)(ii)(I)) is amended by striking "fiscal year 1992, 1993, 1994, or 1995" and inserting "fiscal years 1992 through 1998".

SEC. 13522. EXTENSION OF REDUCTION IN PAYMENTS FOR OTHER COSTS OF OUTPATIENT HOSPITAL SERVICES.

Section 1861(v)(1)(S)(ii)(II) (42 U.S.C. 1395x(v)(1)(S)(ii)(II)) is amended by striking ", 1992, 1993, 1994, or 1995" and inserting "through 1998".

Subpart C—Ambulatory Surgical Center Services

42 USC 1395*l* note.

SEC. 13531. AMBULATORY SURGICAL CENTER SERVICES.

The Secretary of Health and Human Services shall not provide for any inflation update in the payment amounts under subparagraphs (A) and (B) of section 1833(i)(2) of the Social Security Act for fiscal year 1994 or for fiscal year 1995.

SEC. 13532. DESIGNATION OF CERTAIN HOSPITALS AS EYE OR EYE AND EAR HOSPITALS.

42 USC 1395*l*.

(a) IN GENERAL.—Section 1833(i) (42 U.S.C. 1395l(i)) is amended—

(1) in paragraph (3)(B)(ii)—

(A) in the matter preceding subclause (I), by striking "the last sentence of this clause" and inserting "paragraph (4)", and

(B) by striking the last sentence; and

(2) by inserting after paragraph (3) the following new paragraph:

"(4)(A) In the case of a hospital that—

"(i) makes application to the Secretary and demonstrates that it specializes in eye services or eye and ear services (as determined by the Secretary),

"(ii) receives more than 30 percent of its total revenues from outpatient services, and

"(iii) on October 1, 1987—

"(I) was an eye specialty hospital or an eye and ear specialty hospital, or

"(II) was operated as an eye or eye and ear unit (as defined in subparagraph (B)) of a general acute care hospital which, on the date of the application described in clause (i), operates less than 20 percent of the beds that the hospital operated on October 1, 1987, and has sold or otherwise disposed of a substantial portion of the hospital's other acute care operations,

the cost proportion and ASC proportion in effect under subclauses (I) and (II) of paragraph (3)(B)(ii) for cost reporting periods beginning in fiscal year 1988 shall remain in effect for cost reporting periods beginning on or after October 1, 1988, and before January 1, 1995.

"(B) For purposes of this subparagraph (A)(iii)(II), the term 'eye or eye and ear unit' means a physically separate or distinct unit containing separate surgical suites devoted solely to eye or eye and ear services.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to portions of cost reporting periods beginning on or after January 1, 1994. 42 USC 1395*l* note.

SEC. 13533. REDUCTION IN PAYMENTS FOR INTRAOCULAR LENSES.

Notwithstanding section 1833(i)(2)(A)(iii) of the Social Security Act, the amount of payment determined under such section for an intraocular lens inserted subsequent to or during cataract surgery in an ambulatory surgical center on or after January 1, 1994, and before January 1, 1999, shall be equal to $150.

Subpart D—Durable Medical Equipment

SEC. 13541. PAYMENT FOR PARENTERAL AND ENTERAL NUTRIENTS, SUPPLIES, AND EQUIPMENT DURING 1994 AND 1995. 42 USC 1395m note.

In determining the amount of payment under part B of title XVIII of the Social Security Act with respect to parenteral and enteral nutrients, supplies, and equipment during 1994 and 1995, the charges determined to be reasonable with respect to such nutrients, supplies, and equipment may not exceed the charges determined to be reasonable with respect to such nutrients, supplies, and equipment during 1993.

SEC. 13542. REVISIONS TO PAYMENT RULES FOR DURABLE MEDICAL EQUIPMENT.

(a) BASING NATIONAL PAYMENT LIMITS ON MEDIAN OF LOCAL PAYMENT AMOUNTS.—

(1) INEXPENSIVE AND ROUTINELY PURCHASED ITEMS; ITEMS REQUIRING FREQUENT AND SUBSTANTIAL SERVICING.—(A) Paragraphs (2)(C)(i)(II) and (3)(C)(i)(II) of section 1834(a) (42 U.S.C. 1395m(a)) are each amended—

(i) by striking "1992" the first place it appears and inserting "1992, 1993, and 1994"; and

(ii) by striking "1992" the second place it appears and inserting "the year".

(B) Paragraphs (2)(C)(ii) and (3)(C)(ii) of section 1834(a) (42 U.S.C. 1395m(a)) are each amended—

(i) by striking "and" at the end of subclause (I);

(ii) by redesignating subclause (II) as subclause (IV); and

(iii) by inserting after subclause (I) the following new subclauses:

"(II) for 1992 and 1993, the amount determined under this clause for the preceding year increased by the covered item update for such subsequent year,

"(III) for 1994, the local payment amount determined under clause (i) for such item or device for that year, except that the national limited payment amount may not exceed 100 percent of the median of all local payment amounts determined under such clause for such item for that year and may not be less than 85 percent of the median of all local payment amounts determined under such clause for such item or device for that year, and".

(2) MISCELLANEOUS DEVICES AND ITEMS.—Section 1834(a)(8) (42 U.S.C. 1395m(a)(8)) is amended—

(A) in subparagraph (A)(ii)(III), by striking "1992" and inserting "1992, 1993, and 1994"; and

(B) in subparagraph (B)—

(i) by striking "and" at the end of clause (i),

(ii) by redesignating clause (ii) as (iv), and

(iii) by inserting after clause (i) the following new clauses:

"(ii) for 1992 and 1993, the amount determined under this subparagraph for the preceding year increased by the covered item update for such subsequent year;

"(iii) for 1994, the local purchase price computed under subparagraph (A)(ii) for the item for the year, except that such national limited purchase price may not exceed 100 percent of the median of all local purchase prices computed for the item under such subparagraph for the year and may not be less than 85 percent of the median of all local purchase prices computed under such subparagraph for the item for the year; and".

(3) OXYGEN AND OXYGEN EQUIPMENT.—Section 1834(a)(9) (42 U.S.C. 1395m(a)(9)) is amended—

(A) in subparagraph (A)(ii)(II), by striking "1991 and 1992" and inserting "1991, 1992, 1993, and 1994"; and

(B) in subparagraph (B)—

(i) by striking "and" at the end of clause (i),

(ii) by redesignating clause (ii) as (iv), and

(iii) by inserting after clause (i) the following new clauses:

"(ii) for 1992 and 1993, the amount determined under this subparagraph for the preceding year increased by the covered item update for such subsequent year;

"(iii) for 1994, the local monthly payment rate computed under subparagraph (A)(ii) for the item for the year, except that such national limited monthly payment rate may not exceed 100 percent of the median of all local monthly payment rates computed for the item under such subparagraph for the year

and may not be less than 85 percent of the median of all local monthly payment rates computed for the item under such subparagraph for the year; and".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to items furnished on or after January 1, 1994. 42 USC 1395m note.

SEC. 13543. TREATMENT OF NEBULIZERS, ASPIRATORS, AND CERTAIN VENTILATORS.

(a) IN GENERAL.—Section 1834(a)(3)(A) (42 U.S.C. 1395m(a)(3)(A)) is amended by striking "ventilators, aspirators, IPPB machines, and nebulizers" and inserting "IPPB machines and ventilators, excluding ventilators that are either continuous airway pressure devices or intermittent assist devices with continuous airway pressure devices".

(b) PAYMENT FOR ACCESSORIES RELATING TO NEBULIZERS, ASPIRATORS, AND CERTAIN VENTILATORS.—Section 1834(a)(2)(A) (42 U.S.C. 1395m(a)) is amended—

(1) by striking "or" at the end of clause (i),

(2) by adding "or" at the end of clause (ii), and

(3) by inserting after clause (ii) the following new clause:

"(iii) which is an accessory used in conjunction with a nebulizer, aspirator, or a ventilator excluded under paragraph (3)(A),".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to items furnished on or after January 1, 1994. 42 USC 1395m note.

SEC. 13544. PAYMENT FOR OSTOMY SUPPLIES AND OTHER SUPPLIES.

(a) OSTOMY SUPPLIES, TRACHEOSTOMY SUPPLIES, AND UROLOGICALS.—

(1) IN GENERAL.—Section 1834(h)(1) (42 U.S.C. 1395m(h)(1)) is amended by adding at the end the following new subparagraph:

"(E) EXCEPTION FOR CERTAIN ITEMS.—Payment for ostomy supplies, tracheostomy supplies, and urologicals shall be made in accordance with subparagraphs (B) and (C) of section 1834(a)(2).".

(2) CONFORMING AMENDMENT.—Section 1834(h)(1)(B) (42 U.S.C. 1395m(h)(1)(B)) is amended by striking "subparagraph (C)," and inserting "subparagraphs (C) and (E),".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to items furnished on or after January 1, 1994. 42 USC 1395m note.

(b) SURGICAL DRESSINGS.—

(1) IN GENERAL.—Section 1834 (42 U.S.C. 1395m) is amended by adding at the end the following new subsection:

"(i) PAYMENT FOR SURGICAL DRESSINGS.—

"(1) IN GENERAL.—Payment under this subsection for surgical dressings (described in section 1861(s)(5)) shall be made in a lump sum amount for the purchase of the item in an amount equal to 80 percent of the lesser of—

"(A) the actual charge for the item; or

"(B) a payment amount determined in accordance with the methodology described in subparagraphs (B) and (C) of subsection (a)(2) (except that in applying such methodology, the national limited payment amount referred to in such subparagraphs shall be initially computed based on local payment amounts using average reasonable charges for the 12-month period ending December 31, 1992,

increased by the covered item updates described in such subsection for 1993 and 1994).

"(2) EXCEPTIONS.—Paragraph (1) shall not apply to surgical dressings that are—

"(A) furnished as an incident to a physician's professional service; or

"(B) furnished by a home health agency.".

42 USC 1395*l*. (2) CONFORMING AMENDMENT.—Section 1833(a)(1) (42 U.S.C. 1395l(a)(1)) is amended—

(A) by striking "and" before "(N)";

(B) with respect to the matter inserted by section 4155(b)(2)(B) of OBRA–1990—

(i) by striking "(M)" and inserting ", (O)", and

(ii) by transferring it and inserting (as amended) immediately before the semicolon at the end; and

(C) by inserting before the semicolon at the end the following: ", and (P) with respect to surgical dressings, the amounts paid shall be the amounts determined under section 1834(i)".

42 USC 1395*l* note. (3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to items furnished on or after January 1, 1994.

SEC. 13545. PAYMENTS FOR TENS DEVICES.

(a) IN GENERAL.—Section 1834(a)(1)(D) (42 U.S.C. 1395m(a)(1)(D)) is amended by striking "15 percent" the second place it appears and inserting "45 percent".

42 USC 1395m note. (b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to items furnished on or after January 1, 1994.

SEC. 13546. PAYMENTS FOR ORTHOTICS, PROSTHETICS, AND PROSTHETIC DEVICES.

Section 1834(h)(4)(A) (42 U.S.C. 1395m(h)(4)(A)) is amended—

(1) in clause (i), by striking "and";

(2) in clause (ii), by striking "a subsequent year" and inserting "1992 and 1993"; and

(3) by adding at the end the following new clauses:

"(iii) for 1994 and 1995, 0 percent, and

"(iv) for a subsequent year, the percentage increase in the consumer price index for all urban consumers (United States city average) for the 12-month period ending with June of the previous year;".

Subpart E—Other Provisions

SEC. 13551. PAYMENTS FOR CLINICAL DIAGNOSTIC LABORATORY TESTS.

42 USC 1395*l*. (a) UPDATE FREEZE.—Section 1833(h)(2)(A)(ii) (42 U.S.C. 1395l(h)(2)(A)(ii)) is amended—

(1) by striking "and" at the end of subclause (II),

(2) by striking the period at the end of subclause (III) and inserting ", and", and

(3) by adding at the end the following new subclause:

"(IV) the annual adjustment in the fee schedules determined under clause (i) for each of the years 1994 and 1995 shall be 0 percent.".

42 USC 1395*l*. (b) LOWER CAP.—Section 1833(h)(4)(B) (42 U.S.C. 1395l(h)(4)(B)) is amended—

(1) by striking "and" at the end of clause (iii),
(2) by striking clause (iv) and inserting the following:
"(iv) after December 31, 1990, and before January 1, 1994, is equal to 88 percent of such median,
"(v) after December 31, 1993, and before January 1, 1995, is equal to 84 percent of such median,
"(vi) after December 31, 1994, and before January 1, 1996, is equal to 80 percent of such median, and
"(vii) after December 31, 1995, is equal to 76 percent of such median.".

SEC. 13552. EXTENSION OF ALZHEIMER'S DISEASE DEMONSTRATION PROJECTS.

Section 9342 of OBRA–1986, as amended by section 4164(a)(2) of OBRA–1990, is amended— 42 USC 1395b–1 note.
(1) in subsection (c)(1), by striking "4 years" and inserting "5 years"; and
(2) in subsection (f)—
(A) by striking "$55,000,000" and inserting "$58,000,000", and
(B) by striking "$3,000,000" and inserting "$5,000,000".

SEC. 13553. ORAL CANCER DRUGS.

(a) NEW COVERAGE OF CERTAIN SELF-ADMINISTERED ANTICANCER DRUGS.—Section 1861(s)(2) (42 U.S.C. 1395(s)(2)) is amended— 42 USC 1395x.
(1) by striking "and" at the end of subparagraph (O);
(2) by adding "and" at the end of subparagraph (P); and
(3) by adding at the end the following new subparagraph:
"(Q) an oral drug (which is approved by the Federal Food and Drug Administration) prescribed for use as an anticancer chemotherapeutic agent for a given indication, and containing an active ingredient (or ingredients), which is the same indication and active ingredient (or ingredients) as a drug which the carrier determines would be covered pursuant to subparagraph (A) or (B) if the drug could not be self-administered;".

(b) UNIFORM COVERAGE OF "OFF-LABEL" ANTICANCER DRUGS.—Section 1861(t) (42 U.S.C. 1395x(t)) is amended—
(1) by inserting "(1)" after "(t)";
(2) by striking "(m)(5) of this section" and inserting "(m)(5) and paragraph (2)"; and
(3) by adding at the end the following new paragraph:
"(2)(A) For purposes of paragraph (1), the term 'drugs' also includes any drugs or biologicals used in an anticancer chemotherapeutic regimen for a medically accepted indication (as described in subparagraph (B)).
"(B) In subparagraph (A), the term 'medically accepted indication', with respect to the use of a drug, includes any use which has been approved by the Food and Drug Administration for the drug, and includes another use of the drug if—
"(i) the drug has been approved by the Food and Drug Administration; and
"(ii)(I) such use is supported by one or more citations which are included (or approved for inclusion) in one or more of the following compendia: the American Hospital Formulary Service-Drug Information, the American Medical Association Drug Evaluations, the United States Pharmacopoeia-Drug Information, and other authoritative compendia as identified

by the Secretary, unless the Secretary has determined that the use is not medically appropriate or the use is identified as not indicated in one or more such compendia, or

"(II) the carrier involved determines, based upon guidance provided by the Secretary to carriers for determining accepted uses of drugs, that such use is medically accepted based on supportive clinical evidence in peer reviewed medical literature appearing in publications which have been identified for purposes of this subclause by the Secretary.

The Secretary may revise the list of compendia in clause (ii)(I) as is appropriate for identifying medically accepted indications for drugs.".

42 USC 1395x note.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to items furnished on or after January 1, 1994.

SEC. 13554. CLARIFICATION OF COVERAGE OF CERTIFIED NURSE-MIDWIFE SERVICES PERFORMED OUTSIDE THE MATERNITY CYCLE.

(a) IN GENERAL.—Section 1861(gg)(2) (42 U.S.C. 1395x(gg)(2)) is amended by striking ", and performs services" and all that follows and inserting a period.

42 USC 1395x note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to services furnished on or after January 1, 1994.

SEC. 13555. INCREASE IN ANNUAL CAP ON AMOUNT OF MEDICARE PAYMENT FOR OUTPATIENT PHYSICAL THERAPY AND OCCUPATIONAL THERAPY SERVICES.

(a) INCREASE IN ANNUAL LIMITATION.—Section 1833(g) (42 U.S.C. 1395l(g)) is amended by striking "$750" and inserting "$900" each place it appears.

42 USC 1395*l* note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to services furnished on or after January 1, 1994.

SEC. 13556. RURAL HEALTH CLINICS AND FEDERALLY QUALIFIED HEALTH CENTERS.

(a) IN GENERAL.—Paragraph (4) of section 1861(aa) (42 U.S.C. 1395x(aa)) is amended—

(1) by striking "or" at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting "; or"; and

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

"(D) is an outpatient health program or facility operated by a tribe or tribal organization under the Indian Self-Determination Act or by an urban Indian organization receiving funds under title V of the Indian Health Care Improvement Act.".

42 USC 1395x note.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of section 4161(a)(2)(C) of OBRA–1990.

SEC. 13557. EXTENSION OF MUNICIPAL HEALTH SERVICE DEMONSTRATION PROJECTS.

42 USC 1395b–1 note.

Section 9215 of the Consolidated Omnibus Budget Reconciliation Act of 1985, as amended by section 6135 of OBRA–1989, is amended—

(1) by striking "December 31, 1993" and inserting "December 31, 1997", and

(2) in the second sentence, by inserting after "beneficiary costs," the following: "costs to the medicaid program and other payers, access to care, outcomes, beneficiary satisfaction, utilization differences among the different populations served by the projects,".

PART III—PROVISIONS RELATING TO PARTS A AND B

SEC. 13561. MEDICARE AS SECONDARY PAYER.

(a) EXTENSION OF AND MODIFICATIONS TO DATA MATCH PROGRAM.—

(1) Section 1862(b)(5)(C)(iii) (42 U.S.C. 1395y(b)(5)(C)(iii)) is amended by striking "1995" and inserting "1998".

(2) Section 6103(l)(12) of the Internal Revenue Code of 1986 is amended— 26 USC 6103.

(A) in subparagraph (B)(i), by inserting ", above an amount (if any) specified by the Secretary of Health and Human Services," after "section 3401(a))";

(B) in subparagraph (B)(ii), in the matter preceding subclause (I) by inserting ", above an amount (if any) specified by the Secretary of Health and Human Services," after "wages"; and

(C) in subparagraph (F)—

(i) in clause (i), by striking "1995" and inserting "1998",

(ii) in clause (ii)(I), by striking "1994" and inserting "1997", and

(iii) in clause (ii)(II), by striking "1995" and inserting "1998".

(b) EXTENSION OF MEDICARE SECONDARY PAYER TO DISABLED BENEFICIARIES.—Section 1862(b)(1)(B)(iii) (42 U.S.C. 1395y(b)(1)(B)(iii)) is amended by striking "1995" and inserting "1998".

(c) EXTENSION OF 18-MONTH RULE FOR ESRD BENEFICIARIES.—Section 1862(b)(1) (42 U.S.C. 1395y(b)(1)) is amended—

(1) in the second sentence of subparagraph (C), by striking "on or before January 1, 1996" and inserting "before October 1, 1998";

(2) in each of subparagraphs (A)(iv) and (B)(ii)—

(A) by striking "Clause (i) shall not apply" and inserting "Subparagraph (C) shall apply instead of clause (i)", and

(B) by inserting "(without regard to entitlement under section 226)" after "individual is, or"; and

(3) in subparagraph (C), by striking "benefits under this title solely by reason of" and inserting "or eligible for benefits under this title under" each place it appears.

(d) APPLICATION OF AGGREGATION RULES.—

(1) IN GENERAL.—Section 1862(b)(1) (42 U.S.C. 1395y(b)(1)) is amended by adding at the end the following new subparagraph:

"(E) GENERAL PROVISIONS.—For purposes of this subsection:

"(i) AGGREGATION RULES.—

"(I) All employers treated as a single employer under subsection (a) or (b) of section 52 of the

Internal Revenue Code of 1986 shall be treated as a single employer.

"(II) All employees of the members of an affiliated service group (as defined in section 414(m) of such Code) shall be treated as employed by a single employer.

"(III) Leased employees (as defined in section 414(n)(2) of such Code) shall be treated as employees of the person for whom they perform services to the extent they are so treated under section 414(n) of such Code.

In applying sections of the Internal Revenue Code of 1986 under this clause, the Secretary shall rely upon regulations and decisions of the Secretary of the Treasury respecting such sections.".

26 USC 5000.

(2) CONFORMING AMENDMENT.—Section 5000(b)(2) of the Internal Revenue Code of 1986 (relating to large group health plans) is amended by adding at the end the following: "For purposes of the preceding sentence—

"(A) all employers treated as a single employer under subsection (a) or (b) of section 52 shall be treated as a single employer,

"(B) all employees of the members of an affiliated service group (as defined in section 414(m)) shall be treated as employed by a single employer, and

"(C) leased employees (as defined in section 414(n)(2)) shall be treated as employees of the person for whom they perform services to the extent they are so treated under section 414(n). ".

Effective date.
26 USC 5000 note.

(3) The amendments made by this subsection shall take effect 90 days after the date of the enactment of this Act.

(e) UNIFORM TREATMENT OF CURRENT EMPLOYMENT STATUS.—

(1) IN GENERAL.—Section 1862(b)(1) (42 U.S.C. 1395y(b)(1)) is amended—

(A) in subparagraph (A)(i), by amending subclauses (I) and (II) to read as follows:

"(I) may not take into account that an individual (or the individual's spouse) who is covered under the plan by virtue of the individual's current employment status with an employer is entitled to benefits under this title under section 226(a), and

"(II) shall provide that any individual age 65 or over (and the individual's spouse age 65 or older) who is covered under the plan by virtue of the individual's current employment status with an employer shall be entitled to the same benefits under the plan under the same conditions as any such individual (or spouse) under age 65.";

(B) in subparagraph (A)(ii), by striking "unless the plan" and all that follows through "employees" and inserting "unless the plan is a plan of, or contributed to by, an employer or employee organization that has 20 or more individuals in current employment status";

(C) in subparagraph (A)(iii), by striking "by virtue of employment" and all that follows through "calendar year or" and inserting "by virtue of current employment status

with an employer that does not have 20 or more individuals in current employment status for each working day in each of 20 or more calendar weeks in the current calendar year and";

(D) in subparagraph (A)(v), by inserting ", without regard to section 5000(d) of such Code" before the period at the end of each subparagraph;

(E) in the heading of subparagraph (B), by striking "ACTIVE";

(F) in subparagraph (B)(i), by striking "clause (iv)(II)) may not take into account that an active individual (as defined in clause (iv)(I))" and inserting "clause (iv)) may not take into account that an individual (or a member of the individual's family) who is covered under the plan by virtue of the individual's current employment status with an employer";

(G) by amending clause (iv) of subparagraph (B) to read as follows:

"(iv) LARGE GROUP HEALTH PLAN DEFINED.—In this subparagraph, the term 'large group health plan' has the meaning given such term in section 5000(b)(2) of the Internal Revenue Code of 1986, without regard to section 5000(d) of such Code."; and

(H) by adding at the end of subparagraph (E), as added by subsection (d)(1), the following:

"(ii) CURRENT EMPLOYMENT STATUS DEFINED.—An individual has 'current employment status' with an employer if the individual is an employee, is the employer, or is associated with the employer in a business relationship.

"(iii) TREATMENT OF SELF-EMPLOYED PERSONS AS EMPLOYERS.—The term 'employer' includes a self-employed person.".

(2)(A) Section 5000 of the Internal Revenue Code of 1986 is amended—

(i) in subsection (a), by inserting "(including a self-employed person)" after "employer",

(ii) by amending paragraph (1) of subsection (b) to read as follows:

"(1) GROUP HEALTH PLAN.—The term 'group health plan' means a plan (including a self-insured plan) of, or contributed to by, an employer (including a self-employed person) or employee organization to provide health care (directly or otherwise) to the employees, former employees, the employer, others associated or formerly associated with the employer in a business relationship, or their families.", and

(iii) in subsection (c), by striking "of section 1862(b)(1)" and inserting "of paragraph (1), or with the requirements of paragraph (2), of section 1862(b)".

(B) Section 6103(l)(12)(E)(ii) of such Code is amended to read as follows:

"(ii) GROUP HEALTH PLAN.—The term 'group health plan' means any group health plan (as defined in section 5000(b)(1)).".

(f) RETROACTIVE EXEMPTION FOR CERTAIN SITUATIONS INVOLVING RELIGIOUS ORDERS.—Section 1862(b)(1)(D) of the Social Security Act applies, with respect to items and services furnished before

42 USC 1395y note.

October 1, 1989, to any claims that the Secretary of Health and Human Services had not identified as of that date as subject to the provisions of section 1862(b) of such Act.

SEC. 13562. PHYSICIAN OWNERSHIP AND REFERRAL.

(a) IN GENERAL.—Section 1877 (42 U.S.C. 1395nn) is amended—

(1) by amending subsections (a) through (e) to read as follows:

"(a) PROHIBITION OF CERTAIN REFERRALS.—

"(1) IN GENERAL.—Except as provided in subsection (b), if a physician (or an immediate family member of such physician) has a financial relationship with an entity specified in paragraph (2), then—

"(A) the physician may not make a referral to the entity for the furnishing of designated health services for which payment otherwise may be made under this title, and

"(B) the entity may not present or cause to be presented a claim under this title or bill to any individual, third party payor, or other entity for designated health services furnished pursuant to a referral prohibited under subparagraph (A).

"(2) FINANCIAL RELATIONSHIP SPECIFIED.—For purposes of this section, a financial relationship of a physician (or an immediate family member of such physician) with an entity specified in this paragraph is—

"(A) except as provided in subsections (c) and (d), an ownership or investment interest in the entity, or

"(B) except as provided in subsection (e), a compensation arrangement (as defined in subsection (h)(1)) between the physician (or an immediate family member of such physician) and the entity.

An ownership or investment interest described in subparagraph (A) may be through equity, debt, or other means and includes an interest in an entity that holds an ownership or investment interest in any entity providing the designated health service.

"(b) GENERAL EXCEPTIONS TO BOTH OWNERSHIP AND COMPENSATION ARRANGEMENT PROHIBITIONS.—Subsection (a)(1) shall not apply in the following cases:

"(1) PHYSICIANS' SERVICES.—In the case of physicians' services (as defined in section 1861(q)) provided personally by (or under the personal supervision of) another physician in the same group practice (as defined in subsection (h)(4)) as the referring physician.

"(2) IN-OFFICE ANCILLARY SERVICES.—In the case of services (other than durable medical equipment (excluding infusion pumps) and parenteral and enteral nutrients, equipment, and supplies)—

"(A) that are furnished—

"(i) personally by the referring physician, personally by a physician who is a member of the same group practice as the referring physician, or personally by individuals who are directly supervised by the physician or by another physician in the group practice, and

"(ii)(I) in a building in which the referring physician (or another physician who is a member of the same group practice) furnishes physicians' services unrelated to the furnishing of designated health services, or

"(II) in the case of a referring physician who is a member of a group practice, in another building which is used by the group practice—

"(aa) for the provision of some or all of the group's clinical laboratory services, or

"(bb) for the centralized provision of the group's designated health services (other than clinical laboratory services),

unless the Secretary determines other terms and conditions under which the provision of such services does not present a risk of program or patient abuse, and

"(B) that are billed by the physician performing or supervising the services, by a group practice of which such physician is a member under a billing number assigned to the group practice, or by an entity that is wholly owned by such physician or such group practice,

if the ownership or investment interest in such services meets such other requirements as the Secretary may impose by regulation as needed to protect against program or patient abuse.

"(3) PREPAID PLANS.—In the case of services furnished by an organization—

"(A) with a contract under section 1876 to an individual enrolled with the organization,

"(B) described in section 1833(a)(1)(A) to an individual enrolled with the organization,

"(C) receiving payments on a prepaid basis, under a demonstration project under section 402(a) of the Social Security Amendments of 1967 or under section 222(a) of the Social Security Amendments of 1972, to an individual enrolled with the organization, or

"(D) that is a qualified health maintenance organization (within the meaning of section 1310(d) of the Public Health Service Act) to an individual enrolled with the organization.

"(4) OTHER PERMISSIBLE EXCEPTIONS.—In the case of any other financial relationship which the Secretary determines, and specifies in regulations, does not pose a risk of program or patient abuse.

"(c) GENERAL EXCEPTION RELATED ONLY TO OWNERSHIP OR INVESTMENT PROHIBITION FOR OWNERSHIP IN PUBLICLY TRADED SECURITIES AND MUTUAL FUNDS.—Ownership of the following shall not be considered to be an ownership or investment interest described in subsection (a)(2)(A):

"(1) Ownership of investment securities (including shares or bonds, debentures, notes, or other debt instruments) which may be purchased on terms generally available to the public and which are—

"(A)(i) securities listed on the New York Stock Exchange, the American Stock Exchange, or any regional exchange in which quotations are published on a daily basis, or foreign securities listed on a recognized foreign,

national, or regional exchange in which quotations are published on a daily basis, or

"(ii) traded under an automated interdealer quotation system operated by the National Association of Securities Dealers, and

"(B) in a corporation that had, at the end of the corporation's most recent fiscal year, or on average during the previous 3 fiscal years, stockholder equity exceeding $75,000,000.

"(2) Ownership of shares in a regulated investment company as defined in section 851(a) of the Internal Revenue Code of 1986, if such company had, at the end of the company's most recent fiscal year, or on average during the previous 3 fiscal years, total assets exceeding $75,000,000.

"(d) ADDITIONAL EXCEPTIONS RELATED ONLY TO OWNERSHIP OR INVESTMENT PROHIBITION.—The following, if not otherwise excepted under subsection (b), shall not be considered to be an ownership or investment interest described in subsection (a)(2)(A):

"(1) HOSPITALS IN PUERTO RICO.—In the case of designated health services provided by a hospital located in Puerto Rico.

"(2) RURAL PROVIDER.—In the case of designated health services furnished in a rural area (as defined in section 1886(d)(2)(D)) by an entity, if substantially all of the designated health services furnished by such entity are furnished to individuals residing in such a rural area.

"(3) HOSPITAL OWNERSHIP.—In the case of designated health services provided by a hospital (other than a hospital described in paragraph (1)) if—

"(A) the referring physician is authorized to perform services at the hospital, and

"(B) the ownership or investment interest is in the hospital itself (and not merely in a subdivision of the hospital).

"(e) EXCEPTIONS RELATING TO OTHER COMPENSATION ARRANGEMENTS.—The following shall not be considered to be a compensation arrangement described in subsection (a)(2)(B):

"(1) RENTAL OF OFFICE SPACE; RENTAL OF EQUIPMENT.—

"(A) OFFICE SPACE.—Payments made by a lessee to a lessor for the use of premises if—

"(i) the lease is set out in writing, signed by the parties, and specifies the premises covered by the lease,

"(ii) the space rented or leased does not exceed that which is reasonable and necessary for the legitimate business purposes of the lease or rental and is used exclusively by the lessee when being used by the lessee, except that the lessee may make payments for the use of space consisting of common areas if such payments do not exceed the lessee's pro rata share of expenses for such space based upon the ratio of the space used exclusively by the lessee to the total amount of space (other than common areas) occupied by all persons using such common areas,

"(iii) the lease provides for a term of rental or lease for at least 1 year,

"(iv) the rental charges over the term of the lease are set in advance, are consistent with fair market value, and are not determined in a manner that takes

into account the volume or value of any referrals or other business generated between the parties,

"(v) the lease would be commercially reasonable even if no referrals were made between the parties, and

"(vi) the lease meets such other requirements as the Secretary may impose by regulation as needed to protect against program or patient abuse.

"(B) EQUIPMENT.—Payments made by a lessee of equipment to the lessor of the equipment for the use of the equipment if—

"(i) the lease is set out in writing, signed by the parties, and specifies the equipment covered by the lease,

"(ii) the equipment rented or leased does not exceed that which is reasonable and necessary for the legitimate business purposes of the lease or rental and is used exclusively by the lessee when being used by the lessee,

"(iii) the lease provides for a term of rental or lease of at least 1 year,

"(iv) the rental charges over the term of the lease are set in advance, are consistent with fair market value, and are not determined in a manner that takes into account the volume or value of any referrals or other business generated between the parties,

"(v) the lease would be commercially reasonable even if no referrals were made between the parties, and

"(vi) the lease meets such other requirements as the Secretary may impose by regulation as needed to protect against program or patient abuse.

"(2) BONA FIDE EMPLOYMENT RELATIONSHIPS.—Any amount paid by an employer to a physician (or an immediate family member of such physician) who has a bona fide employment relationship with the employer for the provision of services if—

"(A) the employment is for identifiable services,

"(B) the amount of the remuneration under the employment—

"(i) is consistent with the fair market value of the services, and

"(ii) is not determined in a manner that takes into account (directly or indirectly) the volume or value of any referrals by the referring physician,

"(C) the remuneration is provided pursuant to an agreement which would be commercially reasonable even if no referrals were made to the employer, and

"(D) the employment meets such other requirements as the Secretary may impose by regulation as needed to protect against program or patient abuse.

Subparagraph (B)(ii) shall not prohibit the payment of remuneration in the form of a productivity bonus based on services performed personally by the physician (or an immediate family member of such physician).

"(3) PERSONAL SERVICE ARRANGEMENTS.—

"(A) IN GENERAL.—Remuneration from an entity under an arrangement (including remuneration for specific physicians' services furnished to a nonprofit blood center) if—

"(i) the arrangement is set out in writing, signed by the parties, and specifies the services covered by the arrangement,

"(ii) the arrangement covers all of the services to be provided by the physician (or an immediate family member of such physician) to the entity,

"(iii) the aggregate services contracted for do not exceed those that are reasonable and necessary for the legitimate business purposes of the arrangement,

"(iv) the term of the arrangement is for at least 1 year,

"(v) the compensation to be paid over the term of the arrangement is set in advance, does not exceed fair market value, and except in the case of a physician incentive plan described in subparagraph (B), is not determined in a manner that takes into account the volume or value of any referrals or other business generated between the parties,

"(vi) the services to be performed under the arrangement do not involve the counseling or promotion or a business arrangement or other activity that violates any State or Federal law, and

"(vii) the arrangement meets such other requirements as the Secretary may impose by regulation as needed to protect against program or patient abuse.

"(B) PHYSICIAN INCENTIVE PLAN EXCEPTION.—

"(i) IN GENERAL.—In the case of a physician incentive plan (as defined in clause (ii)) between a physician and an entity, the compensation may be determined in a manner (through a withhold, capitation, bonus, or otherwise) that takes into account directly or indirectly the volume or value of any referrals or other business generated between the parties, if the plan meets the following requirements:

"(I) No specific payment is made directly or indirectly under the plan to a physician or a physician group as an inducement to reduce or limit medically necessary services provided with respect to a specific individual enrolled with the entity.

"(II) In the case of a plan that places a physician or a physician group at substantial financial risk as determined by the Secretary pursuant to section 1876(i)(8)(A)(ii), the plan complies with any requirements the Secretary may impose pursuant to such section.

"(III) Upon request by the Secretary, the entity provides the Secretary with access to descriptive information regarding the plan, in order to permit the Secretary to determine whether the plan is in compliance with the requirements of this clause.

"(ii) PHYSICIAN INCENTIVE PLAN DEFINED.—For purposes of this subparagraph, the term 'physician incentive plan' means any compensation arrangement between an entity and a physician or physician group

that may directly or indirectly have the effect of reducing or limiting services provided with respect to individuals enrolled with the entity.

"(4) REMUNERATION UNRELATED TO THE PROVISION OF DESIGNATED HEALTH SERVICES.—In the case of remuneration which is provided by a hospital to a physician if such remuneration does not relate to the provision of designated health services.

"(5) PHYSICIAN RECRUITMENT.—In the case of remuneration which is provided by a hospital to a physician to induce the physician to relocate to the geographic area served by the hospital in order to be a member of the medical staff of the hospital, if—

"(A) the physician is not required to refer patients to the hospital,

"(B) the amount of the remuneration under the arrangement is not determined in a manner that takes into account (directly or indirectly) the volume or value of any referrals by the referring physician, and

"(C) the arrangement meets such other requirements as the Secretary may impose by regulation as needed to protect against program or patient abuse.

"(6) ISOLATED TRANSACTIONS.—In the case of an isolated financial transaction, such as a one-time sale of property or practice, if—

"(A) the requirements described in subparagraphs (B) and (C) of paragraph (2) are met with respect to the entity in the same manner as they apply to an employer, and

"(B) the transaction meets such other requirements as the Secretary may impose by regulation as needed to protect against program or patient abuse.

"(7) CERTAIN GROUP PRACTICE ARRANGEMENTS WITH A HOSPITAL.—

"(A) IN GENERAL.—An arrangement between a hospital and a group under which designated health services are provided by the group but are billed by the hospital if—

"(i) with respect to services provided to an inpatient of the hospital, the arrangement is pursuant to the provision of inpatient hospital services under section 1861(b)(3),

"(ii) the arrangement began before December 19, 1989, and has continued in effect without interruption since such date,

"(iii) with respect to the designated health services covered under the arrangement, substantially all of such services furnished to patients of the hospital are furnished by the group under the arrangement,

"(iv) the arrangement is pursuant to an agreement that is set out in writing and that specifies the services to be provided by the parties and the compensation for services provided under the agreement,

"(v) the compensation paid over the term of the agreement is consistent with fair market value and the compensation per unit of services is fixed in advance and is not determined in a manner that takes into account the volume or value of any referrals or other business generated between the parties,

"(vi) the compensation is provided pursuant to an agreement which would be commercially reasonable even if no referrals were made to the entity, and

"(vii) the arrangement between the parties meets such other requirements as the Secretary may impose by regulation as needed to protect against program or patient abuse.

"(8) PAYMENTS BY A PHYSICIAN FOR ITEMS AND SERVICES.—Payments made by a physician—

"(A) to a laboratory in exchange for the provision of clinical laboratory services, or

"(B) to an entity as compensation for other items or services if the items or services are furnished at a price that is consistent with fair market value.";

(2) by amending subsection (h) to read as follows:

"(h) DEFINITIONS AND SPECIAL RULES.—For purposes of this section:

"(1) COMPENSATION ARRANGEMENT; REMUNERATION.—(A) The term 'compensation arrangement' means any arrangement involving any remuneration between a physician (or an immediate family member of such physician) and an entity other than an arrangement involving only remuneration described in subparagraph (C).

"(B) The term 'remuneration' includes any remuneration, directly or indirectly, overtly or covertly, in cash or in kind.

"(C) Remuneration described in this subparagraph is any remuneration consisting of any of the following:

"(i) The forgiveness of amounts owed for inaccurate tests or procedures, mistakenly performed tests or procedures, or the correction of minor billing errors.

"(ii) The provision of items, devices, or supplies that are used solely to—

"(I) collect, transport, process, or store specimens for the entity providing the item, device, or supply, or

"(II) order or communicate the results of tests or procedures for such entity.

"(iii) A payment made by an insurer or a self-insured plan to a physician to satisfy a claim, submitted on a fee for service basis, for the furnishing of health services by that physician to an individual who is covered by a policy with the insurer or by the self-insured plan, if—

"(I) the health services are not furnished, and the payment is not made, pursuant to a contract or other arrangement between the insurer or the plan and the physician,

"(II) the payment is made to the physician on behalf of the covered individual and would otherwise be made directly to such individual,

"(III) the amount of the payment is set in advance, does not exceed fair market value, and is not determined in a manner that takes into account directly or indirectly the volume or value of any referrals, and

"(IV) the payment meets such other requirements as the Secretary may impose by regulation as needed to protect against program or patient abuse.

"(2) EMPLOYEE.—An individual is considered to be 'employed by' or an 'employee' of an entity if the individual would be considered to be an employee of the entity under the usual common law rules applicable in determining the employer-employee relationship (as applied for purposes of section 3121(d)(2) of the Internal Revenue Code of 1986).

"(3) FAIR MARKET VALUE.—The term 'fair market value' means the value in arms length transactions, consistent with the general market value, and, with respect to rentals or leases, the value of rental property for general commercial purposes (not taking into account its intended use) and, in the case of a lease of space, not adjusted to reflect the additional value the prospective lessee or lessor would attribute to the proximity or convenience to the lessor where the lessor is a potential source of patient referrals to the lessee.

"(4) GROUP PRACTICE.—

"(A) DEFINITION OF GROUP PRACTICE.—The term 'group practice' means a group of 2 or more physicians legally organized as a partnership, professional corporation, foundation, not-for-profit corporation, faculty practice plan, or similar association—

"(i) in which each physician who is a member of the group provides substantially the full range of services which the physician routinely provides, including medical care, consultation, diagnosis, or treatment, through the joint use of shared office space, facilities, equipment and personnel,

"(ii) for which substantially all of the services of the physicians who are members of the group are provided through the group and are billed under a billing number assigned to the group and amounts so received are treated as receipts of the group,

"(iii) in which the overhead expenses of and the income from the practice are distributed in accordance with methods previously determined,

"(iv) except as provided in subparagraph (B)(i), in which no physician who is a member of the group directly or indirectly receives compensation based on the volume or value of referrals by the physician,

"(v) in which members of the group personally conduct no less than 75 percent of the physician-patient encounters of the group practice, and

"(vi) which meets such other standards as the Secretary may impose by regulation.

"(B) SPECIAL RULES.—

"(i) PROFITS AND PRODUCTIVITY BONUSES.—A physician in a group practice may be paid a share of overall profits of the group, or a productivity bonus based on services personally performed or services incident to such personally performed services, so long as the share or bonus is not determined in any manner which is directly related to the volume or value of referrals by such physician.

"(ii) FACULTY PRACTICE PLANS.—In the case of a faculty practice plan associated with a hospital, institution of higher education, or medical school with an approved medical residency training program in which

physician members may provide a variety of different specialty services and provide professional services both within and outside the group, as well as perform other tasks such as research, subparagraph (A) shall be applied only with respect to the services provided within the faculty practice plan.

"(5) REFERRAL; REFERRING PHYSICIAN.—

"(A) PHYSICIANS' SERVICES.—Except as provided in subparagraph (C), in the case of an item or service for which payment may be made under part B, the request by a physician for the item or service, including the request by a physician for a consultation with another physician (and any test or procedure ordered by, or to be performed by (or under the supervision of) that other physician), constitutes a 'referral' by a 'referring physician'.

"(B) OTHER ITEMS.—Except as provided in subparagraph (C), the request or establishment of a plan of care by a physician which includes the provision of the designated health service constitutes a 'referral' by a 'referring physician'.

"(C) CLARIFICATION RESPECTING CERTAIN SERVICES INTEGRAL TO A CONSULTATION BY CERTAIN SPECIALISTS.—A request by a pathologist for clinical diagnostic laboratory tests and pathological examination services, a request by a radiologist for diagnostic radiology services, and a request by a radiation oncologist for radiation therapy, if such services are furnished by (or under the supervision of) such pathologist, radiologist, or radiation oncologist pursuant to a consultation requested by another physician does not constitute a 'referral' by a 'referring physician'.

"(6) DESIGNATED HEALTH SERVICES.—The term 'designated health services' means any of the following items or services:

"(A) Clinical laboratory services.

"(B) Physical therapy services.

"(C) Occupational therapy services.

"(D) Radiology or other diagnostic services.

"(E) Radiation therapy services.

"(F) Durable medical equipment.

"(G) Parenteral and enteral nutrients, equipment, and supplies.

"(H) Prosthetics, orthotics, and prosthetic devices.

"(I) Home health services.

"(J) Outpatient prescription drugs.

"(K) Inpatient and outpatient hospital services.";

(3) in subsection (f), by striking "clinical laboratory services" and inserting "designated health services"; and

(4) in paragraph (1) of subsection (g), by striking "clinical laboratory service" and inserting "designated health service".

42 USC 1395nn note.

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to referrals—

(A) made on or after January 1, 1992, in the case of clinical laboratory services, and

(B) made after December 31, 1994, in the case of other designated health services.

(2) EXCEPTIONS.—With respect to referrals made for clinical laboratory services on or before December 31, 1994—

(A) the requirements of clauses (iv) and (v) of section 1877(h)(4)(A) of the Social Security Act, as amended by this section, shall not apply; and

(B) the second sentence of subsection (a)(2), and subsections (b)(2)(B), (c), (d)(2), (e)(1), and (h)(4)(B) of section 1877 of such Act, as in effect on the day before the date of the enactment of this Act, shall apply (instead of the corresponding provision in such section as so amended).

SEC. 13563. DIRECT GRADUATE MEDICAL EDUCATION.

(a) ELIMINATION OF COST-OF-LIVING UPDATE IN PER RESIDENT AMOUNTS FOR DIRECT MEDICAL EDUCATION.—Section 1886(h) (42 U.S.C. 1395ww(h)) is amended—

(1) in paragraph (2)(D)—

(A) by striking "For each" and inserting "(i) Except as provided in clause (ii), for each", and

(B) by adding at the end the following new clause:

"(ii) For cost reporting periods beginning during fiscal year 1994 or fiscal year 1995, the approved FTE resident amount for a hospital shall not be updated under clause (i) for a resident who is not a primary care resident (as defined in paragraph (5)(H)) or a resident enrolled in an approved medical residency training program in obstetrics and gynecology."; and

(2) in paragraph (5)—

(A) by redesignating subparagraph (H) as subparagraph (I); and

(B) by inserting after subparagraph (G) the following new subparagraph:

"(H) PRIMARY CARE RESIDENT.—The term 'primary care resident' means a resident enrolled in an approved medical residency training program in family medicine, general internal medicine, general pediatrics, preventive medicine, geriatric medicine, or osteopathic general practice.".

(b) INITIAL RESIDENCY PERIOD.—

(1) IN GENERAL.—Section 1886(h)(5)(F) (42 U.S.C. 1395ww(h)(5)(F)) is amended—

(A) by striking "plus one year", and

(B) in clause (ii), by inserting "or a preventive medicine residency or fellowship program" after "fellowship program".

(2) EFFECTIVE DATES.—The amendments made by paragraphs (1)(A) and (1)(B) shall take effect on July 1, 1995, and the date of the enactment of this Act, respectively. 42 USC 1395ww note.

(c) ADJUSTMENT FOR PUBLICLY-FUNDED FAMILY PRACTICE RESIDENCY PROGRAMS.—

(1) IN GENERAL.—Section 1886(h)(5) (42 U.S.C. 1395ww(h)(5)), as amended by subsection (a), is amended by adding at the end the following new subparagraph:

"(J) ADJUSTMENTS FOR CERTAIN FAMILY PRACTICE RESIDENCY PROGRAMS.—

"(i) IN GENERAL.—In the case of an approved medical residency training program (meeting the requirements of clause (ii)) of a hospital which received funds from the United States, a State, or a political subdivision of a State or an instrumentality of such a State or political subdivision (other than payments under

this title or a State plan under title XIX) for the program during the cost reporting period that began during fiscal year 1984, the Secretary shall—

"(I) provide for an average amount under paragraph (2)(A) that takes into account the Secretary's estimate of the amount that would have been recognized as reasonable under this title if the hospital had not received such funds, and

"(II) reduce the payment amount otherwise provided under this subsection in an amount equal to the proportion of such program funds received during the cost reporting period involved that is allocable to this title.

"(ii) ADDITIONAL REQUIREMENTS.—A hospital's approved medical residency program meets the requirements of this clause if—

"(I) the program is limited to training for family and community medicine;

"(II) the program is the only approved medical residency program of the hospital; and

"(III) the average amount determined under paragraph (2)(A) for the hospital (as determined without regard to the increase in such amount described in clause (i)(I)) does not exceed $10,000.".

42 USC 1395ww note.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to payments under section 1886(h) of the Social Security Act for cost reporting periods beginning on or after October 1, 1992.

42 USC 1395ww note.

(d) ADJUSTMENT IN GME BASE-YEAR COSTS OF FEDERAL INSURANCE CONTRIBUTIONS ACT.—

(1) IN GENERAL.—In determining the amount of payment to be made under section 1886(h) of the Social Security Act in the case of a hospital described in paragraph (2) for cost reporting periods beginning on or after October 1, 1992, the Secretary of Health and Human Services shall redetermine the approved FTE resident amount to reflect the amount that would have been paid the hospital if, during the hospital's base cost reporting period, the hospital had been liable for FICA taxes or for contributions to the retirement system of a State, a political subdivision of a State, or an instrumentality of such a State or political subdivision with respect to interns and residents in its medical residency training program.

(2) HOSPITALS AFFECTED.—A hospital described in this paragraph is a hospital that did not pay FICA taxes with respect to interns and residents in its medical residency training program during the hospital's base cost reporting period, but is required to pay FICA taxes or make contributions to a retirement system described in paragraph (1) with respect to such interns and residents because of the amendments made by section 11332(b) of OBRA–1990.

(3) DEFINITIONS.—In this subsection:

(A) The "base cost reporting period" for a hospital is the hospital's cost reporting period that began during fiscal year 1984.

(B) The term "FICA taxes" means, with respect to a hospital, the taxes under section 3111 of the Internal Revenue Code of 1986.

SEC. 13564. REDUCTION IN PAYMENTS FOR HOME HEALTH SERVICES.

(a) IN GENERAL.—

(1) NO CHANGES IN COST LIMITS.—The Secretary of Health and Human Services shall not provide for any change in the per visit cost limits for home health services under section 1861(v)(1)(L) of such Act for cost reporting periods beginning on or after July 1, 1994, and before July 1, 1996, except as may be necessary to take into account the amendment made by subsection (b)(1). The effect of the preceding sentence shall not be considered by the Secretary in making adjustments pursuant to section 1861(v)(1)(L)(ii) of such Act to the payment limits for such services during such cost reporting periods. 42 USC 1395x note.

(2) DELAY IN UPDATES.—Section 1861(v)(1)(L)(iii) (42 U.S.C. 1395x(v)(1)(L)(iii)) is amended by striking "thereafter," and inserting "thereafter (but not for cost reporting periods beginning on or after July 1, 1994, and before July 1, 1996),".

(b) ELIMINATION OF ADD-ON FOR OVERHEAD OF HOSPITAL-BASED HOME HEALTH AGENCIES.—

(1) GENERAL RULE.—The first sentence of section 1861(v)(1)(L)(ii) (42 U.S.C. 1395x(v)(1)(L)(ii)) is amended by striking ", with appropriate adjustment for administrative and general costs of hospital-based agencies".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to cost reporting periods beginning on or after October 1, 1993. 42 USC 1395x note.

SEC. 13565. IMMUNOSUPPRESSIVE DRUG THERAPY.

Section 1861(s)(2)(J) (42 U.S.C. 1395x(s)(2)(J)) is amended by striking "title, within" and all that follows and inserting the following: "title, but only in the case of drugs furnished—

"(i) before 1995, within 12 months after the date of the transplant procedure,

"(ii) during 1995, within 18 months after the date of the transplant procedure,

"(iii) during 1996, within 24 months after the date of the transplant procedure,

"(iv) during 1997, within 30 months after the date of the transplant procedure, and

"(v) during any year after 1997, within 36 months after the date of the transplant procedure;".

SEC. 13566. REDUCTION IN PAYMENTS FOR ERYTHROPOIENTIN.

(a) IN GENERAL.—Section 1881(b) (42 U.S.C. 1395rr(b)) is amended—

(1) in paragraph (1)(C), by striking "1861(s)(2)(Q)" and inserting "1861(s)(2)(P)"; and

(2) in paragraph (11)(B)(ii)(I)—

(A) by striking "1991" and inserting "1994", and

(B) by striking "$11" and inserting "$10".

(b) SELF-ADMINISTRATION OF ERYTHROPOIENTIN.—Subparagraph (P) of section 1861(s)(2) (42 U.S.C. 1395x(s)(2)) is amended—

(1) by striking "home", and

(2) by moving such subparagraph two ems to the left.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to erythropoietin furnished on or after January 1, 1994. 42 USC 1395x note.

SEC. 13567. EXTENSION OF SOCIAL HEALTH MAINTENANCE ORGANIZATION DEMONSTRATIONS.

101 Stat. 1330-65.

(a) EXTENSION OF CURRENT WAIVERS.—Section 4018(b) of OBRA–1987, as amended by section 4207(b)(4)(B) of OBRA–1990, is amended—

(1) in paragraph (1) by striking "December 31, 1995" and inserting "December 31, 1997"; and

(2) in paragraph (4) by striking "March 31, 1996" and inserting "March 31, 1998".

98 Stat. 1103.

(b) EXPANSION OF DEMONSTRATIONS.—Section 2355 of the Deficit Reduction Act of 1984 is amended—

(1) in the last sentence of subsection (a) by striking "12 months" and inserting "36 months"; and

(2) in subsection (b)(1)(B)—

(A) by striking "or" at the end of clause (iii); and

(B) by redesignating clause (iv) as clause (v) and inserting after clause (iii) the following new clause:

"(iv) integrating acute and chronic care management for patients with end-stage renal disease through expanded community care case management services (and for purposes of a demonstration project conducted under this clause, any requirement under a waiver granted under this section that a project disenroll individuals who develop end-stage renal disease shall not apply); or".

(c) EXPANSION OF NUMBER OF MEMBERS PER SITE.—The Secretary of Health and Human Services may not impose a limit of less than 12,000 on the number of individuals that may participate in a project conducted under section 2355 of the Deficit Reduction Act of 1984.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of OBRA–1990.

SEC. 13568. TIMING OF CLAIMS PAYMENT.

(a) IN GENERAL.—Sections 1816(c)(3)(B) (42 U.S.C. 1395h(c)(3)(B)) and 1842(c)(3)(B) (42 U.S.C. 1395u(c)(3)(B)) are each amended by striking clauses (i) and (ii) and inserting the following:

"(i) with respect to claims submitted electronically as prescribed by the Secretary, 13 days, and

"(ii) with respect to claims submitted otherwise, 26 days.".

(b) TIME LIMIT OF 30 DAYS FOR CLEAN CLAIMS.—Sections 1816(c)(2)(B)(ii) (42 U.S.C. 1395h(c)(2)(B)(ii)) and 1842(c)(2)(B)(ii) (42 U.S.C. 1395u(c)(2)(B)(ii)) are each amended—

(1) in subclause (IV), by striking "period," and inserting "period ending on or before September 30, 1993,", and

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

"(V) with respect to claims received in the 12-month period beginning October 1, 1993, and claims received in any succeeding 12-month period, 30 calendar days.".

42 USC 1395h note.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to claims received on or after October 1, 1993.

SEC. 13569. EXTENSION OF WAIVER FOR WATTS HEALTH FOUNDATION.

42 USC 1395mm note.

Section 9312(c)(3)(D) of OBRA–1986, as added by section 4018(d) of OBRA–1987 and as amended by section 6212(a)(1) of OBRA–1989, is amended by striking "1994" and inserting "1996".

PART IV—PROVISION RELATING TO PART B PREMIUM

SEC. 13571. PART B PREMIUM.

Section 1839 (42 U.S.C. 1395r) is amended—

(1) in subsection (e)(1)(A), by striking "December 1983 and prior to January 1991 shall be an amount equal to 50 percent" and inserting "after December 1995 and prior to January 1999 shall be an amount equal to 50 percent", and

(2) in subsection (e)(2), by striking "1991" and inserting "1998".

PART V—PROVISION RELATING TO DATA BANK

SEC. 13581. MEDICARE AND MEDICAID COVERAGE DATA BANK.

(a) ESTABLISHMENT OF MEDICARE AND MEDICAID COVERAGE DATA BANK.—Part A of title XI (42 U.S.C. 1301 et seq.) is amended by adding at the end the following new section:

"MEDICARE AND MEDICAID COVERAGE DATA BANK

"SEC. 1144. (a) ESTABLISHMENT OF DATA BANK.—The Secretary shall establish a Medicare and Medicaid Coverage Data Bank (hereafter in this section referred to as the 'Data Bank') to— 42 USC 1320b-14.

"(1) further the purposes of section 1862(b) in the identification of, and collection from, third parties responsible for payment for health care items and services furnished to medicare beneficiaries, and

"(2) assist in the identification of, and the collection from, third parties responsible for the reimbursement of costs incurred by any State plan under title XIX with respect to medicaid beneficiaries, upon request by the State agency described in section 1902(a)(5) administering such plan.

"(b) INFORMATION IN DATA BANK.—

"(1) IN GENERAL.—The Data Bank shall contain information obtained pursuant to section 6103(l)(12) of the Internal Revenue Code of 1986 and subsection (c).

"(2) DISCLOSURE OF INFORMATION IN DATA BANK.—The Secretary is authorized until September 30, 1998—

"(A) (subject to the restriction in subparagraph (D)(i) of section 6103(l)(12) of the Internal Revenue Code of 1986) to disclose any information in the Data Bank obtained pursuant to such section solely for the purposes of such section, and

"(B) (subject to the restriction in subsection (c)(7)) to disclose any other information in the Data Bank to any State agency described in section 1902(a)(5), employer, or group health plan solely for the purposes described in subsection (a).

"(c) REQUIREMENT THAT EMPLOYERS REPORT INFORMATION.—

"(1) REPORTING REQUIREMENT.—

"(A) IN GENERAL.—Any employer described in paragraph (2) shall report to the Secretary (in such form and manner as the Secretary determines will minimize the burden of such reporting) with respect to each electing

individual the information required under paragraph (5) for each calendar year beginning on or after January 1, 1994, and before January 1, 1998.

"(B) SPECIAL RULE.—To the extent a group health plan provides information required under paragraph (5) in a form and manner specified by the Secretary (in consultation with the Secretary of Labor) on behalf of an employer in accordance with section 101(f) of the Employee Retirement Income Security Act of 1974, the employer has complied with the reporting requirement under subparagraph (A) with respect to the reporting of such information.

"(2) EMPLOYER DESCRIBED.—An employer is described in this paragraph if such employer has, or contributes to, a group health plan, with respect to which at least 1 employee of such employer is an electing individual.

"(3) ELECTING INDIVIDUAL.—For purposes of this subsection, the term 'electing individual' means an individual associated or formerly associated with the employer in a business relationship who elects coverage under the employer's group health plan.

"(4) CERTAIN INDIVIDUALS EXCLUDED.—For purposes of this subsection, an individual providing service referred to in section 3121(a)(7)(B) of the Internal Revenue Code of 1986 shall not be considered an employee or electing individual with respect to an employer.

"(5) INFORMATION REQUIRED.—For purposes of paragraph (1), each employer shall provide the following information:

"(A) The name and TIN of the electing individual.

"(B) The type of group health plan coverage (single or family) elected by the electing individual.

"(C) The name, address, and identifying number of the group health plan elected by such electing individual.

"(D) The name and TIN of each other individual covered under the group health plan pursuant to such election.

"(E) The period during which such coverage is elected.

"(F) The name, address, and TIN of the employer.

"(6) TIME OF FILING.—For purposes of determining the date for filing the report under paragraph (1), such report shall be treated as a statement described in section 6051(d) of the Internal Revenue Code of 1986.

"(7) LIMITS ON DISCLOSURE OF INFORMATION REPORTED.—

"(A) IN GENERAL.—The disclosure of the information reported under paragraph (1) shall be restricted by the Secretary under rules similar to the rules of subsections (a) and (p) of section 6103 of the Internal Revenue Code of 1986.

"(B) PENALTY FOR UNAUTHORIZED WILLFUL DISCLOSURE OF INFORMATION.—The unauthorized disclosure of any information reported under paragraph (1) shall be subject to the penalty described in paragraph (1), (2), (3), or (4) of section 7213(a) of such Code.

"(9) PENALTY FOR FAILURE TO REPORT.—In the case of the failure of an employer (other than a Federal or other governmental entity) to report under paragraph (1)(A) with respect to each electing individual, the Secretary shall impose a penalty as described in part II of subchapter B of chapter 68 of the Internal Revenue Code of 1986.

"(d) FEES FOR DATA BANK SERVICES.—The Secretary shall establish fees for services provided under this section which shall remain available, without fiscal year limitation, to the Secretary to cover the administrative costs to the Data Bank of providing such services.

"(f) DEFINITIONS.—In this section:

"(1) MEDICARE BENEFICIARY.—The term 'medicare beneficiary' means an individual entitled to benefits under part A, or enrolled under part B, of title XVIII, but does not include such an individual enrolled in part A under section 1818.

"(2) MEDICAID BENEFICIARY.—The term 'medicaid beneficiary' means an individual entitled to benefits under a State plan for medical assistance under title XIX (including a State plan operating under a statewide waiver under section 1115).

"(3) GROUP HEALTH PLAN.—The term 'group health plan' shall have the meaning given to such term by section 5000(b)(1) of the Internal Revenue Code of 1986.

"(4) TIN.—The term 'TIN' shall have the meaning given to such term by section 7701(a)(41) of such Code.".

(b) CONFORMING AMENDMENTS.—

(1) MEDICARE.—Section 1862(b)(5) (42 U.S.C. 1395y(b)(5)) is amended—

(A) in subparagraph (B), by striking "under subparagraph (A)" and all that follows and inserting "under—

"(i) subparagraph (A), and

"(ii) section 1144,

for purposes of carrying out this subsection.", and

(B) in subparagraph (C)(i), by striking "subparagraph (B)" and inserting "subparagraph (B)(i)".

(2) MEDICAID.—Section 1902(a)(25)(A)(i) (42 U.S.C. 1396a(a)(25)(A)(i)) is amended by striking "(as specified" and inserting "(including the use of information collected by the Medicare and Medicaid Coverage Data Bank under section 1144 and any additional measures as specified".

(c) CONFORMING AMENDMENT RELATING TO DATA MATCHES.—Subsection (a)(8)(B) of section 552a of title 5, United States Code, is amended—

(1) in clause (v), by striking "; or" at the end;

(2) in clause (vi), by striking the semicolon at the end and inserting "; or"; and

(3) by adding at the end the following new clause:

"(vii) matches performed pursuant to section 6103(l)(12) of the Internal Revenue Code of 1986 and section 1144 of the Social Security Act;".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1994. 5 USC 552a note.

Subchapter B—Medicaid

SEC. 13600. REFERENCES IN SUBCHAPTER; TABLE OF CONTENTS OF SUBCHAPTER.

(a) AMENDMENTS TO SOCIAL SECURITY ACT.—Except as otherwise specifically provided, whenever in this subchapter an amendment is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to that section or other provision of the Social Security Act.

(b) REFERENCES TO OBRA.—In this subchapter, the terms "OBRA–1986", "OBRA–1987", "OBRA–1989", and "OBRA–1990" refer to the Omnibus Budget Reconciliation Act of 1986 (Public Law 99–509), the Omnibus Budget Reconciliation Act of 1987 (Public Law 100–203), the Omnibus Budget Reconciliation Act of 1989 (Public Law 101–239), and the Omnibus Budget Reconciliation Act of 1990 (Public Law 101–508), respectively.

(c) TABLE OF CONTENTS OF SUBCHAPTER.—The table of contents of this subchapter is as follows:

Sec. 13600. References in subchapter; table of contents of subchapter.

PART I—SERVICES

Sec. 13601. Personal care services furnished outside the home as optional benefit.
Sec. 13602. Additional Federal savings through modifications to drug rebate program.
Sec. 13603. Optional medicaid coverage of TB-related services for certain TB-infected individuals.
Sec. 13604. Limiting Federal medicaid matching payment to bona fide emergency services for undocumented aliens.
Sec. 13605. Coverage of nurse-midwife services performed outside the maternity cycle.
Sec. 13606. Treatment of certain clinics as Federally-qualified health centers.

PART II—ELIGIBILITY

Sec. 13611. Transfers of assets; treatment of certain trusts.
Sec. 13612. Medicaid estate recoveries.

PART III—PAYMENTS

Sec. 13621. Assuring proper payments to disproportionate share hospitals.
Sec. 13622. Liability of third parties to pay for care and services.
Sec. 13623. Medical child support.
Sec. 13624. Application of medicare rules limiting certain physician referrals.
Sec. 13625. State medicaid fraud control.

PART IV—IMMUNIZATIONS

Sec. 13631. Medicaid pediatric immunization provisions.
Sec. 13632. National Vaccine Injury Compensation Program amendments.

PART V—MISCELLANEOUS

Sec. 13641. Increase in limit on Federal medicaid matching payments to Puerto Rico and other territories.
Sec. 13642. Extension of moratorium on treatment of certain facilities as institutions for mental diseases.
Sec. 13643. Demonstration projects.
Sec. 13644. Extension of period of applicability of enrollment mix requirement to certain health maintenance organizations providing services under Dayton Area Health Plan.

PART I—SERVICES

SEC. 13601. PERSONAL CARE SERVICES FURNISHED OUTSIDE THE HOME AS OPTIONAL BENEFIT.

(a) IN GENERAL.—Section 1905(a) (42 U.S.C. 1396d(a)) is amended—

(1) in paragraph (7), by striking "including personal care services" and all that follows through "nursing facility";

(2) by striking "and" at the end of paragraph (21);

(3) in paragraph (24), by striking the comma at the end and inserting a semicolon;

(4) by redesignating paragraphs (22), (23), and (24) as paragraphs (25), (22), and (23), respectively, by striking the semicolon at the end of paragraph (25), as so redesignated, and inserting a period, and by transferring and inserting paragraph (25) after paragraph (23), as so redesignated; and

(5) by inserting after paragraph (23), as so redesignated, the following new paragraph:

"(24) personal care services furnished to an individual who is not an inpatient or resident of a hospital, nursing facility, intermediate care facility for the mentally retarded, or institution for mental disease that are (A) authorized for the individual by a physician in accordance with a plan of treatment or (at the option of the State) otherwise authorized for the individual in accordance with a service plan approved by the State, (B) provided by an individual who is qualified to provide such services and who is not a member of the individual's family, and (C) furnished in a home or other location; and".

(b) CONFORMING AMENDMENTS.—(1) Section 1902(a)(10)(C)(iv) (42 U.S.C. 1396a(a)(10)(C)(iv)) is amended by striking "through (21)" and inserting "through (24)".

(2) Section 1902(j) (42 U.S.C. 1396a(j)) is amended by striking "through (22)" and inserting "through (25)".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect as if included in the enactment of section 4721(a) of OBRA–1990.

42 USC 1396a note.

SEC. 13602. ADDITIONAL FEDERAL SAVINGS THROUGH MODIFICATIONS TO DRUG REBATE PROGRAM.

(a) CHANGES IN REBATE PROGRAM.—

(1) IN GENERAL.—Section 1927 (42 U.S.C. 1396r–8) is amended by striking subsection (c) and all that follows through "(2)" in subsection (f)(2) and inserting the following:

"(c) DETERMINATION OF AMOUNT OF REBATE.—

"(1) BASIC REBATE FOR SINGLE SOURCE DRUGS AND INNOVATOR MULTIPLE SOURCE DRUGS.—

"(A) IN GENERAL.—Except as provided in paragraph (2), the amount of the rebate specified in this subsection for a rebate period (as defined in subsection (k)(8)) with respect to each dosage form and strength of a single source drug or an innovator multiple source drug shall be equal to the product of—

"(i) the total number of units of each dosage form and strength paid for under the State plan in the rebate period (as reported by the State); and

"(ii) subject to subparagraph (B)(ii), the greater of—

"(I) the difference between the average manufacturer price and the best price (as defined in subparagraph (C)) for the dosage form and strength of the drug, or

"(II) the minimum rebate percentage (specified in subparagraph (B)(i)) of such average manufacturer price,

for the rebate period.

"(B) RANGE OF REBATES REQUIRED.—

"(i) MINIMUM REBATE PERCENTAGE.—For purposes of subparagraph (A)(ii)(II), the 'minimum rebate percentage' for rebate periods beginning—

"(I) after December 31, 1990, and before October 1, 1992, is 12.5 percent;

"(II) after September 30, 1992, and before January 1, 1994, is 15.7 percent;

"(III) after December 31, 1993, and before January 1, 1995, is 15.4 percent;

"(IV) after December 31, 1994, and before January 1, 1996, is 15.2 percent; and

"(V) after December 31, 1995, is 15.1 percent.

"(ii) TEMPORARY LIMITATION ON MAXIMUM REBATE AMOUNT.—In no case shall the amount applied under subparagraph (A)(ii) for a rebate period beginning—

"(I) before January 1, 1992, exceed 25 percent of the average manufacturer price; or

"(II) after December 31, 1991, and before January 1, 1993, exceed 50 percent of the average manufacturer price.

"(C) BEST PRICE DEFINED.—For purposes of this section—

"(i) IN GENERAL.—The term 'best price' means, with respect to a single source drug or innovator multiple source drug of a manufacturer, the lowest price available from the manufacturer during the rebate period to any wholesaler, retailer, provider, health maintenance organization, nonprofit entity, or governmental entity within the United States, excluding—

"(I) any prices charged on or after October 1, 1992, to the Indian Health Service, the Department of Veterans Affairs, a State home receiving funds under section 1741 of title 38, United States Code, the Department of Defense, the Public Health Service, or a covered entity described in subsection (a)(5)(B);

"(II) any prices charged under the Federal Supply Schedule of the General Services Administration;

"(III) any prices used under a State pharmaceutical assistance program; and

"(IV) any depot prices and single award contract prices, as defined by the Secretary, of any agency of the Federal Government.

"(ii) SPECIAL RULES.—The term 'best price'—

"(I) shall be inclusive of cash discounts, free goods that are contingent on any purchase requirement, volume discounts, and rebates (other than rebates under this section);

"(II) shall be determined without regard to special packaging, labeling, or identifiers on the dosage form or product or package; and

"(III) shall not take into account prices that are merely nominal in amount.

"(2) ADDITIONAL REBATE FOR SINGLE SOURCE AND INNOVATOR MULTIPLE SOURCE DRUGS.—

"(A) IN GENERAL.—The amount of the rebate specified in this subsection for a rebate period, with respect to each dosage form and strength of a single source drug or an innovator multiple source drug, shall be increased by an amount equal to the product of—

"(i) the total number of units of such dosage form and strength dispensed after December 31, 1990, for

which payment was made under the State plan for the rebate period; and

"(ii) the amount (if any) by which—

"(I) the average manufacturer price for the dosage form and strength of the drug for the period, exceeds

"(II) the average manufacturer price for such dosage form and strength for the calendar quarter beginning July 1, 1990 (without regard to whether or not the drug has been sold or transferred to an entity, including a division or subsidiary of the manufacturer, after the first day of such quarter), increased by the percentage by which the consumer price index for all urban consumers (United States city average) for the month before the month in which the rebate period begins exceeds such index for September 1990.

"(B) TREATMENT OF SUBSEQUENTLY APPROVED DRUGS.—In the case of a covered outpatient drug approved by the Food and Drug Administration after October 1, 1990, clause (ii)(II) of subparagraph (A) shall be applied by substituting 'the first full calendar quarter after the day on which the drug was first marketed' for 'the calendar quarter beginning July 1, 1990' and 'the month prior to the first month of the first full calendar quarter after the day on which the drug was first marketed' for 'September 1990'.

"(3) REBATE FOR OTHER DRUGS.—

"(A) IN GENERAL.—The amount of the rebate paid to a State for a rebate period with respect to each dosage form and strength of covered outpatient drugs (other than single source drugs and innovator multiple source drugs) shall be equal to the product of—

"(i) the applicable percentage (as described in subparagraph (B)) of the average manufacturer price for the dosage form and strength for the rebate period, and

"(ii) the total number of units of such dosage form and strength dispensed after December 31, 1990, for which payment was made under the State plan for the rebate period.

"(B) APPLICABLE PERCENTAGE DEFINED.—For purposes of subparagraph (A)(i), the 'applicable percentage' for rebate periods beginning—

"(i) before January 1, 1994, is 10 percent, and

"(ii) after December 31, 1993, is 11 percent.

"(d) LIMITATIONS ON COVERAGE OF DRUGS.—

"(1) PERMISSIBLE RESTRICTIONS.—(A) A State may subject to prior authorization any covered outpatient drug. Any such prior authorization program shall comply with the requirements of paragraph (5).

"(B) A State may exclude or otherwise restrict coverage of a covered outpatient drug if—

"(i) the prescribed use is not for a medically accepted indication (as defined in subsection (k)(6));

"(ii) the drug is contained in the list referred to in paragraph (2);

"(iii) the drug is subject to such restrictions pursuant to an agreement between a manufacturer and a State authorized by the Secretary under subsection (a)(1) or in effect pursuant to subsection (a)(4); or

"(iv) the State has excluded coverage of the drug from its formulary established in accordance with paragraph (4).

"(2) LIST OF DRUGS SUBJECT TO RESTRICTION.—The following drugs or classes of drugs, or their medical uses, may be excluded from coverage or otherwise restricted:

"(A) Agents when used for anorexia, weight loss, or weight gain.

"(B) Agents when used to promote fertility.

"(C) Agents when used for cosmetic purposes or hair growth.

"(D) Agents when used for the symptomatic relief of cough and colds.

"(E) Agents when used to promote smoking cessation.

"(F) Prescription vitamins and mineral products, except prenatal vitamins and fluoride preparations.

"(G) Nonprescription drugs.

"(H) Covered outpatient drugs which the manufacturer seeks to require as a condition of sale that associated tests or monitoring services be purchased exclusively from the manufacturer or its designee.

"(I) Barbiturates.

"(J) Benzodiazepines.

Regulations.

"(3) UPDATE OF DRUG LISTINGS.—The Secretary shall, by regulation, periodically update the list of drugs or classes of drugs described in paragraph (2) or their medical uses, which the Secretary has determined, based on data collected by surveillance and utilization review programs of State medical assistance programs, to be subject to clinical abuse or inappropriate use.

"(4) REQUIREMENTS FOR FORMULARIES.—A State may establish a formulary if the formulary meets the following requirements:

"(A) The formulary is developed by a committee consisting of physicians, pharmacists, and other appropriate individuals appointed by the Governor of the State (or, at the option of the State, the State's drug use review board established under subsection (g)(3)).

"(B) Except as provided in subparagraph (C), the formulary includes the covered outpatient drugs of any manufacturer which has entered into and complies with an agreement under subsection (a) (other than any drug excluded from coverage or otherwise restricted under paragraph (2)).

"(C) A covered outpatient drug may be excluded with respect to the treatment of a specific disease or condition for an identified population (if any) only if, based on the drug's labeling (or, in the case of a drug the prescribed use of which is not approved under the Federal Food, Drug, and Cosmetic Act but is a medically accepted indication, based on information from the appropriate compendia described in subsection (k)(6)), the excluded drug does not have a significant, clinically meaningful therapeutic advan-

tage in terms of safety, effectiveness, or clinical outcome of such treatment for such population over other drugs included in the formulary and there is a written explanation (available to the public) of the basis for the exclusion.

"(D) The State plan permits coverage of a drug excluded from the formulary (other than any drug excluded from coverage or otherwise restricted under paragraph (2)) pursuant to a prior authorization program that is consistent with paragraph (5).

"(E) The formulary meets such other requirements as the Secretary may impose in order to achieve program savings consistent with protecting the health of program beneficiaries.

A prior authorization program established by a State under paragraph (5) is not a formulary subject to the requirements of this paragraph.

"(5) REQUIREMENTS OF PRIOR AUTHORIZATION PROGRAMS.—A State plan under this title may require, as a condition of coverage or payment for a covered outpatient drug for which Federal financial participation is available in accordance with this section, with respect to drugs dispensed on or after July 1, 1991, the approval of the drug before its dispensing for any medically accepted indication (as defined in subsection (k)(6)) only if the system providing for such approval—

"(A) provides response by telephone or other telecommunication device within 24 hours of a request for prior authorization; and

"(B) except with respect to the drugs on the list referred to in paragraph (2), provides for the dispensing of at least 72-hour supply of a covered outpatient prescription drug in an emergency situation (as defined by the Secretary).

"(6) OTHER PERMISSIBLE RESTRICTIONS.—A State may impose limitations, with respect to all such drugs in a therapeutic class, on the minimum or maximum quantities per prescription or on the number of refills, if such limitations are necessary to discourage waste, and may address instances of fraud or abuse by individuals in any manner authorized under this Act.

"(e) TREATMENT OF PHARMACY REIMBURSEMENT LIMITS.—

"(1) IN GENERAL.—During the period beginning on January 1, 1991, and ending on December 31, 1994—

"(A) a State may not reduce the payment limits established by regulation under this title or any limitation described in paragraph (3) with respect to the ingredient cost of a covered outpatient drug or the dispensing fee for such a drug below the limits in effect as of January 1, 1991, and

"(B) except as provided in paragraph (2), the Secretary may not modify by regulation the formula established under sections 447.331 through 447.334 of title 42, Code of Federal Regulations, in effect on November 5, 1990, to reduce the limits described in subparagraph (A).

"(2) SPECIAL RULE.—If a State is not in compliance with the regulations described in paragraph (1)(B), paragraph (1)(A) shall not apply to such State until such State is in compliance with such regulations.

"(3) EFFECT ON STATE MAXIMUM ALLOWABLE COST LIMITATIONS.—This section shall not supersede or affect provisions in effect prior to January 1, 1991, or after December 31, 1994, relating to any maximum allowable cost limitation established by a State for payment by the State for covered outpatient drugs, and rebates shall be made under this section without regard to whether or not payment by the State for such drugs is subject to such a limitation or the amount of such a limitation.".

(2) CONFORMING AMENDMENTS.—Section 1927 (42 U.S.C. 1396r–8) is amended as follows:

(A) In subsection (b)—

(i) in paragraph (1)(A)—

(I) by striking "each calendar quarter (or periodically in accordance with a schedule specified by the Secretary)" and inserting "for a rebate period", and

(II) by striking "dispensed under the plan during the quarter (or other period as the Secretary may specify)" and inserting "dispensed after December 31, 1990, for which payment was made under the State plan for such period";

(ii) in paragraph (2)(A)—

(I) by striking "calendar quarter" and "the quarter" and inserting "rebate period" and "the period", respectively,

(II) by striking "dosage units" and inserting "units of each dosage form and strength and package size", and

(III) by inserting "after December 31, 1990, for which payment was made" after "dispensed"; and

(iii) in paragraph (3)(A)(i), by striking "quarter" each place it appears and inserting "rebate period under the agreement".

(B) In subsection (k)—

(i) in paragraph (1)—

(I) by striking "calendar quarter" and inserting "rebate period", and

(II) by inserting before the period at the end the following: ", after deducting customary prompt pay discounts";

(ii) in paragraph (3)—

(I) in subparagraph (E), by striking "* * * * emergency room visits",

(II) in subparagraph (F), by striking "services" and inserting "services and services provided by an intermediate care facility for the mentally retarded", and

(III) in the matter following subparagraph (H)—

(aa) by striking "which is used" and inserting "for which a National Drug Code number is not required by the Food and Drug Administration or a drug or biological used"; and

(bb) by adding at the end the following: "Any drug, biological product, or insulin excluded from the definition of such term as a result of this paragraph shall be treated as a covered outpatient drug for purposes of determining the best price (as defined in subsection (c)(1)(C)) for such drug, biological product, or insulin.";

(iii) in paragraph (6), by striking ", which appears" and all that follows and inserting "or the use of which is supported by one or more citations included or approved for inclusion in any of the compendia described in subsection (g)(1)(B)(i).";

(iv) in paragraph (7)(A)(i), by striking "calendar quarter" and inserting "rebate period"; and

(v) by redesignating paragraph (8) as paragraph (9) and by inserting after paragraph (7) the following new paragraph:

"(8) REBATE PERIOD.—The term 'rebate period' means, with respect to an agreement under subsection (a), a calendar quarter or other period specified by the Secretary with respect to the payment of rebates under such agreement.".

(b) LIMITING FEDERAL PAYMENTS FOR CERTAIN DRUGS.—Paragraph (10) of section 1903(i) (42 U.S.C. 1396b(i)) (as inserted by section 4401(a)(1)(B) of OBRA–1990) is amended to read as follows:

"(10)(A) with respect to covered outpatient drugs unless there is a rebate agreement in effect under section 1927 with respect to such drugs or unless section 1927(a)(3) applies, and

"(B) with respect to any amount expended for an innovator multiple source drug (as defined in section 1927(k)) dispensed on or after July 1, 1991, if, under applicable State law, a less expensive multiple source drug could have been dispensed, but only to the extent that such amount exceeds the upper payment limit for such multiple source drug;".

(c) ELIMINATION OF PROHIBITION AGAINST STATE USE OF FORMULARIES TO ACHIEVE FEDERAL SAVINGS.—Paragraph (54) of section 1902(a) (42 U.S.C. 1396a(a)) is amended to read as follows:

"(54) in the case of a State plan that provides medical assistance for covered outpatient drugs (as defined in section 1927(k)), comply with the applicable requirements of section 1927;".

(d) EFFECTIVE DATES.—(1) Except as provided in paragraph (2), the amendments made by this section shall take effect as if included in the enactment of OBRA–1990. 42 USC 1396r–8 note.

(2) The amendment made by subsection (a)(1) (insofar as such subsection amends section 1927(d) of the Social Security Act) and the amendment made by subsection (c) shall apply to calendar quarters beginning on or after October 1, 1993, without regard to whether or not regulations to carry out such amendments have been promulgated by such date.

SEC. 13603. OPTIONAL MEDICAID COVERAGE OF TB-RELATED SERVICES FOR CERTAIN TB-INFECTED INDIVIDUALS.

(a) COVERAGE AS OPTIONAL, CATEGORICALLY NEEDY GROUP.—Section 1902(a)(10)(A)(ii) (42 U.S.C. 1396a(a)(10)(A)(ii)) is amended—

(1) by striking "or" at the end of subclause (X),

(2) by adding "or" at the end of subclause (XI), and

(3) by adding at the end the following new subclause:

"(XII) who are described in subsection (z)(1) (relating to certain TB-infected individuals);".

42 USC 1396a.

(b) GROUP AND BENEFIT DESCRIBED.—Section 1902 is amended by adding at the end the following new subsection:

"(z)(1) Individuals described in this paragraph are individuals not described in subsection (a)(10)(A)(i)—

"(A) who are infected with tuberculosis;

"(B) whose income (as determined under the State plan under this title with respect to disabled individuals) does not exceed the maximum amount of income a disabled individual described in subsection (a)(10)(A)(i) may have and obtain medical assistance under the plan; and

"(C) whose resources (as determined under the State plan under this title with respect to disabled individuals) do not exceed the maximum amount of resources a disabled individual described in subsection (a)(10)(A)(i) may have and obtain medical assistance under the plan.

"(2) For purposes of subsection (a)(10), the term 'TB-related services' means each of the following services relating to treatment of infection with tuberculosis:

"(A) Prescribed drugs.

"(B) Physicians' services and services described in section 1905(a)(2).

"(C) Laboratory and X-ray services (including services to confirm the presence of infection).

"(D) Clinic services and Federally-qualified health center services.

"(E) Case management services (as defined in section 1915(g)(2)).

"(F) Services (other than room and board) designed to encourage completion of regimens of prescribed drugs by outpatients, including services to observe directly the intake of prescribed drugs.".

(c) LIMITATION ON BENEFITS.—Section 1902(a)(10) (42 U.S.C. 1396a(a)(10)) is amended in the matter following subparagraph (F)—

(1) by striking "; and (XI)" and inserting ", (XI)",

(2) by striking "individuals, and (XI)" and inserting "individuals, (XII)", and

(3) by inserting before the semicolon at the end the following: ", and (XIII) the medical assistance made available to an individual described in subsection (z)(1) who is eligible for medical assistance only because of subparagraph (A)(ii)(XII) shall be limited to medical assistance for TB-related services (described in subsection (z)(2))".

(d) CONFORMING EXPANSION OF CASE MANAGEMENT SERVICES OPTION.—Section 1915(g)(1) (42 U.S.C. 1396n(g)(1)) is amended by inserting "or to individuals described in section 1902(z)(1)(A)" after "or with either,".

(e) CONFORMING AMENDMENT.—Section 1905(a) (42 U.S.C. 1396d(a)) is amended—

(1) by striking "or" at the end of clause (ix),

(2) by adding "or" at the end of clause (x),

(3) by inserting after clause (x) the following new clause:

"(xi) individuals described in section 1902(z)(1),", and

(4) by amending paragraph (19) to read as follows:

"(19) case management services (as defined in section 1915(g)(2)) and TB-related services described in section 1902(z)(2)(F);".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to medical assistance furnished on or after January 1, 1994, without regard to whether or not final regulations to carry out such amendments have been promulgated by such date. 42 USC 1396a note.

SEC. 13604. LIMITING FEDERAL MEDICAID MATCHING PAYMENT TO BONA FIDE EMERGENCY SERVICES FOR UNDOCUMENTED ALIENS.

(a) IN GENERAL.—Section 1903(v)(2) (42 U.S.C. 1396b(v)(2)) is amended—

(1) by striking "and" at the end of subparagraph (A),

(2) by striking the period at the end of subparagraph (B) and inserting ", and", and

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

"(C) such care and services are not related to an organ transplant procedure.".

(b) EFFECTIVE DATES.—(1) Subject to paragraph (2), the amendments made by subsection (a) shall apply as if included in the enactment of OBRA–1986. 42 USC 1396b note.

(2) The Secretary of Health and Human Services shall not disallow expenditures made for the care and services described in section 1903(v)(2)(C) of the Social Security Act, as added by subsection (a), furnished before the date of the enactment of this Act.

SEC. 13605. COVERAGE OF NURSE-MIDWIFE SERVICES PERFORMED OUTSIDE THE MATERNITY CYCLE.

(a) IN GENERAL.—Section 1905(a)(17) (42 U.S.C. 1396d(a)(17)) is amended by inserting before the semicolon at the end the following: ", and without regard to whether or not the services are performed in the area of management of the care of mothers and babies throughout the maternity cycle".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to services furnished on or after October 1, 1993. 42 USC 1396d note.

SEC. 13606. TREATMENT OF CERTAIN CLINICS AS FEDERALLY-QUALIFIED HEALTH CENTERS.

(a) IN GENERAL.—Section 1905(l)(2)(B) (42 U.S.C. 1396d(l)(2)(B)) is amended—

(1) by striking "or" at the end of clause (i),

(2) by striking the semicolon at the end of clause (ii)(II) and inserting a comma,

(3) by moving clause (ii) 4 ems to the left,

(4) by adding "or" at the end of clause (iii), and

(5) by inserting after clause (iii) the following new clause:

"(iv) was treated by the Secretary, for purposes of part B of title XVIII, as a comprehensive Federally funded health center as of January 1, 1990;".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to calendar quarters beginning on or after July 1, 1993. 42 USC 1396d note.

PART II—ELIGIBILITY

SEC. 13611. TRANSFERS OF ASSETS; TREATMENT OF CERTAIN TRUSTS.

(a) PERIODS OF INELIGIBILITY FOR TRANSFERS OF ASSETS.—

(1) IN GENERAL.—Section 1917(c)(1) (42 U.S.C. 1396p(c)(1)) is amended to read as follows:

"(1)(A) In order to meet the requirements of this subsection for purposes of section 1902(a)(18), the State plan must provide that if an institutionalized individual or the spouse of such an individual (or, at the option of a State, a noninstitutionalized individual or the spouse of such an individual) disposes of assets for less than fair market value on or after the look-back date specified in subparagraph (B)(i), the individual is ineligible for medical assistance for services described in subparagraph (C)(i) (or, in the case of a noninstitutionalized individual, for the services described in subparagraph (C)(ii)) during the period beginning on the date specified in subparagraph (D) and equal to the number of months specified in subparagraph (E).

"(B)(i) The look-back date specified in this subparagraph is a date that is 36 months (or, in the case of payments from a trust or portions of a trust that are treated as assets disposed of by the individual pursuant to paragraph (3)(A)(iii) or (3)(B)(ii) of subsection (d), 60 months) before the date specified in clause (ii).

"(ii) The date specified in this clause, with respect to—

"(I) an institutionalized individual is the first date as of which the individual both is an institutionalized individual and has applied for medical assistance under the State plan, or

"(II) a noninstitutionalized individual is the date on which the individual applies for medical assistance under the State plan or, if later, the date on which the individual disposes of assets for less than fair market value.

"(C)(i) The services described in this subparagraph with respect to an institutionalized individual are the following:

"(I) Nursing facility services.

"(II) A level of care in any institution equivalent to that of nursing facility services.

"(III) Home or community-based services furnished under a waiver granted under subsection (c) or (d) of section 1915.

"(ii) The services described in this subparagraph with respect to a noninstitutionalized individual are services (not including any services described in clause (i)) that are described in paragraph (7), (22), or (24) of section 1905(a), and, at the option of a State, other long-term care services for which medical assistance is otherwise available under the State plan to individuals requiring long-term care.

"(D) The date specified in this subparagraph is the first day of the first month during or after which assets have been transferred for less than fair market value and which does not occur in any other periods of ineligibility under this subsection.

"(E)(i) With respect to an institutionalized individual, the number of months of ineligibility under this subparagraph for an individual shall be equal to—

"(I) the total, cumulative uncompensated value of all assets transferred by the individual (or individual's spouse) on or

after the look-back date specified in subparagraph (B)(i), divided by

"(II) the average monthly cost to a private patient of nursing facility services in the State (or, at the option of the State, in the community in which the individual is institutionalized) at the time of application.

"(ii) With respect to a noninstitutionalized individual, the number of months of ineligibility under this subparagraph for an individual shall not be greater than a number equal to—

"(I) the total, cumulative uncompensated value of all assets transferred by the individual (or individual's spouse) on or after the look-back date specified in subparagraph (B)(i), divided by

"(II) the average monthly cost to a private patient of nursing facility services in the State (or, at the option of the State, in the community in which the individual is institutionalized) at the time of application.

"(iii) The number of months of ineligibility otherwise determined under clause (i) or (ii) with respect to the disposal of an asset shall be reduced—

"(I) in the case of periods of ineligibility determined under clause (i), by the number of months of ineligibility applicable to the individual under clause (ii) as a result of such disposal, and

"(II) in the case of periods of ineligibility determined under clause (ii), by the number of months of ineligibility applicable to the individual under clause (i) as a result of such disposal.

(2) EXCEPTIONS.—Section 1917(c) is amended— 42 USC 1396p.

(A) in paragraph (2)(A), by striking "resources" and inserting "assets";

(B) by amending paragraph (2)(B) to read as follows:

"(B) the assets—

"(i) were transferred to the individual's spouse or to another for the sole benefit of the individual's spouse,

"(ii) were transferred from the individual's spouse to another for the sole benefit of the individual's spouse,

"(iii) were transferred to, or to a trust (including a trust described in subsection (d)(4)) established solely for the benefit of, the individual's child described in subparagraph (A)(ii)(II), or

"(iv) were transferred to a trust (including a trust described in subsection (d)(4)) established solely for the benefit of an individual under 65 years of age who is disabled (as defined in section 1614(a)(3));";

(C) in paragraph (2)(C)—

(i) by striking "resources" each place it appears and inserting "assets",

(ii) by striking "any",

(iii) by striking "or (ii)" and inserting "(ii)", and

(iv) by striking "; or" and inserting ", or (iii) all assets transferred for less than fair market value have been returned to the individual; or";

(D) by amending paragraph (2)(D) to read as follows:

"(D) the State determines, under procedures established by the State (in accordance with standards specified by the Secretary), that the denial of eligibility would work an undue

hardship as determined on the basis of criteria established by the Secretary;";

(E) by striking paragraph (3) and inserting the following:

"(3) For purposes of this subsection, in the case of an asset held by an individual in common with another person or persons in a joint tenancy, tenancy in common, or similar arrangement, the asset (or the affected portion of such asset) shall be considered to be transferred by such individual when any action is taken, either by such individual or by any other person, that reduces or eliminates such individual's ownership or control of such asset."; and

(F) by adding at the end of paragraph (4) the following: "In the case of a transfer by the spouse of an individual which results in a period of ineligibility for medical assistance under a State plan for such individual, a State shall, using a reasonable methodology (as specified by the Secretary), apportion such period of ineligibility (or any portion of such period) among the individual and the individual's spouse if the spouse otherwise becomes eligible for medical assistance under the State plan.".

Intergovernmental relations.

(b) TREATMENT OF TRUST AMOUNTS.—Section 1917 (42 U.S.C. 1396p) is amended by adding at the end the following:

"(d)(1) For purposes of determining an individual's eligibility for, or amount of, benefits under a State plan under this title, subject to paragraph (4), the rules specified in paragraph (3) shall apply to a trust established by such individual.

"(2)(A) For purposes of this subsection, an individual shall be considered to have established a trust if assets of the individual were used to form all or part of the corpus of the trust and if any of the following individuals established such trust other than by will:

"(i) The individual.

"(ii) The individual's spouse.

"(iii) A person, including a court or administrative body, with legal authority to act in place of or on behalf of the individual or the individual's spouse.

"(iv) A person, including any court or administrative body, acting at the direction or upon the request of the individual or the individual's spouse.

"(B) In the case of a trust the corpus of which includes assets of an individual (as determined under subparagraph (A)) and assets of any other person or persons, the provisions of this subsection shall apply to the portion of the trust attributable to the assets of the individual.

"(C) Subject to paragraph (4), this subsection shall apply without regard to—

"(i) the purposes for which a trust is established,

"(ii) whether the trustees have or exercise any discretion under the trust,

"(iii) any restrictions on when or whether distributions may be made from the trust, or

"(iv) any restrictions on the use of distributions from the trust.

"(3)(A) In the case of a revocable trust—

"(i) the corpus of the trust shall be considered resources available to the individual,

"(ii) payments from the trust to or for the benefit of the individual shall be considered income of the individual, and

"(iii) any other payments from the trust shall be considered assets disposed of by the individual for purposes of subsection (c).

"(B) In the case of an irrevocable trust—

"(i) if there are any circumstances under which payment from the trust could be made to or for the benefit of the individual, the portion of the corpus from which, or the income on the corpus from which, payment to the individual could be made shall be considered resources available to the individual, and payments from that portion of the corpus or income—

"(I) to or for the benefit of the individual, shall be considered income of the individual, and

"(II) for any other purpose, shall be considered a transfer of assets by the individual subject to subsection (c); and

"(ii) any portion of the trust from which, or any income on the corpus from which, no payment could under any circumstances be made to the individual shall be considered, as of the date of establishment of the trust (or, if later, the date on which payment to the individual was foreclosed) to be assets disposed by the individual for purposes of subsection (c), and the value of the trust shall be determined for purposes of such subsection by including the amount of any payments made from such portion of the trust after such date.

"(4) This subsection shall not apply to any of the following trusts:

"(A) A trust containing the assets of an individual under age 65 who is disabled (as defined in section 1614(a)(3)) and which is established for the benefit of such individual by a parent, grandparent, legal guardian of the individual, or a court if the State will receive all amounts remaining in the trust upon the death of such individual up to an amount equal to the total medical assistance paid on behalf of the individual under a State plan under this title.

"(B) A trust established in a State for the benefit of an individual if—

"(i) the trust is composed only of pension, Social Security, and other income to the individual (and accumulated income in the trust),

"(ii) the State will receive all amounts remaining in the trust upon the death of such individual up to an amount equal to the total medical assistance paid on behalf of the individual under a State plan under this title, and

"(iii) the State makes medical assistance available to individuals described in section 1902(a)(10)(A)(ii)(V), but does not make such assistance available to individuals for nursing facility services under section 1902(a)(10)(C).

"(C) A trust containing the assets of an individual who is disabled (as defined in section 1614(a)(3)) that meets the following conditions:

"(i) The trust is established and managed by a nonprofit association.

"(ii) A separate account is maintained for each beneficiary of the trust, but, for purposes of investment and management of funds, the trust pools these accounts.

"(iii) Accounts in the trust are established solely for the benefit of individuals who are disabled (as defined in section 1614(a)(3)) by the parent, grandparent, or legal guardian of such individuals, by such individuals, or by a court.

"(iv) To the extent that amounts remaining in the beneficiary's account upon the death of the beneficiary are not retained by the trust, the trust pays to the State from such remaining amounts in the account an amount equal to the total amount of medical assistance paid on behalf of the beneficiary under the State plan under this title.

Intergovernmental relations.

"(5) The State agency shall establish procedures (in accordance with standards specified by the Secretary) under which the agency waives the application of this subsection with respect to an individual if the individual establishes that such application would work an undue hardship on the individual as determined on the basis of criteria established by the Secretary.".

"(6) The term 'trust' includes any legal instrument or device that is similar to a trust but includes an annuity only to such extent and in such manner as the Secretary specifies.".

(c) DEFINITIONS.—Section 1917 (42 U.S.C. 1396p), as amended by subsection (b), is further amended by adding at the end the following new subsection:

"(e) In this section, the following definitions shall apply:

"(1) The term 'assets', with respect to an individual, includes all income and resources of the individual and of the individual's spouse, including any income or resources which the individual or such individual's spouse is entitled to but does not receive because of action—

"(A) by the individual or such individual's spouse,

"(B) by a person, including a court or administrative body, with legal authority to act in place of or on behalf of the individual or such individual's spouse, or

"(C) by any person, including any court or administrative body, acting at the direction or upon the request of the individual or such individual's spouse.

"(2) The term 'income' has the meaning given such term in section 1612.

"(3) The term 'institutionalized individual' means an individual who is an inpatient in a nursing facility, who is an inpatient in a medical institution and with respect to whom payment is made based on a level of care provided in a nursing facility, or who is described in section 1902(a)(10)(A)(ii)(VI).

"(4) The term 'noninstitutionalized individual' means an individual receiving any of the services specified in subsection (c)(1)(C)(ii).

"(5) The term 'resources' has the meaning given such term in section 1613, without regard (in the case of an institutionalized individual) to the exclusion described in subsection (a)(1) of such section.".

(d) CONFORMING AMENDMENTS.—

(1) Section 1902 (42 U.S.C. 1396a) is amended—

(A) in subsection (a)(18), by striking "and transfers of assets" and inserting ", transfers of assets, and treatment of certain trusts";

(B) in subsection (a)(51)—

(i) by striking "(A)"; and

(ii) by striking ", and (B)" and all that follows and inserting a semicolon; and

(C) by striking subsection (k).

(2) Section 1924(b)(2)(B)(i) (42 U.S.C. 1396r–5(b)(2)(B)(i)) is amended by striking "1902(k)" and inserting "1917(d)".

(e) EFFECTIVE DATES.—(1) The amendments made by this section shall apply, except as provided in this subsection, to payments under title XIX of the Social Security Act for calendar quarters beginning on or after October 1, 1993, without regard to whether or not final regulations to carry out such amendments have been promulgated by such date. 42 USC 1396p note.

(2) The amendments made by this section shall not apply—

(A) to medical assistance provided for services furnished before October 1, 1993,

(B) with respect to assets disposed of on or before the date of the enactment of this Act, or

(C) with respect to trusts established on or before the date of the enactment of this Act.

(3) In the case of a State plan for medical assistance under title XIX of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendment made by subsection (b), the State plan shall not be regarded as failing to comply with the requirements imposed by such amendment solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the preceding sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

SEC. 13612. MEDICAID ESTATE RECOVERIES.

(a) MANDATE TO SEEK RECOVERY.—Section 1917(b)(1) (42 U.S.C. 1396p(b)(1)) is amended by striking "except—" and all that follows and inserting the following: "except that the State shall seek adjustment or recovery of any medical assistance correctly paid on behalf of an individual under the State plan in the case of the following individuals:

"(A) In the case of an individual described in subsection (a)(1)(B), the State shall seek adjustment or recovery from the individual's estate or upon sale of the property subject to a lien imposed on account of medical assistance paid on behalf of the individual.

"(B) In the case of an individual who was 55 years of age or older when the individual received such medical assistance, the State shall seek adjustment or recovery from the individual's estate, but only for medical assistance consisting of—

"(i) nursing facility services, home and community-based services, and related hospital and prescription drug services, or

"(ii) at the option of the State, any items or services under the State plan.

"(C)(i) In the case of an individual who has received (or is entitled to receive) benefits under a long-term care insurance policy in connection with which assets or resources are disregarded in the manner described in clause (ii), except as provided in such clause, the State shall seek adjustment or recovery from the individual's estate on account of medical assistance paid on behalf of the individual for nursing facility and other long-term care services.

"(ii) Clause (i) shall not apply in the case of an individual who received medical assistance under a State plan of a State which had a State plan amendment approved as of May 14, 1993, which provided for the disregard of any assets or resources—

"(I) to the extent that payments are made under a long-term care insurance policy; or

"(II) because an individual has received (or is entitled to receive) benefits under a long-term care insurance policy.".

(b) HARDSHIP WAIVER.—Section 1917(b) (42 U.S.C. 1396p(b)) is amended by adding at the end the following new paragraph:

"(3) The State agency shall establish procedures (in accordance with standards specified by the Secretary) under which the agency shall waive the application of this subsection (other than paragraph (1)(C)) if such application would work an undue hardship as determined on the basis of criteria established by the Secretary.".

(c) DEFINITION OF ESTATE.—Section 1917(b) (42 U.S.C. 1396p(b)), as amended by subsection (b), is amended by adding at the end the following new paragraph:

"(4) For purposes of this subsection, the term 'estate', with respect to a deceased individual—

"(A) shall include all real and personal property and other assets included within the individual's estate, as defined for purposes of State probate law; and

"(B) may include, at the option of the State (and shall include, in the case of an individual to whom paragraph (1)(C)(i) applies), any other real and personal property and other assets in which the individual had any legal title or interest at the time of death (to the extent of such interest), including such assets conveyed to a survivor, heir, or assign of the deceased individual through joint tenancy, tenancy in common, survivorship, life estate, living trust, or other arrangement.".

42 USC 1396p note.

(d) EFFECTIVE DATES.—(1)(A) Except as provided in subparagraph (B), the amendments made by this section shall apply to payments under title XIX of the Social Security Act for calendar quarters beginning on or after October 1, 1993, without regard to whether or not final regulations to carry out such amendments have been promulgated by such date.

(B) In the case of a State plan for medical assistance under title XIX of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by this section, the State plan shall not be regarded as failing to comply with the requirements imposed by such amendments solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature

that begins after the date of the enactment of this Act. For purposes of the preceding sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

(2) The amendments made by this section shall not apply to individuals who died before October 1, 1993.

PART III—PAYMENTS

SEC. 13621. ASSURING PROPER PAYMENTS TO DISPROPORTIONATE SHARE HOSPITALS.

(a) DISPROPORTIONATE SHARE HOSPITALS REQUIRED TO PROVIDE MINIMUM LEVEL OF SERVICES TO MEDICAID PATIENTS.—

(1) IN GENERAL.—Section 1923 (42 U.S.C. 1396r–4) is amended—

(A) in subsection (a)(1)(A), by striking "requirement" and inserting "requirements";

(B) in subsection (b)(1), by striking "requirement" and inserting "requirements";

(C) in the heading to subsection (d), by striking "REQUIREMENT" and inserting "REQUIREMENTS";

(D) by adding at the end of subsection (d) the following new paragraph:

"(3) No hospital may be defined or deemed as a disproportionate share hospital under a State plan under this title or under subsection (b) or (e) of this section unless the hospital has a medicaid inpatient utilization rate (as defined in subsection (b)(2)) of not less than 1 percent.";

(E) in subsection (e)(1)—

(i) by striking "and" before "(B)", and

(ii) by inserting before the period at the end the following: ", and (C) the plan meets the requirement of subsection (d)(3) and such payment adjustments are made consistent with the last sentence of subsection (c)"; and

(F) in subsection (e)(2)—

(i) in subparagraph (A), by inserting "(other than the last sentence of subsection (c))" after "(c)",

(ii) by striking "and" at the end of subparagraph (A),

(iii) by striking the period at the end of subparagraph (B) and inserting ", and", and

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

"(C) subsection (d)(3) shall apply.".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to payments to States under section 1903(a) of the Social Security Act for payments to hospitals made under State plans after— 42 USC 1396r–4 note.

(A) the end of the State fiscal year that ends during 1994, or

(B) in the case of a State with a State legislature which is not scheduled to have a regular legislative session in 1994, the end of the State fiscal year that ends during 1995;

without regard to whether or not final regulations to carry out such amendments have been promulgated by either such date.

(b) LIMITING AMOUNT OF HOSPITAL PAYMENT ADJUSTMENT TO UNCOVERED COSTS.—

(1) IN GENERAL.—Section 1923 (42 U.S.C. 1396r–4) is amended by adding at the end the following new subsection:

"(g) LIMIT ON AMOUNT OF PAYMENT TO HOSPITAL.—

"(1) AMOUNT OF ADJUSTMENT SUBJECT TO UNCOMPENSATED COSTS.—

"(A) IN GENERAL.—A payment adjustment during a fiscal year shall not be considered to be consistent with subsection (c) with respect to a hospital if the payment adjustment exceeds the costs incurred during the year of furnishing hospital services (as determined by the Secretary and net of payments under this title, other than under this section, and by uninsured patients) by the hospital to individuals who either are eligible for medical assistance under the State plan or have no health insurance (or other source of third party coverage) for services provided during the year. For purposes of the preceding sentence, payments made to a hospital for services provided to indigent patients made by a State or a unit of local government within a State shall not be considered to be a source of third party payment.

"(B) LIMIT TO PUBLIC HOSPITALS DURING TRANSITION PERIOD.—With respect to payment adjustments during a State fiscal year that begins before January 1, 1995, subparagraph (A) shall apply only to hospitals owned or operated by a State (or by an instrumentality or a unit of government within a State).

"(C) MODIFICATIONS FOR PRIVATE HOSPITALS.—With respect to hospitals that are not owned or operated by a State (or by an instrumentality or a unit of government within a State), the Secretary may make such modifications to the manner in which the limitation on payment adjustments is applied to such hospitals as the Secretary considers appropriate.

"(2) ADDITIONAL AMOUNT DURING TRANSITION PERIOD FOR CERTAIN HOSPITALS WITH HIGH DISPROPORTIONATE SHARE.—

"(A) IN GENERAL.—In the case of a hospital with high disproportionate share (as defined in subparagraph (B)), a payment adjustment during a State fiscal year that begins before January 1, 1995, shall be considered consistent with subsection (c) if the payment adjustment does not exceed 200 percent of the costs of furnishing hospital services described in paragraph (1)(A) during the year, but only if the Governor of the State certifies to the satisfaction of the Secretary that the hospital's applicable minimum amount is used for health services during the year. In determining the amount that is used for such services during a year, there shall be excluded any amounts received under the Public Health Service Act, title V, title XVIII, or from third party payors (not including the State plan under this title) that are used for providing such services during the year.

"(B) HOSPITALS WITH HIGH DISPROPORTIONATE SHARE DEFINED.—In subparagraph (A), a hospital is a 'hospital with high disproportionate share' if—

"(i) the hospital is owned or operated by a State (or by an instrumentality or a unit of government within a State); and

"(ii) the hospital—

"(I) meets the requirement described in subsection (b)(1)(A), or

"(II) has the largest number of inpatient days attributable to individuals entitled to benefits under the State plan of any hospital in such State for the previous State fiscal year.

"(C) APPLICABLE MINIMUM AMOUNT DEFINED.—In subparagraph (A), the 'applicable minimum amount' for a hospital for a fiscal year is equal to the difference between the amount of the hospital's payment adjustment for the fiscal year and the costs to the hospital of furnishing hospital services described in paragraph (1)(A) during the fiscal year.".

(2) CONFORMING AMENDMENTS.—Section 1923 is amended— 42 USC 1396r-4.

(A) in subsection (c) in the matter preceding paragraph (1), by striking "subsection (f)" and inserting "subsections (f) and (g)"; and

(B) in subsection (e)(2) (as amended by subsection (a)(1)(F))—

(i) by striking "and" at the end of subparagraph (B);

(ii) by striking the period at the end of subparagraph (C) and inserting ", and"; and

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

"(D) subsection (g) shall apply.".

(3) EFFECTIVE DATE.— 42 USC 1396r-4 note.

(A) IN GENERAL.—Except as provided in subparagraph (B), the amendments made by this subsection shall apply to payments to States under section 1903(a) of the Social Security Act for payments to hospitals made under State plans after—

(i) the end of the State fiscal year that ends during 1994, or

(ii) in the case of a State with a State legislature which is not scheduled to have a regular legislative session in 1994, the end of the State fiscal year that ends during 1995;

without regard to whether or not final regulations to carry out such amendments have been promulgated by either such date.

(B) DELAY IN IMPLEMENTATION FOR PRIVATE HOSPITALS.—With respect to a hospital that is not owned or operated by a State (or by an instrumentality or a unit of government within a State), the amendments made by this subsection shall apply to payments to States under section 1903(a) for payments to hospitals made under State plans for State fiscal years that begin during or after 1995, without regard to whether or not final regulations

to carry out such amendments have been promulgated by such date.

SEC. 13622. LIABILITY OF THIRD PARTIES TO PAY FOR CARE AND SERVICES.

(a) LIABILITY OF ERISA PLANS.—(1) Section 1902(a)(25)(A) (42 U.S.C. 1396a(a)(25)(A)) is amended by striking "insurers)" and inserting "insurers, group health plans (as defined in section 607(1) of the Employee Retirement Income Security Act of 1974), service benefit plans, and health maintenance organizations)".

(2) Section 1903(o) (42 U.S.C. 1396b(o)) is amended by striking "regulation)" and inserting "regulation and including a group health plan (as defined in section 607(1) of the Employee Retirement Income Security Act of 1974)), a service benefit plan, and a health maintenance organization)".

(b) REQUIRING STATE TO PROHIBIT INSURERS FROM TAKING MEDICAID STATUS INTO ACCOUNT.—Section 1902(a)(25) (42 U.S.C. 1396a(a)(25)) is amended—

(1) by striking "and" at the end of subparagraph (F);

(2) by adding "and" at the end of subparagraph (G); and

(3) by adding after subparagraph (G) the following new subparagraph:

"(H) that the State prohibits any health insurer (including a group health plan, as defined in section 607(1) of the Employee Retirement Income Security Act of 1974, a service benefit plan, and a health maintenance organization), in enrolling an individual or in making any payments for benefits to the individual or on the individual's behalf, from taking into account that the individual is eligible for or is provided medical assistance under a plan under this title for such State, or any other State;".

(c) STATE RIGHT TO THIRD PARTY PAYMENTS.—Section 1902(a)(25) (42 U.S.C. 1396a(a)(25)), as amended by subsection (b), is amended—

(1) by striking "and" at the end of subparagraph (G);

(2) by adding "and" at the end of subparagraph (H); and

(3) by adding after subparagraph (H) the following new subparagraph:

"(I) that to the extent that payment has been made under the State plan for medical assistance in any case where a third party has a legal liability to make payment for such assistance, the State has in effect laws under which, to the extent that payment has been made under the State plan for medical assistance for health care items or services furnished to an individual, the State is considered to have acquired the rights of such individual to payment by any other party for such health care items or services;".

42 USC 1396a note.

(d) EFFECTIVE DATE.—(1) Except as provided in paragraph (2), the amendments made by subsections (a)(1), (b), and (c) shall apply to calendar quarters beginning on or after October 1, 1993, without regard to whether or not final regulations to carry out such amendments have been promulgated by such date.

(2) In the case of a State plan for medical assistance under title XIX of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet

the additional requirements imposed by the amendments made by subsections (a) and (b), the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the preceding sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

(3) The amendment made by subsection (a)(2) shall apply to items and services furnished on or after October 1, 1993.

SEC. 13623. MEDICAL CHILD SUPPORT.

(a) STATE PLAN REQUIREMENT.—Section 1902(a) (42 U.S.C. 1396a(a)) is amended—

(1) by striking "and" at the end of paragraph (54);

(2) in the paragraph (55) inserted by section 4602(a)(3) of OBRA–1990, by striking the period at the end and inserting a semicolon;

(3) by redesignating the paragraph (55) inserted by section 4604(b)(3) of OBRA–1990 as paragraph (56), by transferring and inserting it after the paragraph (55) inserted by section 4602(a)(3) of such Act, and by striking the period at the end and inserting a semicolon;

(4) by placing paragraphs (57) and (58), inserted by section 4751(a)(1)(C) of OBRA–1990, immediately after paragraph (56), as redesignated by paragraph (3);

(5) in the paragraph (58) inserted by section 4751(a)(1)(C) of OBRA–1990, by striking the period at the end and inserting a semicolon;

(6) by redesignating the paragraph (58) inserted by section 4752(c)(1)(C) of OBRA–1990 as paragraph (59) and by transferring and inserting it after the paragraph (58) inserted by section 4751(a)(1)(C) of such Act, and by striking the period at the end and inserting "; and"; and

(7) by inserting after paragraph (59) the following new paragraph:

"(60) provide that the State agency shall provide assurances satisfactory to the Secretary that the State has in effect the laws relating to medical child support required under section 1908.".

(b) MEDICAL CHILD SUPPORT LAWS.—Title XIX (42 U.S.C 1936 et seq.) is amended by inserting after section 1907 the following new section:

"REQUIRED LAWS RELATING TO MEDICAL CHILD SUPPORT

"SEC. 1908. (a) IN GENERAL.—The laws relating to medical child support, which a State is required to have in effect under section 1902(a)(60), are as follows: 42 USC 1396g.

"(1) A law that prohibits an insurer from denying enrollment of a child under the health coverage of the child's parent on the ground that—

"(A) the child was born out of wedlock,

"(B) the child is not claimed as a dependent on the parent's Federal income tax return, or

"(C) the child does not reside with the parent or in the insurer's service area.

"(2) In any case in which a parent is required by a court or administrative order to provide health coverage for a child and the parent is eligible for family health coverage through an insurer, a law that requires such insurer—

"(A) to permit such parent to enroll under such family coverage any such child who is otherwise eligible for such coverage (without regard to any enrollment season restrictions);

"(B) if such a parent is enrolled but fails to make application to obtain coverage of such child, to enroll such child under such family coverage upon application by the child's other parent or by the State agency administering the program under this title or part D of title IV; and

"(C) not to disenroll (or eliminate coverage of) such a child unless the insurer is provided satisfactory written evidence that—

"(i) such court or administrative order is no longer in effect, or

"(ii) the child is or will be enrolled in comparable health coverage through another insurer which will take effect not later than the effective date of such disenrollment.

"(3) In any case in which a parent is required by a court or administrative order to provide health coverage for a child and the parent is eligible for family health coverage through an employer doing business in the State, a law that requires such employer—

"(A) to permit such parent to enroll under such family coverage any such child who is otherwise eligible for such coverage (without regard to any enrollment season restrictions);

"(B) if such a parent is enrolled but fails to make application to obtain coverage of such child, to enroll such child under such family coverage upon application by the child's other parent or by the State agency administering the program under this title or part D of title IV; and

"(C) not to disenroll (or eliminate coverage of) any such child unless—

"(i) the employer is provided satisfactory written evidence that—

"(I) such court or administrative order is no longer in effect, or

"(II) the child is or will be enrolled in comparable health coverage which will take effect not later than the effective date of such disenrollment, or

"(ii) the employer has eliminated family health coverage for all of its employees; and

"(D) to withhold from such employee's compensation the employee's share (if any) of premiums for health coverage (except that the amount so withheld may not exceed the maximum amount permitted to be withheld under section 303(b) of the Consumer Credit Protection Act), and to pay such share of premiums to the insurer, except that the Secretary may provide by regulation for appropriate

circumstances under which an employer may withhold less than such employee's share of such premiums.

"(4) A law that prohibits an insurer from imposing requirements on a State agency, which has been assigned the rights of an individual eligible for medical assistance under this title and covered for health benefits from the insurer, that are different from requirements applicable to an agent or assignee of any other individual so covered.

"(5) A law that requires an insurer, in any case in which a child has health coverage through the insurer of a noncustodial parent—

"(A) to provide such information to the custodial parent as may be necessary for the child to obtain benefits through such coverage;

"(B) to permit the custodial parent (or provider, with the custodial parent's approval) to submit claims for covered services without the approval of the noncustodial parent; and

"(C) to make payment on claims submitted in accordance with subparagraph (B) directly to such custodial parent, the provider, or the State agency.

"(6) A law that permits the State agency under this title to garnish the wages, salary, or other employment income of, and requires withholding amounts from State tax refunds to, any person who—

"(A) is required by court or administrative order to provide coverage of the costs of health services to a child who is eligible for medical assistance under this title,

"(B) has received payment from a third party for the costs of such services to such child, but

"(C) has not used such payments to reimburse, as appropriate, either the other parent or guardian of such child or the provider of such services,

to the extent necessary to reimburse the State agency for expenditures for such costs under its plan under this title, but any claims for current or past-due child support shall take priority over any such claims for the costs of such services.

"(b) DEFINITION.—For purposes of this section, the term 'insurer' includes a group health plan, as defined in section 607(1) of the Employee Retirement Income Security Act of 1974, a health maintenance organization, and an entity offering a service benefit plan.".

(c) EFFECTIVE DATE.—(1) Except as provided in paragraph (2), the amendments made by this section apply to calendar quarters beginning on or after April 1, 1994, without regard to whether or not final regulations to carry out such amendments have been promulgated by such date. 42 USC 1396g note.

(2) In the case of a State plan under title XIX of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendments made by this section, the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the preceding sentence, in the case of a State that has a 2-year legislative session,

each year of such session shall be deemed to be a separate regular session of the State legislature.

SEC. 13624. APPLICATION OF MEDICARE RULES LIMITING CERTAIN PHYSICIAN REFERRALS.

(a) IN GENERAL.—Section 1903 (42 U.S.C.1396b) is amended by inserting after subsection (r) the following new subsection:

"(s) Notwithstanding the preceding provisions of this section, no payment shall be made to a State under this section for expenditures for medical assistance under the State plan consisting of a designated health service (as defined in subsection (h)(6) of section 1877) furnished to an individual on the basis of a referral that would result in the denial of payment for the service under title XVIII if such title provided for coverage of such service to the same extent and under the same terms and conditions as under the State plan, and subsections (f) and (g)(5) of such section shall apply to a provider of such a designated health service for which payment may be made under this title in the same manner as such subsections apply to a provider of such a service for which payment may be made under such title.".

42 USC 1396b note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to referrals made on or after December 31, 1994.

SEC. 13625. STATE MEDICAID FRAUD CONTROL.

(a) IN GENERAL.—Section 1902(a) (42 U.S.C. 1396a(a)), as amended by section 13623(a), is amended—

(1) by striking "and" at the end of paragraph (59);

(2) by striking the period at the end of paragraph (60) and inserting "; and"; and

(3) by inserting after paragraph (60) the following new paragraph:

"(61) provide that the State must demonstrate that it operates a medicaid fraud and abuse control unit described in section 1903(q) that effectively carries out the functions and requirements described in such section, as determined in accordance with standards established by the Secretary, unless the State demonstrates to the satisfaction of the Secretary that the effective operation of such a unit in the State would not be cost-effective because minimal fraud exists in connection with the provision of covered services to eligible individuals under the State plan, and that beneficiaries under the plan will be protected from abuse and neglect in connection with the provision of medical assistance under the plan without the existence of such a unit.".

42 USC 1396a note.

(b) EFFECTIVE DATE.—Section 1902(a)(61) of the Social Security Act (as added by subsection (a)) shall take effect January 1, 1995, and the standards referred to in such section shall be established not later than March 31, 1994.

PART IV—IMMUNIZATIONS

SEC. 13631. MEDICAID PEDIATRIC IMMUNIZATION PROVISIONS.

(a) STATE PLAN REQUIREMENT FOR PEDIATRIC IMMUNIZATION DISTRIBUTION PROGRAM.—Section 1902(a) (42 U.S.C. 1396a(a)), as amended by sections 13623(a) and 13625(a), is amended—

(1) by striking "and" at the end of paragraph (60);

(2) by striking the period at the end of paragraph (61) and inserting "; and"; and

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

"(62) provide for a program for the distribution of pediatric vaccines to program-registered providers for the immunization of vaccine-eligible children in accordance with section 1928.".

(b) DESCRIPTION OF REQUIRED PROGRAM.—Title XIX is amended—

(1) by redesignating section 1928 as section 1931 and by moving such section to the end of such title, and 42 USC 1396s, 1396v.

(2) by inserting after section 1927 the following new section:

"PROGRAM FOR DISTRIBUTION OF PEDIATRIC VACCINES

"SEC. 1928. (a) ESTABLISHMENT OF PROGRAM.—

"(1) IN GENERAL.—In order to meet the requirement of section 1902(a)(62), each State shall establish a pediatric vaccine distribution program (which may be administered by the State department of health), consistent with the requirements of this section, under which— 42 USC 1396s.

"(A) each vaccine-eligible child (as defined in subsection (b)), in receiving an immunization with a qualified pediatric vaccine (as defined in subsection (h)(8)) from a program-registered provider (as defined in subsection (c)) on or after October 1, 1994, is entitled to receive the immunization without charge for the cost of such vaccine; and

"(B)(i) each program-registered provider who administers such a pediatric vaccine to a vaccine-eligible child on or after such date is entitled to receive such vaccine under the program without charge either for the vaccine or its delivery to the provider, and (ii) no vaccine is distributed under the program to a provider unless the provider is a program-registered provider.

"(2) DELIVERY OF SUFFICIENT QUANTITIES OF PEDIATRIC VACCINES TO IMMUNIZE FEDERALLY VACCINE-ELIGIBLE CHILDREN.—

"(A) IN GENERAL.—The Secretary shall provide under subsection (d) for the purchase and delivery on behalf of each State meeting the requirement of section 1902(a)(62) (or, with respect to vaccines administered by an Indian tribe or tribal organization to Indian children, directly to the tribe or organization), without charge to the State, of such quantities of qualified pediatric vaccines as may be necessary for the administration of such vaccines to all federally vaccine-eligible children in the State on or after October 1, 1994. This paragraph constitutes budget authority in advance of appropriations Acts, and represents the obligation of the Federal Government to provide for the purchase and delivery to States of the vaccines (or payment under subparagraph (C)) in accordance with this paragraph.

"(B) SPECIAL RULES WHERE VACCINE IS UNAVAILABLE.—To the extent that a sufficient quantity of a vaccine is not available for purchase or delivery under subsection (d), the Secretary shall provide for the purchase and delivery of the available vaccine in accordance with priorities established by the Secretary, with priority given to federally vaccine-eligible children unless the Secretary finds there are other public health considerations.

"(C) SPECIAL RULES WHERE STATE IS A MANUFACTURER.—

"(i) PAYMENTS IN LIEU OF VACCINES.—In the case of a State that manufactures a pediatric vaccine the Secretary, instead of providing the vaccine on behalf of a State under subparagraph (A), shall provide to the State an amount equal to the value of the quantity of such vaccine that otherwise would have been delivered on behalf of the State under such subparagraph, but only if the State agrees that such payments will only be used for purposes relating to pediatric immunizations.

"(ii) DETERMINATION OF VALUE.—In determining the amount to pay a State under clause (i) with respect to a pediatric vaccine, the value of the quantity of vaccine shall be determined on the basis of the price in effect for the qualified pediatric vaccine under contracts under subsection (d). If more than 1 such contract is in effect, the Secretary shall determine such value on the basis of the average of the prices under the contracts, after weighting each such price in relation to the quantity of vaccine under the contract involved.

"(b) VACCINE-ELIGIBLE CHILDREN.—For purposes of this section:

"(1) IN GENERAL.—The term 'vaccine-eligible child' means a child who is a federally vaccine-eligible child (as defined in paragraph (2)) or a State vaccine-eligible child (as defined in paragraph (3)).

"(2) FEDERALLY VACCINE-ELIGIBLE CHILD.—

"(A) IN GENERAL.—The term 'federally vaccine-eligible child' means any of the following children:

"(i) A medicaid-eligible child.

"(ii) A child who is not insured.

"(iii) A child who (I) is administered a qualified pediatric vaccine by a federally-qualified health center (as defined in section 1905(l)(2)(B)) or a rural health clinic (as defined in section 1905(l)(1)), and (II) is not insured with respect to the vaccine.

"(iv) A child who is an Indian (as defined in subsection (h)(3)).

"(B) DEFINITIONS.—In subparagraph (A):

"(i) The term 'medicaid-eligible' means, with respect to a child, a child who is entitled to medical assistance under a state plan approved under this title.

"(ii) The term 'insured' means, with respect to a child—

"(I) for purposes of subparagraph (A)(ii), that the child is enrolled under, and entitled to benefits under, a health insurance policy or plan, including a group health plan, a prepaid health plan, or an employee welfare benefit plan under the Employee Retirement Income Security Act of 1974; and

"(II) for purposes of subparagraph (A)(iii)(II) with respect to a pediatric vaccine, that the child is entitled to benefits under such a health insurance policy or plan, but such benefits are not

available with respect to the cost of the pediatric vaccine.

"(3) STATE VACCINE-ELIGIBLE CHILD.—The term 'State vaccine-eligible child' means, with respect to a State and a qualified pediatric vaccine, a child who is within a class of children for which the State is purchasing the vaccine pursuant to subsection (d)(4)(B).

"(c) PROGRAM-REGISTERED PROVIDERS.—

"(1) DEFINED.—In this section, except as otherwise provided, the term 'program-registered provider' means, with respect to a State, any health care provider that—

"(A) is licensed or otherwise authorized for administration of pediatric vaccines under the law of the State in which the administration occurs (subject to section 333(e) of the Public Health Service Act), without regard to whether or not the provider participates in the plan under this title;

"(B) submits to the State an executed provider agreement described in paragraph (2); and

"(C) has not been found, by the Secretary or the State, to have violated such agreement or other applicable requirements established by the Secretary or the State consistent with this section.

"(2) PROVIDER AGREEMENT.—A provider agreement for a provider under this paragraph is an agreement (in such form and manner as the Secretary may require) that the provider agrees as follows:

"(A)(i) Before administering a qualified pediatric vaccine to a child, the provider will ask a parent of the child such questions as are necessary to determine whether the child is a vaccine-eligible child, but the provider need not independently verify the answers to such questions.

"(ii) The provider will, for a period of time specified by the Secretary, maintain records of responses made to the questions.

"(iii) The provider will, upon request, make such records available to the State and to the Secretary, subject to section 1902(a)(7).

"(B)(i) Subject to clause (ii), the provider will comply with the schedule, regarding the appropriate periodicity, dosage, and contraindications applicable to pediatric vaccines, that is established and periodically reviewed and, as appropriate, revised by the advisory committee referred to in subsection (e), except in such cases as, in the provider's medical judgment subject to accepted medical practice, such compliance is medically inappropriate.

"(ii) The provider will provide pediatric vaccines in compliance with applicable State law, including any such law relating to any religious or other exemption.

"(C)(i) In administering a qualified pediatric vaccine to a vaccine-eligible child, the provider will not impose a charge for the cost of the vaccine. A program-registered provider is not required under this section to administer such a vaccine to each child for whom an immunization with the vaccine is sought from the provider.

"(ii) The provider may impose a fee for the administration of a qualified pediatric vaccine so long as the fee

in the case of a federally vaccine-eligible child does not exceed the costs of such administration (as determined by the Secretary based on actual regional costs for such administration).

"(iii) The provider will not deny administration of a qualified pediatric vaccine to a vaccine-eligible child due to the inability of the child's parent to pay an administration fee.

"(3) ENCOURAGING INVOLVEMENT OF PROVIDERS.—Each program under this section shall provide, in accordance with criteria established by the Secretary—

"(A) for encouraging the following to become program-registered providers: private health care providers, the Indian Health Service, health care providers that receive funds under title V of the Indian Health Care Improvement Act, and health programs or facilities operated by Indian tribes or tribal organizations; and

"(B) for identifying, with respect to any population of vaccine-eligible children a substantial portion of whose parents have a limited ability to speak the English language, those program-registered providers who are able to communicate with the population involved in the language and cultural context that is most appropriate.

"(4) STATE REQUIREMENTS.—Except as the Secretary may permit in order to prevent fraud and abuse and for related purposes, a State may not impose additional qualifications or conditions, in addition to the requirements of paragraph (1), in order that a provider qualify as a program-registered provider under this section. This subsection does not limit the exercise of State authority under section 1915(b).

"(d) NEGOTIATION OF CONTRACTS WITH MANUFACTURERS.—

"(1) IN GENERAL.—For the purpose of meeting obligations under this section, the Secretary shall negotiate and enter into contracts with manufacturers of pediatric vaccines consistent with the requirements of this subsection and, to the maximum extent practicable, consolidate such contracting with any other contracting activities conducted by the Secretary to purchase vaccines. The Secretary may enter into such contracts under which the Federal Government is obligated to make outlays, the budget authority for which is not provided for in advance in appropriations Acts, for the purchase and delivery of pediatric vaccines under subsection (a)(2)(A).

"(2) AUTHORITY TO DECLINE CONTRACTS.—The Secretary may decline to enter into such contracts and may modify or extend such contracts.

"(3) CONTRACT PRICE.—

"(A) IN GENERAL.—The Secretary, in negotiating the prices at which pediatric vaccines will be purchased and delivered from a manufacturer under this subsection, shall take into account quantities of vaccines to be purchased by States under the option under paragraph (4)(B).

"(B) NEGOTIATION OF DISCOUNTED PRICE FOR CURRENT VACCINES.—With respect to contracts entered into under this subsection for a pediatric vaccine for which the Centers for Disease Control and Prevention has a contract in effect under section 317(j)(1) of the Public Health Service Act as of May 1, 1993, no price for the purchase of such

vaccine for vaccine-eligible children shall be agreed to by the Secretary under this subsection if the price per dose of such vaccine (including delivery costs and any applicable excise tax established under section 4131 of the Internal Revenue Code of 1986) exceeds the price per dose for the vaccine in effect under such a contract as of such date increased by the percentage increase in the consumer price index for all urban consumers (all items; United States city average) from May 1993 to the month before the month in which such contract is entered into.

"(C) NEGOTIATION OF DISCOUNTED PRICE FOR NEW VACCINES.—With respect to contracts entered into for a pediatric vaccine not described in subparagraph (B), the price for the purchase of such vaccine shall be a discounted price negotiated by the Secretary that may be established without regard to such subparagraph.

"(4) QUANTITIES AND TERMS OF DELIVERY.—Under such contracts—

"(A) the Secretary shall provide, consistent with paragraph (6), for the purchase and delivery on behalf of States (and tribes and tribal organizations) of quantities of pediatric vaccines for federally vaccine-eligible children; and

"(B) each State, at the option of the State, shall be permitted to obtain additional quantities of pediatric vaccines (subject to amounts specified to the Secretary by the State in advance of negotiations) through purchasing the vaccines from the manufacturers at the applicable price negotiated by the Secretary consistent with paragraph (3), if (i) the State agrees that the vaccines will be used to provide immunizations only for children who are not federally vaccine-eligible children and (ii) the State provides to the Secretary such information (at a time and manner specified by the Secretary, including in advance of negotiations under paragraph (1)) as the Secretary determines to be necessary, to provide for quantities of pediatric vaccines for the State to purchase pursuant to this subsection and to determine annually the percentage of the vaccine market that is purchased pursuant to this section and this subparagraph.

The Secretary shall enter into the initial negotiations under the preceding sentence not later than 180 days after the date of the enactment of the Omnibus Budget Reconciliation Act of 1993.

"(5) CHARGES FOR SHIPPING AND HANDLING.—The Secretary may enter into a contract referred to in paragraph (1) only if the manufacturer involved agrees to submit to the Secretary such reports as the Secretary determines to be appropriate to assure compliance with the contract and if, with respect to a State program under this section that does not provide for the direct delivery of qualified pediatric vaccines, the manufacturer involved agrees that the manufacturer will provide for the delivery of the vaccines on behalf of the State in accordance with such program and will not impose any charges for the costs of such delivery (except to the extent such costs are provided for in the price established under paragraph (3)).

"(6) ASSURING ADEQUATE SUPPLY OF VACCINES.—The Secretary, in negotiations under paragraph (1), shall negotiate

for quantities of pediatric vaccines such that an adequate supply of such vaccines will be maintained to meet unanticipated needs for the vaccines. For purposes of the preceding sentence, the Secretary shall negotiate for a 6-month supply of vaccines in addition to the quantity that the Secretary otherwise would provide for in such negotiations. In carrying out this paragraph, the Secretary shall consider the potential for outbreaks of the diseases with respect to which the vaccines have been developed.

"(7) MULTIPLE SUPPLIERS.—In the case of the pediatric vaccine involved, the Secretary shall, as appropriate, enter into a contract referred to in paragraph (1) with each manufacturer of the vaccine that meets the terms and conditions of the Secretary for an award of such a contract (including terms and conditions regarding safety and quality). With respect to multiple contracts entered into pursuant to this paragraph, the Secretary may have in effect different prices under each of such contracts and, with respect to a purchase by States pursuant to paragraph (4)(B), the Secretary shall determine which of such contracts will be applicable to the purchase.

"(e) USE OF PEDIATRIC VACCINES LIST.—The Secretary shall use, for the purpose of the purchase, delivery, and administration of pediatric vaccines under this section, the list established (and periodically reviewed and as appropriate revised) by the Advisory Committee on Immunization Practices (an advisory committee established by the Secretary, acting through the Director of the Centers for Disease Control and Prevention).

"(f) REQUIREMENT OF STATE MAINTENANCE OF IMMUNIZATION LAWS.—In the case of a State that had in effect as of May 1, 1993, a law that requires some or all health insurance policies or plans to provide some coverage with respect to a pediatric vaccine, a State program under this section does not comply with the requirements of this section unless the State certifies to the Secretary that the State has not modified or repealed such law in a manner that reduces the amount of coverage so required.

"(g) TERMINATION.—This section, and the requirement of section 1902(a)(62), shall cease to be in effect beginning on such date as may be prescribed in Federal law providing for immunization services for all children as part of a broad-based reform of the national health care system.

"(h) DEFINITIONS.—For purposes of this section:

"(1) The term 'child' means an individual 18 years of age or younger.

"(2) The term 'immunization' means an immunization against a vaccine-preventable disease.

"(3) The terms 'Indian', 'Indian tribe' and 'tribal organization' have the meanings given such terms in section 4 of the Indian Health Care Improvement Act.

"(4) The term 'manufacturer' means any corporation, organization, or institution, whether public or private (including Federal, State, and local departments, agencies, and instrumentalities), which manufactures, imports, processes, or distributes under its label any pediatric vaccine. The term 'manufacture' means to manufacture, import, process, or distribute a vaccine.

"(5) The term 'parent' includes, with respect to a child, an individual who qualifies as a legal guardian under State law.

"(6) The term 'pediatric vaccine' means a vaccine included on the list under subsection (e).

"(7) The term 'program-registered provider' has the meaning given such term in subsection (c).

"(8) The term 'qualified pediatric vaccine' means a pediatric vaccine with respect to which a contract is in effect under subsection (d).

"(9) The terms 'vaccine-eligible child', 'federally vaccine-eligible child', and 'State vaccine-eligible child' have the meaning given such terms in subsection (b).".

(c) LIMITATION ON MEDICAID PAYMENTS.—Section 1903(i) (42 U.S.C. 1396b(i)), as amended by section 2(b)(2) of the Medicaid Voluntary Contribution and Provider-Specific Tax Amendments of 1991, is amended—

(1) in the paragraph (10) inserted by section 4401(a)(1)(B) of OBRA–1990, by striking all that follows "1927(g)" and inserting a semicolon;

(2) by redesignating the paragraph (12) inserted by section 4752(a)(2) of OBRA–1990 as paragraph (11), by transferring and inserting it after the paragraph (10) inserted by section 4401(a)(1)(B) of OBRA–1990, and by striking the period at the end and inserting a semicolon;

(3) by redesignating the paragraph (14) inserted by section 4752(e) of OBRA–1990 as paragraph (12), by transferring and inserting it after paragraph (11), as redesignated by paragraph (2), and by striking the period at the end and inserting a semicolon;

(4) by redesignating the paragraph (11) inserted by section 4801(e)(16)(A) of OBRA–1990 as paragraph (13), by transferring and inserting it after paragraph (12), as redesignated by paragraph (3), and by striking the period at the end and inserting "; or"; and

(5) by inserting after paragraph (13), as so redesignated, the following new paragraph:

"(14) with respect to any amount expended on administrative costs to carry out the program under section 1928.".

(d) CONTINUED COVERAGE OF COSTS OF A PEDIATRIC VACCINE UNDER CERTAIN GROUP HEALTH PLANS.— 42 USC 300bb–7 note.

(1) REQUIREMENT.—The requirement of this paragraph, with respect to a group health plan for plan years beginning after the date of the enactment of this Act, is that the group health plan not reduce its coverage of the costs of pediatric vaccines (as defined under section 1928(h)(6) of the Social Security Act) below the coverage it provided as of May 1, 1993.

(2) ENFORCEMENT.—For purposes of section 2207 of the Public Health Service Act, the requirement of paragraph (1) is deemed a requirement of title XXII of such Act.

(e) AVAILABILITY OF MEDICAID PAYMENTS FOR CHILDHOOD VACCINE REPLACEMENT PROGRAMS.—

(1) IN GENERAL.—Section 1902(a)(32) (42 U.S.C. 1396a(a)(32)) is amended—

(A) by striking "and" at the end of subparagraph (B),

(B) by striking the period at the end of subparagraph (C) and inserting "; and", and

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

"(D) in the case of payment for a childhood vaccine administered before October 1, 1994, to individuals entitled to medical assistance under the State plan, the State plan may make payment directly to the manufacturer of the vaccine under a voluntary replacement program agreed to by the State pursuant to which the manufacturer (i) supplies doses of the vaccine to providers administering the vaccine, (ii) periodically replaces the supply of the vaccine, and (iii) charges the State the manufacturer's price to the Centers for Disease Control and Prevention for the vaccine so administered (which price includes a reasonable amount to cover shipping and the handling of returns);".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act.

(f) OUTREACH AND EDUCATION.—

(1) IN GENERAL.—Section 1902(a) (42 U.S.C. 1396a(a)) is amended—

(A) in paragraph (11)(B)—

(i) by striking "effective July 1, 1969,",

(ii) by striking "and" before "(ii)", and

(iii) by striking "to him under section 1903" and inserting "to the individual under section 1903, and (iii) providing for coordination of information and education on pediatric vaccinations and delivery of immunization services";

(B) in paragraph (11)(C), by inserting ", including the provision of information and education on pediatric vaccinations and the delivery of immunization services," after "operations under this title"; and

(C) in paragraph (43)(A), by inserting before the comma at the end the following: "and the need for age-appropriate immunizations against vaccine-preventable diseases".

(2) COVERAGE OF PUBLIC HOUSING HEALTH CENTERS AND CERTAIN INDIAN HEALTH CARE PROVIDERS AS FEDERALLY-QUALIFIED HEALTH CENTERS.—Section 1905(l)(2)(B) (42 U.S.C. 1396d(l)(2)(B)) is amended—

(A) by striking "or 340" each place it appears and inserting "340, or 340A", and

(B) by inserting "or by an urban Indian organization receiving funds under title V of the Indian Health Care Improvement Act for the provision of primary health services" after "93–638)".

42 USC 1396a note.

(3) EFFECTIVE DATES.—(A) Except as provided in subparagraph (B), the amendments made by this subsection shall apply to calendar quarters beginning on or after October 1, 1993, without regard to whether or not final regulations to carry out such amendments have been promulgated by such date.

(B) In the case of a State plan for medical assistance under title XIX of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by this subsection, the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session

of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

(g) SCHEDULE OF IMMUNIZATIONS UNDER EPSDT.—

(1) IN GENERAL.—Section 1905(r)(1) (42 U.S.C. 1396d(r)(1)) is amended—

(A) in subparagraph (A)(i), by inserting "and, with respect to immunizations under subparagraph (B)(iii), in accordance with the schedule referred to in section 1928(c)(2)(B)(i) for pediatric vaccines" after "child health care"; and

(B) in subparagraph (B)(iii), by inserting "(according to the schedule referred to in section 1928(c)(2)(B)(i) for pediatric vaccines)" after "appropriate immunizations".

(2) EFFECTIVE DATE.—The amendments made by subparagraphs (A) and (B) of paragraph (1) shall first apply 90 days after the date the schedule referred to in subparagraphs (A)(i) and subparagraph (B)(iii) of section 1905(r)(1) of the Social Security Act (as amended by such respective subparagraphs) is first established. 42 USC 1396s note.

(h) DENIAL OF FEDERAL FINANCIAL PARTICIPATION FOR INAPPROPRIATE ADMINISTRATION OF SINGLE-ANTIGEN VACCINE.—

(1) IN GENERAL.—Section 1903(i) (42 U.S.C. 1396b(i)), as amended by subsection (c), is amended—

(A) in paragraph (13), by striking "or" at the end,

(B) in paragraph (14), by striking the period at the end and inserting "; or", and

(C) by inserting after paragraph (14) the following new paragraph:

"(15) with respect to any amount expended for a single-antigen vaccine and its administration in any case in which the administration of a combined-antigen vaccine was medically appropriate (as determined by the Secretary).".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to amounts expended for vaccines administered on or after October 1, 1993. 42 USC 1396b note.

(i) EFFECTIVE DATE.—Except as otherwise provided in this section, the amendments made by this section shall apply to payments under State plans approved under title XIX of the Social Security Act for calendar quarters beginning on or after October 1, 1994. 42 USC 1396a note.

SEC. 13632. NATIONAL VACCINE INJURY COMPENSATION PROGRAM AMENDMENTS.

(a) AMENDMENT OF VACCINE INJURY TABLE.—

(1) FILING.—Section 2116(b) of the Public Health Service Act (42 U.S.C. 300aa–16(b)) is amended by striking "such person may file" and inserting "or to significantly increase the likelihood of obtaining compensation, such person may, notwithstanding section 2111(b)(2), file".

(2) ADDITIONAL VACCINES.—Section 2114(e) of the Public Health Service Act (42 U.S.C. 300aa–14) is amended to read as follows:

"(e) ADDITIONAL VACCINES.—

"(1) VACCINES RECOMMENDED BEFORE AUGUST 1, 1993.—By August 1, 1995, the Secretary shall revise the Vaccine Injury Table included in subsection (a) to include—

"(A) vaccines which are recommended to the Secretary by the Centers for Disease Control and Prevention before August 1, 1993, for routine administration to children,

"(B) the injuries, disabilities, illnesses, conditions, and deaths associated with such vaccines, and

"(C) the time period in which the first symptoms or manifestations of onset or other significant aggravation of such injuries, disabilities, illnesses, conditions, and deaths associated with such vaccines may occur.

"(2) VACCINES RECOMMENDED AFTER AUGUST 1, 1993.—When after August 1, 1993, the Centers for Disease Control and Prevention recommends a vaccine to the Secretary for routine administration to children, the Secretary shall, within 2 years of such recommendation, amend the Vaccine Injury Table included in subsection (a) to include—

"(A) vaccines which were recommended for routine administration to children,

"(B) the injuries, disabilities, illnesses, conditions, and deaths associated with such vaccines, and

"(C) the time period in which the first symptoms or manifestations of onset or other significant aggravation of such injuries, disabilities, illnesses, conditions, and deaths associated with such vaccines may occur.".

42 USC 300aa-14 note.

(3) EFFECTIVE DATE.—A revision by the Secretary under section 2114(e) of the Public Health Service Act (42 U.S.C. 300aa–14(e)) (as amended by paragraph (2)) shall take effect upon the effective date of a tax enacted to provide funds for compensation paid with respect to the vaccine to be added to the vaccine injury table in section 2114(a) of the Public Health Service Act (42 U.S.C. 300aa–14(a)).

(b) INCREASED SPENDING.—Section 2115(j) of the Public Health Service Act (42 U.S.C. 300aa–15(j)) is amended by striking "$80,000,000 for each succeeding fiscal year" and inserting in lieu thereof "$110,000,000 for each succeeding fiscal year".

(c) EXTENSION OF TIME FOR DECISION.—Section 2112(d)(3)(D) of the Public Health Service Act (42 U.S.C. 300aa–12(d)(3)(D)) is amended by striking "540 days" and inserting "30 months (but for not more than 6 months at a time)".

PART V—MISCELLANEOUS

SEC. 13641. INCREASE IN LIMIT ON FEDERAL MEDICAID MATCHING PAYMENTS TO PUERTO RICO AND OTHER TERRITORIES.

(a) IN GENERAL.—Paragraphs (1) through (5) of section 1108(c) (42 U.S.C. 1308(c)) are amended to read as follows:

"(1) Puerto Rico shall not exceed (A) $116,500,000 for fiscal year 1994 and (B) for each succeeding fiscal year the amount provided in this paragraph for the preceding fiscal year increased by the percentage increase in the medical care component of the consumer price index for all urban consumers (as published by the Bureau of Labor Statistics) for the twelve-month period ending in March preceding the beginning of the fiscal year, rounded to the nearest $100,000;

"(2) the Virgin Islands shall not exceed (A) $3,837,500 for fiscal year 1994, and (B) for each succeeding fiscal year the amount provided in this paragraph for the preceding fiscal year increased by the percentage increase referred to in paragraph (1)(B), rounded to the nearest $10,000;

"(3) Guam shall not exceed (A) $3,685,000 for fiscal year 1994, and (B) for each succeeding fiscal year the amount provided in this paragraph for the preceding fiscal year increased by the percentage increase referred to in paragraph (1)(B), rounded to the nearest $10,000;

"(4) Northern Mariana Islands shall not exceed (A) $1,110,000 for fiscal year 1994, and (B) for each succeeding fiscal year the amount provided in this paragraph for the preceding fiscal year increased by the percentage increase referred to in paragraph (1)(B), rounded to the nearest $10,000; and

"(5) American Samoa shall not exceed (A) $2,140,000 for fiscal year 1994, and (B) for each succeeding fiscal year the amount provided in this paragraph for the preceding fiscal year increased by the percentage increase referred to in paragraph (1)(B), rounded to the nearest $10,000.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply beginning with fiscal year 1994. 42 USC 1308 note.

SEC. 13642. EXTENSION OF MORATORIUM ON TREATMENT OF CERTAIN FACILITIES AS INSTITUTIONS FOR MENTAL DISEASES.

Effective as if included in the enactment of OBRA–1989, section 6408(a)(3) of such Act is amended by striking "180 days" and all that follows and inserting "December 31, 1995.". 103 Stat. 2267.

SEC. 13643. DEMONSTRATION PROJECTS.

(a) EXTENSION OF DEMONSTRATION PROJECT ON THE EFFECT OF ALLOWING STATES TO EXTEND MEDICAID COVERAGE TO CERTAIN LOW-INCOME FAMILIES.—Effective as if included in the enactment of OBRA–1990, section 4745 of such Act is amended— 42 USC 1396a note.

(1) in paragraph (1) of subsection (e), by striking "$12,000,000 in each of fiscal years 1991, 1992, and 1993, and to no more than $4,000,000 in fiscal year 1994" and inserting "$40,000,000"; and

(2) in paragraph (2) of subsection (f) by striking "January 1, 1995" and inserting "one year after the termination of the projects".

(b) RENEWAL OF UNFUNDED DEMONSTRATION PROJECT FOR LOW-INCOME PREGNANT WOMEN AND CHILDREN.—Effective as if included in the enactment of OBRA–1989, section 6407 of such Act is amended— 42 USC 1396r-7 note.

(1) in subsection (f), by striking "$10,000,000 in each of fiscal years 1990, 1991, and 1992" and inserting "$30,000,000"; and

(2) in subsection (g)(2), by striking "January 1, 1994" and inserting "one year after the termination of the demonstration projects".

(c) APPLICATION OF SPOUSAL IMPOVERISHMENT RULES TO THE ON LOK FRAIL ELDERLY DEMONSTRATION PROJECT.—(1) Section 1924(a)(5), as added by section 4744(b)(1) of OBRA–1990, is amended by striking "1986." and inserting "1986 or a waiver under section 603(c) of the Social Security Amendments of 1983.". 42 USC 1396r-5.

42 USC 1395b-1 note.

(2) Section 603(c) of the Social Security Amendments of 1983 is amended—

(A) by striking "(c)" and inserting "(c)(1)";

(B) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B); and

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

"(2) Section 1924 of the Social Security Act shall apply to any individual receiving services from an organization receiving a waiver under this subsection.".

Ohio.

SEC. 13644. EXTENSION OF PERIOD OF APPLICABILITY OF ENROLLMENT MIX REQUIREMENT TO CERTAIN HEALTH MAINTENANCE ORGANIZATIONS PROVIDING SERVICES UNDER DAYTON AREA HEALTH PLAN.

106 Stat. 126.

Section 2 of Public Law 102–276 is amended by striking "January 31, 1994" and inserting "December 31, 1995".

Subchapter C—Human Resources and Income Security Amendments

SEC. 13701. TABLE OF CONTENTS.

The table of contents of this subchapter is as follows:

Subchapter C—Human Resources and Income Security Amendments

Sec. 13701. Table of contents.
Sec. 13702. References.

PART I—CHILD WELFARE SERVICES, FOSTER CARE, AND ADOPTION ASSISTANCE

Sec. 13711. Entitlement funding for services designed to strengthen and preserve families.
Sec. 13712. Entitlement funding for State courts to assess and improve handling of proceedings relating to foster care and adoption.
Sec. 13713. Enhanced match for automated data systems.
Sec. 13714. Permanent extension of independent living program.
Sec. 13715. Training of agency staff and foster and adoptive parents.
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PART II—CHILD SUPPORT ENFORCEMENT

Sec. 13721. State paternity establishment programs.

PART III—SUPPLEMENTAL SECURITY INCOME

Sec. 13731. Fees for Federal administration of State supplementary payments.
Sec. 13732. Exclusion from income and resources of State relocation assistance.
Sec. 13733. Prevention of adverse effects on eligibility for, and amount of, benefits when spouse or parent of beneficiary is absent from the household due to active military service.
Sec. 13734. Eligibility for children of Armed Forces personnel residing outside the United States other than in foreign countries.
Sec. 13735. Valuation of certain in-kind support and maintenance when there is a cost of living adjustment in benefits.
Sec. 13736. Exclusion from income of certain amounts received by Indians from interests held in trust.

PART IV—AID TO FAMILIES WITH DEPENDENT CHILDREN

Sec. 13741. 50 percent Federal match of State administrative costs.
Sec. 13742. Increase in stepparent income disregard.

PART V—UNEMPLOYMENT INSURANCE

Sec. 13751. Extension of current Federal unemployment rate.

PART VI—SOCIAL SERVICES IN EMPOWERMENT ZONES AND ENTERPRISE COMMUNITIES

Sec. 13761. Increase in block grants to States for social services.

SEC. 13702. REFERENCES.

Except as otherwise expressly provided, wherever in this subchapter an amendment or repeal is expressed in terms of an amend-

ment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Social Security Act.

PART I—CHILD WELFARE SERVICES, FOSTER CARE, AND ADOPTION ASSISTANCE

SEC. 13711. ENTITLEMENT FUNDING FOR SERVICES DESIGNED TO STRENGTHEN AND PRESERVE FAMILIES.

(a) IN GENERAL.—Part B of title IV (42 U.S.C. 620–628) is amended—

(1) by striking the heading and inserting the following:

"PART B—CHILD AND FAMILY SERVICES

"Subpart 1—Child Welfare Services"; and

(2) by adding at the end the following:

"Subpart 2—Family Preservation and Support Services

"SEC. 430. PURPOSES; LIMITATIONS ON AUTHORIZATIONS OF APPROPRIATIONS; RESERVATION OF CERTAIN AMOUNTS. 42 USC 629.

"(a) PURPOSES; LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—For the purpose of encouraging and enabling each State to develop and establish, or expand, and to operate a program of family preservation services and community-based family support services, there are authorized to be appropriated to the Secretary the amounts described in subsection (b) for the fiscal years specified in subsection (b).

"(b) DESCRIPTION OF AMOUNTS.—The amount described in this subsection is—

"(1) for fiscal year 1994, $60,000,000;
"(2) for fiscal year 1995, $150,000,000;
"(3) for fiscal year 1996, $225,000,000;
"(4) for fiscal year 1997, $240,000,000; or
"(5) for fiscal year 1998, the greater of—
"(A) $255,000,000; or
"(B) the amount described in this subsection for fiscal year 1997, increased by the inflation percentage applicable to fiscal year 1998.

"(c) INFLATION PERCENTAGE.—For purposes of subsection (b)(5)(B) of this section, the inflation percentage applicable to any fiscal year is the percentage (if any) by which—

"(1) the average of the Consumer Price Index (as defined in section 1(f)(5) of the Internal Revenue Code of 1986) for the 12-month period ending on December 31 of the immediately preceding fiscal year; exceeds

"(2) the average of the Consumer Price Index (as so defined) for the 12-month period ending on December 31 of the 2nd preceding fiscal year.

"(d) RESERVATION OF CERTAIN AMOUNTS.—

"(1) EVALUATION, RESEARCH, TRAINING, AND TECHNICAL ASSISTANCE.—The Secretary shall reserve $2,000,000 of the amount described in subsection (b) for fiscal year 1994, and

$6,000,000 of the amounts so described for each of fiscal years 1995, 1996, 1997, and 1998, for expenditure by the Secretary—

"(A) for research, training, and technical assistance related to the program under this subpart; and

"(B) for evaluation of State programs funded under this subpart and any other Federal, State, or local program, regardless of whether federally assisted, that is designed to achieve the same purposes as the program under this subpart.

"(2) STATE COURT ASSESSMENTS.—The Secretary shall reserve $5,000,000 of the amount described in subsection (b) for fiscal year 1995, and $10,000,000 of the amounts so described for each of fiscal years 1996, 1997, and 1998, for grants under section 13712 of the Omnibus Budget Reconciliation Act of 1993.

"(3) INDIAN TRIBES.—The Secretary shall reserve 1 percent of the amounts described in subsection (b) for each fiscal year, for allotment to Indian tribes in accordance with section 433(a).

42 USC 629a.

"SEC. 431. DEFINITIONS.

"(a) IN GENERAL.—As used in this subpart:

"(1) FAMILY PRESERVATION SERVICES.—The term 'family preservation services' means services for children and families designed to help families (including adoptive and extended families) at risk or in crisis, including—

"(A) service programs designed to help children—

"(i) where appropriate, return to families from which they have been removed; or

"(ii) be placed for adoption, with a legal guardian, or, if adoption or legal guardianship is determined not to be appropriate for a child, in some other planned, permanent living arrangement;

"(B) preplacement preventive services programs, such as intensive family preservation programs, designed to help children at risk of foster care placement remain with their families;

"(C) service programs designed to provide followup care to families to whom a child has been returned after a foster care placement;

"(D) respite care of children to provide temporary relief for parents and other caregivers (including foster parents); and

"(E) services designed to improve parenting skills (by reinforcing parents' confidence in their strengths, and helping them to identify where improvement is needed and to obtain assistance in improving those skills) with respect to matters such as child development, family budgeting, coping with stress, health, and nutrition.

"(2) FAMILY SUPPORT SERVICES.—The term 'family support services' means community-based services to promote the well-being of children and families designed to increase the strength and stability of families (including adoptive, foster, and extended families), to increase parents' confidence and competence in their parenting abilities, to afford children a stable and supportive family environment, and otherwise to enhance child development.

"(3) STATE AGENCY.—The term 'State agency' means the State agency responsible for administering the program under subpart 1.

"(4) STATE.—The term 'State' includes an Indian tribe or tribal organization, in addition to the meaning given such term for purposes of subpart 1.

"(5) TRIBAL ORGANIZATION.—The term 'tribal organization' means the recognized governing body of any Indian tribe.

"(6) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe (as defined in section 482(i)(5)) and any Alaska Native organization (as defined in section 482(i)(7)(A)).

"(b) OTHER TERMS.—For other definitions of other terms used in this subpart, see section 475.

"SEC. 432. STATE PLANS.

42 USC 629b.

"(a) PLAN REQUIREMENTS.—A State plan meets the requirements of this subsection if the plan—

"(1) provides that the State agency shall administer, or supervise the administration of, the State program under this subpart;

"(2)(A)(i) sets forth the goals intended to be accomplished under the plan by the end of the 5th fiscal year in which the plan is in operation in the State, and (ii) is updated periodically to set forth the goals intended to be accomplished under the plan by the end of each 5th fiscal year thereafter;

"(B) describes the methods to be used in measuring progress toward accomplishment of the goals;

"(C) contains assurances that the State—

"(i) after the end of each of the 1st 4 fiscal years covered by a set of goals, will perform an interim review of progress toward accomplishment of the goals, and on the basis of the interim review will revise the statement of goals in the plan, if necessary, to reflect changed circumstances; and

"(ii) after the end of the last fiscal year covered by a set of goals, will perform a final review of progress toward accomplishment of the goals, and on the basis of the final review (I) will prepare, transmit to the Secretary, and make available to the public a final report on progress toward accomplishment of the goals, and (II) will develop (in consultation with the entities required to be consulted pursuant to subsection (b)) and add to the plan a statement of the goals intended to be accomplished by the end of the 5th succeeding fiscal year;

"(3) provides for coordination, to the extent feasible and appropriate, of the provision of services under the plan and the provision of services or benefits under other Federal or federally assisted programs serving the same populations;

"(4) contains assurances that not more than 10 percent of expenditures under the plan for any fiscal year with respect to which the State is eligible for payment under section 434 for the fiscal year shall be for administrative costs, and that the remaining expenditures shall be for programs of family preservation services and community-based family support services with significant portions of such expenditures for each such program;

"(5) contains assurances that the State will—

"(A) annually prepare, furnish to the Secretary, and make available to the public a description (including separate descriptions with respect to family preservation services and community-based family support services) of—

"(i) the service programs to be made available under the plan in the immediately succeeding fiscal year;

"(ii) the populations which the programs will serve; and

"(iii) the geographic areas in the State in which the services will be available; and

"(B) perform the activities described in subparagraph (A)—

"(i) in the case of the 1st fiscal year under the plan, at the time the State submits its initial plan; and

"(ii) in the case of each succeeding fiscal year, by the end of the 3rd quarter of the immediately preceding fiscal year;

"(6) provides for such methods of administration as the Secretary finds to be necessary for the proper and efficient operation of the plan;

"(7)(A) contains assurances that Federal funds provided to the State under this subpart will not be used to supplant Federal or non-Federal funds for existing services and activities which promote the purposes of this subpart; and

Reports.

"(B) provides that the State will furnish reports to the Secretary, at such times, in such format, and containing such information as the Secretary may require, that demonstrate the State's compliance with the prohibition contained in subparagraph (A); and

Reports.

"(8) provides that the State agency will furnish such reports, containing such information, and participate in such evaluations, as the Secretary may require.

"(b) APPROVAL OF PLANS.—

"(1) IN GENERAL.—The Secretary shall approve a plan that meets the requirements of subsection (a) only if the plan was developed jointly by the Secretary and the State, after consultation by the State agency with appropriate public and nonprofit private agencies and community-based organizations with experience in administering programs of services for children and families (including family preservation and family support services).

"(2) PLANS OF INDIAN TRIBES.—

"(A) EXEMPTION FROM INAPPROPRIATE REQUIREMENTS.—The Secretary may exempt a plan submitted by an Indian tribe from any requirement of this section that the Secretary determines would be inappropriate to apply to the Indian tribe, taking into account the resources, needs, and other circumstances of the Indian tribe.

"(B) SPECIAL RULE.—Notwithstanding subparagraph (A) of this paragraph, the Secretary may not approve a plan of an Indian tribe under this subpart to which (but for this subparagraph) an allotment of less than $10,000 would be made under section 433(a) if allotments were made under section 433(a) to all Indian tribes with plans

approved under this subpart with the same or larger numbers of children.

"SEC. 433. ALLOTMENTS TO STATES. 42 USC 629c.

"(a) INDIAN TRIBES.—From the amount reserved pursuant to section 430(d)(3) for any fiscal year, the Secretary shall allot to each Indian tribe with a plan approved under this subpart an amount that bears the same ratio to such reserved amount as the number of children in the Indian tribe bears to the total number of children in all Indian tribes with State plans so approved, as determined by the Secretary on the basis of the most current and reliable information available to the Secretary.

"(b) TERRITORIES.—From the amount described in section 430(b) for any fiscal year that remains after applying section 430(d) for the fiscal year, the Secretary shall allot to each of the jurisdictions of Puerto Rico, Guam, the Virgin Islands, the Northern Mariana Islands, and American Samoa an amount determined in the same manner as the allotment to each of such jurisdictions is determined under section 421.

"(c) OTHER STATES.—

"(1) IN GENERAL.—From the amount described in section 430(b) for any fiscal year that remains after applying section 430(d) and subsection (b) of this section for the fiscal year, the Secretary shall allot to each State (other than an Indian tribe) which is not specified in subsection (b) of this section an amount equal to such remaining amount multiplied by the food stamp percentage of the State for the fiscal year.

"(2) FOOD STAMP PERCENTAGE DEFINED.—

"(A) IN GENERAL.—As used in paragraph (1) of this subsection, the term 'food stamp percentage' means, with respect to a State and a fiscal year, the average monthly number of children receiving food stamp benefits in the State for months in the 3 fiscal years referred to in subparagraph (B) of this paragraph, as determined from sample surveys made under section 16(c) of the Food Stamp Act of 1977, expressed as a percentage of the average monthly number of children receiving food stamp benefits in the States described in such paragraph (1) for months in such 3 fiscal years, as so determined.

"(B) FISCAL YEARS USED IN CALCULATION.—For purposes of the calculation pursuant to subparagraph (A), the Secretary shall use data for the 3 most recent fiscal years, preceding the fiscal year for which the State's allotment is calculated under this subsection, for which such data are available to the Secretary.

"SEC. 434. PAYMENTS TO STATES. 42 USC 629d.

"(a) ENTITLEMENT.—

"(1) GENERAL RULE.—Except as provided in paragraph (2) of this subsection, each State which has a plan approved under this subpart shall be entitled to payment of the lesser of—

"(A) 75 percent of the total expenditures by the State for activities under the plan during the fiscal year or the immediately succeeding fiscal year; or

"(B) the allotment of the State under section 433 for the fiscal year.

"(2) SPECIAL RULE.—Upon submission by a State to the Secretary during fiscal year 1994 of an application in such

form and containing such information as the Secretary may require (including, if the State is seeking payment of an amount pursuant to subparagraph (B) of this paragraph, a description of the services to be provided with the amount), the State shall be entitled to payment of an amount equal to the sum of—

"(A) such amount, not exceeding $1,000,000, from the allotment of the State under section 433 for fiscal year 1994, as the State may require to develop and submit a plan for approval under section 432; and

"(B) an amount equal to the lesser of—

"(i) 75 percent of the expenditures by the State for services to children and families in accordance with the application and the expenditure rules of section 432(a)(4); or

"(ii) the allotment of the State under section 433 for fiscal year 1994, reduced by any amount paid to the State pursuant to subparagraph (A) of this paragraph.

"(b) PROHIBITIONS.—

"(1) NO USE OF OTHER FEDERAL FUNDS FOR STATE MATCH.—Each State receiving an amount paid under paragraph (1) or (2)(B) of subsection (a) may not expend any Federal funds to meet the costs of services described in this subpart not covered by the amount so paid.

"(2) AVAILABILITY OF FUNDS.—A State may not expend any amount paid under subsection (a)(1) for any fiscal year after the end of the immediately succeeding fiscal year.

"(c) DIRECT PAYMENTS TO TRIBAL ORGANIZATIONS OF INDIAN TRIBES.—The Secretary shall pay any amount to which an Indian tribe is entitled under this section directly to the tribal organization of the Indian tribe.

42 USC 629e.

"SEC. 435. EVALUATIONS.

"(a) EVALUATIONS.—

"(1) IN GENERAL.—The Secretary shall evaluate the effectiveness of the programs carried out pursuant to this subpart in accomplishing the purposes of this subpart, and may evaluate any other Federal, State, or local program, regardless of whether federally assisted, that is designed to achieve the same purposes as the program under this subpart, in accordance with criteria established in accordance with paragraph (2).

"(2) CRITERIA TO BE USED.—In developing the criteria to be used in evaluations under paragraph (1), the Secretary shall consult with appropriate parties, such as—

"(A) State agencies administering programs under this part and part E;

"(B) persons administering child and family services programs (including family preservation and family support programs) for private, nonprofit organizations with an interest in child welfare; and

"(C) other persons with recognized expertise in the evaluation of child and family services programs (including family preservation and family support programs) or other related programs.

"(b) COORDINATION OF EVALUATIONS.—The Secretary shall develop procedures to coordinate evaluations under this section, to the extent feasible, with evaluations by the States of the effectiveness of programs under this subpart.".

(b) CONFORMING AMENDMENTS.—

(1) Section 422 (42 U.S.C. 622) is amended—

(A) in subsection (a), by striking "this part" and inserting "this subpart";

(B) in subsection (b), by striking "this part" each place such term appears and inserting "this subpart"; and

(C) in subsection (b)(2), by inserting "under the State plan approved under subpart 2 of this part," after "part A of this title,".

(2) Section 423(a) (42 U.S.C. 623(a)) is amended by striking "this part" and inserting "this subpart".

(3) Section 428(a) (42 U.S.C. 628(a)) is amended by striking "this part" each place such term appears and inserting "this subpart".

(4) Section 471(a)(2) (42 U.S.C. 671(a)(2)) is amended by inserting "subpart 1 of" before "part B".

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective with respect to calendar quarters beginning on or after October 1, 1993. 42 USC 622 note.

SEC. 13712. ENTITLEMENT FUNDING FOR STATE COURTS TO ASSESS AND IMPROVE HANDLING OF PROCEEDINGS RELATING TO FOSTER CARE AND ADOPTION. Grants. 42 USC 670 note.

(a) IN GENERAL.—The Secretary shall make grants, in accordance with this section, to the highest State courts in States participating in the program under part E of title IV of the Social Security Act, for the purpose of enabling such courts—

(1) to conduct assessments, in accordance with such requirements as the Secretary shall publish, of the role, responsibilities, and effectiveness of State courts in carrying out State laws requiring proceedings (conducted by or under the supervision of the courts)—

(A) that implement parts B and E of title IV of such Act;

(B) that determine the advisability or appropriateness of foster care placement;

(C) that determine whether to terminate parental rights; and

(D) that determine whether to approve the adoption or other permanent placement of a child; and

(2) to implement changes deemed necessary as a result of the assessments.

(b) APPLICATIONS.—In order to be eligible for a grant under this section, a highest State court shall submit to the Secretary an application at such time, in such form, and including such information and assurances as the Secretary shall require.

(c) ALLOTMENTS.—

(1) IN GENERAL.—Each highest State court which has an application approved under subsection (b), and is conducting assessment activities in accordance with this section, shall be entitled to payment, for each of fiscal years 1995 through 1998, from amounts reserved pursuant to section 430(d)(2) of the Social Security Act, of an amount equal to the sum of—

(A) for fiscal year 1995, $75,000 plus the amount described in paragraph (2) for fiscal year 1995; and

(B) for each of fiscal years 1996 through 1998, $85,000 plus the amount described in paragraph (2) for each of such fiscal years.

(2) FORMULA.—The amount described in this paragraph for any fiscal year is the amount that bears the same ratio to the amount reserved pursuant to section 430(d)(2) of the Social Security Act for the fiscal year (reduced by the dollar amount specified in paragraph (1) of this subsection for the fiscal year) as the number of individuals in the State who have not attained 21 years of age bears to the total number of such individuals in all States the highest State courts of which have approved applications under subsection (b).

(d) USE OF GRANT FUNDS.—Each highest State court which receives funds paid under this section may use such funds to pay—

(1) any or all costs of activities under this section in fiscal year 1995; and

(2) not more than 75 percent of the cost of activities under this section in each of fiscal years 1996, 1997, and 1998.

SEC. 13713. ENHANCED MATCH FOR AUTOMATED DATA SYSTEMS.

(a) PAYMENTS TO STATES.—

(1) IN GENERAL.—Section 474(a)(3) (42 U.S.C. 674(a)(3)) is amended—

(A) by striking "and" at the end of subparagraph (B);

(B) by redesignating subparagraph (C) as subparagraph (E); and

(C) by inserting after subparagraph (B) the following:

"(C) 75 percent of so much of such expenditures as are for the planning, design, development, or installation of statewide mechanized data collection and information retrieval systems (including 75 percent of the full amount of expenditures for hardware components for such systems) but only to the extent that such systems—

"(i) meet the requirements imposed by regulations promulgated pursuant to section 479(b)(2);

"(ii) to the extent practicable, are capable of interfacing with the State data collection system that collects information relating to child abuse and neglect;

"(iii) to the extent practicable, have the capability of interfacing with, and retrieving information from, the State data collection system that collects information relating to the eligibility of individuals under part A (for the purposes of facilitating verification of eligibility of foster children); and

"(iv) are determined by the Secretary to be likely to provide more efficient, economical, and effective administration of the programs carried out under a State plan approved under part B or this part; and

"(D) 50 percent of so much of such expenditures as are for the operation of the statewide mechanized data collection and information retrieval systems referred to in subparagraph (C); and".

(2) TREATMENT OF STATE EXPENDITURES FOR DATA COLLECTION AND INFORMATION RETRIEVAL SYSTEMS.—Section 474 (42 U.S.C. 674) is amended by adding at the end the following:

"(e) AUTOMATED DATA COLLECTION EXPENDITURES.—The Secretary shall treat as necessary for the proper and efficient administration of the State plan all expenditures of a State necessary in order for the State to plan, design, develop, install, and operate data collection and information retrieval systems described in subsection (a)(3)(C), without regard to whether the systems may be used with respect to foster or adoptive children other than those on behalf of whom foster care maintenance payments or adoption assistance payments may be made under this part.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on October 1, 1993. 42 USC 674 note.

(b) TERMINATION OF ENHANCED MATCH.—

(1) IN GENERAL.—Section 474(a)(3)(C) (42 U.S.C. 674(a)(3)(C)), as amended by subsection (a) of this section, is amended by striking "75 percent" each place such term appears and inserting "50 percent".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to expenditures during fiscal years beginning on or after October 1, 1995. 42 USC 674 note.

SEC. 13714. PERMANENT EXTENSION OF INDEPENDENT LIVING PROGRAM.

(a) IN GENERAL.—Section 477 (42 U.S.C. 677) is amended—

(1) in subsection (a)(1), by striking the 3rd sentence;

(2) in subsection (c), by striking "of the fiscal years 1988 through 1992" and inserting "succeeding fiscal year";

(3) in subsection (e)(1)(A), by striking "each of the fiscal years 1987 through 1992" and inserting "fiscal year 1987 and any succeeding fiscal year";

(4) in subsection (e)(1)(B), by striking "fiscal years 1991 and 1992" and inserting "fiscal year 1991 and any succeeding fiscal year"; and

(5) in subsection (e)(1)(C)(ii), by striking "fiscal year 1992" and inserting "any succeeding fiscal year".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to activities engaged in, on, or after October 1, 1992. 42 USC 677 note.

SEC. 13715. TRAINING OF AGENCY STAFF AND FOSTER AND ADOPTIVE PARENTS.

Section 8006(b) of the Omnibus Budget Reconciliation Act of 1989 (42 U.S.C. 674 note) is amended by inserting ", and to expenditures made on or after October 1, 1993" before the period.

SEC. 13716. MORATORIUM ON COLLECTION OF DISALLOWANCES. 42 USC 627 note.

The Secretary of Health and Human Services shall not, before October 1, 1994—

(1) reduce any payment to, withhold any payment from, or seek any repayment from any State under part B or E of title IV of the Social Security Act by reason of a determination made in connection with a review of State compliance with section 427 of such Act for any Federal fiscal year before fiscal year 1995; or

(2) reduce any payment to, withhold any payment from, or seek any repayment from any State under such part E

by reason of a determination made in connection with any on-site Federal financial review, or any audit conducted by the Inspector General using similar methodologies.

PART II—CHILD SUPPORT ENFORCEMENT

SEC. 13721. STATE PATERNITY ESTABLISHMENT PROGRAMS.

(a) PERFORMANCE STANDARDS.—Section 452(g) (42 U.S.C. 652(g)) is amended—

(1) in paragraph (1)—

(A) by striking "1991" and inserting "1994";

(B) by inserting "is based on reliable data and" before "equals or exceeds";

(C) by inserting "(rounded to the nearest whole percentage point)" before "equals"; and

(D) by striking subparagraphs (A), (B), and (C) and inserting the following:

"(A) 75 percent;

"(B) for a State with a paternity establishment percentage of not less than 50 percent but less than 75 percent for such fiscal year, the paternity establishment percentage of the State for the immediately preceding fiscal year plus 3 percentage points;

"(C) for a State with a paternity establishment percentage of not less than 45 percent but less than 50 percent for such fiscal year, the paternity establishment percentage of the State for the immediately preceding fiscal year plus 4 percentage points;

"(D) for a State with a paternity establishment percentage of not less than 40 percent but less than 45 percent for such fiscal year, the paternity establishment percentage of the State for the immediately preceding fiscal year plus 5 percentage points; or

"(E) for a State with a paternity establishment percentage of less than 40 percent for such fiscal year, the paternity establishment percentage of the State for the immediately preceding fiscal year plus 6 percentage points."; and

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) by striking "(or under all such plans)" each place such term appears and inserting "or E";

(ii) in clause (i), by inserting "during the fiscal year" before the comma;

(iii) in clause (ii)—

(I) in subclause (I), by striking "for such" and inserting "as of the end of the"; and

(II) in subclause (II), by striking "for the" and inserting "as of the end of the";

(iv) in clause (iii), by inserting "or acknowledged during the fiscal year" before the comma; and

(v) in the matter following clause (iii)—

(I) by striking "have been" and inserting "were";

(II) by inserting "during the immediately preceding fiscal year" after "wedlock";

(III) by striking "is being" and inserting "was being";

(IV) by striking "for such" and inserting "as of the end of such preceding";

(V) by striking "are being" and inserting "were being"; and

(VI) by striking "for the" and inserting "as of the end of such preceding";

(B) by striking subparagraph (B) and inserting the following:

"(B) the term 'reliable data' means the most recent data available which are found by the Secretary to be reliable for purposes of this section.";

(C) by inserting "unless paternity is established for such child" after "the death of a parent"; and

(D) by inserting "or any child with respect to whom the State agency administering the plan under part E determines (as provided in section 454(4)(B)) that it is against the best interests of such child to do so" after "cooperate under section 402(a)(26)".

(b) STATE PLAN REQUIREMENTS FOR THE ESTABLISHMENT OF PATERNITY.—Section 466(a) (42 U.S.C. 666(a)) is amended—

(1) in paragraph (2)—

(A) by striking "at the option of the State,"; and

(B) by inserting "or paternity establishment" after "support order issuance and enforcement";

(2) in paragraph (5), by adding at the end the following:

"(C) Procedures for a simple civil process for voluntarily acknowledging paternity under which the State must provide that the rights and responsibilities of acknowledging paternity are explained and ensure that due process safeguards are afforded. Such procedures must include a hospital-based program for the voluntary acknowledgment of paternity during the period immediately before or after the birth of a child.

"(D) Procedures under which the voluntary acknowledgment of paternity creates a rebuttable, or at the option of the State, conclusive presumption of paternity, and under which such voluntary acknowledgment is admissible as evidence of paternity.

"(E) Procedures under which the voluntary acknowledgment of paternity must be recognized as a basis for seeking a support order without requiring any further proceedings to establish paternity.

"(F) Procedures which provide that (i) any objection to genetic testing results must be made in writing within a specified number of days before any hearing at which such results may be introduced into evidence, and (ii) if no objection is made, the test results are admissible as evidence of paternity without the need for foundation testimony or other proof of authenticity or accuracy.

"(G) Procedures which create a rebuttable or, at the option of the State, conclusive presumption of paternity upon genetic testing results indicating a threshold probability that the alleged father is the father of the child.

"(H) Procedures requiring a default order to be entered in a paternity case upon a showing of service of process on the defendent and any additional showing required by State law."; and

(3) by inserting after paragraph (10) the following new paragraph:

"(11) Procedures under which a State must give full faith and credit to a determination of paternity made by any other State, whether established through voluntary acknowledgment or through administrative or judicial processes.".

42 USC 652 note.

(c) EFFECTIVE DATE.—The amendments made by this section shall become effective with respect to a State on the later of—

(1) October 1, 1993 or,

(2) the date of enactment by the legislature of such State of all laws required by such amendments,

but in no event later than the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

PART III—SUPPLEMENTAL SECURITY INCOME

SEC. 13731. FEES FOR FEDERAL ADMINISTRATION OF STATE SUPPLEMENTARY PAYMENTS.

(a) IN GENERAL.—

(1) OPTIONAL STATE SUPPLEMENTARY PAYMENTS.—Section 1616(d) (42 U.S.C. 1382e(d)) is amended—

(A) by inserting "(1)" after "(d)";

(B) by inserting ", plus an administration fee assessed in accordance with paragraph (2) and any additional services fee charged in accordance with paragraph (3)" before the period; and

(C) by adding after and below the end the following:

"(2)(A) The Secretary shall assess each State an administration fee in an amount equal to—

"(i) the number of supplementary payments made by the Secretary on behalf of the State under this section for any month in a fiscal year; multiplied by

"(ii) the applicable rate for the fiscal year.

"(B) As used in subparagraph (A), the term 'applicable rate' means—

"(i) for fiscal year 1994, $1.67;

"(ii) for fiscal year 1995, $3.33;

"(iii) for fiscal year 1996, $5.00; and

"(iv) for fiscal year 1997 and each succeeding fiscal year, $5.00, or such different rate as the Secretary determines is appropriate for the State.

Regulations.

"(C) Upon making a determination under subparagraph (B)(iv), the Secretary shall promulgate the determination in regulations, which may take into account the complexity of administering the State's supplementary payment program.

"(D) All fees assessed pursuant to this paragraph shall be transferred to the Secretary at the same time that amounts for such supplementary payments are required to be so transferred.

"(3)(A) The Secretary may charge a State an additional services fee if, at the request of the State, the Secretary provides additional services beyond the level customarily provided, in the administration of State supplementary payments pursuant to this section.

"(B) The additional services fee shall be in an amount that the Secretary determines is necessary to cover all costs (including indirect costs) incurred by the Federal Government in furnishing the additional services referred to in subparagraph (A).

"(4) All administration fees and additional services fees collected pursuant to this subsection shall be deposited in the general fund of the Treasury of the United States as miscellaneous receipts.".

(2) MANDATORY STATE SUPPLEMENTARY PAYMENTS.—Section 212(b)(3) of Public Law 93–66 (42 U.S.C. 1382 note) is amended—

(A) by inserting "(A)" after "(3)";

(B) by inserting ", plus an administration fee assessed in accordance with subparagraph (B) and any additional services fee charged in accordance with subparagraph (C)" before the period; and

(C) by adding after and below the end the following:

"(B)(i) The Secretary shall assess each State an administration fee in an amount equal to—

"(I) the number of supplementary payments made by the Secretary on behalf of the State under this subsection for any month in a fiscal year; multiplied by

"(II) the applicable rate for the fiscal year.

"(ii) As used in clause (i), the term 'applicable rate' means—

"(I) for fiscal year 1994, $1.67;

"(II) for fiscal year 1995, $3.33;

"(III) for fiscal year 1996, $5.00; and

"(IV) for fiscal year 1997 and each succeeding fiscal year, $5.00, or such different rate as the Secretary determines is appropriate for the State, taking into account the complexity of administering the State's supplementary payment program.

"(iii) Upon making a determination under clause (ii)(IV), the Secretary shall promulgate the determination in regulations, which may take into account the complexity of administering the State's supplementary payment program. Regulations.

"(iv) All fees assessed pursuant to this subparagraph shall be transferred to the Secretary at the same time that amounts for such supplementary payments are required to be so transferred.

"(C)(i) The Secretary may charge a State an additional services fee if, at the request of the State, the Secretary provides additional services beyond the level customarily provided, in the administration of State supplementary payments pursuant to this subsection.

"(ii) The additional services fee shall be in an amount that the Secretary determines is necessary to cover all costs (including indirect costs) incurred by the Federal Government in furnishing the additional services referred to in clause (i).

"(D) All administration fees and additional services fees collected pursuant to this paragraph shall be deposited in the general fund of the Treasury of the United States as miscellaneous receipts.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to supplementary payments made pursuant to section 1616(a) of the Social Security Act or section 212(a) of Public Law 93–66 for any calendar month beginning after September 30, 1993, and to services furnished after such date, regardless of whether regulations to implement such amendments have been promulgated by such date, or whether any agreement entered into under such section 1616(a) or such section 212(a) has been modified. 42 USC 1382e note.

SEC. 13732. EXCLUSION FROM INCOME AND RESOURCES OF STATE RELOCATION ASSISTANCE.

Section 5035(c) of the Omnibus Budget Reconciliation Act of 1990 (42 U.S.C. 1382a note; 104 Stat. 1388–225) is amended by striking "in the 3-year period that begins on" and inserting "on or after".

SEC. 13733. PREVENTION OF ADVERSE EFFECTS ON ELIGIBILITY FOR, AND AMOUNT OF, BENEFITS WHEN SPOUSE OR PARENT OF BENEFICIARY IS ABSENT FROM THE HOUSEHOLD DUE TO ACTIVE MILITARY SERVICE.

(a) ABSENT PERSON GENERALLY DEEMED TO BE LIVING IN THE HOUSEHOLD.—Section 1614(f) (42 U.S.C. 1382c(f)) is amended by adding at the end the following:

"(4) For purposes of paragraphs (1) and (2), a spouse or parent (or spouse of such a parent) who is absent from the household in which the individual lives due solely to a duty assignment as a member of the Armed Forces on active duty shall, in the absence of evidence to the contrary, be deemed to be living in the same household as the individual.".

(b) EXCLUSION FROM INCOME OF HOSTILE FIRE PAY RECEIVED WHILE IN ACTIVE MILITARY SERVICE.—Section 1612(b) (42 U.S.C. 1382a(b)) is amended—

(1) in paragraph (18), by striking "and" the 2nd place such term appears;

(2) in paragraph (19), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(20) special pay received pursuant to section 310 of title 37, United States Code.".

42 USC 1382a note.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the 1st day of the 2nd month that begins after the date of the enactment of this Act.

SEC. 13734. ELIGIBILITY FOR CHILDREN OF ARMED FORCES PERSONNEL RESIDING OUTSIDE THE UNITED STATES OTHER THAN IN FOREIGN COUNTRIES.

(a) IN GENERAL.—Section 1614(a)(1)(B)(ii) (42 U.S.C. 1382c(a)(1)(B)(ii)) is amended by striking "the District of Columbia" and all that follows to the period and inserting "and who, for the month before the parent reported for such assignment, received a benefit under this title".

42 USC 1382c note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the 1st day of the 3rd month that begins after the date of the enactment of this Act.

SEC. 13735. VALUATION OF CERTAIN IN-KIND SUPPORT AND MAINTENANCE WHEN THERE IS A COST OF LIVING ADJUSTMENT IN BENEFITS.

(a) IN GENERAL.—Section 1611(c) (42 U.S.C. 1382(c)) is amended—

(1) in paragraph (1), by striking "and (5)" and inserting "(5), and (6)"; and

(2) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively; and

(3) by inserting after paragraph (5) the following:

"(6) The dollar amount in effect under subsection (b) as a result of any increase in benefits under this title by reason of

section 1617 shall be used to determine the value of any in-kind support and maintenance required to be taken into account in determining the benefit payable under this title to an individual (and the eligible spouse, if any, of the individual) for the 1st 2 months for which the increase in benefits applies.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to benefits paid for months after the calendar year 1994.

42 USC 1382 note.

SEC. 13736. EXCLUSION FROM INCOME OF CERTAIN AMOUNTS RECEIVED BY INDIANS FROM INTERESTS HELD IN TRUST.

(a) IN GENERAL.—Section 8 of the Act of October 19, 1973, (25 U.S.C. 1408) is amended by inserting ", and up to $2,000 per year of income received by individual Indians that is derived from such interests shall not be considered income," after "resource".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on January 1, 1994.

42 USC 1408 note.

PART IV—AID TO FAMILIES WITH DEPENDENT CHILDREN

SEC. 13741. 50 PERCENT FEDERAL MATCH OF STATE ADMINISTRATIVE COSTS.

(a) AFDC MATCHING.—Section 403(a)(3) (42 U.S.C. 603(a)(3)) is amended to read as follows:

"(3) in the case of any State, 50 percent of the total amounts expended during such quarter as found necessary by the Secretary for the proper and efficient administration of the State plan, except that no payment shall be made with respect to amounts expended in connection with the provision of any service described in section 2002(a) other than services furnished pursuant to section 402(g); and".

(b) TERRITORIAL PROGRAMS FOR AGED, BLIND, AND DISABLED.—Sections 3(a)(4), 1003(a)(3), 1403(a)(3), and 1603(a)(4) (42 U.S.C. 303(a)(3), 1203(a)(3), 1353(a)(3), and 1383 note) (as in effect as provided by section 303 of the Social Security Amendments of 1972) are each amended by striking "the sum of" and all that follows and inserting "50 percent of the total amounts expended during such quarter as found necessary by the Secretary for the proper and efficient administration of the State plan.".

(c) EFFECTIVE DATES.—

42 USC 303 note.

(1) IN GENERAL.—Except as provided in paragraph (2) of this subsection, the amendments made by subsections (a) and (b) shall be effective with respect to calendar quarters beginning on or after April 1, 1994.

(2) SPECIAL RULE.—In the case of a State whose legislature meets biennially, and does not have a regular session scheduled in calendar year 1994, the amendments made by subsections (a) and (b) shall be effective no later than the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act.

SEC. 13742. INCREASE IN STEPPARENT INCOME DISREGARD.

(a) IN GENERAL.—Section 402(a)(31) (42 U.S.C. 602(a)(31)) is amended by striking "$75" and inserting "$90".

42 USC 602 note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1993, and shall apply to payments under part A of title IV of the Social Security Act for fiscal year 1994 and such payments for succeeding fiscal years.

PART V—UNEMPLOYMENT INSURANCE

SEC. 13751. EXTENSION OF CURRENT FEDERAL UNEMPLOYMENT RATE.

26 USC 3301.

Section 3301 of the Internal Revenue Code of 1986 is amended—

(1) by striking "1996" in paragraph (1) and inserting "1998", and

(2) by striking "1997" in paragraph (2) and inserting "1999".

Urban and rural areas.

PART VI—SOCIAL SERVICES IN EMPOWERMENT ZONES AND ENTERPRISE COMMUNITIES

SEC. 13761. INCREASE IN BLOCK GRANTS TO STATES FOR SOCIAL SERVICES.

Title XX (42 U.S.C. 1397–1397e) is amended by adding at the end the following:

42 USC 1397f.

"SEC. 2007. ADDITIONAL GRANTS.

"(a) ENTITLEMENT.—

"(1) IN GENERAL.—In addition to any payment under section 2002, each State shall be entitled to—

"(A) 2 grants under this section for each qualified empowerment zone in the State; and

"(B) 1 grant under this section for each qualified enterprise community in the State.

"(2) AMOUNT OF GRANTS.—

"(A) EMPOWERMENT GRANTS.—The amount of each grant to a State under this section for a qualified empowerment zone shall be—

"(i) if the zone is designated in an urban area, $50,000,000, multiplied by that proportion of the population of the zone that resides in the State; or

"(ii) if the zone is designated in a rural area, $20,000,000, multiplied by such proportion.

"(B) ENTERPRISE GRANTS.—The amount of the grant to a State under this section for a qualified enterprise community shall be 1/95 of $280,000,000, multiplied by that proportion of the population of the community that resides in the State.

"(C) POPULATION DETERMINATIONS.—The Secretary shall make population determinations for purposes of this paragraph based on the most recent decennial census data available.

"(3) TIMING OF GRANTS.—

"(A) QUALIFIED EMPOWERMENT ZONES.—With respect to each qualified empowerment zone, the Secretary shall make—

"(i) 1 grant under this section to each State in which the zone lies, on the date of the designation

of the zone under part I of subchapter U of chapter 1 of the Internal Revenue Code of 1986; and

"(ii) 1 grant under this section to each such State, on the 1st day of the 1st fiscal year that begins after the date of the designation.

"(B) QUALIFIED ENTERPRISE COMMUNITIES.—With respect to each qualified enterprise community, the Secretary shall make 1 grant under this section to each State in which the community lies, on the date of the designation of the community under part I of subchapter U of chapter 1 of the Internal Revenue Code of 1986.

"(4) FUNDING.—$1,000,000,000 shall be made available to the Secretary for grants under this section.

"(b) PROGRAM OPTIONS.—Notwithstanding section 2005(a):

"(1) In order to prevent and remedy the neglect and abuse of children, a State may use amounts paid under this section to make grants to, or enter into contracts with, entities to provide residential or nonresidential drug and alcohol prevention and treatment programs that offer comprehensive services for pregnant women and mothers, and their children.

"(2) In order to assist disadvantaged adults and youths in achieving and maintaining self-sufficiency, a State may use amounts paid under this section to make grants to, or enter into contracts with—

"(A) organizations operated for profit or not for profit, for the purpose of training and employing disadvantaged adults and youths in construction, rehabilitation, or improvement of affordable housing, public infrastructure, and community facilities; and

"(B) nonprofit organizations and community or junior colleges, for the purpose of enabling such entities to provide short-term training courses in entrepreneurism and self-employment, and other training that will promote individual self-sufficiency and the interests of the community.

"(3) A State may use amounts paid under this section to make grants to, or enter into contracts with, nonprofit community-based organizations to enable such organizations to provide activities designed to promote and protect the interests of children and families, outside of school hours, including keeping schools open during evenings and weekends for mentoring and study.

"(4) In order to assist disadvantaged adults and youths in achieving and maintaining economic self-support, a State may use amounts paid under this section to—

"(A) fund services designed to promote community and economic development in qualified empowerment zones and qualified enterprise communities, such as skills training, job counseling, transportation services, housing counseling, financial management, and business counseling;

"(B) assist in emergency and transitional shelter for disadvantaged families and individuals; or

"(C) support programs that promote home ownership, education, or other routes to economic independence for low-income families and individuals.

"(c) USE OF GRANTS.—

"(1) IN GENERAL.—Subject to subsection (d) of this section, each State that receives a grant under this section with respect to an area shall use the grant—

"(A) for services directed only at the goals set forth in paragraphs (1), (2), and (3) of section 2001;

"(B) in accordance with the strategic plan for the area; and

"(C) for activities that benefit residents of the area for which the grant is made.

"(2) TECHNICAL ASSISTANCE.—A State may use a portion of any grant made under this section in the manner described in section 2002(e).

"(d) REMITTANCE OF CERTAIN AMOUNTS.—

"(1) PORTION OF GRANT UPON TERMINATION OF DESIGNATION.—Each State to which an amount is paid under this subsection during a fiscal year with respect to an area the designation of which under part I of subchapter U of chapter 1 of the Internal Revenue Code of 1986 ends before the end of the fiscal year shall remit to the Secretary an amount equal to the total of the amounts so paid with respect to the area, multiplied by that proportion of the fiscal year remaining after the designation ends.

"(2) AMOUNTS PAID TO THE STATES AND NOT OBLIGATED WITHIN 2 YEARS.—Each State shall remit to the Secretary any amount paid to the State under this section that is not obligated by the end of the 2-year period that begins with the date of the payment.

"(e) DEFINITIONS.—As used in this section:

"(1) QUALIFIED EMPOWERMENT ZONE.—The term 'qualified empowerment zone' means, with respect to a State, an area—

"(A) which has been designated (other than by the Secretary of the Interior) as an empowerment zone under part I of subchapter U of chapter 1 of the Internal Revenue Code of 1986;

"(B) with respect to which the designation is in effect;

"(C) the strategic plan for which is a qualified plan; and

"(D) part or all of which is in the State.

"(2) QUALIFIED ENTERPRISE COMMUNITY.—The term 'qualified enterprise community' means, with respect to a State, an area—

"(A) which has been designated (other than by the Secretary of the Interior) as an enterprise community under part I of subchapter U of chapter 1 of the Internal Revenue Code of 1986;

"(B) with respect to which the designation is in effect;

"(C) the strategic plan for which is a qualified plan; and

"(D) part or all of which is in the State.

"(3) STRATEGIC PLAN.—The term 'strategic plan' means, with respect to an area, the plan contained in the application for designation of the area under part I of subchapter U of chapter 1 of the Internal Revenue Code of 1986.

"(4) QUALIFIED PLAN.—The term 'qualified plan' means, with respect to an area, a plan that—

"(A) includes a detailed description of the activities proposed for the area that are to be funded with amounts provided under this section;

"(B) contains a commitment that the amounts provided under this section to any State for the area will not be used to supplant Federal or non-Federal funds for services and activities which promote the purposes of this section;

"(C) was developed in cooperation with the local government or governments with jurisdiction over the area; and

"(D) to the extent that any State will not use the amounts provided under this section for the area in the manner described in subsection (b), explains the reasons why not.

"(5) RURAL AREA.—The term 'rural area' has the meaning given such term in section 1393(a)(2) of the Internal Revenue Code of 1986.

"(6) URBAN AREA.—The term 'urban area' has the meaning given such term in section 1393(a)(3) of the Internal Revenue Code of 1986.".

Subchapter D—Customs and Trade Provisions

SEC. 13800. TABLE OF CONTENTS.

SUBCHAPTER D—CUSTOMS AND TRADE PROVISIONS

Sec. 13800. Table of contents.

PART I—EXTENSION OF CUSTOMS USER FEE, GSP, AND TRADE ADJUSTMENT ASSISTANCE PROGRAMS

Sec. 13801. Extension of authority to levy customs user fees.
Sec. 13802. Generalized system of preferences.
Sec. 13803. Extension of trade adjustment assistance program.

PART II—CUSTOMS OFFICER PAY REFORM

Sec. 13811. Overtime and premium pay for customs officers.
Sec. 13812. Additional benefits for customs officers.
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PART I—EXTENSION OF CUSTOMS USER FEE, GSP, AND TRADE ADJUSTMENT ASSISTANCE PROGRAMS

SEC. 13801. EXTENSION OF AUTHORITY TO LEVY CUSTOMS USER FEES.

Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended by striking out "1995" and inserting "1998".

SEC. 13802. GENERALIZED SYSTEM OF PREFERENCES.

(a) TREATMENT OF COUNTRIES FORMERLY WITHIN THE UNION OF SOVIET SOCIALIST REPUBLICS.—The table in section 502(b) of the Trade Act of 1974 (19 U.S.C. 2462(b)) is amended by striking out "Union of Soviet Socialist Republics".

(b) EXTENSION OF DUTY-FREE TREATMENT UNDER SYSTEM.—

(1) IN GENERAL.—Section 505(a) of the Trade Act of 1974 (19 U.S.C. 2465(a)) is amended by striking out "July 4, 1993" and inserting "September 30, 1994".

(2) RETROACTIVE APPLICATION FOR CERTAIN LIQUIDATIONS AND RELIQUIDATIONS.—Notwithstanding section 514 of the Tar- 19 USC 2465 note.

iff Act of 1930 or any other provision of law, upon proper request filed with the appropriate customs officer within 180 days after the date of the enactment of this Act, the entry—

(A) of any article to which duty-free treatment under title V of the Trade Act of 1974 would have applied if the entry had been made on July 4, 1993, and

(B) that was made after July 4, 1993, and before such date of enactment,

shall be liquidated or reliquidated as free of duty, and the Secretary of the Treasury shall refund any duty paid with respect to such entry. As used in this paragraph, the term "entry" includes a withdrawal from warehouse for consumption.

SEC. 13803. EXTENSION OF TRADE ADJUSTMENT ASSISTANCE PROGRAM.

(a) EXTENSION.—

(1) Section 285 of the Trade Act of 1974 (19 U.S.C. 2271, preceding note) is amended—

(A) by striking "No" and all that follows through "and no duty" in subsection (b) and inserting "No duty"; and

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

"(c) No assistance, vouchers, allowances, or other payments may be provided under chapter 2, and no technical assistance may be provided under chapter 3, after September 30, 1998.".

(2) Sections 245 and 256(b) of the Trade Act of 1974 (19 U.S.C. 2317 and 2346(b)) are each amended by striking "1988, 1989, 1990, 1991, 1992, and 1993" and inserting "1993, 1994, 1995, 1996, 1997, and 1998".

(b) TRAINING.—Section 236(a)(2)(A) of the Trade Act of 1974 (19 U.S.C. 2296(a)(2)(A)) is amended by inserting before the end period ", except that for fiscal year 1997, the total amount of payments made under paragraph (1) shall not exceed $70,000,000".

PART II—CUSTOMS OFFICER PAY REFORM

SEC. 13811. OVERTIME AND PREMIUM PAY FOR CUSTOMS OFFICERS.

(a) IN GENERAL.—Section 5 of the Act of February 13, 1911 (19 U.S.C. 261 and 267) is amended to read as follows:

19 USC 267.

"SEC. 5. OVERTIME AND PREMIUM PAY FOR CUSTOMS OFFICERS.

"(a) OVERTIME PAY.—

"(1) IN GENERAL.—Subject to paragraph (2) and subsection (c), a customs officer who is officially assigned to perform work in excess of 40 hours in the administrative workweek of the officer or in excess of 8 hours in a day shall be compensated for that work at an hourly rate of pay that is equal to 2 times the hourly rate of the basic pay of the officer. For purposes of this paragraph, the hourly rate of basic pay for a customs officer does not include any premium pay provided for under subsection (b).

"(2) SPECIAL PROVISIONS RELATING TO OVERTIME WORK ON CALLBACK BASIS.—

"(A) MINIMUM DURATION.—Any work for which compensation is authorized under paragraph (1) and for which the customs officer is required to return to the officer's place of work shall be treated as being not less than 2 hours in duration; but only if such work begins at least 1 hour after the end of any previous regularly scheduled

work assignment and ends at least 1 hour before the beginning of the following regularly scheduled work assignment.

"(B) COMPENSATION FOR COMMUTING TIME.—

"(i) IN GENERAL.—Except as provided in clause (ii), in addition to the compensation authorized under paragraph (1) for work to which subparagraph (A) applies, the customs officer is entitled to be paid, as compensation for commuting time, an amount equal to 3 times the hourly rate of basic pay of the officer.

"(ii) EXCEPTION.—Compensation for commuting time is not payable under clause (i) if the work for which compensation is authorized under paragraph (1)—

"(I) does not commence within 16 hours of the customs officer's last regularly scheduled work assignment, or

"(II) commences within 2 hours of the next regularly scheduled work assignment of the customs officer.

"(b) PREMIUM PAY FOR CUSTOMS OFFICERS.—

"(1) NIGHT WORK DIFFERENTIAL.—

"(A) 3 P.M. TO MIDNIGHT SHIFTWORK.—If the majority of the hours of regularly scheduled work of a customs officer occurs during the period beginning at 3 p.m. and ending at 12 a.m., the officer is entitled to pay for work during such period (except for work to which paragraph (2) or (3) applies) at the officer's hourly rate of basic pay plus premium pay amounting to 15 percent of that basic rate.

"(B) 11 P.M. TO 8 A.M. SHIFTWORK.—If the majority of the hours of regularly scheduled work of a customs officer occurs during the period beginning at 11 p.m. and ending at 8 a.m., the officer is entitled to pay for work during such period (except for work to which paragraph (2) or (3) applies) at the officer's hourly rate of basic pay plus premium pay amounting to 20 percent of that basic rate.

"(C) 7:30 P.M. TO 3:30 A.M. SHIFTWORK.—If the regularly scheduled work assignment of a customs officer is 7:30 p.m. to 3:30 a.m., the officer is entitled to pay for work during such period (except for work to which paragraph (2) or (3) applies) at the officer's hourly rate of basic pay plus premium pay amounting to 15 percent of that basic rate for the period from 7:30 p.m. to 11:30 p.m. and at the officer's hourly rate of basic pay plus premium pay amounting to 20 percent of that basic rate for the period from 11:30 p.m. to 3:30 a.m.

"(2) SUNDAY DIFFERENTIAL.—A customs officer who performs any regularly scheduled work on a Sunday that is not a holiday is entitled to pay for that work at the officer's hourly rate of basic pay plus premium pay amounting to 50 percent of that basic rate.

"(3) HOLIDAY DIFFERENTIAL.—A customs officer who performs any regularly scheduled work on a holiday is entitled to pay for that work at the officer's hourly rate of basic pay plus premium pay amounting to 100 percent of that basic rate.

"(4) TREATMENT OF PREMIUM PAY.—Premium pay provided for under this subsection may not be treated as being overtime pay or compensation for any purpose.

"(c) LIMITATIONS.—

"(1) FISCAL YEAR CAP.—The aggregate of overtime pay under subsection (a) (including commuting compensation under subsection (a)(2)(B)) and premium pay under subsection (b) that a customs officer may be paid in any fiscal year may not exceed $25,000; except that the Commissioner of Customs or his designee may waive this limitation in individual cases in order to prevent excessive costs or to meet emergency requirements of the Customs Service.

"(2) EXCLUSIVITY OF PAY UNDER THIS SECTION.—A customs officer who receives overtime pay under subsection (a) or premium pay under subsection (b) for time worked may not receive pay or other compensation for that work under any other provision of law.

"(d) REGULATIONS.—The Secretary of the Treasury shall promulgate regulations to prevent—

"(1) abuse of callback work assignments and commuting time compensation authorized under subsection (a)(2); and

"(2) the disproportionately more frequent assignment of overtime work to customs officers who are near to retirement.

"(e) DEFINITIONS.—As used in this section:

"(1) The term 'customs officer' means an individual performing those functions specified by regulation by the Secretary of the Treasury for a customs inspector or canine enforcement officer. Such functions shall be consistent with such applicable standards as may be promulgated by the Office of Personnel Management.

"(2) The term 'holiday' means any day designated as a holiday under a Federal statute or Executive order.".

(b) NECESSARY CONFORMING AMENDMENTS.—

(1) Section 2 of the Act of June 3, 1944 (19 U.S.C. 1451a), is repealed.

(2) Section 450 of the Tariff Act of 1930 (19 U.S.C. 1450) is amended—

(A) by striking out "at night" in the section heading and inserting "during overtime hours";

(B) by striking out "at night" and inserting "during overtime hours"; and

(C) by inserting "aircraft," immediately before "vessel".

19 USC 267 note.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) apply to customs inspectional services provided on or after January 1, 1994.

SEC. 13812. ADDITIONAL BENEFITS FOR CUSTOMS OFFICERS.

(a) TREATMENT OF CERTAIN PAY FOR RETIREMENT PURPOSES.—Section 8331(3) of title 5, United States Code, is amended—

(1) by striking out "and" at the end of subparagraph (C);

(2) by striking out the semicolon at the end of subparagraph (D) and inserting "; and";

(3) by adding after subparagraph (D) the following:

"(E) with respect to a customs officer (referred to in subsection (e)(1) of section 5 of the Act of February 13, 1911), compensation for overtime inspectional services provided for under subsection (a) of such section 5, but not

to exceed 50 percent of any statutory maximum in overtime pay for customs officers which is in effect for the year involved;"; and

(4) by striking out "subparagraphs (B), (C), and (D) of this paragraph," and inserting "subparagraphs (B), (C), (D), and (E) of this paragraph".

(b) FOREIGN LANGUAGE PROFICIENCY AWARDS.—Cash awards for foreign language proficiency may, under regulations prescribed by the Secretary of the Treasury, be paid to customs officers (as referred to in section 5(e)(1) of the Act of February 13, 1911) to the same extent and in the same manner as would be allowable under subchapter III of chapter 45 of title 5, United States Code, with respect to law enforcement officers (as defined by section 4521 of such title). Regulations. 19 USC 267a.

(c) EFFECTIVE DATES.—

(1) SUBSECTION (a) AMENDMENTS.—The amendments made by subsection (a) take effect on January 1, 1994, and apply only with respect to service performed on or after such date. 5 USC 8331 note.

(2) SUBSECTION (b).—Subsection (b) takes effect on January 1, 1994. 19 USC 267a note.

SEC. 13813. REIMBURSEMENTS FROM THE CUSTOMS USER FEE ACCOUNT.

Section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)) is amended—

(1) by amending clause (i) of subparagraph (A) to read as follows: "(i) in—

"(I) paying overtime compensation under section 5(a) of the Act of February 13, 1911,

"(II) paying premium pay under section 5(b) of the Act of February 13, 1911, but the amount for which reimbursement may be made under this subclause may not, for any fiscal year, exceed the difference between the cost of the premium pay for that year calculated under such section 5(b) as amended by section 13811 of the Omnibus Budget Reconciliation Act of 1993 and the cost of such pay calculated under subchapter V of chapter 55 of title 5, United States Code,

"(III) paying agency contributions to the Civil Service Retirement and Disability Fund to match deductions from the overtime compensation paid under subclause (I),

"(IV) providing all preclearance services for which the recipients of such services are not required to reimburse the Secretary of the Treasury, and

"(V) paying foreign language proficiency awards under section 13812(b) of the Omnibus Budget Reconciliation Act of 1993, and";

(2) by inserting before the flush sentence appearing after clause (ii) of subparagraph (A) the following sentence: "The transfer of funds required under subparagraph (C)(iii) has priority over reimbursements under this subparagraph to carry out subclauses (II), (III), (IV), and (V) of clause (i).";

(3) by striking out "except for costs described in subparagraph (A)(i) (I) and (II)," in subparagraph (B)(i); and

(4) by amending subparagraph (C)—

(A) by striking out "to fully reimburse inspectional overtime and preclearance costs" in clause (i) and inserting "to reimburse costs described in subparagraph (A)(i)"; and

(B) by inserting after clause (ii) of subparagraph (C) the following:

"(iii) For each fiscal year, the Secretary of the Treasury shall calculate the difference between—

"(I) the estimated cost for overtime compensation that would have been incurred during that fiscal year for inspectional services if section 5 of the Act of February 13, 1911 (19 U.S.C. 261 and 267), as in effect before the enactment of section 13811 of the Omnibus Budget Reconciliation Act of 1993, had governed such costs, and

"(II) the actual cost for overtime compensation, premium pay, and agency retirement contributions that is incurred during that fiscal year in regard to inspectional services under section 5 of the Act of February 13, 1911, as amended by section 13811 of the Omnibus Budget Reconciliation Act of 1993, and under section 8331(3) of title 5, United States Code, as amended by section 13812(a)(1) of such Act of 1993, plus the actual cost that is incurred during that fiscal year for foreign language proficiency awards under section 13812(b) of such Act of 1993,

and shall transfer from the Customs User Fee Account to the General Fund of the Treasury an amount equal to the difference calculated under this clause, or $18,000,000, whichever amount is less. Transfers shall be made under this clause at least quarterly and on the basis of estimates to the same extent as are reimbursements under subparagraph (B)(iii).".

CHAPTER 3—FOOD STAMP PROGRAM

Mickey Leland Childhood Hunger Relief Act.
7 USC 2011 note.

SEC. 13901. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This chapter may be cited as the "Mickey Leland Childhood Hunger Relief Act".

(b) TABLE OF CONTENTS.—The table of contents of this chapter is as follows:

CHAPTER 3—FOOD STAMP PROGRAM

Sec. 13901. Short title; table of contents.
Sec. 13902. References to Act.

SUBCHAPTER A—ENSURING ADEQUATE FOOD ASSISTANCE

Sec. 13911. Helping low-income high school students.
Sec. 13912. Families with high shelter expenses.
Sec. 13913. Resource exclusion for earned income tax credits.
Sec. 13914. Homeless families in transitional housing.
Sec. 13915. Households benefiting from general assistance vendor payments.
Sec. 13916. Continuing benefits to eligible households.
Sec. 13917. Improving the nutritional status of children in Puerto Rico.

SUBCHAPTER B—PROMOTING SELF-SUFFICIENCY

Sec. 13921. Child support payments to nonhousehold members.
Sec. 13922. Improving access to employment and training activities.
Sec. 13923. Vehicles needed to seek and continue employment and for household transportation.
Sec. 13924. Vehicles necessary to carry fuel or water.
Sec. 13925. Testing resource accumulation.

SUBCHAPTER C—SIMPLIFYING THE PROVISION OF FOOD ASSISTANCE

Sec. 13931. Simplifying the household definition for households with children and others.

Sec. 13932. Eligibility of children of parents participating in drug or alcohol treatment programs.

SUBCHAPTER D—IMPROVING PROGRAM INTEGRITY

Sec. 13941. Additional means of claims collection.
Sec. 13942. Disqualification of recipients for trading firearms, ammunition, explosives, or controlled substances for coupons.
Sec. 13943. Increased cap for civil money penalty for trafficking in coupons.
Sec. 13944. Increased cap for civil money penalty for selling firearms, ammunition, explosives, or controlled substances for coupons.

SUBCHAPTER E—IMPROVING FOOD STAMP PROGRAM MANAGEMENT

Sec. 13951. Expedited claim collection; adjustments to error rate calculations.

SUBCHAPTER F—UNIFORM REIMBURSEMENT RATES

Sec. 13961. Uniform reimbursement rates.
Sec. 13962. Mandatory funding for nutrition programs.

SUBCHAPTER G—IMPLEMENTATION AND EFFECTIVE DATES

Sec. 13971. Implementation and effective dates.

SEC. 13902. REFERENCES TO THE ACT.

Except as otherwise provided in this chapter, references in this chapter to "the Act" and sections of the Act shall be deemed to be references to the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.) and the sections of such Act.

Subchapter A—Ensuring Adequate Food Assistance

SEC. 13911. HELPING LOW-INCOME HIGH SCHOOL STUDENTS.

Section 5(d)(7) of the Act (7 U.S.C. 2014(d)(7)) is amended by striking "who is a student, and who has not attained his eighteenth birthday" and inserting "who is an elementary or secondary school student, and who is 21 years of age or younger".

SEC. 13912. FAMILIES WITH HIGH SHELTER EXPENSES.

(a) COMPUTATION.—Section 5(e) of the Act (7 U.S.C. 2014(e)) is amended—

(1) in the fourth sentence by striking ": *Provided*, That the amount" and all that follows through "June 30"; and

(2) in the fifth sentence by striking "under clause (2) of the preceding sentence".

(b) LIMITATIONS.—

(1) INTERIM CAPS.—Section 5(e) of the Act (7 U.S.C. 2014(e)) is amended by inserting after the fourth sentence the following: "In the 15-month period ending September 30, 1995, such excess shelter expense deduction shall not exceed $231 a month in the 48 contiguous States and the District of Columbia, and shall not exceed, in Alaska, Hawaii, Guam, and the Virgin Islands of the United States, $402, $330, $280, and $171 a month, respectively. In the 15-month period ending December 31, 1996, such excess shelter expense deduction shall not exceed $247 a month in the 48 contiguous States and the District of Columbia, and shall not exceed, in Alaska, Hawaii, Guam, and the Virgin Islands of the United States, $429, $353, $300, and $182 a month, respectively.".

(2) SUBSEQUENT REMOVAL OF CAP.—Section 5(e) of the Act (7 U.S.C. 2014(e)), as amended by paragraph (1), is amended by striking the fifth and sixth sentences.

SEC. 13913. RESOURCE EXCLUSION FOR EARNED INCOME TAX CREDITS.

Section 5(g)(3) of the Act (7 U.S.C. 2014(g)(3)) is amended by adding at the end the following:

"The Secretary shall also exclude from financial resources any earned income tax credits received by any member of the household for a period of 12 months from receipt if such member was participating in the food stamp program at the time the credits were received and participated in such program continuously during the 12-month period.".

SEC. 13914. HOMELESS FAMILIES IN TRANSITIONAL HOUSING.

Section 5(k)(2)(F) of the Act (7 U.S.C. 2014(k)(2)(F)) is amended to read as follows:

"(F) housing assistance payments made to a third party on behalf of the household residing in transitional housing for the homeless;".

SEC. 13915. HOUSEHOLDS BENEFITING FROM GENERAL ASSISTANCE VENDOR PAYMENTS.

Section 5(k)(1)(B) of the Act (7 U.S.C. 2014(k)(1)(B)) is amended by striking "living expenses" and inserting "housing expenses, not including energy or utility-cost assistance,".

SEC. 13916. CONTINUING BENEFITS TO ELIGIBLE HOUSEHOLDS.

Section 8(c)(2)(B) of the Act (7 U.S.C. 2017(c)(2)(B)) is amended by inserting "of more than one month in" after "following any period".

SEC. 13917. IMPROVING THE NUTRITIONAL STATUS OF CHILDREN IN PUERTO RICO.

Section 19(a)(1)(A) of the Act (7 U.S.C. 2028(a)(1)(A)) is amended—

(1) by striking "$1,091,000,000" and inserting "$1,097,000,000"; and

(2) by striking "$1,133,000,000" and inserting "$1,143,000,000".

Subchapter B—Promoting Self-Sufficiency

SEC. 13921. CHILD SUPPORT PAYMENTS TO NON-HOUSEHOLD MEMBERS.

Section 5(e) of the Act (7 U.S.C. 2014(e)) is amended by adding at the end the following:

Regulations.

"Before determining the excess shelter expense deduction, all households shall be entitled to a deduction for child support payments made by a household member to or for an individual who is not a member of the household if such household member was legally obligated to make such payments, except that the Secretary is authorized to prescribe by regulation the methods, including calculation on a retrospective basis, that State agencies shall use to determine the amount of the deduction for child support payments.".

SEC. 13922. IMPROVING ACCESS TO EMPLOYMENT AND TRAINING ACTIVITIES.

(a) DEPENDENT CARE DEDUCTION.—Section 5(e) of the Act (7 U.S.C. 2014(e)) is amended in clause (1) of the fourth sentence—

(1) by striking "$160 a month for each dependent" and inserting "$200 a month for each dependent child under 2 years of age and $175 a month for each other dependent"; and

(2) by striking ", regardless of the dependent's age,".

(b) REIMBURSEMENTS TO PARTICIPANTS IN EMPLOYMENT AND TRAINING PROGRAMS.—Section 6(d)(4)(I)(i)(II) of the Act (7 U.S.C. 2015(d)(4)(I)(i)(II)) is amended to read as follows:

"(II) the actual costs of such dependent care expenses that are determined by the State agency to be necessary for the participation of an individual in the program (other than an individual who is the caretaker relative of a dependent in a family receiving benefits under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) in a local area where an employment, training, or education program under title IV of such Act is in operation, or was in operation, on the date of enactment of the Hunger Prevention Act of 1988) up to any limit set by the State agency (which limit shall not be less than the limit for the dependent care deduction under section 5(e)), but in no event shall such payment or reimbursements exceed the applicable local market rate as determined by procedures consistent with any such determination under the Social Security Act. Individuals subject to the program under this paragraph may not be required to participate if dependent costs exceed the limit established by the State agency under this subclause or other actual costs exceed any limit established under subclause (I).".

(c) CONFORMING AMENDMENT.—Section 16(h)(3) of the Act (7 U.S.C. 2025(h)(3)) is amended by striking "representing $160 per month per dependent" and inserting "equal to the payment made under section 6(d)(4)(I)(i)(II) but not more than the applicable local market rate,".

SEC. 13923. VEHICLES NEEDED TO SEEK AND CONTINUE EMPLOYMENT AND FOR HOUSEHOLD TRANSPORTATION.

Section 5(g)(2) of the Act (7 U.S.C. 2014(g)(2)) is amended by striking "$4,500" and inserting the following:
"a level set by the Secretary, which shall be $4,500 through August 31, 1994, $4,550 beginning September 1, 1994, through September 30, 1995, $4,600 beginning October 1, 1995, through September 30, 1996, and $5,000 beginning October 1, 1996, as adjusted on such date and on each October 1 thereafter to reflect changes in the new car component of the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics for the 12-month period ending on June 30 preceding the date of such adjustment and rounded to the nearest $50".

SEC. 13924. VEHICLES NECESSARY TO CARRY FUEL OR WATER.

Section 5(g)(2) of the Act (7 U.S.C. 2014(g)(2)) is amended by adding at the end the following:
"The Secretary shall exclude from financial resources the value of a vehicle that a household depends upon to carry fuel for heating or water for home use when such transported fuel or water is the primary source of fuel or water for the household.".

SEC. 13925. TESTING RESOURCE ACCUMULATION.

Section 17 of the Act (7 U.S.C. 2026) is amended by adding at the end the following:

"(k) The Secretary shall conduct, under such terms and conditions as the Secretary shall prescribe, for a period not to exceed 4 years, projects to test allowing not more than 11,000 eligible households, in the aggregate, to accumulate resources up to $10,000 each (which shall be excluded from consideration as a resource)

for later expenditure for a purpose directly related to improving the education, training, or employability (including self-employment) of household members, for the purchase of a home for the household, for a change of the household's residence, or for making major repairs to the household's home.".

Subchapter C—Simplifying the Provision of Food Assistance

SEC. 13931. SIMPLIFYING THE HOUSEHOLD DEFINITION FOR HOUSEHOLDS WITH CHILDREN AND OTHERS.

Section 3(i) of the Act (7 U.S.C. 2012(i)) is amended—

(1) in the first sentence—

(A) by striking "(2)" and inserting "or (2)";

(B) by striking ", or (3) a parent of minor children and that parent's children" and all that follows through "parents and children, or siblings, who live together", and inserting the following:

". Spouses who live together, parents and their children 21 years of age or younger (who are not themselves parents living with their children or married and living with their spouses) who live together, and children (excluding foster children) under 18 years of age who live with and are under the parental control of a person other than their parent together with the person exercising parental control"; and

(C) striking ", unless one of " and all that follows through "disabled member"; and

(2) in the second sentence by striking "clause (1) of the preceding sentence" and inserting "the preceding sentences".

SEC. 13932. ELIGIBILITY OF CHILDREN OF PARENTS PARTICIPATING IN DRUG OR ALCOHOL ABUSE TREATMENT PROGRAMS.

Section 3 of the Act (7 U.S.C. 2012) is amended—

(1) in the last sentence of subsection (i) by inserting ", together with their children," after "narcotics addicts or alcoholics"; and

(2) in subsection (g)(5) by inserting ", and their children," after "or alcoholics".

Subchapter D—Improving Program Integrity

SEC. 13941. ADDITIONAL MEANS OF CLAIMS COLLECTION.

(a) SAFEGUARDS.—Section 11(e)(8) of the Act (7 U.S.C. 2020(e)(8)) is amended—

(1) by striking "and (B)" and inserting "(B)"; and

(2) by striking the semicolon at the end and inserting the following:

", and (C) such safeguards shall not prevent the use by, or disclosure of such information, to agencies of the Federal Government (including the United States Postal Service) for purposes of collecting the amount of an overissuance of coupons, as determined under section 13(b) of this Act and excluding claims arising from an error of the State agency, that has not been recovered pursuant to such section, from Federal pay (including salaries and pensions) as authorized pursuant to section 5514 of title 5 of the United States Code;".

(b) RECOVERY.—Section 13 of the Act (7 U.S.C. 2022) is amended by adding at the end the following:

"(d) The amount of an overissuance of coupons as determined under subsection (b) and except for claims arising from an error of the State agency, that has not been recovered pursuant to such subsection may be recovered from Federal pay (including salaries and pensions) as authorized by section 5514 of title 5 of the United States Code.".

SEC. 13942. DISQUALIFICATION OF RECIPIENTS FOR TRADING FIREARMS, AMMUNITION, EXPLOSIVES, OR CONTROLLED SUBSTANCES FOR COUPONS.

Section 6(b)(1) of the Act (7 U.S.C. 2015(b)(1)) is amended by striking subdivisions (ii) and (iii) and inserting the following:

"(ii) for a period of 1 year upon—

"(I) the second occasion of any such determination; or

"(II) the first occasion of a finding by a Federal, State, or local court of the trading of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) for coupons; and

"(iii) permanently upon—

"(I) the third occasion of any such determination;

"(II) the second occasion of a finding by a Federal, State, or local court of the trading of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) for coupons; or

"(III) the first occasion of a finding by a Federal, State, or local court of the trading of firearms, ammunition, or explosives for coupons.".

SEC. 13943. INCREASED CAP FOR CIVIL MONEY PENALTY FOR TRAFFICKING IN COUPONS.

Section 12(b)(3)(B) of the Act (7 U.S.C. 2021(b)(3)(B)) is amended by striking "during a 2-year period" and inserting "for violations occurring during a single investigation".

SEC. 13944. INCREASED CAP FOR CIVIL MONEY PENALTY FOR SELLING FIREARMS, AMMUNITION, EXPLOSIVES, OR CONTROLLED SUBSTANCES FOR COUPONS.

Section 12(b)(3)(C) of the Act (7 U.S.C. 2021(b)(3)(C)) is amended—

(1) by striking "substances (as the term is" and inserting "substance (as"; and

(2) by striking "during a 2-year period" and inserting "for violations occurring during a single investigation".

Subchapter E—Improving Food Stamp Program Management

SEC. 13951. EXPEDITED CLAIM COLLECTION; ADJUSTMENTS TO ERROR RATE CALCULATIONS.

(a) COLLECTION AND DISPOSITION OF CLAIMS.—Section 13(a)(1) of the Act (7 U.S.C. 2022(a)(1)) is amended—

(1) in the fifth sentence by striking "(after a determination on any request for a waiver for good cause related to the claim has been made by the Secretary)"; and

(2) in the sixth sentence by striking "2 years" and inserting "1 year".

(b) ADMINISTRATIVE AND JUDICIAL REVIEW.—Section 14(a) of the Act (7 U.S.C. 2023(a)) is amended—

(1) in the sixth sentence by inserting after "pursuant to section 16(c)" the following: "(including determinations as to whether there is good cause for not imposing all or a portion of the penalty)"; and

(2) by striking the last sentence.

(c) QUALITY CONTROL SYSTEM.—Section 16(c) of the Act (7 U.S.C. 2025(c)) is amended—

(1) in paragraph (1)(C)—

(A) by striking "payment error tolerance level" and inserting "national performance measure"; and

(B) by striking "equal to" and all that follows through the first period and inserting the following: "equal to—

"(i) the product of—

"(I) the value of all allotments issued by the State agency in the fiscal year; times

"(II) the lesser of—

"(aa) the ratio of—

"(aaa) the amount by which the payment error rate of the State agency for the fiscal year exceeds the national performance measure for the fiscal year; to

"(bbb) the national performance measure for the fiscal year, or

"(bb) 1; times

"(III) the amount by which the payment error rate of the State agency for the fiscal year exceeds the national performance measure for the fiscal year.";

(2) in paragraph (3)(A) by striking "60 days (or 90 days at the discretion of the Secretary)" and inserting "120 days";

(3) in paragraph (6) by striking "shall be used to establish" and all that follows through "level" the last place it appears; and

(4) by adding at the end the following:

"(8)(A) This paragraph applies to the determination of whether a payment is due by a State agency for a fiscal year under paragraph (1)(C).

"(B) Not later than 180 days after the end of the fiscal year, the case review and all arbitrations of State-Federal difference cases shall be completed.

"(C) Not later than 30 days thereafter, the Secretary shall—

"(i) determine final error rates, the national average payment error rate, and the amounts of payment claimed against State agencies; and

"(ii) notify State agencies of the payment claims.

"(D) A State agency desiring to appeal a payment claim determined under subparagraph (C) shall submit to an administrative law judge—

"(i) a notice of appeal, not later than 10 days after receiving a notice of the claim; and

"(ii) evidence in support of the appeal of the State agency, not later than 60 days after receiving a notice of the claim.

"(E) Not later than 60 days after a State agency submits evidence in support of the appeal, the Secretary shall submit responsive evidence to the administrative law judge to the extent such evidence exists.

"(F) Not later than 30 days after the Secretary submits responsive evidence, the State agency shall submit rebuttal evidence to the administrative law judge to the extent such evidence exists.

"(G) The administrative law judge, after an evidentiary hearing, shall decide the appeal—

"(i) not later than 60 days after receipt of rebuttal evidence submitted by the State agency; or

"(ii) if the State agency does not submit rebuttal evidence, not later than 90 days after the State agency submits the notice of appeal and evidence in support of the appeal.

"(H) In considering a claim under this paragraph, the administrative law judge shall consider all grounds for denying the claim, in whole or in part, including the contention of a State agency that the claim should be waived, in whole or in part, for good cause.

"(I) The deadlines in subparagraphs (D), (E), (F), and (G) shall be extended by the administrative law judge for cause shown.

"(9) As used in this subsection, the term 'good cause' includes—

"(A) a natural disaster or civil disorder that adversely affects food stamp program operations;

"(B) a strike by employees of a State agency who are necessary for the determination of eligibility and processing of case changes under the food stamp program;

"(C) a significant growth in food stamp caseload in a State prior to or during a fiscal year, such as a 15 percent growth in caseload;

"(D) a change in the food stamp program or other Federal or State program that has a substantial adverse impact on the management of the food stamp program of a State; and

"(E) a significant circumstance beyond the control of the State agency.".

Subchapter F—Uniform Reimbursement Rates

SEC. 13961. UNIFORM REIMBURSEMENT RATES.

Section 16 of the Act (7 U.S.C. 2025) is amended—

(1) in the first sentence of subsection (a)—

(A) by striking "and (5)" and inserting "(5)";

(B) by inserting before ": *Provided*," the following: ", (6) automated data processing and information retrieval systems subject to the conditions set forth in subsection (g), (7) food stamp program investigations and prosecutions, and (8) implementing and operating the immigration status verification system established under section 1137(d) of the Social Security Act (42 U.S.C. 1320b–7(d))"; and

(C) in the proviso, by striking "authorized to pay each State agency an amount not less than 75 per centum of the costs of State food stamp program investigations and prosecutions, and is further";

(2) in subsection (g) by striking "an amount equal to 63 percent effective on October 1, 1991, of" and inserting "the amount provided under subsection (a)(6) for";

(3) by striking subsection (j); and

(4) by redesignating subsection (k) as subsection (j).

SEC. 13962. MANDATORY FUNDING FOR NUTRITION PROGRAMS.

Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall pay to the Secretary of Agriculture $230,000 for each of the fiscal years 1994, 1995, and 1996 for the purchase, processing, and distribution of additional commodities which are relatively lower in saturated fats, are a good source of calcium, are relatively low in sodium and sugars, or are high in iron, and which are a good source of protein or other valuable nutrients. Such commodities shall be easy for low-income families to use, be not easily spoilable, and be easy to handle. Such commodities shall include low-sodium peanut butters, low-fat or low-sodium cheeses, lower fat canned meats, fruits and vegetables, or other similar foods. The Secretary shall select 2 States to carry out this 3-year required effort to improve the health of low-income individuals and to test the acceptability by, ease of storage and preparation by, and impact on low-income participants in the emergency food assistance program established under the Emergency Food Assistance Act of 1983 (7 U.S.C. 612 note). These additional commodities shall be provided to each such State and such State shall be entitled to receive such commodities during each such fiscal year 1994, 1995, and 1996 and in addition to any commodities provided under other Federal programs. Out of $230,000 required to be provided each year to the Secretary of Agriculture by the Secretary of the Treasury, $220,000 ($110,000 per State) shall be used by the Secretary of Agriculture to purchase, process and distribute the commodities to such States and $10,000 ($5,000 per State) shall be provided to such States for State and local payments for costs associated with the distribution of commodities by emergency feeding organizations in such States.

Subchapter G—Implementation and Effective Dates

7 USC 2025 note.

SEC. 13971. IMPLEMENTATION AND EFFECTIVE DATES.

(a) GENERAL EFFECTIVE DATE AND IMPLEMENTATION.—Except as provided in subsection (b), this chapter and the amendments made by this chapter shall take effect, and shall be implemented beginning on, October 1, 1993.

(b) SPECIAL EFFECTIVE DATES AND IMPLEMENTATION.—(1)(A) Except as provided in subparagraph (B), section 13951 shall take effect on October 1, 1991.

(B) The amendment made by section 13951(c)(2) shall take effect on October 1, 1992.

(2)(A) Except as provided in subparagraph (B), the amendments made by section 13961 shall be effective with respect to calendar quarters beginning on or after April 1, 1994.

(B) In the case of a State whose legislature meets biennially, and does not have a regular session scheduled in calendar year 1994, and that demonstrates to the satisfaction of the Secretary of Agriculture that there is no mechanism, under the constitution and laws of the State, for appropriating the additional funds required by the amendments made by this section before the next such regular legislative session, the Secretary may delay the effective date of all or part of the amendments made by section 13961 until the beginning date of a calendar quarter that is not later than the first calendar quarter beginning after the close of the first regular session of the State legislature after the date of enactment of this Act.

(3) Sections 13912(a) and 13912(b)(1) shall take effect, and shall be implemented beginning on, July 1, 1994.

(4) Sections 13911, 13913, 13914, 13915, 13916, 13922, 13924, 13931, 13932, and 13942 shall take effect, and shall be implemented beginning on, September 1, 1994.

(5)(A) Except as provided in subparagraph (B), section 13921 shall take effect, and shall be implemented beginning on, September 1, 1994.

(B) State agencies shall implement the amendment made by section 13921 not later than October 1, 1995. Intergovernmental relations.

(6) Section 13912(b)(2) shall take effect, and shall be implemented beginning on, January 1, 1997.

CHAPTER 4—TIMBER SALES

SEC. 13981. TABLE OF CONTENTS. 16 USC 500 note.

The table of contents of this chapter is as follows:

CHAPTER 4—TIMBER SALES

Sec. 13981. Table of contents.
Sec. 13982. Sharing of Forest Service timber sale receipts.
Sec. 13983. Sharing of Bureau of Land Management timber sale receipts.

SEC. 13982. SHARING OF FOREST SERVICE TIMBER SALE RECEIPTS.

(a) DEFINITIONS.—As used in this section:

(1) APPLICABLE PERCENTAGE.—The term "applicable percentage" means—

(A) for fiscal year 1994, 85 percent; and

(B) for each of fiscal years 1995 through 2003, 3 percentage points less than the applicable percentage for the preceding fiscal year.

(2) 25-PERCENT PAYMENTS TO STATES.—The term "25-percent payments to States" means the 25 percent payments authorized by the Act of May 23, 1908 (35 Stat. 260, chapter 192; 16 U.S.C. 500) for the States of Washington, Oregon, and California for the benefit of counties in which national forests are situated and that are affected by decisions related to the northern spotted owl.

(3) SPECIAL PAYMENT AMOUNT.—The term "special payment amount" means the amount determined by multiplying—

(A) the applicable percentage; by

(B) the annual average of the 25-percent payments to States made to a county pursuant to such Acts during the 5-year period consisting of fiscal years 1986 through 1990.

(b) PAYMENTS.—

(1) IN GENERAL.—In lieu of making the 25-percent payments to States, the Secretary of the Treasury shall make payments to States, for the benefit of counties, that are eligible to receive the 25-percent payments to States as of the date of enactment of this Act in accordance with paragraph (2).

(2) AMOUNT OF PAYMENTS.—

(A) FISCAL YEARS 1994 THROUGH 1998.—For each of fiscal years 1994 through 1998, the payment to each State for the benefit of each county in the State referred to in paragraph (1) shall be equal to the sum of the special payment amounts for each county in the State.

(B) FISCAL YEARS 1999 THROUGH 2003.—

(i) IN GENERAL.—For each of fiscal years 1999 through 2003, the payment to each State for the benefit of each county in the State referred to in paragraph (1) shall be equal to the sum of the payments for each county in the State as calculated under clause (ii).

(ii) PAYMENTS FOR COUNTIES.—The payment for each county referred to in clause (i) shall be equal to the greater of—

(I) the special payment amount for the county; or

(II) the share of the 25-percent payments to States allocable to the county.

43 USC 1181f note.

SEC. 13983. SHARING OF BUREAU OF LAND MANAGEMENT TIMBER SALE RECEIPTS.

(a) DEFINITIONS.—As used in this section:

(1) APPLICABLE PERCENTAGE.—The term "applicable percentage" means—

(A) for fiscal year 1994, 85 percent; and

(B) for each of fiscal years 1995 through 2003, 3 percentage points less than the applicable percentage for the preceding fiscal year.

(2) 50-PERCENT PAYMENTS TO COUNTIES.—The term "50-percent payments to counties" means the 50-percent share paid to counties in the States of Oregon and California pursuant to title II of the Act of August 28, 1937 (50 Stat. 875, chapter 876; 43 U.S.C. 1181f), and the payments made to counties pursuant to the Act of May 24, 1939 (53 Stat. 753, chapter 144; 43 U.S.C. 1181f–1 et seq.).

(3) SPECIAL PAYMENT AMOUNT.—The term "special payment amount" means the amount determined by multiplying—

(A) the applicable percentage; by

(B) the annual average of the 50-percent payments to counties made to a county pursuant to such Acts during the 5-year period consisting of fiscal years 1986 through 1990.

(b) PAYMENTS.—

(1) IN GENERAL.—In lieu of making the 50-percent payments to counties, the Secretary of the Treasury shall make payments to counties that are eligible to receive the 50-percent payments as of the date of enactment of this Act in accordance with paragraph (2).

(2) AMOUNT OF PAYMENTS.—

(A) FISCAL YEARS 1994 THROUGH 1998.—For each of fiscal years 1994 through 1998, the Secretary of the Treasury shall pay to each county referred to in paragraph (1) the special payment amount.

(B) FISCAL YEARS 1999 THROUGH 2003.—For each of fiscal years 1999 through 2003, the Secretary of the Treasury shall pay to each county referred to in paragraph (1) the greater of—

(i) the special payment amount; or

(ii) the share of the 50-percent payments to counties allocable to the county.

TITLE XIV—BUDGET PROCESS PROVISIONS

SEC. 14001. PURPOSE.

The Congress declares that it is essential to—

(1) preserve the deficit reduction achieved by this Act;

(2) extend the system of discretionary spending limits for the single discretionary category set forth in section 601 of the Congressional Budget Act of 1974;

(3) extend the pay-as-you-go enforcement system; and

(4) prohibit the consideration of direct spending or receipts legislation that would decrease the pay-as-you-go surplus achieved by this Act and created under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 14002. DISCRETIONARY SPENDING LIMITS.

(a) DEFINITION OF "DISCRETIONARY SPENDING LIMIT".—Section 601(a)(2) of the Congressional Budget Act of 1974 is amended— 2 USC 665.

(1) in subparagraph (D) by striking the word "and"; and

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

"and

"(F) with respect to fiscal years 1996, 1997, and 1998, for the discretionary category, the amounts set forth for those years in section 12(b)(1) of House Concurrent Resolution 64 (One Hundred Third Congress);".

(b) POINT OF ORDER IN THE SENATE.—Section 601(b)(1) of the Congressional Budget Act of 1974 is amended to read as follows:

"(1) Except as otherwise provided in this subsection, it shall not be in order in the Senate to consider any concurrent resolution on the budget for fiscal year 1995, 1996, 1997, or 1998 (or amendment, motion, or conference report on such a resolution) that would exceed any of the discretionary spending limits in this section.".

(c) CONFORMING AMENDMENTS.—(1) Section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended— 2 USC 901.

(A) in subsection (a) by striking "FISCAL YEARS 1991–1995 ENFORCEMENT.—" and inserting "FISCAL YEARS 1991–1998 ENFORCEMENT.—";

(B) in subsection (b)(1)—

(i) in the matter before subparagraph (A), by—

(I) striking "When the President submits the budget under section 1105(a) of title 31, United States Code, for budget year 1992, 1993, 1994, or 1995" and inserting "When the President submits the budget under section 1105(a) of title 31, United States Code, for budget year 1992, 1993, 1994, 1995, 1996, 1997, or 1998"; and

(II) striking "the budget shall include, adjustments to discretionary spending limits (and those limits as cumulatively adjusted) for the budget year and each outyear through 1995" and inserting "the budget shall include, adjustments to discretionary spending limits (and those limits as cumulatively adjusted) for the budget year and each outyear through 1998";

(ii) in paragraph (1)(B), by inserting at the end thereof the following new clause:

"(iii) For a budget submitted for budget year 1996, 1997, or 1998, the adjustments shall be those necessary to reflect changes in inflation estimates since those of March 31, 1993, set forth on page 46 of House Conference Report 103–48.";

(iii) in the matter before subparagraph (A) in paragraph (2) by—

(I) striking "When OMB submits a sequestration report under section 254 (g) or (h) for fiscal year 1991, 1992, 1993, 1994, or 1995" and inserting "When OMB submits a sequestration report under section 254 (g) or (h) for fiscal year 1991, 1992, 1993, 1994, 1995, 1996, 1997, or 1998"; and

(II) striking "for the fiscal year and each succeeding year through 1995," and inserting "for the fiscal year and each succeeding year through 1998,";

(iv) in paragraph (2)(D)(i), by striking "for fiscal year 1991, 1992, 1993, 1994, or 1995," and inserting "for any fiscal year,";

(v) in paragraph (2)(E), by—

(I) striking the final word "and" in subparagraph (ii); and

(II) inserting before the final period the following: "; and

"(iv) if, for fiscal years 1994, 1995, 1996, 1997, and 1998, the amount of new budget authority provided in appropriation Acts exceeds the discretionary spending limit on new budget authority due to technical estimates made by the director of the Office of Management and Budget, the adjustment is the amount of the excess, but not to exceed an amount (for any one fiscal year) equal to 0.1 percent of the adjusted descretionary spending limit on new budget authority for that fiscal year"; and

(vi) in paragraph (2)(F), by inserting immediately before the final period the following: ", and not to exceed 0.5 percent of the adjusted descretionary spending limit on outlays for the fiscal year in fiscal year 1996, 1997, or 1998".

2 USC 904. (2) REPORTS.—Sections 254(d)(2) and 254(g)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 are each amended by striking "1995" and inserting "1998".

2 USC 900 note. (3) EXPIRATION.—(A) Notwithstanding section 275(b) of the Balanced Budget and Emergency Deficit Control Act of 1985, sections 250, 251, 252, and 254 through 258C of that Act shall expire on September 30, 1998.

2 USC 665 note. (B) Section 607 of the Congressional Budget Act of 1974 is amended by striking "shall apply to fiscal years 1991 to 1995" and inserting "shall apply to fiscal years 1991 to 1998".

SEC. 14003. ENFORCING PAY-AS-YOU-GO.

2 USC 902. (a) Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended—

(1) in subsection (a), by striking "FISCAL YEAR 1992–1995 ENFORCEMENT." and inserting "FISCAL YEAR 1992–1998 ENFORCEMENT.";

(2) in subsection (d), by striking "estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1995" both places that it appears and inserting "estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1998" both places; and

(3) in subsection (e), by striking "for fiscal year 1991, 1992, 1993, 1994, or 1995," and inserting "for any fiscal year from 1991 through 1998,".

(b) Section 254(g)(3) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by striking "1995" and inserting "1998". 2 USC 904.

(c) Upon enactment of this Act, the director of the Office of Management and Budget shall reduce the balances of direct spending and receipts legislation applicable to each fiscal year under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 by an amount equal to the net deficit reduction achieved through the enactment in this Act of direct spending and receipts legislation for that year. 2 USC 902 note.

SEC. 14004. EXERCISE OF RULE-MAKING POWERS. 2 USC 900 note.

The Congress enacts the provisions of this part—

(1) as an exercise of the rule-making power of the Senate and the House of Representatives, respectively, and as such these provisions shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

Approved August 10, 1993.

LEGISLATIVE HISTORY—H.R. 2264 (S. 1134):

HOUSE REPORTS: Nos. 103-111 (Comm. on the Budget) and 103-213 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 139 (1993):

May 27, considered and passed House.

June 23, 24, S. 1134 considered in Senate; H.R. 2264, amended, passed in lieu.

Aug. 5, House agreed to conference report.

Aug. 6, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 29 (1993):

Aug. 10, Presidential remarks.

Public Law 103-67
103d Congress

An Act

Aug. 11, 1993
[H.R. 490]

To provide for the conveyance of certain lands and improvements in Washington, District of Columbia, to the Columbia Hospital for Women to provide a site for the construction of a facility to house the National Women's Health Resource Center.

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

SECTION 1. CONVEYANCE OF LAND.

(a) ADMINISTRATOR OF GENERAL SERVICES.—Subject to sections 2 and 4, the Administrator of General Services (hereinafter in this Act referred to as the "Administrator") shall convey, for $12,800,000 to be paid in accordance with the terms set forth in subsection (d)(2) and other consideration required by this Act, to the Columbia Hospital for Women (formerly Columbia Hospital for Women and Lying-in Asylum; hereinafter in this Act referred to as "Columbia Hospital"), located in Washington, District of Columbia, all right, title, and interest of the United States in and to those pieces or parcels of land in the District of Columbia, described in subsection (b), together with all improvements thereon and appurtenances thereto. The purpose of the conveyance is to provide a site for the construction by Columbia Hospital of a facility to house the National Women's Health Resource Center (hereinafter in this Act referred to as the "Resource Center"), as described in the Certificate of Need issued for the Resource Center in conformance with District of Columbia law and in effect on the date of conveyance.

(b) PROPERTY DESCRIPTION.—The land referred to in subsection (a) was conveyed to the United States of America by deed dated May 2, 1888, from David Fergusson, widower, recorded in liber 1314, folio 102, of the land records of the District of Columbia, and is that portion of square numbered 25 in the city of Washington in the District of Columbia which was not previously conveyed to such hospital by the Act of June 28, 1952 (Public Law 82-423). Such property is more particularly described as square 25, lot 803, or as follows: all that piece or parcel of land situated and lying in the city of Washington in the District of Columbia and known as part of square numbered 25, as laid down and distinguished on the plat or plan of said city as follows: beginning for the same at the northeast corner of the square being the corner formed by the intersection of the west line of Twenty-fourth Street Northwest, with the south line of north M Street Northwest and running thence south with the line of said Twenty-fourth Street Northwest for the distance of two hundred and thirty-one feet ten inches, thence running west and parallel with said M Street

Northwest for the distance of two hundred and thirty feet six inches and running thence north and parallel with the line of said Twenty-fourth Street Northwest for the distance of two hundred and thirty-one feet ten inches to the line of said M Street Northwest and running thence east with the line of said M Street Northwest to the place of beginning two hundred and thirty feet and six inches together with all the improvements, ways, easements, rights, privileges, and appurtenances to the same belonging or in anywise appertaining.

(c) DATE OF CONVEYANCE.—

(1) DATE.—The date of the conveyance of property required under subsection (a) shall be the date which is 1 year after the date of receipt by the Administrator of written notification from Columbia Hospital that the hospital needs such property for use as a site to provide housing for the Resource Center.

(2) DEADLINE FOR SUBMISSION OF NOTIFICATION.—A written notification of need from Columbia Hospital shall not be effective for purposes of subsection (a) and paragraph (1) unless the notification is received by the Administrator before the date which is 1 year after the date of the enactment of this Act.

(d) CONVEYANCE TERMS.—

(1) IN GENERAL.—The conveyance of property required under subsection (a) shall be subject to such terms and conditions as may be determined by the Administrator to be necessary to safeguard the interests of the United States. Such terms and conditions shall be consistent with the terms and conditions set forth in this Act.

(2) PAYMENT OF PURCHASE PRICE.—Columbia Hospital shall pay the $12,800,000 purchase price in full by not later than the date of conveyance under subsection (c).

(3) QUITCLAIM DEED.—Any conveyance of property to Columbia Hospital under this Act shall be by quitclaim deed.

(e) TREATMENT OF AMOUNTS RECEIVED.—Amounts received by the United States as payment under this Act shall be paid into, administered, and expended as part of the fund established by section 210(f) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)).

SEC. 2. LIMITATION ON CONVEYANCE.

No part of any land conveyed under section 1 may be used, during the 30-year period beginning on the date of conveyance under section 1(c)(1), for any purpose other than to provide a site for a facility to house the Resource Center and any necessary related appurtenances to that facility.

SEC. 3. SATELLITE HEALTH CENTERS.

(a) REQUIREMENT.—

(1) IN GENERAL.—Not later than 4 years after the date of the conveyance under section 1, Columbia Hospital, after consultation with the District of Columbia Commission of Public Health and the District of Columbia State Health Planning and Development Agency, shall establish, maintain, and operate 3 satellite health centers.

(2) PERSONS TO BE SERVED.—One of the satellite health centers shall provide comprehensive health and counseling services exclusively for teenage women and their children. The other 2 satellite health centers shall provide comprehensive

health and counseling services for women (including teenage women) and their children.

(3) LOCATION.—The satellite health centers shall be located in areas of the District of Columbia in which the District of Columbia Department of Public Health has determined that the need for comprehensive health and counseling services provided by the centers is the greatest. In locating such centers, special consideration shall be given to the areas of the District with the highest rates of infant death and births by teenagers.

(b) COMPREHENSIVE HEALTH AND COUNSELING SERVICES.—In subsection (a), comprehensive health and counseling services include—

(1) examination of women;

(2) medical treatment and counseling of women, including prenatal and postnatal services;

(3) treatment and counseling of substance abusers and those who are at risk of substance abuse;

(4) health promotion and disease prevention services;

(5) physician and hospital referral services; and

(6) extended and flexible hours of service.

(c) REQUIRED CONSIDERATION.—The establishment, operation, and maintenance of satellite health centers by Columbia Hospital in accordance with this section shall be part of the consideration required by this Act for the conveyance under section 1.

SEC. 4. REVERSIONARY INTEREST.

(a) IN GENERAL.—The property conveyed under section 1 shall revert to the United States—

(1) on the date which is 4 years after the date of such conveyance if Columbia Hospital is not operating the Resource Center on such property; and

(2) on any date in the 30-year period beginning on the date of such conveyance, on which the property is used for a purpose other than that referred to in section 2.

(b) REPAYMENT.—If property reverts to the United States under subsection (a), the Administrator shall pay to Columbia Hospital, from amounts otherwise appropriated from the fund established by section 210(f) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)), an amount equal to all sums received by the United States as payments for the conveyance under section 1, without interest on such amount.

(c) ENFORCING REVERSION.—The Administrator shall perform all acts necessary to enforce any reversion of property to the United States under this section.

(d) INVENTORY OF PUBLIC BUILDINGS SERVICE.—Property that reverts to the United States under this section—

(1) shall be under the control of the General Services Administration; and

(2) shall be assigned by the Administrator to the inventory of the Public Buildings Service.

SEC. 5. DAMAGES.

(a) DAMAGES.—Subject to subsection (b), for each year in the 26-year period beginning on the date which is 4 years after the date of conveyance under section 1(c)(1), in which Columbia Hospital does not operate 3 satellite health centers in accordance with section 3 for a period of more than 60 days, the Columbia Hospital shall be liable to the United States for damages in an amount equal

to $200,000, except that this subsection shall not apply after the date of any reversion of property under section 4.

(b) LIMITATION IN DAMAGES.—The maximum amount of damages for which Columbia Hospital may be liable under this section shall be $3,000,000.

(c) ADJUSTMENTS FOR INFLATION.—The amount of damages specified in subsection (a) and the maximum amount of damages specified in subsection (b) shall be adjusted biennially to reflect changes in the consumer price index that have occurred since the date of the enactment of this Act.

(d) ASSESSMENT AND WAIVER.—For any failure by Columbia Hospital to operate a satellite health center in accordance with section 3, the Administrator may—

(1) seek to recover damages under this section; or

(2) waive all or any part of damages recoverable under this section for that failure, if the Administrator—

(A) determines the failure is caused by exceptional circumstances; and

(B) submits a statement to the District of Columbia Commission of Public Health and the Congress, that sets forth the reasons for the determination.

(e) CONVEYANCE DOCUMENTS.—The Administrator shall include in the documents for any conveyance under this Act appropriate provisions to—

(1) ensure that payment of damages under this section is a contractual obligation of Columbia Hospital; and

(2) require the Administrator to provide to Columbia Hospital notice and an opportunity to respond before the Administrator seeks to recover such damages.

SEC. 6. REPORTS.

During the 5-year period beginning one year after the date of the conveyance under section 1, Columbia Hospital shall submit to the Administrator, the appropriate committees of the Congress, and the Comptroller General of the United States annual reports on the establishment, maintenance, and operation of the Resource Center and the satellite health centers.

SEC. 7. MEMBER INSTITUTES.

The Resource Center should—

(1) include among its outreach activities the establishment of formal linkages with no less than 6 universities or health centers throughout the Nation, to be known as "member institutes" in furtherance of the purposes of the Resource Center; and

(2) provide national notice of the opportunity such entities have to participate in programs and activities of the Resource Center.

Approved August 11, 1993.

LEGISLATIVE HISTORY—H.R. 490:

HOUSE REPORTS: No. 103-23, Pt. 1 (Comm. on Public Works and Transportation).
SENATE REPORTS: No. 103-125 (Comm. on Governmental Affairs).
CONGRESSIONAL RECORD, Vol. 139 (1993):
Mar. 9, considered and passed House.
Aug. 6, considered and passed Senate.

Public Law 103-68
103d Congress

An Act

To amend the Securities Exchange Act of 1934 to permit members of national securities exchanges to effect certain transactions with respect to accounts for which such members exercise investment discretion.

Aug. 11, 1993
[H.R. 616]

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

SECTION 1. PROHIBITED TRANSACTIONS.

Section 11(a)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78k(a)(1)) is amended—

(1) in subparagraph (E), by striking "(other than an investment company)";

(2) by striking "and" at the end of subparagraph (G);

(3) by redesignating subparagraph (H) as subparagraph (I); and

(4) by inserting after subparagraph (G) the following new subparagraph:

"(H) any transaction for an account with respect to which such member or an associated person thereof exercises investment discretion if such member—

"(i) has obtained, from the person or persons authorized to transact business for the account, express authorization for such member or associated person to effect such transactions prior to engaging in the practice of effecting such transactions;

"(ii) furnishes the person or persons authorized to transact business for the account with a statement at least annually disclosing the aggregate compensation received by the exchange member in effecting such transactions; and

"(iii) complies with any rules the Commission has prescribed with respect to the requirements of clauses (i) and (ii); and".

Approved August 11, 1993.

LEGISLATIVE HISTORY—H.R. 616:

HOUSE REPORTS: No. 103-76 (Comm. on Energy and Commerce).
CONGRESSIONAL RECORD, Vol. 139 (1993):
May 4, considered and passed House.
July 29, considered and passed Senate.

Public Law 103-69
103d Congress

An Act

Aug. 11, 1993
[H.R. 2348]

Making appropriations for the Legislative Branch for the fiscal year ending September 30, 1994, and for other purposes.

Legislative Branch Appropriations Act, 1994.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, **That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Legislative Branch for the fiscal year ending September 30, 1994, and for other purposes, namely:**

TITLE I—CONGRESSIONAL OPERATIONS

Congressional Operations Appropriations Act, 1994.
2 USC 60a note.

SENATE

MILEAGE AND EXPENSES ALLOWANCES

MILEAGE OF THE VICE PRESIDENT AND SENATORS

For mileage of the Vice President and Senators of the United States, $60,000.

EXPENSE ALLOWANCES

For expense allowances of the Vice President, $10,000; the President Pro Tempore of the Senate, $10,000; Majority Leader of the Senate, $10,000; Minority Leader of the Senate, $10,000; Majority Whip of the Senate, $5,000; Minority Whip of the Senate, $5,000; and Chairmen of the Majority and Minority Conference Committees, $3,000 for each Chairman; in all, $56,000.

REPRESENTATION ALLOWANCES FOR THE MAJORITY AND MINORITY LEADERS

For representation allowances of the Majority and Minority Leaders of the Senate, $15,000 for each such Leader; in all, $30,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, and others as authorized by law, including agency contributions, $69,895,000, which shall be paid from this appropriation without regard to the below limitations, as follows:

OFFICE OF THE VICE PRESIDENT

For the Office of the Vice President, $1,431,000.

OFFICE OF THE PRESIDENT PRO TEMPORE

For the Office of the President Pro Tempore, $432,000.

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For Offices of the Majority and Minority Leaders, $2,076,000.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For Offices of the Majority and Minority Whips, $644,000.

CONFERENCE COMMITTEES

For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, $942,000 for each such committee; in all, $1,884,000.

OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY

For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, $362,000.

OFFICE OF THE CHAPLAIN

For Office of the Chaplain, $172,000.

OFFICE OF THE SECRETARY

For Office of the Secretary, $11,715,000.

OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

For Office of the Sergeant at Arms and Doorkeeper, $32,739,000.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For Offices of the Secretary for the Majority and the Secretary for the Minority, $1,133,000.

AGENCY CONTRIBUTIONS AND RELATED EXPENSES

For agency contributions for employee benefits, as authorized by law, and related expenses, $17,307,000.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the Office of the Legislative Counsel of the Senate, $3,080,000.

OFFICE OF SENATE LEGAL COUNSEL

For salaries and expenses of the Office of Senate Legal Counsel, $833,000.

EXPENSE ALLOWANCES OF THE SECRETARY OF THE SENATE, SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE, AND SECRETARIES FOR THE MAJORITY AND MINORITY OF THE SENATE

For expense allowances of the Secretary of the Senate, $3,000; Sergeant at Arms and Doorkeeper of the Senate, $3,000; Secretary for the Majority of the Senate, $3,000; Secretary for the Minority of the Senate, $3,000; in all, $12,000.

CONTINGENT EXPENSES OF THE SENATE

SENATE POLICY COMMITTEES

For salaries and expenses of the Majority Policy Committee and the Minority Policy Committee, $1,199,100 for each such committee; in all, $2,398,200.

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted pursuant to section 134(a) of Public Law 601, Seventy-ninth Congress, as amended, section 112 of Public Law 96–304 and Senate Resolution 281, agreed to March 11, 1980, $77,000,000.

EXPENSES OF UNITED STATES SENATE CAUCUS ON INTERNATIONAL NARCOTICS CONTROL

For expenses of the United States Senate Caucus on International Narcotics Control, $336,000.

SECRETARY OF THE SENATE

For expenses of the Office of the Secretary of the Senate, $1,366,500.

SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, $74,894,000, of which $16,500,000 shall remain available until expended.

MISCELLANEOUS ITEMS

For miscellaneous items, $6,748,000.

SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT

For Senators' Official Personnel and Office Expense Account, $185,768,000.

OFFICE OF SENATE FAIR EMPLOYMENT PRACTICES

For salaries and expenses of the Office of Senate Fair Employment Practices, $825,000.

STATIONERY (REVOLVING FUND)

For stationery for the President of the Senate, $4,500, for officers of the Senate and the Conference of the Majority and Conference of the Minority of the Senate, $8,500; in all, $13,000.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs of the Senate, $20,000,000.

ADMINISTRATIVE PROVISIONS

SEC. 1. (a) Charges for expenses of any office, the funds of which are disbursed by the Secretary of the Senate, may be vouchered by a Senate support office paying such expenses or to which such charges are owed for goods or services provided, if— 2 USC 68-8.

(1) such charges are paid on behalf of the office incurring such expenses by such Senate support office; or

(2) such charges are payable to such Senate support office for goods or services provided by such office to the office incurring such expenses.

(b) Payments under this section shall be charged to the official funds of the office on whose behalf the expenses were paid, or which received the goods or services for which payment is required.

(c) Any voucher submitted by a Senate support office pursuant to this section shall be accompanied by a certification from such office of the amount and that such purchases were of the nature that they could be charged to the official funds of the office on whose behalf charges were paid, or to which goods or services were provided.

(d) Vouchers under this section shall be submitted and paid subject to such regulations as may be promulgated by the Committee on Rules and Administration.

SEC. 2. Effective on and after October 1, 1993, the aggregate of each of the sums determined under clauses (iii) and (iv) of section 506(b)(3)(A) of the Supplemental Appropriations Act, 1973 (2 U.S.C. 58(b)(3)(A) (iii) and (iv)), shall be deemed decreased by 2.5 percent. Effective date. 2 USC 58 note.

SEC. 3. Section 12 under the subheading "ADMINISTRATIVE PROVISIONS" under the heading "SENATE" in the Legislative Branch Appropriations Act, 1991 (2 U.S.C. 58c–1), is amended in the first sentence by striking "the Committee on Appropriations of the Senate and".

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES (PRIOR YEAR)

(RESCISSION)

Of the funds appropriated in the Legislative Branch Appropriations Act, 1991, for the House of Representatives under the heading "SALARIES AND EXPENSES", there is rescinded a total $730,037.41, in the amounts specified for the following headings and accounts:

(1) "HOUSE LEADERSHIP OFFICES", $24,988.44, as follows: (A) "Office of the Speaker", $5,245.00; (B) "Office of the Majority Leader", $4,743.44; (C) "Office of the Minority Leader", $5,000.00; (D) "Office of the Majority Whip", $5,000.00; and (E) "Office of the Minority Whip", $5,000.00.

(2) "MEMBERS' CLERK HIRE", $686.50.

(3) "COMMITTEE EMPLOYEES", $44.59.

(4) "STANDING COMMITTEES, SPECIAL AND SELECT", $138,448.87.

(5) "ALLOWANCES AND EXPENSES", $500,691.91 as follows: (A) "furniture and furnishings", $624.54; (B) "reemployed annuitants reimbursements", $67.37; and (C) unspecified, $500,000.00.

(6) "COMMITTEE ON APPROPRIATIONS (STUDIES AND INVESTIGATIONS)", $2,682.97.

(7) "SALARIES, OFFICERS AND EMPLOYEES", $62,494.13, as follows: (A) "Office of the Clerk", $2,053.34; (B) "Office of the Sergeant at Arms", $352.20; (C) "Office of the Doorkeeper", $99.08; (D) "Office of the Chaplain", $255.50; (E) "the House Democratic Steering and Policy Committee and the Democratic Caucus", $9,355.14; (F) "the House Republican Conference", $1,824.87; and (G) "six minority employees", $48,554.00.

Of the funds appropriated in the Legislative Branch Appropriations Act, 1992, for the House of Representatives under the heading "SALARIES AND EXPENSES", there is rescinded a total of $891,717.36, in the amounts specified for the following headings and accounts:

(1) "HOUSE LEADERSHIP OFFICES", $533,169.67, as follows: (A) "Office of the Speaker", $308,604.60; (B) "Office of the Majority Leader", $46,970.75; (C) "Office of the Minority Leader", $154,142.11; (D) "Office of the Majority Whip", $18,819.23; and (E) "Office of the Minority Whip", $4,632.98.

(2) "MEMBERS' CLERK HIRE", $7,272.63.

(3) "ALLOWANCES AND EXPENSES", $12,226.40 as follows: (A) "furniture and furnishings", $4,379.86; and (B) "reemployed annuitants reimbursements", $7,846.54.

(4) "SALARIES, OFFICERS AND EMPLOYEES", $339,048.66, as follows: (A) "Office of the Sergeant at Arms", $500.00; (B) "Office of the Chaplain", $1,886.97; (C) "Office of the Parliamentarian", $35,969.46; (D) "Office of the Historian", $62,999.89; (E) "the House Democratic Steering and Policy Committee and the Democratic Caucus", $115,226.11; and (F) "six minority employees", $122,466.23.

Of the funds appropriated in the Legislative Branch Appropriations Act, 1993, for the House of Representatives under the heading "SALARIES AND EXPENSES", there is rescinded a total of $1,500,000 in the amounts specified for the following heading: "STANDING COMMITTEES, SPECIAL AND SELECT".

SALARIES AND EXPENSES

For salaries and expenses of the House of Representatives, $686,318,000, as follows:

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, $5,871,000, including: Office of the Speaker, $1,395,000, including $25,000 for official expenses of the Speaker; Office of the Majority Floor Leader, $1,003,000, including $10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, $1,383,000, including $10,000 for official expenses of the Minority Leader; Office of the Majority Whip, $1,235,000, including $5,000 for official expenses of the Majority Whip and not to exceed $539,600, for the Chief Deputy Majority Whips; and Office of the Minority Whip, $855,000, including $5,000 for official expenses of the Minority Whip and not to exceed $97,980, for the Chief Deputy Minority Whip.

MEMBERS' CLERK HIRE

For staff employed by each Member in the discharge of official and representative duties, $225,004,000.

COMMITTEE EMPLOYEES

For professional and clerical employees of standing committees, including the Committee on Appropriations and the Committee on the Budget, $70,445,000.

COMMITTEE ON THE BUDGET (STUDIES)

For salaries, expenses, and studies by the Committee on the Budget, and temporary personal services for such committee to be expended in accordance with sections 101(c), 606, 703, and 901(e) of the Congressional Budget Act of 1974, and to be available for reimbursement to agencies for services performed, $389,000.

STANDING COMMITTEES, SPECIAL AND SELECT

For salaries and expenses of standing committees, special and select, authorized by the House, $52,662,000.

COMMITTEE ON HOUSE ADMINISTRATION

HOUSE INFORMATION SYSTEMS

For salaries, expenses and temporary personal services of House Information Systems, under the direction of the Committee on House Administration, $22,885,000, of which $14,557,000 is provided herein: *Provided,* That House Information Systems is authorized to receive reimbursement for services provided from Members of the House of Representatives and other Governmental entities and such reimbursement shall be deposited in the Treasury for credit to this account: *Provided further,* That amounts so credited for fiscal year 1993 and not obligated shall be available for obligation in fiscal year 1994.

ALLOWANCES AND EXPENSES

For allowances and expenses as authorized by House resolution or law, $220,812,000, including: Official Expenses of Members, $76,545,000; supplies, materials, administrative costs and Federal tort claims, $11,328,000; net expenses of purchase, lease and maintenance of office equipment, $7,196,000; net expenses for telecommunications, $5,960,000; furniture and furnishings, $1,720,000; stenographic reporting of committee hearings, $1,055,000; reemployed annuitants reimbursements, $933,000; Government contributions to employees' life insurance fund, retirement funds, Social Security fund, Medicare fund, health benefits fund, and worker's and unemployment compensation, $115,314,000; and miscellaneous items including purchase, exchange, maintenance, repair and operation of House motor vehicles, interparliamentary receptions, and gratuities to heirs of deceased employees of the House, $761,000.

CHILD CARE CENTER

For salaries and expenses of the House of Representatives Child Care Center, such amounts as are deposited in the account

established by section 312(d)(1) of the Legislative Branch Appropriations Act, 1992 (40 U.S.C. 184g(d)(1)), subject to the level specified in the budget of the Center, as submitted to the Committee on Appropriations of the House of Representatives.

COMMITTEE ON APPROPRIATIONS (STUDIES AND INVESTIGATIONS)

For salaries and expenses, studies and examinations of executive agencies, by the Committee on Appropriations, and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act of 1946, and to be available for reimbursement to agencies for services performed, $6,431,000.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs of the House of Representatives, as authorized by law, $40,000,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation and expenses of officers and employees, as authorized by law, $50,147,000, including: Office of the Clerk, including not to exceed $1,000 for official representation and reception expenses, $11,947,000; Office of the Sergeant at Arms, including not to exceed $500 for official representation and reception expenses, $1,384,000; Office of the Doorkeeper, including overtime, as authorized by law, $10,101,000; Office of Director of Non-legislative and Financial Services, $14,402,000; for the salaries and expenses of the Office of General Counsel, $674,000; Office of the Chaplain, $123,000; Office of the Parliamentarian, including the Parliamentarian and $2,000 for preparing the Digest of Rules, $898,000; for salaries and expenses of the Office of the Historian, $310,000; for salaries and expenses of the Office of the Law Revision Counsel of the House, $1,453,000; for salaries and expenses of the Office of the Legislative Counsel of the House, $4,071,000; six minority employees, $738,000; the House Democratic Steering and Policy Committee and the Democratic Caucus, $1,474,000; the House Republican Conference, $1,474,000; and other authorized employees, $1,098,000.

ADMINISTRATIVE PROVISIONS

SEC. 101. (a) Upon the transfer of any function to the Director of Non-legislative and Financial Services by the authority of the Committee on House Administration pursuant to rule X of the House of Representatives and upon the commencement of operation of the Office of Inspector General, the applicable amounts appropriated by the Legislative Branch Appropriations Act, 1992, or by this Act, for the purposes specified in subsection (b) shall be available to the Director and the Office of Inspector General for the carrying out of such function or operation, upon the approval of the Committee on Appropriations of the House of Representatives. In no case shall the transfer of any function referred to in the preceding sentence include the transfer of any function of the Capitol Guide Service.

(b) The purposes referred to in subsection (a) are salaries and expenses of the House of Representatives under the headings

"ALLOWANCES AND EXPENSES" and "SALARIES, OFFICERS AND EMPLOYEES".

SEC. 101A. (a) House Resolution 1238, Ninety-first Congress, agreed to December 22, 1970 (as enacted into permanent law by chapter VIII of the Supplemental Appropriations Act, 1971, and supplemented by the Act entitled "An Act relating to former Speakers of the House of Representatives" (88 Stat. 1723)) (2 U.S.C. 31b–1 et seq.) is amended by adding at the end the following new section:

"SEC. 8. The entitlements of a former Speaker of the House of Representatives under this resolution shall be available— 2 USC 31b–7.

"(1) in the case of an individual who is a former Speaker on the effective date of this section, for 5 years, commencing on such effective date; and

"(2) in the case of an individual who becomes a former Speaker after such effective date, for 5 years, commencing at the expiration of the term of office of the individual as a Representative in Congress.".

(b) The amendment made by subsection (a) shall take effect on October 1, 1993. Effective date. 2 USC 31b–7 note.

JOINT ITEMS

For joint committees, as follows:

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, $3,980,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON PRINTING

For salaries and expenses of the Joint Committee on Printing, $1,344,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, $5,701,000, to be disbursed by the Clerk of the House.

For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including (1) an allowance of $1,500 per month to the Attending Physician; (2) an allowance of $500 per month each to two medical officers while on duty in the Attending Physician's office; (3) an allowance of $500 per month each to two assistants and $400 per month each to not to exceed nine assistants on the basis heretofore provided for such assistance; and (4) $1,002,000 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, $1,502,000, to be disbursed by the Clerk of the House.

CAPITOL POLICE BOARD

CAPITOL POLICE

SALARIES

For the Capitol Police Board for salaries, including overtime, and Government contributions to employees' benefits funds, as authorized by law, of officers, members, and employees of the Capitol Police, $62,255,000, of which $29,453,000 is provided to the Sergeant at Arms of the House of Representatives, to be disbursed by the Clerk of the House, and $32,802,000 is provided to the Sergeant at Arms and Doorkeeper of the Senate, to be disbursed by the Secretary of the Senate: *Provided,* That of the amounts appropriated for fiscal year 1994 for salaries, including overtime, and Government contributions to employees' benefits funds under this heading, such amounts as may be necessary may be transferred between the Sergeant at Arms of the House of Representatives and the Sergeant at Arms and Doorkeeper of the Senate, upon approval of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate.

GENERAL EXPENSES

For the Capitol Police Board for necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, uniforms, weapons, supplies, materials, training, medical services, the employee assistance program, not more than $2,000 for the awards program, postage, telephone service, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and $85 per month for extra services performed for the Capitol Police Board by an employee of the Sergeant at Arms of the Senate or the House of Representatives designated by the Chairman of the Board, $1,977,000, to be disbursed by the Clerk of the House of Representatives: *Provided,* That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 1994 shall be paid by the Secretary of the Treasury from funds available to the Department of the Treasury.

ADMINISTRATIVE PROVISION

SEC. 102. Amounts appropriated for fiscal year 1994 for the Capitol Police Board under the heading "CAPITOL POLICE" may be transferred between the headings "SALARIES" and "GENERAL EXPENSES", upon approval of the Committees on Appropriations of the Senate and the House of Representatives.

CAPITOL GUIDE SERVICE

For salaries and expenses of the Capitol Guide Service, $1,628,000, to be disbursed by the Secretary of the Senate: *Provided,* That none of these funds shall be used to employ more than thirty-three individuals: *Provided further,* That the Capitol Guide Board is authorized, during emergencies, to employ not more than two additional individuals for not more than one hundred twenty days each, and not more than ten additional individuals for not more than six months each, for the Capitol Guide Service.

SPECIAL SERVICES OFFICE

For salaries and expenses of the Special Services Office, $363,000, to be disbursed by the Secretary of the Senate.

OFFICE OF TECHNOLOGY ASSESSMENT

SALARIES AND EXPENSES

For salaries and expenses necessary to carry out the provisions of the Technology Assessment Act of 1972 (Public Law 92–484), including official reception and representation expenses (not to exceed $5,500 from the Trust Fund), and expenses incurred in administering an employee incentive awards program (not to exceed $2,500), and rental of space in the District of Columbia, $21,315,000: *Provided,* That none of the funds in this Act shall be available for salaries or expenses of any employee of the Office of Technology Assessment in excess of 143 staff employees: *Provided further,* That no part of this appropriation shall be available for assessments or activities not initiated and approved in accordance with section 3(d) of Public Law 92–484: *Provided further,* That none of the funds in this Act shall be available for salaries or expenses of employees of the Office of Technology Assessment in connection with any reimbursable study for which funds are provided from sources other than appropriations made under this Act, or shall be available for any other administrative expenses incurred by the Office of Technology Assessment in carrying out such a study.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary to carry out the provisions of the Congressional Budget Act of 1974 (Public Law 93–344), including not to exceed $2,500 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, $22,317,000: *Provided,* That none of these funds shall be available for the purchase or hire of a passenger motor vehicle: *Provided further,* That none of the funds in this Act shall be available for salaries or expenses of any employee of the Congressional Budget Office in excess of 226 staff employees: *Provided further,* That any sale or lease of property, supplies, or services to the Congressional Budget Office shall be deemed to be a sale or lease of such property, supplies, or services to the Congress subject to section 903 of Public Law 98–63: *Provided further,* That the Director of the Congressional Budget Office shall have the authority, within the limits of available appropriations, to dispose of surplus or obsolete personal property by inter-agency transfer, donation, or discarding.

2 USC 605.

2 USC 606.

ARCHITECT OF THE CAPITOL

OFFICE OF THE ARCHITECT OF THE CAPITOL

SALARIES

For the Architect of the Capitol; the Assistant Architect of the Capitol; and other personal services; at rates of pay provided by law, $8,453,000.

TRAVEL

40 USC 166a.

Appropriations under the control of the Architect of the Capitol shall be available for expenses of travel on official business not to exceed in the aggregate under all funds the sum of $20,000.

CONTINGENT EXPENSES

To enable the Architect of the Capitol to make surveys and studies, and to meet unforeseen expenses in connection with activities under his care, $100,000.

CAPITOL BUILDINGS AND GROUNDS

CAPITOL BUILDINGS

For all necessary expenses for the maintenance, care and operation of the Capitol and electrical substations of the Senate and House office buildings, under the jurisdiction of the Architect of the Capitol, including furnishings and office equipment; including not to exceed $1,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; purchase or exchange, maintenance and operation of a passenger motor vehicle; security installations, which are approved by the Capitol Police Board, authorized by House Concurrent Resolution 550, Ninety-Second Congress, agreed to September 19, 1972, the cost limitation of which is hereby further increased by $200,000; and attendance, when specifically authorized by the Architect of the Capitol, at meetings or conventions in connection with subjects related to work under the Architect of the Capitol, $23,978,000, of which $4,413,000 shall remain available until expended.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, $5,289,000, of which $225,000 shall remain available until expended.

SENATE OFFICE BUILDINGS

For all necessary expenses for maintenance, care and operation of Senate Office Buildings; and furniture and furnishings, to be expended under the control and supervision of the Architect of the Capitol, $47,339,000, of which $10,177,000 shall remain available until expended.

HOUSE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of the House office buildings, including the position of Super-

intendent of Garages as authorized by law, $32,287,000, of which $2,400,000 shall remain available until expended.

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Printing Office and Washington City Post Office; and heating and chilled water for air conditioning for the Supreme Court Building, Union Station complex, Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, $32,777,000, of which $665,000 shall remain available until expended: *Provided,* That not to exceed $3,200,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 1994.

LIBRARY OF CONGRESS

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, $56,718,000: *Provided,* That no part of this appropriation may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate: *Provided further,* That, notwithstanding any other provision of law, the compensation of the Director of the Congressional Research Service, Library of Congress, shall be at an annual rate which is equal to the annual rate of basic pay for positions at level IV of the Executive Schedule under section 5315 of title 5, United States Code. 2 USC 166 note.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

For authorized printing and binding for the Congress and the distribution of Congressional information in any format; printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (44 U.S.C. 902); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and printing, binding, and distribution of Government publications authorized by law to be distributed

without charge to the recipient, $88,404,000: *Provided,* That this appropriation shall not be available for printing and binding part 2 of the annual report of the Secretary of Agriculture (known as the Yearbook of Agriculture) nor for copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under 44 U.S.C. 906: *Provided further,* That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years.

This title may be cited as the "Congressional Operations Appropriations Act, 1994".

TITLE II—OTHER AGENCIES

BOTANIC GARDEN

SALARIES AND EXPENSES

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, $3,008,000.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For necessary expenses of the Library of Congress, not otherwise provided for, including development and maintenance of the Union Catalogs; custody and custodial care of the Library Buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; preparation and distribution of catalog cards and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, $202,250,000, of which not more than $7,500,000 shall be derived from collections credited to this appropriation during fiscal year 1994 under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150): *Provided,* That the total amount available for obligation shall be reduced by the amount by which collections are less than the $7,500,000: *Provided further,* That of the total amount appropriated, $8,127,000 is to remain available until expended for acquisition of books, periodicals, and newspapers, and all other materials including subscriptions for bibliographic services for the Library, including $40,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials for additions to the collections.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, including publication of the decisions of the United States courts involving copyrights, $26,244,000, of which not more than $14,500,000 shall

be derived from collections credited to this appropriation during fiscal year 1994 under 17 U.S.C. 708(c), and not more than $2,333,000 shall be derived from collections during fiscal year 1994 under 17 U.S.C. 111(d)(2), 119(b)(2), and 1005: *Provided,* That the total amount available for obligation shall be reduced by the amount by which collections are less than $16,833,000: *Provided further,* That $100,000 of the amount appropriated is available for the maintenance of an "International Copyright Institute" in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: *Provided further,* That not to exceed $2,250 may be expended on the certification of the Librarian of Congress or his designee, in connection with official representation and reception expenses for activities of the International Copyright Institute.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For salaries and expenses to carry out the provisions of the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), $42,713,000, of which $10,377,000 shall remain available until expended.

FURNITURE AND FURNISHINGS

For necessary expenses for the purchase and repair of furniture, furnishings, office and library equipment, $3,939,000: *Provided,* That of those funds that remain available until expended, up to $593,000 may be transferred to the Architect of the Capitol appropriation "Library Buildings and Grounds, Structural and Mechanical Care" to complete renovation and restoration work on the Thomas Jefferson and John Adams Buildings.

ADMINISTRATIVE PROVISIONS

SEC. 201. Appropriations in this Act available to the Library of Congress shall be available, in an amount not to exceed $175,690, of which $54,800 is for the Congressional Research Service, when specifically authorized by the Librarian, for attendance at meetings concerned with the function or activity for which the appropriation is made.

SEC. 202. (a) No part of the funds appropriated in this Act shall be used by the Library of Congress to administer any flexible or compressed work schedule which—

(1) applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS–15; and

(2) grants such manager or supervisor the right to not be at work for all or a portion of a workday because of time worked by the manager or supervisor on another workday.

(b) For purposes of this section, the term "manager or supervisor" means any management official or supervisor, as such terms are defined in section 7103(a) (10) and (11) of title 5, United States Code.

SEC. 203. Appropriated funds received by the Library of Congress from other Federal agencies to cover general and administrative overhead costs generated by performing reimbursable work for other agencies under the authority of 31 U.S.C. 1535 and 1536

shall not be used to employ more than 65 employees and may be expended or obligated—

(1) in the case of a reimbursement, only to such extent or in such amounts as are provided in appropriations Acts; or

(2) in the case of an advance payment, only—

(A) to pay for such general or administrative overhead costs as are attributable to the work performed for such agency; or

(B) to such extent or in such amounts as are provided in appropriations Acts, with respect to any purpose not allowable under subparagraph (A).

SEC. 204. Not to exceed $5,000 of any funds appropriated to the Library of Congress may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Library of Congress incentive awards program.

SEC. 205. Not to exceed $12,000 of funds appropriated to the Library of Congress may be expended, on the certification of the Librarian of Congress or his designee, in connection with official representation and reception expenses for the Overseas Field Offices.

Effective date.
2 USC 132a–1.

SEC. 206. Effective for fiscal years beginning with fiscal year 1995, obligations for any reimbursable and revolving fund activities performed by the Library of Congress are limited to the total amounts provided (1) in the annual regular appropriations Act making appropriations for the legislative branch, or (2) in a supplemental appropriations Act that makes appropriations for the legislative branch.

ARCHITECT OF THE CAPITOL

LIBRARY BUILDINGS AND GROUNDS

STRUCTURAL AND MECHANICAL CARE

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, $9,974,000, of which $1,341,000 shall remain available until expended: *Provided,* That, subject to approval by the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate, the Librarian of Congress may transfer from any appropriation under the heading "Library of Congress" amounts not to exceed in the aggregate $3,200,000 to the appropriation "Architect of the Capitol, Library buildings and grounds, Structural and mechanical care, No Year" to complete the renovation and restoration of the Thomas Jefferson and John Adams buildings.

COPYRIGHT ROYALTY TRIBUNAL

SALARIES AND EXPENSES

For necessary expenses of the Copyright Royalty Tribunal, $1,028,000, of which $900,000 shall be derived by collections from the appropriation "Payments to Copyright Owners" for the reasonable costs incurred in proceedings involving distribution of royalty fees as provided by 17 U.S.C. 807.

GOVERNMENT PRINTING OFFICE

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, $29,082,000: *Provided,* That travel expenses, including travel expenses of the Depository Library Council to the Public Printer, shall not exceed $130,000: *Provided further,* That funds, not to exceed $2,000,000, from current year appropriations are authorized for producing and disseminating Congressional Serial Sets and other related Congressional/non-Congressional publications for 1991 and 1992 to depository and other designated libraries.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

The Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the "Government Printing Office revolving fund": *Provided,* That not to exceed $2,500 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: *Provided further,* That the revolving fund shall be available for the hire or purchase of passenger motor vehicles, not to exceed a fleet of twelve: *Provided further,* That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: *Provided further,* That the revolving fund shall be available for services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for level V of the Executive Schedule (5 U.S.C. 5316): *Provided further,* That the revolving fund and the funds provided under the paragraph entitled "OFFICE OF SUPERINTENDENT OF DOCUMENTS, SALARIES AND EXPENSES" together may not be available for the full-time equivalent employment of more than 4,850 workyears: *Provided further,* That the revolving fund shall be available for expenses not to exceed $500,000 for the development of plans and design of a multi-purpose facility: *Provided further,* That activities financed through the revolving fund may provide information in any format: *Provided further,* That the revolving fund shall not be used to administer any flexible or compressed work schedule which applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS–15: *Provided further,* That expenses for attendance at meetings shall not exceed $75,000.

SEC. 207. (a) Subsection (b) of section 309 of title 44, United States Code, is amended—

(1) in the matter before paragraph (1), by striking out "shall be:" and inserting in lieu thereof "shall be—";

(2) in paragraph (1), by inserting "and" after the semicolon at the end;

(3) in paragraph (2), by striking out "; and" and inserting in lieu thereof a period; and

(4) by striking out paragraph (3).

(b) The first undesignated paragraph of section 1708 of title 44, United States Code, is amended by striking out the third sentence.

Effective date.
44 USC 309 note.

(c) The amendments made by subsections (a) and (b) shall take effect on October 1, 1993.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

For necessary expenses of the General Accounting Office, including not to exceed $7,000 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for level IV of the Executive Schedule (5 U.S.C. 5315); hire of one passenger motor vehicle; advance payments in foreign countries in accordance with 31 U.S.C. 3324; benefits comparable to those payable under sections 901(5), 901(6) and 901(8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), 4081(6) and 4081(8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries and travel benefits comparable with those which are now or hereafter may be granted single employees of the Agency for International Development, including single Foreign Service personnel assigned to AID projects, by the Administrator of the Agency for International Development—or his designee—under the authority of section 636(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2396(b)); $430,815,000: *Provided,* That not more than $1,600,000 of reimbursements received incident to the operation of the General Accounting Office Building shall be available for use in fiscal year 1994: *Provided further,* That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the Joint Financial Management Improvement Program (JFMIP) shall be available to finance an appropriate share of JFMIP costs as determined by the JFMIP, including the salary of the Executive Director and secretarial support: *Provided further,* That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of Forum costs as determined by the Forum, including necessary travel expenses of non-Federal participants. Payments hereunder to either the Forum or the JFMIP may be credited as reimbursements to any appropriation from which costs involved are initially financed: *Provided further,* That to the extent that funds are otherwise available for obligation, agreements or contracts for the removal of asbestos, and renovation of the building and building systems (including the heating, ventilation and air conditioning system, electrical system and other major building systems) of the General Accounting Office Building may be made for periods not exceeding

five years: *Provided further,* That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the American Consortium on International Public Administration (ACIPA) shall be available to finance an appropriate share of ACIPA costs as determined by the ACIPA, including any expenses attributable to membership of ACIPA in the International Institute of Administrative Sciences: *Provided further,* That of the amount provided under this heading, not to exceed $500,000 shall be available for a broadbased organizational performance review of the General Accounting Office, focused on agency structure, skills, staffing, systems, and its execution of its statutory and assigned responsibilities.

TITLE III—GENERAL PROVISIONS

SEC. 301. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration and for the Senate issued by the Committee on Rules and Administration.

SEC. 302. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 303. Whenever any office or position not specifically established by the Legislative Pay Act of 1929 is appropriated for herein or whenever the rate of compensation or designation of any position appropriated for herein is different from that specifically established for such position by such Act, the rate of compensation and the designation of the position, or either, appropriated for or provided herein, shall be the permanent law with respect thereto: *Provided,* That the provisions herein for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

Contracts.

SEC. 304. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 305. Notwithstanding any other provision of law, and subject to approval by the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate, amounts may be transferred from the appropriation "Library of Congress, Salaries and expenses" to the appropriation "Architect of the Capitol, Library buildings and grounds, Structural and mechanical care" for the purpose of purchase, rental, lease, or other agreement, of storage and warehouse space for use by the Library of Congress during fiscal year 1994, and to incur incidental expenses in connection with such use.

SEC. 306. (a) The General Accounting Office, the Government Printing Office, or the Library of Congress may for such employees as it deems appropriate authorize a payment to employees who voluntarily separate before January 1, 1994, whether by retirement

or resignation, which payment shall be paid in accordance with the provisions of section 5597(d) of title 5, United States Code.

(b) The number of employee positions authorized for the General Accounting Office, the Government Printing Office, or the Library of Congress, as the case may be, shall be reduced by one position for each vacancy created by reason of a separation under subsection (a). No funds appropriated by this Act for salaries or expenses of any position that is eliminated under the preceding sentence may be used for any other purpose.

2 USC 60-1 note.

SEC. 307. (a) The number of employee positions, on a full-time equivalent basis, for each covered entity shall be reduced by at least 4 percent from the level, other than those supported by gift and trust funds, as of September 30, 1992, or, with the approval of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate, as of a later date, but not later than September 30, 1993. At least 10 percent of the positions eliminated shall be positions the pay for which is equal to or greater than the annual rate of basic pay payable for grade GS–14 of the General Schedule.

(b) The reduction required by subsection (a) shall be completed not later than September 30, 1995, with at least 62.5 percent of the reduction for each covered entity to be achieved by September 30, 1994.

Reports.

(c) The Comptroller General shall carry out compliance reporting under this section.

(d) As used in this section—

(1) the term "covered entity" means an entity of the legislative branch with more than 100 employee positions, on a full-time equivalent basis, as of September 30, 1992; and

(2) the term "entity of the legislative branch" means the House of Representatives, the Senate, the Office of the Architect of the Capitol (including the Botanic Garden), the Capitol Police, the Congressional Budget Office, the Copyright Royalty Tribunal, the General Accounting Office, the Government Printing Office, the Library of Congress, and the Office of Technology Assessment.

31 USC 1105 note.

SEC. 308. (a) For fiscal years 1995, 1996, and 1997, the submissions in support of the amounts included in the Budget for each entity of the legislative branch shall set forth a separate category for administrative expenses. For fiscal years 1993 and 1994, the administrative expenses for each entity of the legislative branch shall be calculated and submitted in a separate category in the same format as if submitted in support of amounts included in the Budget.

(b) For fiscal years 1994, 1995, 1996, and 1997, the submissions under subsection (a) in the separate category for administrative expenses for each entity of the legislative branch shall include reductions from the amount calculated for administrative expenses for fiscal year 1993, adjusted for inflation, as follows:

(1) Fiscal year 1994, reduction of not less than 3 percent.
(2) Fiscal year 1995, reduction of not less than 6 percent.
(3) Fiscal year 1996, reduction of not less than 9 percent.
(4) Fiscal year 1997, reduction of not less than 14 percent.

Reports.

(c) The Comptroller General shall carry out compliance reporting under this section.

(d) As used in this section—

(1) the term "administrative expenses" means expenses of contractual services and supplies, other than rental payments, programmatic mission-essential expenses, reimbursable expenses, and expenses required by law;

(2) the term "Budget" means the Budget of the United States Government, submitted under section 1105 of title 31, United States Code; and

(3) the term "entity of the legislative branch" means the House of Representatives, the Senate, the Office of the Architect of the Capitol (including the Botanic Garden), the Capitol Police, the Congressional Budget Office, the Copyright Royalty Tribunal, the General Accounting Office, the Government Printing Office, the Library of Congress, and the Office of Technology Assessment.

RETIREMENT CREDIT FOR CERTAIN PRIOR SERVICE WITH THE HOUSE CHILD CARE CENTER

SEC. 309. (a) DEFINITIONS.—For the purpose of this section— 40 USC 184g note.

(1) the term "House Child Care Center" means the House of Representatives Child Care Center; and

(2) the term "Congressional employee" has the meaning given such term—

(A) in subchapter III of chapter 83 of title 5, United States Code, to the extent that this section relates to the Civil Service Retirement System; or

(B) in chapter 84 of title 5, United States Code, to the extent that this section relates to the Federal Employees' Retirement System.

(b) CSRS.—(1) Subject to paragraph (2), any individual who is an employee of the House Child Care Center on the date of enactment of this Act shall be allowed credit under subchapter III of chapter 83 of title 5, United States Code, as a Congressional employee, for any service if—

(A) such service was performed before October 1, 1991, as an employee of the House Child Care Center (as constituted before that date); and

(B) the employee is subject to subchapter III of chapter 83 of such title as of the date of enactment of this Act.

(2) Credit for service described in paragraph (1)(A) shall not be allowed under this section unless there is paid into the Civil Service Retirement and Disability Fund, by or on behalf of the employee involved, an amount equal to the deductions from pay which would have been applicable under section 8334(c) of title 5, United States Code, for the period of service involved, if such employee were then a Congressional employee, including interest. Retirement credit may not be allowed under this section for any such service unless the full amount of the deposit required under the preceding sentence has been paid.

(c) FERS.—(1) Subject to paragraph (2), any individual who is an employee of the House Child Care Center on the date of enactment of this Act shall be allowed credit under chapter 84 of title 5, United States Code, as a Congressional employee, for any service if—

(A) such service was performed before October 1, 1991, as an employee of the House Child Care Center (as constituted before that date); and

(B) the employee is subject to chapter 84 of such title as of the date of enactment of this Act.

(2) Credit for service described in paragraph (1)(A) shall not be allowed under this section unless there is paid into the Civil Service Retirement and Disability Fund, by or on behalf of the employee involved, an amount equal to the deductions from pay which would have been payable under applicable provisions of law, for the period of service involved, if such employee were then a Congressional employee, including interest (computed in the same way as interest under subsection (b)(2)). Retirement credit may not be allowed under this section for any such service unless the full amount of the deposit required under the preceding sentence has been paid.

(d) CLARIFICATION.—Nothing in this section shall be considered to relate to the Thrift Savings Plan.

(e) OPM FUNCTIONS.—The Office of Personnel Management shall—

Regulations.

(1) prescribe any regulations which may be necessary to carry out this section; and

(2) with respect to any service for which credit is sought under this section, accept the certification of the Clerk of the House of Representatives concerning the period of such service and the amount of pay which was paid for such service.

SEC. 310. (a) Section 17 of the Act entitled "An Act making appropriations for sundry Civil Expenses of the Government for the year ending June thirtieth, eighteen hundred and sixty-seven, and for other purposes", approved July 28, 1866 (2 U.S.C. 43), is amended by inserting after "mileage" the first place it appears the following: "for each Senator".

(b) The first section of the Legislative Branch Appropriations Act, 1936 (2 U.S.C. 43a), under the heading "SENATE", and subheading "SALARIES AND MILEAGE OF SENATORS", is amended by striking "Senators, Members of the House of Representatives, and Delegates in Congress" and inserting "Senators".

Effective date.
2 USC 43 note.

(c) The amendments made by subsections (a) and (b) shall take effect on October 1, 1993.

2 USC 96a.

SEC. 311. The Committee on House Administration of the House of Representatives is authorized and directed to take such action, whether by regulation or otherwise, to transfer to the Clerk of the House of Representatives responsibility for all financial activities of legislative service organizations, including the establishment and maintenance of revolving accounts to receive their dues and assessments and to make disbursements of their ordinary and necessary business expenses in support of Members' official and representational duties. The transfer referred to in the preceding sentence shall take effect not later than January 1, 1994.

Effective date.

SEC. 312. None of the funds made available in this Act may be used for the relocation of the office of any Member of the House of Representatives within the House office buildings.

SEC. 313. Notwithstanding any other provision of law, such sums as may be necessary for the replacement of the Thomas Jefferson Library of Congress Building roof shall be transferred from the funds appropriated to the Clerk of the House in the Fiscal Year 1986 Urgent Supplemental Appropriations Act, Public Law 99–349, and subsequently transferred to the Architect of the Capitol pursuant to the Legislative Branch Appropriations Act, 1989, Public Law 100–458 for Capitol Complex Security Enhance-

ments, to "Architect of the Capitol, Library Buildings and Grounds, Structural and Mechanical Care": *Provided,* That not to exceed $7,000,000 may be transferred pursuant to this section.

SEC. 314. Section 316 of Public Law 101–302 is amended in the first sentence of subsection (a) by striking "1993" and inserting "1994". 40 USC 188b–6.

SEC. 315. Section 2(a) of the Act of July 25, 1974 (2 U.S.C. 130c(a)) is amended by deleting "$500" and inserting in lieu thereof "$1,500".

SEC. 316. The Librarian of Congress shall enter into an agreement with the President of the University of Nevada, Reno for the purpose of assisting in the establishment of the Great Basin Intergovernmental Center. The Great Basin Intergovernmental Center is authorized to accept contributions from Federal sources. The Center may also receive contributions both in-kind and cash from private and other non-Federal sources. Contracts. University of Nevada.

This Act may be cited as the "Legislative Branch Appropriations Act, 1994".

Approved August 11, 1993.

LEGISLATIVE HISTORY—H.R. 2348:

HOUSE REPORTS: Nos. 103-117 (Comm. on Appropriations) and 103-210 (Comm. of Conference).
SENATE REPORTS: No. 103-103 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 139 (1993):
June 10, considered and passed House.
July 23, considered and passed Senate, amended.
Aug. 6, House and Senate agreed to conference report.

Public Law 103-70
103d Congress

Joint Resolution

Aug. 11, 1993
[H.J. Res. 110]

To authorize the Administrator of the Federal Aviation Administration to conduct appropriate programs and activities to acknowledge the status of the county of Fond du Lac, Wisconsin, as the "World Capital of Aerobatics", and for other purposes.

Whereas the International Aerobatic Club, which was founded on February 6, 1970, held its first championships in August 1970 in the county of Fond du Lac, Wisconsin;

Whereas in 1992 the International Aerobatic Club had 5,342 members throughout the world, representatives of which gathered in Fond du Lac to compete in the 23d Annual Aerobatic Championships during the period of August 9–14, 1992;

Whereas in 1992 the Experimental Aircraft Association and the Board of Directors of the International Aerobatic Club named Fond du Lac as the "World Capital of Aerobatics";

Whereas participants and spectators drawn to the aerobatic championships in Fond du Lac stimulate the economic well-being of the community and provide a spectator event of international significance; and

Whereas Congress declares that the county of Fond du Lac, Wisconsin, is the "World Capital of Aerobatics": Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of the Federal Aviation Administration may conduct appropriate programs and activities at the Fond du Lac County Airport to acknowledge the status of the county of Fond du Lac, Wisconsin, as the "World Capital of Aerobatics", and that the airport may display signs notifying the public of such status.

Approved August 11, 1993.

LEGISLATIVE HISTORY—H.J. Res. 110:

CONGRESSIONAL RECORD, Vol. 139 (1993):
July 26, considered and passed House.
Aug. 6, considered and passed Senate.

Public Law 103-71
103d Congress

Joint Resolution

To designate September 13, 1993, as "Commodore John Barry Day".

Aug. 11, 1993
[H.J. Res. 157]

Whereas the United States of America is a nation of immigrants and the contributions of Irish immigrants and their descendants to the defense of the public liberty has been a hallmark of Irish Americans;

Whereas during the War for Independence Captain John Barry, a native of County Wexford, Ireland, achieved the first victory for the Continental Navy while in command of the ship "Lexington" by capturing the British ship "Edward", organizing General George Washington's crossing of the Delaware River which led to the victory at Trenton in 1776, transported gold from France to America while in command of the ship "Alliance", and achieved the last victory of the war for the Continental Navy while in command of "Alliance" by defeating the British ship HMS "Sybille";

Whereas during the War for Independence Captain John Barry rejected British General Lord Howe's offer to desert the Continental Navy and join the British Navy, stating: "Not the value and command of the whole British fleet can lure me from the cause of my country.";

Whereas after the War for Independence the United States Congress recognized John Barry as the premier American naval hero of that war;

Whereas in 1787 Captain John Barry organized the compulsory attendance of members of the Pennsylvania Assembly in Philadelphia, thus ensuring the quorum necessary to call a Convention and recommend the ratification of the Constitution;

Whereas on June 14, 1794, pursuant to "Commission No. 1", President Washington commissioned John Barry as commodore in the new United States Navy;

Whereas Commodore John Barry helped to build and lead the new United States Navy which included his command of the U.S.S. "United States" and the U.S.S. "Constitution" ("Old Ironsides");

Whereas Commodore John Barry is recognized along with General Stephen Moylan in the Statue of Liberty Museum as one of six foreign-born great leaders of the War for Independence;

Whereas in 1991 and 1992 President George Bush proclaimed September 13 as "Commodore John Barry Day"; and

Whereas designating a day to commemorate Commodore John Barry would be important to United States Navy veterans, Irish Americans, and to all the people of the United States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, **That September 13, 1993, is designated as "Commodore John Barry Day", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.**

Approved August 11, 1993.

LEGISLATIVE HISTORY—H.J. Res. 157:

CONGRESSIONAL RECORD, Vol. 139 (1993):
Aug. 5, considered and passed House.
Aug. 6, considered and passed Senate.

Public Law 103-72
103d Congress

An Act

To amend the Fluid Milk Promotion Act of 1990 to define fluid milk processors to exclude de minimis processors, and for other purposes.

Aug. 11, 1993
[S. 1205]

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

Fluid Milk Promotion Amendments Act of 1993.
7 USC 6401 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fluid Milk Promotion Amendments Act of 1993".

SEC. 2. DEFINITION OF FLUID MILK PROCESSOR.

(a) FLUID MILK PROCESSOR.—Paragraph (4) of section 1999C of the Fluid Milk Promotion Act of 1990 (7 U.S.C. 6402(4)) is amended to read as follows:

"(4) FLUID MILK PROCESSOR.—The term 'fluid milk processor' means any person who processes and markets commercially more than 500,000 pounds of fluid milk products in consumer-type packages per month.".

(b) CONFORMING AMENDMENT.—Section 1999J(e) of such Act (7 U.S.C. 6409(e)) is amended by inserting after "4504(g))" the following: ", and that are fluid milk processors,".

Approved August 11, 1993.

LEGISLATIVE HISTORY—S. 1205:

CONGRESSIONAL RECORD, Vol. 139 (1993):
July 1, considered and passed Senate.
Aug. 4, considered and passed House.

Public Law 103-73
103d Congress

An Act

Aug. 11, 1993
[S. 1295]

To amend the Rehabilitation Act of 1973 and the Education of the Deaf Act of 1986 to make technical and conforming amendments to the Act, and for other purposes.

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

Rehabilitation Act Amendments of 1993. Handicapped. Intergovernmental relations. 29 USC 701 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rehabilitation Act Amendments of 1993".

TITLE I—REHABILITATION ACT OF 1973

SEC. 101. REFERENCES.

Except as otherwise specifically provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.).

SEC. 102. REHABILITATION ACT AMENDMENTS OF 1992.

The Rehabilitation Act Amendments of 1992 (Public Law 102-569; 106 Stat. 4344 et seq.) is amended—

29 USC 706.

(1) in section 102(a)(2) (relating to a section 7(3)), by adding closing quotations after "101(a)(1)(A).";

29 USC 721.

(2) in section 102(p)(7)(E) (relating to a section 101(a)(13)(B)), by striking "conditions" and inserting "condition";

(3) in section 138(b) (29 U.S.C. 701 note), to read as follows:

"(b) COMPLIANCE.—Each State agency subject to the provisions of title I of the Rehabilitation Act of 1973 shall comply with the amendments made by this subtitle, as soon as is practicable after the date of enactment of this Act, consistent with the effective and efficient administration of the Rehabilitation Act of 1973, but not later than October 1, 1993."; and

29 USC 761a.

(4) in section 203(g)(5) (relating to a section 202(g)), by striking "adding at the end" and inserting "inserting after paragraph (3)".

SEC. 103. DEFINITIONS.

Section 7 (29 U.S.C. 706) is amended—

(1) in paragraph (3)—

(A) by striking "The term 'designated State unit' means" and inserting the following:

"(B) The term 'designated State unit' means"; and

(B) in subparagraph (B) (as designated by subparagraph (A) of this paragraph), in clause (ii), by striking "101(a)(B)(i)" and inserting "101(a)(1)(B)(i)";

(2) in paragraph (8)—

(A) in subparagraph (A), by striking "titles I, II, III, VI, and VIII" and inserting "title I, III, VI, or VIII"; and

(B) in subparagraph (B), by striking "IV and V" and inserting "II, IV, V, and VII";

(3) in paragraph (15)(A), in the matter preceding clause (i), by inserting a comma after "subparagraph (C)";

(4) in paragraph (18)(A)(ii)—

(A) by inserting "for the period, and any extension, described in paragraph (34)(C)" after "employment services";

(B) by striking "or" and inserting "and"; and

(C) by inserting "after the transition described in paragraph (27)(C)" after "extended services"; and

(5) in paragraph (26)(B), by striking "III, IV, V, and VIII" and inserting "IV, V, and VII".

SEC. 104. CARRYOVER.

Section 19(a) (29 U.S.C. 718(a)) is amended to read as follows:

"(a) IN GENERAL.—Except as provided in subsection (b), and notwithstanding any other provision of law—

"(1) any funds appropriated for a fiscal year to carry out any grant program under part B or C of title I, section 509 (except as provided in section 509(b)), part C of title VI, part B or C of chapter 1 of title VII, or chapter 2 of title VII (except as provided in section 752(b)), including any funds reallotted under any such grant program, that are not obligated and expended by recipients prior to the beginning of the succeeding fiscal year; or

"(2) any amounts of program income, including reimbursement payments under the Social Security Act (42 U.S.C. 301 et seq.), received by recipients under any grant program specified in paragraph (1) that are not obligated and expended by recipients prior to the beginning of the fiscal year succeeding the fiscal year in which such amounts were received,

shall remain available for obligation and expenditure by such recipients during such succeeding fiscal year.".

SEC. 105. CLIENT ASSISTANCE INFORMATION.

Section 20 (29 U.S.C. 718a) is amended by striking "such individuals, or the parents," and inserting "such individuals who are applicants for or recipients of the services, or the parents,".

SEC. 106. TRADITIONALLY UNDERSERVED POPULATIONS.

Section 21(b) (29 U.S.C. 719b(b)) is amended— 29 USC 718b.

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(2) by redesignating the second paragraph (3) as paragraph (4).

SEC. 107. VOCATIONAL REHABILITATION SERVICES.

(a) STATE PLANS.—Section 101(a) (29 U.S.C. 721(a)) is amended—

(1) in paragraph (10)(A), by striking "described in subparagraph (C)" and inserting "described in subparagraph (D)";

(2) in paragraph (32), by inserting "or independent commission described in paragraph (36)" after "Council";

(3) in paragraph (34)(B) by striking "part B" and inserting "section 110"; and

(4) in paragraph (36)—

(A) by amending subparagraph (B)(i) to read as follows:

"(i) is responsible under State law for operating, or overseeing the operation of, the vocational rehabilitation program in the State;"; and

(B) in subparagraph (C)—

(i) by amending clause (i) to read as follows:

"(i) an independent commission is responsible under State law for operating, or overseeing the operation of, the vocational rehabilitation programs of both such agencies and meets the requirements of clauses (ii) and (iv) of subparagraph (B);"; and

(ii) by striking clause (ii) and inserting the following:

"(ii)(I) an independent commission is responsible under State law for operating, or overseeing the operation of, the vocational rehabilitation program in the State for individuals who are blind, is consumer-controlled by and represents individuals who are blind, and undertakes the function set forth in section 105(c)(3); and

"(II) an independent commission is responsible under State law for operating, or overseeing the operation of, the vocational rehabilitation program in the State for all individuals with disabilities except for individuals who are blind and meets the requirements of clauses (ii) and (iv) of subparagraph (B); or

"(iii)(I) an independent commission is responsible under State law for operating, or overseeing the operation of, the vocational rehabilitation program in the State for individuals who are blind, is consumer-controlled by and represents individuals who are blind, and undertakes the function set forth in section 105(c)(3); and

"(II) the State has established a State Rehabilitation Advisory Council that meets the criteria set forth in section 105 and carries out the duties of such a Council with respect to functions for, and services provided to, individuals with disabilities except for individuals who are blind.".

(b) INDIVIDUALIZED WRITTEN REHABILITATION PROGRAM.—Section 102 (29 U.S.C. 722) is amended—

(1) in subsection (a)(5)(B), by striking "section 7(22)(A)(iii)" and inserting "section 7(22)(A)(ii)"; and

(2) in subsection (d)—

(A) in paragraph (2)(C)(ii)(I), by striking "who were appointed under one of subparagraphs (E) through (H) of section 105(b)(1);" and inserting "who were appointed under one of clauses (v) through (viii) of section 105(b)(1)(A), or under one of clauses (v) through (ix) of section 105(b)(1)(B), as appropriate;"; and

(B) in paragraph (6)(B), by redesignating paragraphs (1) through (4) as clauses (i) through (iv), respectively.

(c) VOCATIONAL REHABILITATION SERVICES.—Section 103(a) (29 U.S.C. 723(a)) is amended—

(1) in paragraph (4)—

(A) in subparagraph (D), by striking "a physician skilled in the diseases of the eye or by an optometrist, whichever the individual may select," and inserting "qualified personnel, under State licensure laws, that are selected by the individual,"; and

(B) in subparagraph (F), by striking "a physician or licensed psychologist" and all that follows and inserting "qualified personnel under State licensure laws;"; and

(2) in paragraph (6), by striking "those individuals" and all that follows and inserting "those individuals determined to be blind after an examination by qualified personnel under State licensure laws;".

(d) STATE REHABILITATION ADVISORY COUNCIL.—

(1) AMENDMENTS.—Section 105 (29 U.S.C. 725) is amended—

(A) in subsection (b)—

(i) by striking paragraph (1) and inserting the following:

"(1) COMPOSITION.—

"(A) IN GENERAL.—Except in the case of a separate Council established under subsection (a)(2), the Council shall be composed of—

"(i) at least one representative of the Statewide Independent Living Council established under section 705, which representative may be the chairperson or other designee of the Council;

"(ii) at least one representative of a parent training and information center established pursuant to section 631(e)(1) of the Individuals with Disabilities Education Act (20 U.S.C. 1431(e)(1));

"(iii) at least one representative of the client assistance program established under section 112;

"(iv) at least one vocational rehabilitation counselor, with knowledge of and experience with vocational rehabilitation programs, who shall serve as an ex officio, nonvoting member of the Council if the counselor is an employee of the designated State agency;

"(v) at least one representative of community rehabilitation program service providers;

"(vi) four representatives of business, industry, and labor;

"(vii) representatives of disability advocacy groups representing a cross section of—

"(I) individuals with physical, cognitive, sensory, and mental disabilities; and

"(II) parents, family members, guardians, advocates, or authorized representatives, of individuals with disabilities who have difficulty in representing themselves or are unable due to their disabilities to represent themselves; and

"(viii) current or former applicants for, or recipients of, vocational rehabilitation services.

"(B) SEPARATE COUNCIL.—In the case of a separate Council established under subsection (a)(2), the Council shall be composed of—

"(i) at least one representative described in subparagraph (A)(i);

"(ii) at least one representative described in subparagraph (A)(ii);

"(iii) at least one representative described in subparagraph (A)(iii);

"(iv) at least one vocational rehabilitation counselor described in subparagraph (A)(iv), who shall serve as described in such subparagraph;

"(v) at least one representative described in subparagraph (A)(v);

"(vi) four representatives described in subparagraph (A)(vi);

"(vii) at least one representative of a disability advocacy group representing individuals who are blind;

"(viii) at least one parent, family member, guardian, advocate, or authorized representative, of an individual who—

"(I) is an individual who is blind and has multiple disabilities; and

"(II) has difficulty in representing himself or herself or is unable due to disabilities to represent himself or herself; and

"(ix) applicants or recipients described in subparagraph (A)(viii).

"(C) EXCEPTION.—In the case of a separate Council established under subsection (a)(2), any Council that is required by State law, as in effect on the date of enactment of the Rehabilitation Act Amendments of 1992, to have fewer than 13 members shall be deemed to be in compliance with subparagraph (B) if the Council—

"(i) meets the requirements of subparagraph (B), other than the requirements of clauses (vi) and (ix) of such subparagraph; and

"(ii) includes at least—

"(I) one representative described in subparagraph (B)(vi); and

"(II) one applicant or recipient described in subparagraph (B)(ix).";

(ii) in paragraph (3)—

(I) in the first sentence, by striking "or the appropriate entity within the State responsible for making appointments"; and

(II) by inserting after the first sentence the following: "In the case of a State that, under State law, vests appointment authority in an entity in lieu of, or in conjunction with, the Governor, such as one or more houses of the State legislature, or an independent board that has general appointment authority, that entity shall make the appointments."; and

(B) in subsection (g), by inserting "(except for funds appropriated to carry out the client assistance program under section 112 and funds reserved pursuant to section

110(d) to carry out part D of this title)" before "to reimburse members".

(2) EFFECTIVE DATE.—In the case of a State that demonstrates to the satisfaction of the Secretary of Education that the State has designated a State agency to administer the part of the State plan under which vocational rehabilitation services are provided for individuals who are blind under section 101(a)(1)(A)(i) of the Rehabilitation Act of 1973, and has established by State law a separate Council to perform the duties of a State Rehabilitation Advisory Council with respect to such State agency, the Secretary may delay the effective date of all or part of section 105(b)(1)(B), as amended by paragraph (1), until October 1, 1994. 29 USC 725 note.

(e) STATE ALLOTMENTS.—Section 110(c) (29 U.S.C. 730(c)) is amended—

(1) in paragraph (2)—

(A) by striking "to pay for initial expenditures during"; and

(B) by inserting at the end the following: "The Commissioner shall make such amount available only if such other State will be able to make sufficient payments from non-Federal sources to pay for the non-Federal share of the cost of vocational rehabilitation services under the State plan for the fiscal year for which the amount was appropriated."; and

(2) by striking paragraph (4).

(f) PAYMENTS TO STATES.—Section 111(b) (29 U.S.C. 731(b)) is amended by moving paragraphs (1) and (2) 2 ems to the right.

(g) CLIENT ASSISTANCE PROGRAM.—Section 112 (29 U.S.C. 732) is amended—

(1) in the first sentence of subsection (a), by striking "facilities" and inserting "community rehabilitation programs"; and

(2) in subsection (e)(1)(D), by striking clause (ii) and inserting the following:

"(ii) For any fiscal year in which the total amount appropriated under subsection (h) exceeds the total amount appropriated under such subsection for the preceding fiscal year by a percentage greater than the most recent percentage change in the Consumer Price Index For All Urban Consumers published by the Secretary of Labor under section 100(c)(1), the Secretary shall increase each of the minimum allotments under clause (i) by such percentage change in the Consumer Price Index For All Urban Consumers.".

(h) INNOVATION AND EXPANSION GRANTS.—Section 124 (29 U.S.C. 744) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking "this subsection" and inserting "paragraph (1)(B)"; and

(ii) in subparagraph (B), by striking "allotted" and inserting "allotted under paragraph (1)(A)"; and

(B) by striking paragraph (3) and inserting the following:

"(3) ADJUSTMENT FOR INFLATION.—For any fiscal year, beginning in fiscal year 1994, in which the total amount appropriated to carry out this part exceeds the total amount appropriated to carry out this part for the preceding fiscal year by a percentage greater than the most recent percentage change

in the Consumer Price Index For All Urban Consumers published by the Secretary of Labor under section 100(c)(1), the Commissioner shall increase the minimum allotment under paragraph (1)(B) by such percentage change in the Consumer Price Index For All Urban Consumers."; and

(2) by striking subsection (b) and inserting the following:

"(b) PROPORTIONAL REDUCTION.—To provide minimum allotments to States (as increased under subsection (a)(3)) under subsection (a)(1)(B), or to provide minimum allotments to States under subsection (a)(2)(B), the Commissioner shall proportionately reduce the allotments of the remaining States under subsection (a)(1)(A), with such adjustments as may be necessary to prevent the allotment of any such remaining State from being reduced to less than the minimum allotment for a State (as increased under subsection (a)(3)) under subsection (a)(1)(B), or the minimum allotment for a State under subsection (a)(2)(B), as appropriate.".

SEC. 108. CLIENT INFORMATION.

Title I (29 U.S.C. 721 et seq.) is amended by adding at the end the following:

"PART E—VOCATIONAL REHABILITATION SERVICES CLIENT INFORMATION

29 USC 753.

"SEC. 140. REVIEW OF DATA COLLECTION AND REPORTING SYSTEM.

"(a) REVIEW.—The Commissioner shall conduct a comprehensive review of the current system for collecting and reporting data on clients of programs carried out under this Act, particularly data on clients of the programs carried out under this title.

"(b) CONSIDERATIONS.—

"(1) CURRENT DATA.—In conducting the review, the Commissioner shall examine the kind, quantity, and quality of the data that are currently collected and reported, taking into consideration the range of purposes that the data serve at the Federal, State, and local levels.

"(2) ADDITIONAL INFORMATION.—In conducting the review, the Commissioner shall examine the feasibility of collecting and reporting under the system information, if such information can be determined, with respect to each client participating in a program under this Act, regarding—

"(A) other programs in which the client participated during the 3 years before the date on which the client applied to participate in a program under this Act;

"(B) the number of jobs held, hours worked, and earnings received by the client during such 3 years;

"(C) the types of major and secondary disabilities of the client;

"(D) the dates of the onset of the disabilities;

"(E) the severity of the disabilities;

"(F) the source from which the client was referred to a program under this Act;

"(G) the hours worked by the client;

"(H) the size and industry code of the place of employment of the client at the time of entry into such a program and at the termination of services under the program;

"(I) the number of services provided to the client under the programs and the cost of each service;

"(J) the types of public support received by the client;

"(K) the primary sources of economic support and amounts of public assistance received by the client before and after receiving the services;

"(L) whether the client is covered by health insurance from any source and whether health insurance is available through the employer of the client;

"(M) the supported employment status of the client; and

"(N) the reasons for terminating the services received by the client.

"(c) RECOMMENDATIONS.—Based on the review, the Commissioner shall recommend improvements in the data collection and reporting system.

"(d) VIEWS.—In developing the recommendations, the Commissioner shall seek views of persons and entities providing or using such data, including State agencies, State Rehabilitation Advisory Councils, providers of vocational rehabilitation services, professionals in the field of vocational rehabilitation, clients and organizations representing clients, the National Council on Disability, other Federal agencies, non-Federal researchers, other analysts using the data, and other members of the public.

"(e) PUBLICATION AND SUBMISSION OF REPORT.—Not later than 18 months after the date of the enactment of the Rehabilitation Act Amendments of 1992 (Public Law 102–569), the Commissioner shall publish the recommendations in the Federal Register and shall prepare and submit a report containing the recommendations to the appropriate committees of Congress. The Commissioner shall not implement the recommendations earlier than 90 days after the date on which the Commissioner submits the report.

Federal Register, publication.

"SEC. 141. EXCHANGE OF DATA.

29 USC 753a.

"(a) EXCHANGE.—The Secretary of Education and the Secretary of Health and Human Services shall enter into a memorandum of understanding for the purposes of exchanging data of mutual importance—

"(1) that concern clients of State vocational rehabilitation agencies; and

"(2) that are data maintained either by—

"(A) the Rehabilitation Services Administration, as required by section 13; or

"(B) the Social Security Administration, from its Summary Earnings and Records and Master Beneficiary Records.

"(b) TREATMENT OF INFORMATION.—For purposes of the exchange, the data described in subsection (a)(2)(B) shall not be considered return information (as defined in section 6103(b)(2) of the Internal Revenue Code of 1986) and, as appropriate, the confidentiality of all client information shall be maintained by both agencies.".

SEC. 109. RESEARCH AND TRAINING.

(a) NATIONAL INSTITUTE ON DISABILITY AND REHABILITATION.—Section 202 (29 U.S.C. 761a) is amended—

(1) in subsection (b)—

(A) in paragraph (2)(D), by striking "the individuals" and inserting "such individuals"; and

(B) in paragraph (4)(D), by striking "individuals" and inserting "individuals described in subparagraph (C)";

(2) in the fourth sentence of subsection (c)(2), by striking "In case of any vacancy in the office of the Director, the" and inserting "The"; and

(3) in subsection (g) in paragraph (3), by striking "and" at the end.

(b) RESEARCH.—Section 204 (29 U.S.C. 762) is amended—

(1) in subsection (a)—

(A) in the second sentence, by inserting ", including projects addressing the needs described in the State plans submitted under section 101 or 704 by State agencies" before the period at the end; and

(B) in the third sentence, by striking ", as described in the State plans submitted by the State agencies,"; and

(2) in subsection (b)—

(A) in paragraph (2)(G)(i), by striking "rehabilitation related" and inserting "rehabilitation-related";

(B) in paragraph (3)—

(i) in subparagraph (B)(iii)(I), by striking "family centered" and inserting "family-centered"; and

(ii) in subparagraph (C)(i)—

(I) by striking "Assistance to Individuals" and inserting "Assistance for Individuals"; and

(II) by striking the comma after "representatives of the individuals"; and

(C) in paragraph (4)(A), by moving clause (iii) 2 ems to the right.

SEC. 110. TRAINING AND DEMONSTRATION PROJECTS.

(a) TRAINING.—Section 302 (29 U.S.C. 771a) is amended—

(1) in subsection (d)—

(A) in the second sentence, by striking "local employees, who are recruited from or reside in" and inserting "local residents, who are recruited from"; and

(B) by inserting after the second sentence a new sentence to read as follows: "Entities receiving grants to carry out projects under this subsection shall coordinate the activities carried out through the projects with the activities of State vocational rehabilitation agencies to promote the employment of the individuals trained to be rehabilitation technicians."; and

(2) in subsection (h), to read as follows:

Appropriation authorization.

"(h) There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 1993 through 1997.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 310 (29 U.S.C. 777) is amended by striking "sections 311(d), 311(e)," and inserting "sections 311(c), 311(d),".

(c) SPECIAL DEMONSTRATION PROGRAMS.—Section 311 (29 U.S.C. 777a) is amended—

(1) in subsection (a)(1), by striking the comma at the end and inserting a semicolon; and

(2) in subsection (c)(1)(B) by inserting "and" before "(iii)".

(d) SPECIAL RECREATIONAL PROGRAMS.—Section 316(a)(1) (29 U.S.C. 777f(a)(1)) is amended in the first sentence, by striking

"handicapped individuals" and inserting "individuals with disabilities".

SEC. 111. NATIONAL COUNCIL ON DISABILITY.

Section 403(a)(2) (29 U.S.C. 783(a)(2)) is amended by striking "seven" and inserting "eight".

SEC. 112. RIGHTS AND ADVOCACY.

(a) EMPLOYMENT OF INDIVIDUALS WITH DISABILITIES.—Section 501(a) (29 U.S.C. 791(a)) is amended in the first sentence, by inserting a comma after "Veterans Affairs".

(b) ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD.—Section 502(a)(5)(A) (29 U.S.C. 792(a)(5)(A)) is amended by striking "the daily equivalent of the rate of pay for level 4 of the Senior Executive Service Schedule under section 5382" and inserting "the daily equivalent of the rate of pay for level IV of the Executive Schedule under section 5315".

(c) RIGHTS AND ADVOCACY.—Section 509 (29 U.S.C. 794e) is amended—

(1) in subsection (a), by striking paragraph (1) and inserting the following:

"(1) need services that are beyond the scope of services authorized to be provided by the client assistance program under section 112; and";

(2) by striking subsection (b) and inserting the following:

"(b) APPROPRIATIONS LESS THAN $5,500,000.—For any fiscal year in which the amount appropriated to carry out this section is less than $5,500,000, the Commissioner may make grants from such amount to eligible systems within States to plan for, develop outreach strategies for, and carry out protection and advocacy programs authorized under this section for individuals with disabilities who meet the requirements of paragraphs (1) and (2) of subsection (a).";

(3) in subsection (c)—

(A) in paragraph (4)—

(i) in subparagraph (A), by striking "this subsection" and inserting "paragraph (3)(B)"; and

(ii) in subparagraph (B), by striking "allotted" and inserting "allotted under paragraph (3)(A)"; and

(B) by striking paragraph (5) and inserting the following:

"(5) ADJUSTMENT FOR INFLATION.—For any fiscal year, beginning in fiscal year 1994, in which the total amount appropriated to carry out this section exceeds the total amount appropriated to carry out this section for the preceding fiscal year by a percentage greater than the most recent percentage change in the Consumer Price Index For All Urban Consumers published by the Secretary of Labor under section 100(c)(1), the Commissioner shall increase the minimum allotment under paragraphs (3)(B) and (4)(B) by such percentage change in the Consumer Price Index For All Urban Consumers.";

(4) by striking subsection (d) and inserting the following:

"(d) PROPORTIONAL REDUCTION.—To provide minimum allotments to systems within States (as increased under subsection (c)(5)) under subsection (c)(3)(B), or to provide minimum allotments to systems within States (as increased under subsection (c)(5)) under subsection (c)(4)(B), the Commissioner shall proportionately reduce the allotments of the remaining systems within States under

subsection (c)(3), with such adjustments as may be necessary to prevent the allotment of any such remaining system within a State from being reduced to less than the minimum allotment for a system within a State (as increased under subsection (c)(5)) under subsection (c)(3)(B), or the minimum allotment for a State (as increased under subsection (c)(5)) under subsection (c)(4)(B), as appropriate.";

(5) by redesignating subsection (i) as subsection (n);

(6) in subsection (i), to read as follows:

"(i) Notwithstanding subsection (n), a protection and advocacy system that—

"(1) received funds for fiscal year 1992, under section 731 of this Act, as in effect on the day before the date of enactment of the Rehabilitation Act Amendments of 1992, to carry out a project; and

"(2) receives a continuation award for such project for fiscal year 1993,

shall not be eligible to receive additional funds under this section for fiscal year 1993."; and

(7) by striking subsection (j) and inserting the following:

"(j) ADMINISTRATIVE COST.—In any State in which an eligible system is located within a State agency, a State may use a portion of any allotment under subsection (c) for the cost of the administration of the system required by this section. Such portion may not exceed 5 percent of the allotment.".

SEC. 113. AVAILABILITY OF SERVICES.

29 USC 795*l*. Section 633 (29 U.S.C. 795l) is amended by striking "subsection (c) or (f)" and inserting "subsection (b) or (c)".

SEC. 114. INDEPENDENT LIVING SERVICES AND CENTERS FOR INDEPENDENT LIVING.

(a) PURPOSE.—Section 701(3) (29 U.S.C. 796(3)) is amended by striking "other Federal programs" and inserting "other Federal law".

(b) STATE PLAN.—Section 704(c)(2) (29 U.S.C. 796c(c)(2)) is amended by striking "programs under parts B and C" and inserting "a program under part B, and a program under part C in a case in which the program is administered by the State under section 723".

(c) STATEWIDE INDEPENDENT LIVING COUNCIL.—Section 705 (29 U.S.C. 795d) is amended— 29 USC 796d.

(1) in the second sentence of subsection (a), by striking "another" and inserting "a";

(2) in subsection (b)—

(A) by striking paragraph (4) and inserting the following:

"(4) QUALIFICATIONS.—

"(A) IN GENERAL.—The Council shall be composed of members—

"(i) who provide statewide representation;

"(ii) who represent a broad range of individuals with disabilities;

"(iii) who are knowledgeable about centers for independent living and independent living services; and

"(iv) a majority of whom are persons who are—

"(I) individuals with disabilities described in section 7(8)(B); and

"(II) not employed by any State agency or center for independent living.

"(B) VOTING MEMBERS.—A majority of the voting members of the Council shall be—

"(i) individuals with disabilities described in section 7(8)(B); and

"(ii) not employed by any State agency or center for independent living."; and

(B) in paragraph (5)—

(i) in subparagraph (A), by inserting "voting" before "membership"; and

(ii) in subparagraph (B), by inserting "voting" before "member" each place the term appears; and

(3) in subsection (c)(1)—

(A) by striking "submit" and inserting "sign"; and

(B) by striking "designated State agency" and inserting "designated State unit".

(d) RESPONSIBILITIES OF THE COMMISSIONER.—Section 706(c)(1) (29 U.S.C. 796d–1(c)(1)) is amended—

(1) in the first sentence, by striking "part C" and inserting "section 722";

(2) by inserting after the second sentence the following: "The Commissioner shall annually conduct onsite compliance reviews of at least one-third of the designated State units that receive funding under section 723, and, to the extent necessary to determine the compliance of such a State unit with subsections (f) and (g) of section 723, centers that receive funding under section 723 in such State."; and

(3) in the last sentence, by inserting "and such State units" after "select such centers".

(e) INDEPENDENT LIVING SERVICES ALLOTMENTS.—Section 711 (29 U.S.C. 796e) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking "this subsection" and inserting "paragraph (1)(C)"; and

(ii) in subparagraph (B), by striking "allotted" and inserting "allotted under paragraph (1)(A)"; and

(B) by striking paragraph (3) and inserting the following:

"(3) ADJUSTMENT FOR INFLATION.—For any fiscal year, beginning in fiscal year 1994, in which the total amount appropriated to carry out this part exceeds the total amount appropriated to carry out this part for the preceding fiscal year by a percentage greater than the most recent percentage change in the Consumer Price Index For All Urban Consumers published by the Secretary of Labor under section 100(c)(1), the Commissioner shall increase the minimum allotment under paragraph (1)(C) by such percentage change in the Consumer Price Index For All Urban Consumers."; and

(2) by striking subsection (b) and inserting a new subsection (b) to read as follows:

"(b) PROPORTIONAL REDUCTION.—To provide allotments to States in accordance with subsection (a)(1)(B), to provide minimum allotments to States (as increased under subsection (a)(3)) under

subsection (a)(1)(C), or to provide minimum allotments to States under subsection (a)(2)(B), the Commissioner shall proportionately reduce the allotments of the remaining States under subsection (a)(1)(A), with such adjustments as may be necessary to prevent the allotment of any such remaining State from being reduced to less than the amount required by subsection (a)(1)(B).".

(f) PAYMENTS TO STATES FROM ALLOTMENTS.—Section 712(b) (29 U.S.C. 796e–1(b)) is amended by striking paragraph (3).

(g) AUTHORIZED USES OF FUNDS.—Section 713(3) (29 U.S.C. 796e–2(3)) is amended by inserting "that are in compliance with the standards and assurances set forth in subsections (b) and (c) of section 725" after "living".

(h) CENTERS FOR INDEPENDENT LIVING.—Section 721 (29 U.S.C. 796f) is amended—

(1) in subsection (b)(1)—

(A) by inserting "to eligible agencies, centers for independent living, and Statewide Independent Living Councils" after "assistance"; and

(B) by striking "of such funds" and inserting "of the funds appropriated to carry out this part for the fiscal year involved";

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by striking "Except as provided in subparagraphs (B) and (C) and after" and inserting "After"; and

(ii) by inserting ", and except as provided in subparagraphs (B) and (C)," after "made";

(B) in paragraph (2)—

(i) in subparagraph (A), by striking "this subsection" and inserting "paragraph (1)(C)"; and

(ii) in subparagraph (B), by striking "allotted" and inserting "allotted under paragraph (1)(A)"; and

(C) by adding a new paragraph (4) to read as follows:

"(4) PROPORTIONAL REDUCTION.—To provide allotments to States in accordance with paragraph (1)(B), to provide minimum allotments to States (as increased under paragraph (3)) under paragraph (1)(C), or to provide minimum allotments to States under paragraph (2)(B), the Commissioner shall proportionately reduce the allotments of the remaining States under paragraph (1)(A), with such adjustments as may be necessary to prevent the allotment of any such remaining State from being reduced to less than the amount required by paragraph (1)(B).."; and

(3) in subsection (e)—

(A) in paragraph (1)(A), by striking ", whichever is greater,"; and

(B) in paragraph (2)(B)—

(i) in the first sentence of clause (i)—

(I) by striking "Private nonprofit agencies" and inserting "Entities";

(II) by striking "if the agencies submit" and inserting "if the entities submit"; and

(III) by striking "agencies will meet the standards described in section 725(b) and" and inserting "entities will be private nonprofit agencies that meet the standards described in section 725(b), and"; and

(ii) by adding a new clause (iii) to read as follows:

"(iii) FUNDING METHOD.—In making awards under this subsection, the Secretary shall distribute funds in accordance with paragraphs (1), (2), and (4) of subsection (c), and subsection (d).".

(i) GRANTS BY COMMISSIONER.—Section 722 (29 U.S.C. 796f–1) is amended—

(1) in subsection (c), by striking "is receiving funds under this part on" and inserting "has been awarded a grant under this part by";

(2) in subsection (d)(1), by inserting "proposing to serve such region" after "qualified applicant";

(3) by redesignating subsection (f) as subsection (g); and

(4) by inserting after subsection (e) the following:

"(f) NONRESIDENTIAL AGENCIES.—A center that provides or manages residential housing after October 1, 1994, shall not be considered to be an eligible agency under this section.".

(j) GRANTS BY DESIGNATED STATE UNIT.—Section 723 (29 U.S.C. 796f–2) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(A)(iii), by inserting before the period at the end the following: ", making such adjustments as may be necessary to accommodate State funding cycles such as 2-year funding cycles or State fiscal years that do not coincide with the Federal fiscal year"; and

(B) in paragraph (3), by inserting "eligible agencies in" before "the State in accordance";

(2) in subsection (c), by striking "is receiving funds under this part on" and inserting "has been awarded a grant under this part by";

(3) by redesignating subsections (f), (g), and (h) as subsections (g), (h), and (i), respectively;

(4) by inserting after subsection (e) the following:

"(f) NONRESIDENTIAL AGENCIES.—A center that provides or manages residential housing after October 1, 1994, shall not be considered to be an eligible agency under this section.";

(5) in subsection (g) (as redesignated by paragraph (3) of this subsection), in paragraph (2)(B), by striking "(h)" each place the term appears and inserting "(i)"; and

(6) in subsection (h) (as redesignated by paragraph (3) of this subsection), by striking the first sentence and inserting the following: "The director of the designated State unit shall annually conduct onsite compliance reviews of at least 15 percent of the centers for independent living that receive funding under this section in the State.".

(k) CENTERS OPERATED BY STATE AGENCIES.—Section 724(b)(1)(A) (29 U.S.C. 796f–3(b)(1)(A)) is amended by striking "fiscal year 1993" and inserting "the fiscal year".

(l) STANDARDS AND ASSURANCES.—Section 725(b)(2) (29 U.S.C. 796f–4(b)(2)) is amended—

(1) in the second sentence—

(A) by inserting "severe" before "disabilities who are members of"; and

(B) by striking "Act" and inserting "title"; and

(2) in the third sentence, by inserting "shall be determined by the center, and" before "shall not be based".

(m) PROGRAMS OF GRANTS.—Section 752 (29 U.S.C. 796k) is amended—

(1) in subsection (a)(2), by striking "UNIT" and inserting "AGENCY";

(2) in subsection (b), to read as follows:

"(b) CONTINGENT COMPETITIVE GRANTS.—Beginning with fiscal year 1993, in the case of any fiscal year for which the amount appropriated under section 753 is less than $13,000,000, grants made under subsection (a) shall be—

"(1) discretionary grants made on a competitive basis to States; or

"(2) grants made on a noncompetitive basis to pay for the continuation costs of activities for which a grant was awarded—

"(A) under this chapter; or

"(B) under part C, as in effect on the day before the date of enactment of the Rehabilitation Act Amendments of 1992."; and

(3) in subsection (j)—

(A) by striking "and" at the end of paragraph (1)(A) and inserting "or"; and

(B) by striking "and" at the end of paragraph (2)(A)(i) and inserting "or".

SEC. 115. TABLE OF CONTENTS.

The table of contents (Public Law 93–112; 87 Stat. 356) is amended—

(1) by adding after the items relating to title I the following:

"PART E—VOCATIONAL REHABILITATION SERVICES CLIENT INFORMATION

"Sec. 140. Review of data collection and reporting system.
"Sec. 141. Exchange of data.";

and

(2) by striking the item relating to part B of title III and inserting the following:

"PART B—SPECIAL PROJECTS AND SUPPLEMENTARY SERVICES".

Education of the Deaf Act Amendments of 1993.

TITLE II—EDUCATION OF THE DEAF ACT OF 1986

SEC. 201. SHORT TITLE; REFERENCES.

20 USC 4301 note.

(a) SHORT TITLE.—This title may be cited as the "Education of the Deaf Act Amendments of 1993".

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.).

SEC. 202. GENERAL AMENDMENT.

The Act (20 U.S.C. 4301 et seq.) is amended by striking "the Institute" each place that such appears and inserting "NTID".

SEC. 203. AMENDMENTS TO TITLE I.

(a) SECTION 101.—Section 101(a) (20 U.S.C. 4301(a)) is amended by inserting a comma after "Hereafter".

(b) SECTION 102.—Section 102(b) (20 U.S.C. 4302(b)) is amended—

(1) in paragraph (1), by striking "of Education"; and

(2) in paragraph (2), by striking "but if invested" and inserting "but, if invested,".

(c) SECTION 103.—Section 103 (20 U.S.C. 4303) is amended—

(1) in subsection (a)—

(A) by striking "members selected as follows:" in paragraph (1) and inserting "members who shall include—";

(B) by inserting a comma after "Association" in paragraph (1)(B);

(C) by redesignating paragraph (2) as paragraph (3); and

(D) by redesignating the second sentence of paragraph (1) as paragraph (2); and

(2) in subsection (b)—

(A) by inserting a comma after "facilities)" in paragraph (1);

(B) in paragraph (4)—

(i) by striking "or individuals who are" and inserting "or"; and

(ii) by striking the period at the end thereof and inserting in lieu thereof a semicolon; and

(C) by striking out "the provisions of" in paragraph (8).

(d) SECTION 104.—Section 104 (20 U.S.C. 4304) is amended—

(1) in the section heading, by striking **"EDUCATIONAL"** and inserting **"EDUCATION"**;

(2) in subsection (a)(1)—

(A) by striking "elementary and secondary programs" each place that such appears and inserting "elementary and secondary education programs";

(B) by striking "and individuals who are" in subparagraph (A) and inserting "or";

(C) by striking "non-English speaking" in subparagraph (B) and inserting "non-English-speaking"; and

(D) in subparagraph (C)—

(i) by striking "individuals" each place that such appears and inserting "students";

(ii) in clause (i), by striking "deaf," and inserting "deaf from the age of onset of deafness to age fifteen, inclusive, but not beyond the eighth grade or its equivalent,"; and

(iii) in clause (ii), by striking "deaf," and inserting "deaf from grades nine through twelve, inclusive,";

(3) in subsection (b)(1)—

(A) by striking "infants and children" in subparagraph (A) and inserting "infants, children, and youth"; and

(B) by striking the semicolon at the end of subparagraph (C) and inserting a period; and

(4) in subsection (b)(4)—

(A) by striking "programs" in subparagraph (A) and inserting "program";

(B) by striking "students to and from those programs" in subparagraph (B) and inserting "the child to and from that program"; and

(C) by striking "decisions" in subparagraph (C)(iii) and inserting "a decision".

(e) SECTION 105.—Section 105(b) (20 U.S.C. 4305(b)) is amended—

(1) in paragraph (2), by striking "shall" and inserting "will"; and

(2) in paragraph (4)—

(A) by striking "Elementary School and the Model" and inserting "Elementary School or the Model"; and

(B) by striking "and the Secretary" and inserting "except that the Secretary".

20 USC 4331. (f) SECTION 111.—Section 111 (20 U.S.C. 4311) is amended by striking "title" and inserting "part".

20 USC 4332. (g) SECTION 112.—Section 112 (20 U.S.C. 4312) is amended—

(1) in the section heading by striking "**INSTITUTE**" and inserting in lieu thereof "**NATIONAL TECHNICAL INSTITUTE FOR THE DEAF**";

(2) in subsection (a)—

(A) by striking "Act" in paragraph (1) and inserting "part"; and

(B) by striking the first two commas in paragraph (2);

(3) in subsection (b)—

(A) in paragraph (3)—

(i) by striking "Secretary an annual report, including" and inserting "Secretary, not later than June 1 following the fiscal year for which the report is submitted, an annual report containing";

(ii) by striking "which report" and inserting "which accounting"; and

(iii) by striking the comma after "Representatives";

(B) by striking "and" at the end of paragraph (4);

(C) in paragraph (5)—

(i) by striking "and the Secretary" and inserting "except that the Secretary"; and

(ii) by striking the period at the end thereof and inserting a semicolon and "and"; and

(D) by striking "or individuals who are" in paragraph (6) and inserting "or"; and

(4) in subsection (c), by inserting a comma after "If".

SEC. 204. AMENDMENTS TO TITLE II.

(a) SECTION 201.—Section 201 (20 U.S.C. 4351) is amended—

(1) in paragraph (1)(B), by striking "United States; or" and inserting "United States; and"; and

(2) by striking paragraphs (3) and (5); and

(3) by redesignating paragraphs (4), (6), (7), (8), and (9) as paragraphs (3), (4), (5), (6), and (7), respectively.

(b) SECTION 203.—Subsection (b) of section 203 (20 U.S.C. 4353(b)) is amended to read as follows:

"(b) INDEPENDENT AUDIT.—Gallaudet University shall have an annual independent financial audit made of the programs and activities of the University. The institution of higher education with which the Secretary has an agreement under section 112 shall have an annual independent financial audit made of the programs and activities of such institution of higher education,

including NTID, and containing specific schedules and analyses for all NTID funds, as determined by the Secretary.

(c) SECTION 204.—Section 204 (20 U.S.C. 4354) is amended—

(1) in paragraph (1), by striking "first time" and inserting "first-time";

(2) in paragraph (2)(G)—

(A) by striking "Individualized Education Programs" and inserting "individualized education programs"; and

(B) by inserting "or hard of hearing" after "children who are deaf";

(3) in paragraph (3), to read as follows:

"(3)(A) The annual audited financial statements and auditor's report of the University, as required under section 203, and (B) the annual audited financial statements and auditor's report of the institution of higher education with which the Secretary has an agreement under section 112, including specific schedules and analyses for all NTID funds, as required under section 203, and such supplementary schedules presenting financial information for NTID for the end of the Federal fiscal year as determined by the Secretary."; and

(4) in paragraph (6), by striking "Program is" and inserting "Program funds are".

(d) SECTION 205.—Section 205(a) (20 U.S.C. 4355(a)) is amended—

(1) by inserting "or hard of hearing" after "individuals who are deaf"; and

(2) by striking "the provisions of".

(e) SECTION 206.—Section 206(b) (20 U.S.C. 4356(b)) is amended by inserting "or hard of hearing" after "individuals who are deaf".

(f) SECTION 207.—Section 207 (20 U.S.C. 4357) is amended—

(1) in subsection (c)(3), by striking "Advisory Board of NTID" and inserting "advisory group established under section 112";

(2) in subsection (e), by striking "investment limitations and" and inserting "investment limitations or"; and

(3) in subsection (i), by striking "the provisions of the Education of the Deaf Act of 1986" and inserting "this Act as enacted on August 4, 1986".

(g) SECTION 209.—Section 209 (20 U.S.C. 4359) is amended—

(1) in subsection (a), by striking "title II" and inserting "part B of title I"; and

(2) in subsection (b), by striking "the provisions of".

(h) SECTION 210.—Section 210 (20 U.S.C. 4360) is amended— 20 USC 4359a.

(1) in subsection (b), by striking "75 percent beginning the academic year 1993–1994, and 90 percent beginning the academic year 1994–1995" and inserting "75 percent for the academic year 1993–1994 and 90 percent beginning with the academic year 1994–1995"; and

(2) in subsection (c)—

(A) by striking "Beginning the academic year 1993–1994 and thereafter" and inserting "Beginning with the academic year 1993–1994"; and

(B) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively.

(i) SECTION 211.—Section 211(a) (20 U.S.C. 4361(a)) is amended by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively. 20 USC 4360.

TITLE III—OTHER ACTS

SEC. 301. COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED.

Section 1 of the Act entitled "An Act to Create a Committee on Purchases of Blind-made Products, and for other purposes", approved June 25, 1938 (commonly known as the Wagner-O'Day Act; 41 U.S.C. 46) is amended by striking "From People Who Are Blind and Severely Disabled" and inserting "From People Who Are Blind or Severely Disabled".

SEC. 302. INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

Section 631(a) of the Individuals with Disabilities Education Act (20 U.S.C. 1431(a)) is amended by redesignating the second paragraph (8), as added by section 912(a) of the Rehabilitation Act Amendments of 1992 (Public Law 102–569), as paragraph (9).

Approved August 11, 1993.

LEGISLATIVE HISTORY—S. 1295:

CONGRESSIONAL RECORD, Vol. 139 (1993):
July 27, considered and passed Senate.
Aug. 2, considered and passed House.

Public Law 103-74
103d Congress

Joint Resolution

Designating September 9, 1993, and April 21, 1994, each as "National D.A.R.E. Day".

Aug. 11, 1993
[S.J. Res. 99]

Whereas Drug Abuse Resistance Education (in this joint resolution referred to as "D.A.R.E.") is the largest and most effective drug-use prevention education program in the United States, and is now taught to 25,000,000 youths in grades K–12;

Whereas D.A.R.E. is taught in more than 250,000 classrooms reaching all 50 States, Australia, New Zealand, American Samoa, Canada, Puerto Rico, the Virgin Islands, Costa Rica, Mexico, Brazil, Hungary, and Department of Defense Dependent Schools worldwide;

Whereas the D.A.R.E. core curriculum, developed by the Los Angeles Police Department and the Los Angeles Unified School District, helps prevent substance abuse among school-age children by providing students with accurate information about alcohol and drugs, teaching students decision-making skills, educating students about the consequences of certain behaviors, and building students' self-esteem while teaching them how to resist peer pressure;

Whereas D.A.R.E. provides parents with information and guidance to further the development of their children and reinforce the decisions of their children to lead drug-free lives;

Whereas D.A.R.E. is taught by street-wise veteran police officers with years of direct experience with people whose lives were ruined by substance abuse, giving them unmatched credibility;

Whereas each police officer who teaches D.A.R.E. completes 80 hours of specialized training in areas such as child development, classroom management, teaching techniques, and communication skills;

Whereas independent research has found that D.A.R.E. substantially impacts students' attitudes toward substance use, contributes to improved study habits, higher grades, decreased vandalism and gang activity, and generates greater respect for police officers; and

Whereas 1993 marks the 10th year that D.A.R.E. has provided students with the skills they will need as young adults to resist the temptations of drug abuse: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That September 9, 1993, and April 21, 1994, are each designated as "National

D.A.R.E. Day", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such days with appropriate ceremonies and activities.

Approved August 11, 1993.

LEGISLATIVE HISTORY—S.J. Res. 99:

CONGRESSIONAL RECORD, Vol. 139 (1993):
July 23, considered and passed Senate.
Aug. 5, considered and passed House.

Public Law 103-75
103d Congress

An Act

Making emergency supplemental appropriations for relief from the major, widespread flooding in the Midwest for the fiscal year ending September 30, 1993, and for other purposes.

Aug. 12, 1993
[H.R. 2667]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide emergency supplemental appropriations for relief from the major, widespread flooding in the Midwest for the fiscal year ending September 30, 1993, and for other purposes, namely:

Emergency Supplemental Appropriations for Relief From the Major, Widespread Flooding in the Midwest Act of 1993.
President.

CHAPTER I

DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

EXTENSION SERVICE

For an additional amount for emergency expenses resulting from the Midwest floods and other natural disasters of 1993, $3,500,000, to remain available through June 30, 1994: *Provided,* That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount for emergency expenses resulting from the Midwest floods of 1993 and other disasters, $200,000,000, to remain available until September 30, 1995, for disaster assistance grants pursuant to the Public Works and Economic Development Act of 1965, as amended, of which $100,000,000 shall only be available to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress.

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

For an additional amount for "Disaster loans program account" for the cost of direct loans for the Midwest floods and other disasters, $90,000,000, to remain available until September 30, 1995, of which $10,000,000, to remain available until expended, may be transferred to and merged with the appropriations for "Salaries and Expenses", and of which $20,000,000 shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further,* That notwithstanding any other provision of law, the $500,000 limitation on the amounts outstanding and committed to a borrower provided in paragraph 7(c)(6) of the Small Business Act shall be increased to $1,500,000 for disasters commencing on or after April 1, 1993.

15 USC 636 note.

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For an additional amount for disaster relief for the Midwest floods for activities authorized by part B of title III of the Job Training Partnership Act, $54,600,000, to be available for obligation for the period July 1, 1993, through June 30, 1994, of which $11,100,000 shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress.

COMMISSION ON NATIONAL AND COMMUNITY SERVICE

PROGRAMS AND ACTIVITIES

For an additional amount for "Programs and activities" of the Commission on National and Community Service, $4,000,000, for use in carrying out Federal disaster relief programs, activities, and initiatives under subtitles C, E, F, and G of the National and Community Service Act of 1990 (Public Law 101–610), as the Board determines necessary to carry out programs related to the floods in the Midwest, to remain available until September 30, 1994, of which $2,000,000 shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided,* That all of the above amounts in this and the preceding three paragraphs are designated by Congress as emergency requirements pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

COMMODITY CREDIT CORPORATION

COMMODITY CREDIT CORPORATION FUND

For an additional amount for the "Commodity Credit Corporation Fund" to cover 1993 crop losses resulting from damaging weather or related floods associated with the conditions (as defined in section 2251 of Public Law 101–624), in 1993, $1,050,000,000, and in addition $300,000,000, which shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress, the total to remain available until June 30, 1994: *Provided,* That from funds previously made available in Public Law 102–368 by Presidential declaration, $100,000,000 to remain available until June 30, 1994, shall be for 1993 crop losses only: *Provided further,* That if prior to April 1, 1994, the President determines that extraordinary circumstances exist that warrant further assistance, the Secretary of Agriculture shall use such funds of the Commodity Credit Corporation as are necessary to make payments in an amount equal to 100 percent of each eligible claim as determined under title XXII of Public Law 101–624: *Provided further,* That all additional amounts made available herein are subject to the terms and conditions in Public Law 101–624: *Provided further,* That Congress hereby designates the entire amount provided herein as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further,* That notwithstanding any provision of Public Law 103–50, funds provided by such Act shall not be expended for 1993 crop losses resulting from 1993 natural disasters, and claims for assistance from funds provided by that Act by producers with 1990, 1991, and 1992 crop losses shall be paid only to the extent such claims are filed by September 17, 1993.

SENSE OF THE SENATE ON BOSNIA

(a) The Senate finds that:

(1) Numerous atrocities have been reported on the conflict in the former Yugoslavia;

(2) Such atrocities against innocent civilians and prisoners would violate universally accepted law as embodied in the Geneva Conventions of August 12, 1949 for the Protection of War Victims; the Hague Convention (IV) Respecting the Laws and Customs of War on Land and the Regulations annexed thereto of October 18, 1907; the Convention on the Prevention and Punishment of the Crime of Genocide of December 9, 1948; and the Charter of the International Military Tribunal of August 8, 1945;

(3) In October 1992 the United Nations Security Council adopted Resolution 780 establishing a Commission of Experts to gather and evaluate evidence of such war crimes;

(4) The Commission of Experts submitted an interim report dated January 26, 1993 which concluded that grave breaches and other violations of international humanitarian law had been committed in the territory of the former Yugoslavia, including willful killing, "ethnic cleansing", mass killings, tor-

ture, rape, pillage, and destruction of civilian property, destruction of cultural and religious property and arbitrary arrests;

(5) The Commission of Experts has been hindered in carrying out fully its legal charge because of insufficient resources;

(6) On February 22, 1993, the United Nations Security Council adopted Resolution 808 establishing an international tribunal to try individuals accused of the commission of war crimes in the former Yugoslavia;

(7) On May 3, 1993, the Secretary General of the United Nations issued his report which established the procedures for an international war crimes tribunal;

(8) The United Nations is presently in the process of selecting judges and prosecutors for the international war crimes tribunal;

(9) According to reports, the atrocities in the former Yugoslavia continue unabated; and

(10) There is a dire need to establish promptly the tribunal and commence prosecution of alleged war criminals: Now, therefore.

(b) The Senate hereby commends the United Nations for its recognition of the importance and necessity of the rule of law as evidenced by its establishment of an international tribunal for the prosecution of war crimes in the former Yugoslavia.

(c) It is the sense of the Senate that the United Nations should—

(1) expedite the selection of judges and prosecutors for the tribunal in order to begin prosecutions of alleged war criminals; and

(2) provide all assistance necessary to continue gathering evidence for such prosecutions.

SOIL CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount to repair damages to the waterways and watersheds resulting from the Midwest floods and other natural disasters of 1993, $60,000,000, to remain available until September 30, 1994 to carry out the Emergency Watershed Protection Program of the Soil Conservation Service, of which $25,000,000, shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to Congress: *Provided,* That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further,* That if the Secretary determines that the cost of land and levee restoration exceeds the fair market value of an affected cropland, the Secretary may use sufficient amounts from funds provided under this head to accept bids from willing sellers to enroll such cropland inundated by the Midwest floods of 1993 in any of the affected States in the Wetlands Reserve Program as authorized by subchapter C of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3837).

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

SALARIES AND EXPENSES

For an additional amount for salaries and expenses of the Agricultural Stabilization and Conservation Service, $12,000,000, to remain available until June 30, 1994, to meet the needs arising from the Midwest floods and other natural disasters: *Provided,* That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

EMERGENCY CONSERVATION PROGRAM

For an additional amount for emergency expenses resulting from the Midwest floods and other natural disasters of 1993, $30,000,000, to remain available until June 30, 1994: *Provided,* That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FARMERS HOME ADMINISTRATION

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

For an additional amount to assist in the recovery from the Midwest floods and other natural disasters of 1993 for the cost of direct section 504 housing repair loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, $5,985,000, to remain available through June 30, 1994: *Provided,* That these funds are available to subsidize additional gross obligations for the principal amount of direct loans not to exceed $15,000,000: *Provided further,* That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

For an additional amount to assist in the recovery from the Midwest floods and other natural disasters of 1993 for the cost of direct loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, $21,788,000, to remain available until June 30, 1994, of which $20,504,000 shall be for emergency insured loans and $1,284,000 shall be for water development, use, and conservation loans: *Provided,* That these funds are available to subsidize additional gross obligation for the principal amount of direct loans not to exceed $87,000,000, of which $80,000,000 shall be for emergency insured loans: *Provided further,* That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RURAL DEVELOPMENT INSURANCE FUND PROGRAM ACCOUNT

For an additional amount for the cost of guaranteed industrial development loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, to assist in the recovery from the Midwest floods and other natural disasters

of 1993, $5,410,000, to remain available until June 30, 1994, of which $2,705,000 shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to Congress: *Provided,* That these funds are available to subsidize additional gross obligations for the principal amount of guaranteed loans not to exceed $100,000,000: *Provided further,* That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

VERY LOW-INCOME HOUSING REPAIR GRANTS

For an additional amount to make housing repairs needed as a result of the Midwest floods and other natural disasters of 1993, $15,000,000, to remain available until June 30, 1994: *Provided,* That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

EMERGENCY COMMUNITY WATER ASSISTANCE GRANTS

For an additional amount for emergency community water assistance grants to assist in the recovery from the Midwest floods and other natural disasters of 1993, $50,000,000, to remain available until June 30, 1994, of which $30,000,000 shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to Congress: *Provided,* That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CHAPTER II

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for emergency expenses resulting from the Midwest floods of 1993 and other disasters, $1,000,000, to remain available until September 30, 1995: *Provided,* That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RELATED AGENCY

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For an additional amount for "Payment to the Legal Services Corporation" for emergency assistance to Legal Services Corporation basic field programs in areas affected by the Midwest floods of 1993 and other disasters, $300,000, to remain available until September 30, 1995: *Provided,* That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, contingent upon the President designating the entire amount as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER III

ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood Control and Coastal Emergencies", $120,000,000, for the Midwest floods and other disasters, and in addition $60,000,000, which shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress, to remain available until September 30, 1997: *Provided,* That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, GENERAL

For an additional amount for "Operation and Maintenance, General", $55,000,000, to remain available until September 30, 1997: *Provided,* That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER IV

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For an additional amount for Public Health and Social Services Emergency Fund for the Midwest floods of 1993, $75,000,000, to remain available until September 30, 1994, which shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided,* That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF EDUCATION

IMPACT AID

For carrying out disaster assistance activities related to the Midwest floods of 1993, authorized under section 7(a) of Public Law 81–874, $70,000,000, to remain available until September 30, 1994, which shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided,* That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

STUDENT FINANCIAL ASSISTANCE

For an additional amount for "Student Financial Assistance" for payment of awards for award year 1993–1994 made under title IV, part A, subpart 1 of the Higher Education Act of 1965, $30,000,000: *Provided,* That notwithstanding sections 442(e) and 462(j) of such Act, the Secretary of Education may reallocate, for use in award year 1993–1994 only, any excess funds returned to the Secretary of Education under the Federal Work-Study or Federal Perkins Loan programs from award year 1992–1993 to assist individuals who suffered financial harm as a result of the Midwest floods of 1993: *Provided further,* That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER V

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

UNITED STATES COAST GUARD

OPERATING EXPENSES

For an additional amount for emergency expenses resulting from the Midwest floods of 1993, $10,000,000, to remain available until March 31, 1994: *Provided,* That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

(HIGHWAY TRUST FUND)

For an additional amount for emergency expenses resulting from the Midwest floods of 1993 and other disasters, as authorized by 23 U.S.C. 125, $100,000,000, and in addition $75,000,000, which shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress, all to be derived from the Highway Trust Fund and to remain available until September 30, 1996: *Provided,* That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FEDERAL RAILROAD ADMINISTRATION

LOCAL RAIL FREIGHT ASSISTANCE

For additional expenses pursuant to section 5 of the Department of Transportation Act (49 U.S.C. app. 1654), to repair and rebuild rail lines of other than class I railroads as defined by the Interstate Commerce Commission or railroads owned or controlled by a class I railroad, having carried 5 million gross ton miles or less per mile during the prior year, and damaged as a result of the Midwest floods of 1993, $11,000,000, and in addition, notwithstanding any other provision of law, $10,000,000 to repair and rebuild rail lines of any railroad subject to the discretion of the Secretary of Transportation on a case-by-case basis: *Provided,* That for the purposes of administering this emergency relief, the Secretary of Transportation shall have authority to make funds available notwithstanding subsections (a), (b) (1) and (3), (c), (e)–(h) and (o) of 49 U.S.C. app. 1654 as the Secretary deems appropriate and shall consider the extent to which the State has available unexpended local rail freight assistance funds or available repaid

loan funds: *Provided further,* That, notwithstanding 49 U.S.C. app. 1654(f), the Secretary may prescribe the form and time for applications for assistance made available herein: *Provided further,* That these funds shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further,* That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further,* That all funds made available under this head are to remain available until September 30, 1994.

CHAPTER VI

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

HOME INVESTMENT PARTNERSHIPS PROGRAM

For an additional amount for the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended (Public Law 101–625), for use only in areas affected by the Midwest floods, high winds, hail and other related weather damages of 1993, $50,000,000, to remain available until September 30, 1994: *Provided,* That in administering these funds, the Secretary may waive any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or any use by the recipient of these funds, except for requirements relating to fair housing and nondiscrimination, the environment, and labor standards, upon finding that such waiver is required to facilitate the obligation and use of such funds, and would not be inconsistent with the overall purpose of the statute or regulation: *Provided further,* That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT GRANTS

For an additional amount for "Community development grants", as authorized under title I of the Housing and Community Development Act of 1974, only in areas affected by the Midwest floods, high winds, hail and other related weather damages of 1993 and other disasters, $200,000,000, to remain available until September 30, 1994, of which $25,000,000 is for those community development planning activities related to recovery efforts and for immediate recovery needs not reimbursable by the Federal Emergency Management Agency (FEMA): *Provided,* That in administering these funds, the Secretary may waive any provision of any statute or regulation that the Secretary administers in connection with the obligation

by the Secretary or any use by the recipient of these funds, except for requirements relating to fair housing and nondiscrimination, the environment, and labor standards, upon a finding that such waiver is required to facilitate the obligation and use of such funds, and would not be inconsistent with the overall purpose of the statute or regulation: *Provided further,* That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further,* That all of the funds provided under this head in this Act shall be used only to repair, replace, or restore facilities damaged or to continue services interrupted by Midwest floods, high winds, hail and other related weather damages of 1993 and other disasters that are essential to public health or safety as defined by the Secretary.

INDEPENDENT AGENCIES

ENVIRONMENTAL PROTECTION AGENCY

ABATEMENT, CONTROL, AND COMPLIANCE

For an additional amount for "Abatement, Control, and Compliance" for the Midwest floods of 1993, $24,250,000, to remain available until September 30, 1994: *Provided,* That the Administrator may make these funds available notwithstanding any applicable formula allocating funds to States for programs authorized: *Provided further,* That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

PROGRAM AND RESEARCH OPERATIONS

For an additional amount for "Program and Research Operations", for the Midwest floods of 1993, $1,000,000, to remain available until September 30, 1994: *Provided,* That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

LEAKING UNDERGROUND STORAGE TANK TRUST FUND

For an additional amount for "Leaking Underground Storage Tank Trust Fund" to make cooperative agreements under section 9003(h)(7) of the Solid Waste Disposal Act, as amended, for the Midwest floods of 1993, $8,000,000, to remain available until September 30, 1994: *Provided,* That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OIL SPILL RESPONSE

For an additional amount for "Oil Spill Response", for the Midwest floods of 1993, $700,000, to remain available until September 30, 1994: *Provided,* That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For an additional amount for "Disaster relief", $1,735,000,000, and in addition, $265,000,000, which shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress, to remain available until September 30, 1997, for the Midwest floods and other disasters: *Provided,* That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, and title I, chapter II, of Public Law 102–229.

CHAPTER VII

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

UNITED STATES FISH AND WILDLIFE SERVICE

CONSTRUCTION AND ANADROMOUS FISH

For an additional amount for "Construction and Anadromous Fish", $30,000,000, for the Midwest floods, to remain available until September 30, 1995: *Provided,* That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

NATIONAL PARK SERVICE

HISTORIC PRESERVATION FUND

For an additional amount for "Historic Preservation Fund", $5,000,000, for the Midwest floods of 1993, to remain available until September 30, 1994: *Provided,* That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CONSTRUCTION

For an additional amount for "Construction", $900,000, for the Midwest floods, to remain available until September 30, 1994: *Provided,* That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS AND RESEARCH

For an additional amount for "Surveys, investigations and research", $1,439,000, for the Midwest floods, to remain available

until June 30, 1994: *Provided,* That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For an additional amount for "Operation of Indian Programs", $3,878,000, to remain available until September 30, 1995 for the Midwest floods: *Provided,* That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER VIII

GENERAL PROVISIONS

SEC. 801. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Farms and ranches.

SEC. 802. In any case in which the Secretary of Agriculture finds that the farming, ranching, or aquaculture operations of producers on a farm have been substantially affected by a natural disaster in the United States or by a major disaster or emergency designated by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) during the 1993 crop year, the Secretary of Agriculture shall not require any repayment under subparagraph (G) or (H) of section 114(a)(2) of the Agricultural Act of 1949 (7 U.S.C. 1445j(a)(2)) for the 1993 crop of a commodity prior to January 1, 1994.

This Act may be cited as the "Emergency Supplemental Appropriations for Relief From the Major, Widespread Flooding in the Midwest Act of 1993".

Approved August 12, 1993.

LEGISLATIVE HISTORY—H.R. 2667:

HOUSE REPORTS: No. 103-184 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 139 (1993):
July 27, considered and passed House.
Aug. 3, 4, considered and passed Senate, amended.
Aug. 6, House concurred in certain Senate amendments, in others with amendments, and disagreed to others. Senate receded and concurred in House amendments.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 29 (1993):
Aug. 12, Presidential statement.

Public Law 103-76
103d Congress

An Act

Aug. 12, 1993
[S. 1273]

To facilitate recovery from the recent flooding of the Mississippi River and its tributaries by providing greater flexibility for depository institutions and their regulators, and for other purposes.

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

Depository Institutions Disaster Relief Act of 1993.
12 USC 1811 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Depository Institutions Disaster Relief Act of 1993".

12 USC 4008 note.

SEC. 2. TRUTH IN LENDING ACT; EXPEDITED FUNDS AVAILABILITY ACT.

(a) TRUTH IN LENDING ACT.—During the 240-day period beginning on the date of enactment of this Act, the Board of Governors of the Federal Reserve System may make exceptions to the Truth in Lending Act for transactions within an area in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, has determined, on or after April 1, 1993, that a major disaster exists, or within an area determined to be eligible for disaster relief under other Federal law by reason of damage related to the 1993 flooding of the Mississippi River and its tributaries, if the Board determines that the exception can reasonably be expected to alleviate hardships to the public resulting from such disaster that outweigh possible adverse effects.

(b) EXPEDITED FUNDS AVAILABILITY ACT.—During the 240-day period beginning on the date of enactment of this Act, the Board of Governors of the Federal Reserve System may make exceptions to the Expedited Funds Availability Act for depository institution offices located within any area referred to in subsection (a) of this section if the Board determines that the exception can reasonably be expected to alleviate hardships to the public resulting from such disaster that outweigh possible adverse effects.

(c) TIME LIMIT ON EXCEPTIONS.—Any exception made under this section shall expire not later than October 1, 1994.

Federal Register, publication.

(d) PUBLICATION REQUIRED.—The Board of Governors of the Federal Reserve System shall publish in the Federal Register a statement that—

(1) describes any exception made under this section; and

(2) explains how the exception can reasonably be expected to produce benefits to the public that outweigh possible adverse effects.

SEC. 3. DEPOSIT OF INSURANCE PROCEEDS.

12 USC 1831o note.

(a) IN GENERAL.—The appropriate Federal banking agency may, by order, permit an insured depository institution to subtract from the institution's total assets, in calculating compliance with the leverage limit prescribed under section 38 of the Federal Deposit Insurance Act, an amount not exceeding the qualifying amount attributable to insurance proceeds, if the agency determines that—

(1) the institution—

(A) had its principal place of business within an area in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, has determined, on or after April 1, 1993, that a major disaster exists, or within an area determined to be eligible for disaster relief under other Federal law by reason of damage related to the 1993 flooding of the Mississippi River and its tributaries, on the day before the date of any such determination;

(B) derives more than 60 percent of its total deposits from persons who normally reside within, or whose principal place of business is normally within, areas of intense devastation caused by the major disaster;

(C) was adequately capitalized (as defined in section 38 of the Federal Deposit Insurance Act) before the major disaster; and

(D) has an acceptable plan for managing the increase in its total assets and total deposits; and

(2) the subtraction is consistent with the purpose of section 38 of the Federal Deposit Insurance Act.

(b) TIME LIMIT ON EXCEPTIONS.—Any exception made under this section shall expire not later than April 1, 1995.

(c) DEFINITIONS.—For purposes of this section:

(1) APPROPRIATE FEDERAL BANKING AGENCY.—The term "appropriate Federal banking agency" has the same meaning as in section 3 of the Federal Deposit Insurance Act.

(2) INSURED DEPOSITORY INSTITUTION.—The term "insured depository institution" has the same meaning as in section 3 of the Federal Deposit Insurance Act.

(3) LEVERAGE LIMIT.—The term "leverage limit" has the same meaning as in section 38 of the Federal Deposit Insurance Act.

(4) QUALIFYING AMOUNT ATTRIBUTABLE TO INSURANCE PROCEEDS.—The term "qualifying amount attributable to insurance proceeds" means the amount (if any) by which the institution's total assets exceed the institution's average total assets during the calendar quarter ending before the date of any determination referred to in subsection (a)(1)(A), because of the deposit of insurance payments or governmental assistance made with respect to damage caused by, or other costs resulting from, the major disaster.

SEC. 4. BANKING AGENCY PUBLICATION REQUIREMENTS.

12 USC 1828 note.

(a) IN GENERAL.—A qualifying regulatory agency may take any of the following actions with respect to depository institutions or other regulated entities whose principal place of business is within, or with respect to transactions or activities within, an area in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, has

determined, on or after April 1, 1993, that a major disaster exists, or within an area determined to be eligible for disaster relief under other Federal law by reason of damage related to the 1993 flooding of the Mississippi River and its tributaries, if the agency determines that the action would facilitate recovery from the major disaster:

(1) PROCEDURE.—Exercising the agency's authority under provisions of law other than this section without complying with—

(A) any requirement of section 553 of title 5, United States Code; or

(B) any provision of law that requires notice or opportunity for hearing or sets maximum or minimum time limits with respect to agency action.

(2) PUBLICATION REQUIREMENTS.—Making exceptions, with respect to institutions or other entities for which the agency is the primary Federal regulator, to—

(A) any publication requirement with respect to establishing branches or other deposit-taking facilities; or

(B) any similar publication requirement.

Federal Register, publication.

(b) PUBLICATION REQUIRED.—A qualifying regulatory agency shall publish in the Federal Register a statement that—

(1) describes any action taken under this section; and

(2) explains the need for the action.

(c) QUALIFYING REGULATORY AGENCY DEFINED.—For purposes of this section, the term "qualifying regulatory agency" means—

(1) the Board of Governors of the Federal Reserve System;

(2) the Comptroller of the Currency;

(3) the Director of the Office of Thrift Supervision;

(4) the Federal Deposit Insurance Corporation;

(5) the Financial Institutions Examination Council;

(6) the National Credit Union Administration; and

(7) with respect to chapter 53 of title 31, United States Code, the Secretary of the Treasury.

(d) EXPIRATION.—Any exception made under this section shall expire not later than April 1, 1994.

12 USC 1811 note.

SEC. 5. STUDY; REPORT TO THE CONGRESS.

(a) STUDY.—The Secretary of the Treasury, after consultation with the appropriate Federal banking agencies (as defined in section 3 of the Federal Deposit Insurance Act), shall conduct a study that—

(1) examines how the agencies and entities granted authority by the Depository Institutions Disaster Relief Act of 1992 and by this Act have exercised such authority;

(2) evaluates the utility of such Acts in facilitating recovery from disasters consistent with the safety and soundness of depository institutions; and

(3) contains recommendations with respect to whether the authority granted by this Act should be made permanent.

(b) REPORT TO THE CONGRESS.—Not later than 18 months after the date of the enactment of this Act, the Secretary of the Treasury shall submit to the Congress a report on the results of the study required by subsection (a).

SEC. 6. SENSE OF THE CONGRESS.

It is the sense of the Congress that the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the Federal Deposit

Insurance Corporation, and the National Credit Union Administration should encourage depository institutions to meet the financial services needs of their communities and customers located in areas affected by the 1993 flooding of the Mississippi River and its tributaries.

SEC. 7. OTHER AUTHORITY NOT AFFECTED.

12 USC 1811 note.

Nothing in this Act limits the authority of any department or agency under any other provision of law.

Approved August 12, 1993.

LEGISLATIVE HISTORY—S. 1273 (H.R. 2808):

CONGRESSIONAL RECORD, Vol. 139 (1993):
July 30, considered and passed Senate.
Aug. 2, H.R. 2808 considered and passed House.
Aug. 3, S. 1273 considered and passed House, amended.
Aug. 5, Senate concurred in House amendments.

Public Law 103-77
103d Congress

An Act

Aug. 13, 1993
[H.R. 631]

To designate certain lands in the State of Colorado as components of the National Wilderness Preservation System, and for other purposes.

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

Colorado Wilderness Act of 1993.

SECTION 1. SHORT TITLE AND DEFINITIONS.

16 USC 539i note.

(a) SHORT TITLE.—This Act may be cited as the "Colorado Wilderness Act of 1993".

16 USC 539j note.

(b) DEFINITIONS.—(1) As used in this Act with reference to lands in the National Forest System, the term "the Secretary" means the Secretary of Agriculture.

(2) As used in this Act with respect to lands not in the National Forest System, the term "the Secretary" means the Secretary of the Interior.

SEC. 2. ADDITIONS TO THE WILDERNESS PRESERVATION SYSTEM.

16 USC 1132 note.

(a) ADDITIONS.—The following lands in the State of Colorado are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation System:

(1) Certain lands in the Gunnison Resource Area administered by the Bureau of Land Management which comprise approximately 3,390 acres, as generally depicted on a map entitled "American Flats Additions to the Big Blue Wilderness Proposal (American Flats)", dated January, 1993, and which are hereby incorporated in and shall be deemed to be a part of the wilderness area designated by section 102(a)(1) of Public Law 96–560 and renamed Uncompahgre Wilderness by section 3(f) of this Act.

(2) Certain lands in the Gunnison Resource Area administered by the Bureau of Land Management which comprise approximately 815 acres, as generally depicted on a map entitled "Bill Hare Gulch and Larson Creek Additions to the Big Blue Wilderness", dated January, 1993, and which are hereby incorporated in and shall be deemed to be a part of the wilderness area designated by section 102(a)(1) of Public Law 96–560 and renamed Uncompahgre Wilderness by section 3(f) of this Act.

(3) Certain lands in the Pike and San Isabel National Forests which comprise approximately 43,410 acres, as generally depicted on a map entitled "Buffalo Peaks Wilderness Proposal", dated January, 1993, and which shall be known as the Buffalo Peaks Wilderness.

(4) Certain lands in the Gunnison National Forest and in the Powderhorn Primitive Area administered by the Bureau

of Land Management which comprise approximately 60,100 acres, as generally depicted on a map entitled "Powderhorn Wilderness Proposal", dated January, 1993, and which shall be known as the Powderhorn Wilderness.

(5) Certain lands in the Routt National Forest which comprise approximately 20,750 acres, as generally depicted on a map entitled "Davis Peak Additions to Mount Zirkel Wilderness Proposal", dated January, 1993, and which are hereby incorporated in and shall be deemed to be a part of the Mount Zirkel Wilderness designated by Public Law 88–555, as amended by Public Law 96–560.

(6) Certain lands in the Gunnison National Forests which comprise approximately 33,060 acres, as generally depicted on a map entitled "Fossil Ridge Wilderness Proposal", dated January, 1993, and which shall be known as the Fossil Ridge Wilderness.

(7) Certain lands in the San Isabel National Forest which comprise approximately 22,040 acres, as generally depicted on a map entitled "Greenhorn Mountain Wilderness Proposal", dated January, 1993, and which shall be known as the Greenhorn Mountain Wilderness.

(8) Certain lands within the Pike National Forest which comprise approximately 14,700 acres, as generally depicted on a map entitled "Lost Creek Wilderness Addition Proposal", dated January, 1993, which are hereby incorporated in and shall be deemed to be a part of the Lost Creek Wilderness designated by Public Law 96–560: *Provided*, That the Secretary is authorized to acquire, only by donation or exchange, various mineral reservations held by the State of Colorado within the boundaries of the Lost Creek Wilderness additions designated by this Act.

(9) Certain lands in the Gunnison National Forests which comprise approximately 5,500 acres, as generally depicted on a map entitled "O-Be-Joyful Addition to the Raggeds Wilderness Proposal", dated January, 1993, and which are hereby incorporated in and shall be deemed to be a part of the Raggeds Wilderness designated by Public Law 96–560.

(10) Certain lands in the Rio Grande and San Isabel National Forests and lands in the San Luis Resource Area administered by the Bureau of Land Management which comprise approximately 226,455 acres, as generally depicted on four maps entitled "Sangre de Cristo Wilderness Proposal (North Section)", "Sangre de Cristo Wilderness Proposal (North Middle Section)", "Sangre de Cristo Wilderness Proposal (South Middle Section)", and "Sangre de Cristo Wilderness Proposal (South Section)", all dated January, 1993, and which shall be known as the Sangre de Cristo Wilderness.

(11) Certain lands in the Routt National Forest which comprise approximately 47,140 acres, as generally depicted on a map entitled "Service Creek Wilderness Proposal (Sarvis Creek Wilderness)", dated January, 1993, and which shall be known as the Sarvis Creek Wilderness.

(12) Certain lands in the San Juan National Forest which comprise approximately 31,100 acres, as generally depicted on two maps, one entitled "South San Juan Wilderness Expansion Proposal, Montezuma Peak" and the other entitled "South San Juan Wilderness Expansion Proposal, V-Rock Trail", both dated

January, 1993, and which are hereby incorporated in and shall be deemed to be a part of the South San Juan Wilderness designated by Public Law 96–560.

(13) Certain lands in the White River National Forest which comprise approximately 8,330 acres, as generally depicted on a map entitled "Spruce Creek Addition to the Hunter-Fryingpan Wilderness Proposal", dated January, 1993, and which are hereby incorporated in and shall be deemed to be part of the Hunter Fryingpan Wilderness designated by Public Law 95–327: *Provided*, That no right, or claim of right, to the diversion and use of waters by the Fryingpan-Arkansas Project shall be prejudiced, expanded, diminished, altered, or affected by this Act, nor shall anything in this Act be construed to expand, abate, impair, impede, limit, interfere with, or prevent the construction, operation, use, maintenance, or repair of the project facilities and diversion systems to their full extent.

(14) Certain lands in the Arapaho National Forest which comprise approximately 8,095 acres, as generally depicted on a map entitled "Byers Peak Wilderness Proposal", dated January, 1993, and which shall be known as the Byers Peak Wilderness.

(15) Certain lands in the Arapaho National Forest which comprise approximately 12,300 acres, as generally depicted on a map entitled "Vasquez Peak Wilderness Proposal", dated January, 1993, and which shall be known as the Vasquez Peak Wilderness.

(16) Certain lands in the San Juan National Forest which comprise approximately 28,740 acres, as generally depicted on a map entitled "West Needle Wilderness Proposal and Weminuche Additions", dated January, 1993, and which are hereby incorporated in and shall be deemed to be a part of the Weminuche Wilderness designated by Public Law 93–632, as amended by Public Law 96–560.

(17) Certain lands in the Rio Grande National Forest which comprise approximately 25,640 acres, as generally depicted on a map entitled "Wheeler Addition to the La Garita Wilderness Proposal", dated January, 1993, and which shall be incorporated in and shall be deemed to be a part of the La Garita Wilderness designated by Public Law 96–560.

(18) Certain lands in the Arapaho National Forest which comprise approximately 13,175 acres, as generally depicted on a map entitled "Farr Wilderness Proposal", dated January, 1993, and which shall be known as the Ptarmigan Peak Wilderness.

(19) Certain lands in the Arapaho National Forest which comprise approximately 6,990 acres, as generally depicted on a map entitled "Bowen Gulch Additions to Never Summer Wilderness Proposal", dated January, 1993, and which are hereby incorporated in and shall be deemed to be a part of the Never Summer Wilderness designated by Public Law 96–560.

(b) MAPS AND DESCRIPTIONS.—As soon as practicable after the date of enactment of this Act, the appropriate Secretary shall file a map and a boundary description of each area designated as wilderness by this Act with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natu-

ral Resources of the United States House of Representatives. Each map and description shall have the same force and effect as if included in this Act, except that the appropriate Secretary is authorized to correct clerical and typographical errors in such boundary descriptions and maps. Such maps and boundary descriptions shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture, and the Office of the Director of the Bureau of Land Management, Department of the Interior, as appropriate.

SEC. 3. ADMINISTRATIVE PROVISIONS.

(a) IN GENERAL.—(1) Subject to valid existing rights, lands designated as wilderness by this Act shall be managed by the Secretary of Agriculture or the Secretary of the Interior, as appropriate, in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and this Act, except that, with respect to any wilderness areas designated by this Act, any reference in the Wilderness Act to the effective date of the Wilderness Act shall be deemed to be a reference to the date of enactment of this Act.

(2) Administrative jurisdiction over those lands designated as wilderness pursuant to paragraphs (2) and (10) of section 2(a) of this Act, and which, as of the date of enactment of this Act, are administered by the Bureau of Land Management, is hereby transferred to the Forest Service and such lands are hereby added to the appropriate National Forest.

(b) GRAZING.—Grazing of livestock in wilderness areas designated by this Act shall be administered in accordance with the provisions of section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)), as further interpreted by section 108 of Public Law 96–560, and, as regards wilderness managed by the Bureau of Land Management, the guidelines set forth in Appendix A of House Report 101–405 of the 101st Congress.

(c) STATE JURISDICTION.—As provided in section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the State of Colorado with respect to wildlife and fish in Colorado.

(d) CONFORMING AMENDMENT.—Section 2(e) of the Endangered American Wilderness Act of 1978 (92 Stat. 41) is amended by striking "Subject to" and all that follows through "System.". 16 USC 1132 note.

(e) BUFFER ZONES.—Congress does not intend that the designation by this Act of wilderness areas in the State of Colorado creates or implies the creation of protective perimeters or buffer zones around any wilderness area. The fact that nonwilderness activities or uses can be seen or heard from within a wilderness area shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.

(f) WILDERNESS NAME CHANGE.—The wilderness area designated as "Big Blue Wilderness" by section 102(a)(1) of Public Law 96–560, and the additions thereto made by paragraphs (1) and (2) of section 2(a) of this Act, shall hereafter be known as the Uncompahgre Wilderness. Any reference to the Big Blue Wilderness in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Uncompahgre Wilderness. 16 USC 1132 note.

(g) BOUNDARIES AND AUTHORIZATIONS TO USE LANDS.—(1) For the purpose of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–9), the boundaries of affected

National Forests, as modified by this section, shall be considered to be the boundaries of such National Forests as of January 1, 1965.

(2) Nothing in this subsection shall affect valid existing rights of any person under the authority of law.

(3) Authorizations to use lands transferred by this section which were issued prior to the date of enactment of this Act shall remain subject to the laws and regulations under which they were issued, to the extent consistent with this Act. Such authorizations shall be administered by the Secretary of Agriculture. Any renewal or extension of such authorizations shall be subject to the laws and regulations pertaining to the Forest Service, Department of Agriculture, and the applicable law, including this Act. The change of administrative jurisdiction resulting from the enactment of this section shall not in itself constitute a basis for denying or approving the renewal or reissuance of any such authorization.

SEC. 4. WILDERNESS RELEASE.

(a) REPEAL OF WILDERNESS STUDY PROVISIONS.—Sections 105 and 106 of the Act of December 22, 1980 (Public Law 96–560), are hereby repealed.

16 USC 1132 note.

(b) INITIAL PLANS.—Section 107(b)(2) of the Act of December 22, 1980 (Public Law 96–560), is amended by striking out "except those lands remaining in further planning upon enactment of this Act, areas listed in sections 105 and 106 of this Act, or previously congressionally designated wilderness study areas,".

94 Stat. 3270.

16 USC 539i.

SEC. 5. FOSSIL RIDGE RECREATION MANAGEMENT AREA.

(a) ESTABLISHMENT.—(1) In order to conserve, protect, and enhance the scenic, wildlife, recreational, and other natural resource values of the Fossil Ridge area, there is hereby established the Fossil Ridge Recreation Management Area (hereinafter referred to as the "recreation management area").

(2) The recreation management area shall consist of certain lands in the Gunnison National Forest, Colorado, which comprise approximately 43,900 acres, as generally depicted as "Area A" on a map entitled "Fossil Ridge Wilderness Proposal", dated January, 1993.

(b) ADMINISTRATION.—The Secretary of Agriculture shall administer the recreation management area in accordance with this section and the laws and regulations generally applicable to the National Forest System.

(c) WITHDRAWAL.—Subject to valid existing rights, all lands within the recreation management area are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws, from location, entry, and patent under the mining laws, and from disposition under the mineral and geothermal leasing laws, including all amendments thereto.

(d) TIMBER HARVESTING.—No timber harvesting shall be allowed within the recreation management area except to the extent that would be permitted in wilderness under section 4(d)(1) of the Wilderness Act for necessary control of fire, insects, and diseases, and for public safety.

(e) LIVESTOCK GRAZING.—The designation of the recreation management area shall not be construed to prohibit, or change the administration of, the grazing of livestock within the recreation management area.

(f) DEVELOPMENT.—No developed campgrounds shall be constructed within the recreation management area. After the date of enactment of this Act, no new roads or trails may be constructed within the recreation management area.

(g) OFF-ROAD RECREATION.—Motorized travel shall be permitted within the recreation management area only on those established trails and routes existing as of July 1, 1991, on which such travel was permitted as of such date, except that other trails and routes may be used where necessary for administrative purposes or to respond to an emergency. No later than one year after the date of enactment of this Act, the Secretary shall identify such routes and trails and shall prepare and make available to the public a map showing such routes and trails. Nothing in this subsection shall be construed as precluding the Secretary from closing any trail or route from use for purposes of resource protection or public safety.

Public information.

SEC. 6. BOWEN GULCH PROTECTION AREA.

16 USC 539j.

(a) ESTABLISHMENT.—(1) There is hereby established in the Arapaho National Forest, Colorado, the Bowen Gulch Protection Area (hereinafter in this Act referred to as the "protection area").

(2) The protection area shall consist of certain lands in the Arapaho National Forest, Colorado, which comprise approximately 11,600 acres, as generally depicted as "Area A" on a map entitled "Bowen Gulch Additions to Never Summer Wilderness Proposal", dated January, 1993.

(b) ADMINISTRATION.—The Secretary shall administer the protection area in accordance with this section and the laws and regulations generally applicable to the National Forest System.

(c) WITHDRAWAL.—Subject to valid existing rights, all lands within the protection area are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws, from location, entry, and patent under the mining laws, and from disposition under the mineral and geothermal leasing laws, including all amendments thereto.

(d) DEVELOPMENT.—No developed campgrounds shall be constructed within the protection area. After the date of enactment of this Act, no new roads or trails may be constructed within the protection area.

(e) TIMBER HARVESTING.—No timber harvesting shall be allowed within the protection area except to the extent that would be permitted in wilderness under section 4(d)(1) of the Wilderness Act for necessary control of fire, insects, and diseases, and for public safety.

(f) MOTORIZED TRAVEL.—Motorized travel shall be permitted within the protection area only on those designated trails and routes existing as of July 1, 1991, and only during periods of adequate snow cover. At all other times, mechanized, non-motorized travel shall be permitted within the protection area.

(g) MANAGEMENT PLAN.—During the revision of the Land and Resource Management Plan for the Arapaho National Forest, the Forest Service shall develop a management plan for the protection area, after providing for public comment.

SEC. 7. OTHER LANDS.

Nothing in this Act shall affect ownership or use of lands or interests therein not owned by the United States or access to such lands available under other applicable law.

SEC. 8. WATER.

(a) FINDINGS, PURPOSE, AND DEFINITION.—(1) Congress finds that—

(A) the lands designated as wilderness by this Act are located at the headwaters of the streams and rivers on those lands, with few, if any, actual or proposed water resource facilities located upstream from such lands and few, if any, opportunities for diversion, storage, or other uses of water occurring outside such lands that would adversely affect the wilderness values of such lands; and

(B) the lands designated as wilderness by this Act are not suitable for use for development of new water resource facilities, or for the expansion of existing facilities; and

(C) therefore, it is possible to provide for proper management and protection of the wilderness value of such lands in ways different from those utilized in other legislation designating as wilderness lands not sharing the attributes of the lands designated as wilderness by this Act.

(2) The purpose of this section is to protect the wilderness values of the lands designated as wilderness by this Act by means other than those based on a Federal reserved water right.

(3) As used in this section, the term "water resource facility" means irrigation and pumping facilities, reservoirs, water conservation works, aqueducts, canals, ditches, pipelines, wells, hydropower projects, and transmission and other ancillary facilities, and other water diversion, storage, and carriage structures.

(b) RESTRICTIONS ON RIGHTS AND DISCLAIMER OF EFFECT.—(1) Neither the Secretary of Agriculture nor the Secretary of the Interior, nor any other officer, employee, representative, or agent of the United States, nor any other person, shall assert in any court or agency, nor shall any court or agency consider, any claim to or for water or water rights in the State of Colorado, which is based on any construction of any portion of this Act, or the designation of any lands as wilderness by this Act, as constituting an express or implied reservation of water or water rights.

(2)(A) Nothing in this Act shall constitute or be construed to constitute either an express or implied reservation of any water or water rights with respect to the Piedra, Roubideau, and Tabeguache areas identified in section 9 of this Act, or the Bowen Gulch Protection Area or the Fossil Ridge Recreation Management Area identified in sections 5 and 6 of this Act.

(B) Nothing in this Act shall be construed as a creation, recognition, disclaimer, relinquishment, or reduction of any water rights of the United States in the State of Colorado existing before the date of enactment of this Act, except as provided in subsection (g)(2) of this section.

(C) Except as provided in subsection (g) of this section, nothing in this Act shall be construed as constituting an interpretation of any other Act or any designation made by or pursuant thereto.

(D) Nothing in this section shall be construed as establishing a precedent with regard to any future wilderness designations.

(c) NEW OR EXPANDED PROJECTS.—Notwithstanding any other provision of law, on and after the date of enactment of this Act neither the President nor any other officer, employee, or agent of the United States shall fund, assist, authorize, or issue a license or permit for the development of any new water resource facility within the areas described in sections 2, 5, 6, and 9 of this Act

or the enlargement of any water resource facility within the areas described in sections 2, 5, 6, and 9 of this Act.

(d) ACCESS AND OPERATION.—(1) Subject to the provisions of this subsection (d), the Secretary shall allow reasonable access to water resource facilities in existence on the date of enactment of this Act within the areas described in sections 2, 5, 6, and 9 of this Act, including motorized access where necessary and customarily employed on routes existing as of the date of enactment of this Act.

(2) Existing access routes within such areas customarily employed as of the date of enactment of this Act may be used, maintained, repaired, and replaced to the extent necessary to maintain their present function, design, and serviceable operation, so long as such activities have no increased adverse impacts on the resources and values of the areas described in sections 2, 5, 6, and 9 of this Act than existed as of the date of enactment of this Act.

(3) Subject to the provisions of subsections (c) and (d), the Secretary shall allow water resource facilities existing on the date of enactment of this Act within areas described in sections 2, 5, 6, and 9 of this Act to be used, operated, maintained, repaired, and replaced to the extent necessary for the continued exercise, in accordance with Colorado State law, of vested water rights adjudicated for use in connection with such facilities by a court of competent jurisdiction prior to the date of enactment of this Act: *Provided*, That the impact of an existing facility on the water resources and values of the area shall not be increased as a result of changes in the adjudicated type of use of such facility as of the date of enactment of this Act.

(4) Water resource facilities, and access routes serving such facilities, existing within the areas described in sections 2, 5, 6, and 9 of this Act on the date of enactment of this Act shall be maintained and repaired when and to the extent necessary to prevent increased adverse impacts on the resources and values of the areas described in sections 2, 5, 6, and 9 of this Act.

(e) EXISTING PROJECTS.—Except as provided in subsections (c) and (d) of this section, the provisions of this Act related to the areas described in sections 2, 5, 6, and 9 of this Act, and the inclusion in the National Wilderness Preservation System of the areas described in section 2 of this Act, shall not be construed to affect or limit the use, operation, maintenance, repair, modification, or replacement of water resources facilities in existence on the date of enactment of this Act within the boundaries of the areas described in sections 2, 5, 6, and 9 of this Act.

(f) MONITORING AND IMPLEMENTATION.—The Secretaries of Agriculture and the Interior shall monitor the operation of and access to water resource facilities within the areas described in sections 2, 5, 6, and 9 of this Act and take all steps necessary to implement the provisions of this section.

(g) INTERSTATE COMPACTS AND NORTH PLATTE RIVER.—(1) Nothing in this Act, and nothing in any previous Act designating any lands as wilderness, shall be construed as limiting, altering, modifying, or amending any of the interstate compacts or equitable apportionment decrees that apportion water among and between the State of Colorado and other States. Except as expressly provided in this section, nothing in this Act shall affect or limit the develop-

ment or use by existing and future holders of vested water rights of Colorado's full apportionment of such waters.

(2) Notwithstanding any other provision of law, neither the Secretary of Agriculture nor any other officer, employee, or agent of the United States, or any other person, shall assert in any court or agency of the United States or any other jurisdiction any rights, and no court or agency of the United States shall consider any claim or defense asserted by any person based upon such rights, which may be determined to have been established for waters of the North Platte River for purposes of the Platte River Wilderness Area established by Public Law 98–550, located on the Colorado-Wyoming State boundary, to the extent such rights would limit the use or development of water within Colorado by present and future holders of vested water rights in the North Platte River and its tributaries, to the full extent allowed under interstate compact or United States Supreme Court equitable decree. Any such rights shall be exercised as if junior to, in a manner so as not to prevent, the use or development of Colorado's full entitlement to interstate waters of the North Platte River and its tributaries within Colorado allowed under interstate compact or United States Supreme Court equitable decree.

SEC. 9. PIEDRA, ROUBIDEAU, AND TABEGUACHE AREAS.

(a) AREAS.—The provisions of this section shall apply to the following areas:

(1) Certain lands in the San Juan National Forest, Colorado, comprising approximately 62,550 acres, as generally depicted on the map entitled "Piedra Area" dated January, 1993;

(2) Certain lands in the Uncompahgre National Forest, Colorado, comprising approximately 19,650 acres, as generally depicted on the map entitled "Roubideau Area" dated January, 1993; and

(3) Certain lands in the Uncompahgre National Forest, Colorado, and in the San Juan Resource Area administered by the Bureau of Land Management, comprising approximately 17,240 acres, as generally depicted on the map entitled "Tabeguache Area" dated January, 1993.

(b) MANAGEMENT.—(1) Subject to valid existing rights, the areas described in subsection (a) are withdrawn from all forms of location, leasing, patent, disposition, or disposal under public land, mining, and mineral and geothermal leasing laws of the United States.

(2) The areas described in subsection (a) shall not be subject to any obligation to further study such lands for wilderness designation.

(3) Until Congress determines otherwise, and subject to the provisions of section 8 of this Act, activities within such areas shall be managed by the Secretary of Agriculture and the Secretary of the Interior, as appropriate, so as to maintain the areas' presently existing wilderness character and potential for inclusion in the National Wilderness Preservation System.

(4) Livestock grazing in such areas shall be permitted and managed to the same extent and in the same manner as of the date of enactment of this Act. Except as provided by this Act, mechanized or motorized travel shall not be permitted in such areas: *Provided,* That the Secretary may permit motorized travel on trail number 535 in the San Juan National Forest during periods of adequate snow cover.

(c) DATA COLLECTION.—The Secretary of Agriculture and the Secretary of the Interior, in consultation with the Colorado Water Conservation Board, shall compile data concerning the water resources of the areas described in subsection (a) and existing and proposed water resource facilities affecting such values.

SEC. 10. SPANISH PEAKS PLANNING AREA STUDY.

(a) REPORT.—Not later than three years from the date of enactment of this Act, the Secretary shall report to the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate on the status of private property interests located within the Spanish Peaks planning area of the San Isabel National Forest in Colorado, as generally depicted on a map entitled "Spanish Peaks Further Planning Area Study", dated January, 1993.

(b) CONTENTS OF REPORT.—The report required by this section shall identify the location of all private property situated within the exterior boundaries of the Spanish Peaks planning area; the nature of such property interests; the acreage of such private property interests; and the Secretary's views on whether the owners of said properties would be willing to enter into either a sale or exchange of these properties at fair market value if such a transaction became available in the near future.

(c) NO AUTHORIZATION OF EMINENT DOMAIN.—Nothing contained in this Act authorizes, and nothing in this Act shall be construed to authorize, the acquisition of real property by eminent domain.

(d) MANAGEMENT.—Notwithstanding the provisions of section 4(a) of this Act, for a period of three years from the date of enactment of this Act, the Secretary shall manage the Spanish Peaks planning area as provided by section 105(c) of Public Law 96–560.

SEC. 11. PUMPING PLANT NAME CHANGE.

The facility of the Bureau of Reclamation, Department of the Interior, known as the Granby Pumping Plant of the Colorado-

Big Thompson Project, in the State of Colorado, shall hereafter be known as the Farr Pumping Plant. Any reference to the Granby Pumping Plant in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Farr Pumping Plant.

Approved August 13, 1993.

LEGISLATIVE HISTORY—H.R. 631:

HOUSE REPORTS: No. 103-181 (Comm. on Natural Resources).
SENATE REPORTS: No. 103-123 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 139 (1993):
July 19, considered and passed House.
Aug. 4, considered and passed Senate.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 29 (1993):
Aug. 13, Presidential statement.

Public Law 103-78
103d Congress

An Act

To amend title 38, United States Code, to codify the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans as such rates took effect on December 1, 1992.

Aug. 13, 1993
[H.R. 798]

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

SECTION 1. DISABILITY COMPENSATION.

Section 1114 of title 38, United States Code, is amended—

(1) by striking out "$83" in subsection (a) and inserting in lieu thereof "$85";

(2) by striking out "$157" in subsection (b) and inserting in lieu thereof "$162";

(3) by striking out "$240" in subsection (c) and inserting in lieu thereof "$247";

(4) by striking out "$342" in subsection (d) and inserting in lieu thereof "$352";

(5) by striking out "$487" in subsection (e) and inserting in lieu thereof "$502";

(6) by striking out "$614" in subsection (f) and inserting in lieu thereof "$632";

(7) by striking out "$776" in subsection (g) and inserting in lieu thereof "$799";

(8) by striking out "$897" in subsection (h) and inserting in lieu thereof "$924";

(9) by striking out "$1,010" in subsection (i) and inserting in lieu thereof "$1,040";

(10) by striking out "$1,680" in subsection (j) and inserting in lieu thereof "$1,730";

(11) by striking out "$2,089", "$68", and "$2,927" in subsection (k) and inserting in lieu thereof "$2,152", "$70", and "$3,015", respectively;

(12) by striking out "$2,089" in subsection (l) and inserting in lieu thereof "$2,152";

(13) by striking out "$2,302" in subsection (m) and inserting in lieu thereof "$2,371";

(14) by striking out "$2,619" in subsection (n) and inserting in lieu thereof "$2,698";

(15) by striking out "$2,927" each place it appears in subsections (o) and (p) and inserting in lieu thereof "$3,015";

(16) by striking out "$1,257" and "$1,872" in subsection (r) and inserting in lieu thereof "$1,295" and "$1,928", respectively; and

(17) by striking out "$1,879" in subsection (s) and inserting in lieu thereof "$1,935".

SEC. 2. ADDITIONAL COMPENSATION FOR DEPENDENTS.

Section 1115(1) of title 38, United States Code, is amended—

(1) by striking out "$100" in subparagraph (A) and inserting in lieu thereof "$103";

(2) by striking out "$169" and "$52" in subparagraph (B) and inserting in lieu thereof "$174" and "$54", respectively;

(3) by striking out "$69" and "$52" in subparagraph (C) and inserting in lieu thereof "$71" and "$54", respectively;

(4) by striking out "$80" in subparagraph (D) and inserting in lieu thereof "$82";

(5) by striking out "$185" in subparagraph (E) and inserting in lieu thereof "$191"; and

(6) by striking out "$155" in subparagraph (F) and inserting in lieu thereof "$160".

SEC. 3. CLOTHING ALLOWANCE FOR CERTAIN DISABLED VETERANS.

Section 1162 of title 38, United States Code, is amended by striking out "$452" and inserting in lieu thereof "$466".

SEC. 4. DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES.

Section 1311 of title 38, United States Code, is amended—

(1) by striking out the table in subsection (a)(3) and inserting in lieu thereof the following:

"Pay grade	Monthly rate	Pay grade	Monthly rate
E–1	$634	W–4	$911
E–2	654	O–1	803
E–3	672	O–2	829
E–4	714	O–3	888
E–5	732	O–4	939
E–6	749	O–5	1,035
E–7	785	O–6	1,168
E–8	829	O–7	1,262
E–9	[1]866	O–8	1,383
W–1	803	O–9	1,483
W–2	835	O–10	[2]1,627
W–3	860		

"[1] If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps, or master chief petty officer of the Coast Guard, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $934.

"[2] If the veteran served as Chairman or Vice-Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $1,744.";

(2) by striking out "$185" in subsection (c) and inserting in lieu thereof "$191"; and

(3) by striking out "$90" in subsection (d) and inserting in lieu thereof "$93".

SEC. 5. DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN.

(a) DIC FOR ORPHAN CHILDREN.—Section 1313(a) of title 38, United States Code, is amended—

(1) by striking out "$310" in paragraph (1) and inserting in lieu thereof "$319";

(2) by striking out "$447" in paragraph (2) and inserting in lieu thereof "$460";

(3) by striking out "$578" in paragraph (3) and inserting in lieu thereof "$595"; and

(4) by striking out "$578" and "$114" in paragraph (4) and inserting in lieu thereof "$595" and "$117", respectively.

(b) SUPPLEMENTAL DIC FOR DISABLED ADULT CHILDREN.—Section 1314 of such title is amended—

(1) by striking out "$185" in subsection (a) and inserting in lieu thereof "$191";

(2) by striking out "$310" in subsection (b) and inserting in lieu thereof "$319"; and

(3) by striking out "$157" in subsection (c) and inserting in lieu thereof "$162".

SEC. 6. TECHNICAL CORRECTION RELATING TO THE FINANCING OF DISCOUNT POINTS.

Section 3703(c)(4)(B) of title 38, United States Code, is amended in the second sentence by striking out "Discount" and inserting in lieu thereof "Except in the case of a loan for the purpose specified in section 3710(a)(8), 3710(b)(7), or 3712(a)(1)(F) of this title, discount".

SEC. 7. RATE ADJUSTMENTS FOR ADJUSTABLE RATE MORTGAGES.

Section 3707(b)(2) of title 38, United States Code, is amended by striking out "on the anniversary of the date on which the loan was closed".

Approved August 13, 1993.

LEGISLATIVE HISTORY—H.R. 798 (S. 970):

HOUSE REPORTS: No. 103-63 (Comm. on Veterans' Affairs).
SENATE REPORTS: No. 103-81 accompanying S. 970 (Comm. on Veterans' Affairs).
CONGRESSIONAL RECORD, Vol. 139 (1993):
Apr. 27, considered and passed House.
July 28, considered and passed Senate, amended.
Aug. 2, House concurred in Senate amendment.

Public Law 103-79
103d Congress

An Act

Aug. 13, 1993
[H.R. 2034]

To authorize major medical facility construction projects for the Department of Veterans Affairs for fiscal year 1994, and for other purposes.

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

SECTION 1. AUTHORIZATION OF DEPARTMENT OF VETERANS AFFAIRS CONSTRUCTION PROJECTS.

(a) AUTHORIZED PROJECTS.—The Secretary of Veterans Affairs may carry out the major medical facility leases for the Department of Veterans Affairs for which funds are requested in the budget of the President for fiscal year 1994 and may carry out (or, in the case of the project specified in paragraph (1), participate in) the following major medical facility projects in the amounts specified:

(1) Construction in accordance with an agreement between the Secretary of the Air Force and the Secretary of Veterans Affairs of a medical facility at Elmendorf Air Force Base, Anchorage, Alaska, to be shared by the Air Force and the Department of Veterans Affairs, $11,500,000.

(2) Construction of a psychiatric building at the Department of Veterans Affairs Medical Center in Lyons, New Jersey, $41,700,000.

(3) Modernization and seismic corrections at the Department of Veterans Affairs Medical Center in Memphis, Tennessee, $10,700,000.

(4) Construction of a replacement bed building at the Department of Veterans Affairs Medical Center in Muskogee, Oklahoma, $33,200,000.

(5) Construction of an outpatient care addition and parking garage at the Department of Veterans Affairs Medical Center in San Juan, Puerto Rico, $46,000,000.

(6) Construction, or expansion and modernization, of a 120-bed nursing home facility in the area (referred to as the "Chesapeake network") served by the Department of Veterans Affairs medical centers in Baltimore, Maryland; Fort Howard, Maryland; Martinsburg, West Virginia; Perry Point, Maryland; and Washington, District of Columbia, the site for which shall be selected in accordance with subsection (b).

(b) SITE SELECTION.—(1) The Secretary, in selecting a site for the project referred to in subsection (a)(6), shall conduct a study to determine the most appropriate location for that facility. In conducting the study, the Secretary shall determine—

(A) what the specific mission of each medical center operated by the Secretary in the Chesapeake network should be to achieve within that network—

(i) effective planning;

(ii) reduction in duplication of services and programs in the same geographic area;

(iii) realignment of services among facilities within each network;

(iv) improved means of resource distribution; and

(v) more efficient delivery of needed services;

(B) whether there is a need for expansion and modernization of the nursing home care unit at the medical center at Fort Howard, Maryland; and

(C) what effect the construction of nursing home beds in Baltimore, Maryland, as proposed in the President's budget for the Department of Veterans Affairs for fiscal year 1994, would have for the missions of each of the other medical centers operated by the Secretary in the Chesapeake network.

(2) Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Veterans Affairs of the Senate and House a report on the study under paragraph (1). The Secretary shall include in the report a statement of each determination made by the Secretary under that paragraph. Reports.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is hereby authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 1994—

(1) $143,100,000 for the major medical facility projects authorized in paragraphs (1) through (5) of section 101(a) and such sums as may be necessary for the project described in section 101(a)(6), but not to exceed $14,500,000 in the case of construction of nursing home beds in Baltimore, Maryland, as proposed in the President's budget for the Department of Veterans Affairs for fiscal year 1994; and

(2) $50,123,105 for the major medical facility leases authorized in section 101(a).

(b) LIMITATION.—The projects authorized in section 101 may only be carried out using—

(1) funds appropriated for fiscal year 1994 pursuant to the authorization of appropriations in subsection (a);

(2) funds appropriated for Construction, Major Projects for a fiscal year before fiscal year 1994 that remain available for obligation; and

(3) funds appropriated for Construction, Major Projects for fiscal year 1994 for a category of activity not specific to a project.

SEC. 3. INCREASE IN AMOUNT OF FACILITY PROJECT THRESHOLD.

(a) Section 8104(a)(3)(A) of title 38, United States Code, is amended by striking out "$2,000,000" and inserting in lieu thereof "$3,000,000".

(b) Section 8109(i)(2) of such title is amended by striking out "$2,000,000" and inserting in lieu thereof "$3,000,000".

SEC. 4. INCREASED TERM OF LEASE AUTHORITY RELATING TO PERSHING HALL, FRANCE.

Section 403(c)(1) of the Veterans' Benefits Programs Improvement Act of 1991 (36 U.S.C. 493) is amended by striking out "35 years" and inserting in lieu thereof "99 years".

Approved August 13, 1993.

LEGISLATIVE HISTORY—H.R. 2034 (S. 1079):

HOUSE REPORTS: No. 103-92 (Comm. on Veterans' Affairs).
SENATE REPORTS: No. 103-53 accompanying S. 1079 (Comm. on Veterans' Affairs).
CONGRESSIONAL RECORD, Vol. 139 (1993):
May 18, considered and passed House.
July 14, considered and passed Senate, amended.
Aug. 6, House concurred in Senate amendments with amendments. Senate concurred in House amendments.

Public Law 103-80
103d Congress

An Act

To clarify and revise the small business exemption from the nutrition labeling requirements of the Federal Food, Drug, and Cosmetic Act, and for other purposes.

Aug. 13, 1993
[H.R. 2900]

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

Nutrition Labeling and Education Act Amendments of 1993.
21 USC 301 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nutrition Labeling and Education Act Amendments of 1993".

21 USC 343 note.

SEC. 2. SMALL BUSINESS EXEMPTION.

(a) APPLICATION OF EXISTING EXEMPTION.—

(1) BEFORE MAY 8, 1995.—Before May 8, 1995, the exemption provided by section 403(q)(5)(D) of the Federal Food, Drug, and Cosmetic Act shall be available in accordance with the regulations of the Secretary of Health and Human Services published at 21 C.F.R. 101.9(j)(1)(i)(1993).

(2) AFTER MAY 8, 1995.—After May 8, 1995, the exemption provided by section 403(q)(5)(D) of the Federal Food, Drug, and Cosmetic Act shall only be available with respect to food when it is sold to consumers.

(b) NEW EXEMPTION.—Section 403(q)(5) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343(q)(5)) is amended by redesignating clauses (E) and (F) as clauses (F) and (G), respectively, and by adding after clause (D) the following:

"(E)(i) During the 12-month period for which an exemption from subparagraphs (1) and (2) is claimed pursuant to this subclause, the requirements of such subparagraphs shall not apply to any food product if—

"(I) the labeling for such product does not provide nutrition information or make a claim subject to paragraph (r),

"(II) the person who claims for such product an exemption from such subparagraphs employed fewer than an average of 100 full-time equivalent employees,

"(III) such person provided the notice described in subclause (iii), and

"(IV) in the case of a food product which was sold in the 12-month period preceding the period for which an exemption was claimed, fewer than 100,000 units of such product were sold in the United States during such preceding period, or in the case of a food product which was not sold in the 12-month period preceding the period for which such exemption is claimed, fewer than 100,000 units of such product are reasonably anticipated to be sold in the United States during the period for which such exemption is claimed.

"(ii) During the 12-month period after the applicable date referred to in this sentence, the requirements of subparagraphs (1) and (2) shall not apply to any food product which was first introduced into interstate commerce before May 8, 1994, if the labeling for such product does not provide nutrition information or make a claim subject to paragraph (r), if such person provided the notice described in subclause (iii), and if—

"(I) during the 12-month period preceding May 8, 1994, the person who claims for such product an exemption from such subparagraphs employed fewer than an average of 300 full-time equivalent employees and fewer than 600,000 units of such product were sold in the United States,

"(II) during the 12-month period preceding May 8, 1995, the person who claims for such product an exemption from such subparagraphs employed fewer than an average of 300 full-time equivalent employees and fewer than 400,000 units of such product were sold in the United States, or

"(III) during the 12-month period preceding May 8, 1996, the person who claims for such product an exemption from such subparagraphs employed fewer than an average of 200 full-time equivalent employees and fewer than 200,000 units of such product were sold in the United States.

"(iii) The notice referred to in subclauses (i) and (ii) shall be given to the Secretary prior to the beginning of the period during which the exemption under subclause (i) or (ii) is to be in effect, shall state that the person claiming such exemption for a food product has complied with the applicable requirements of subclause (i) or (ii), and shall—

"(I) state the average number of full-time equivalent employees such person employed during the 12 months preceding the date such person claims such exemption,

"(II) state the approximate number of units the person claiming the exemption sold in the United States,

"(III) if the exemption is claimed for a food product which was sold in the 12-month period preceding the period for which the exemption was claimed, state the approximate number of units of such product which were sold in the United States during such preceding period, and, if the exemption is claimed for a food product which was not sold in such preceding period, state the number of units of such product which such person reasonably anticipates will be sold in the United States during the period for which the exemption was claimed, and

"(IV) contain such information as the Secretary may require to verify the information required by the preceding provisions of this subclause if the Secretary has questioned the validity of such information.

If a person is not an importer, has fewer than 10 full-time equivalent employees, and sells fewer than 10,000 units of any food product in any year, such person is not required to file a notice for such product under this subclause for such year.

"(iv) In the case of a person who claimed an exemption under subclause (i) or (ii), if, during the period of such exemption, the number of full-time equivalent employees of such person exceeds the number in such subclause or if the number of food products sold in the United States exceeds the number in such subclause, such exemption shall extend to the expiration of 18 months after

the date the number of full-time equivalent employees or food products sold exceeded the applicable number.

"(v) For any food product first introduced into interstate commerce after May 8, 2002, the Secretary may by regulation lower the employee or units of food products requirement of subclause (i) if the Secretary determines that the cost of compliance with such lower requirement will not place an undue burden on persons subject to such lower requirement.

"(vi) For purposes of subclauses (i), (ii), (iii), (iv), and (v)—

"(I) the term 'unit' means the packaging or, if there is no packaging, the form in which a food product is offered for sale to consumers,

"(II) the term 'food product' means food in any sized package which is manufactured by a single manufacturer or which bears the same brand name, which bears the same statement of identity, and which has similar preparation methods, and

"(III) the term 'person' in the case of a corporation includes all domestic and foreign affiliates of the corporation.".

SEC. 3. TECHNICAL AMENDMENTS TO FEDERAL FOOD, DRUG, AND COSMETIC ACT.

(a) REFERENCE.—Whenever in this section an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Food, Drug, and Cosmetic Act.

(b) SECTION 201.—Paragraphs (w), (x), (y), (z), (aa), (bb), (cc), (dd), (ee), and (ff) of section 201 (21 U.S.C 321) are redesignated as paragraphs (v), (w), (x), (y), (z), (aa), (bb), (cc), (dd), and (ee) respectively.

(c) SECTION 301.—Section 301 (21 U.S.C. 331) is amended—

(1) in subsection (j), by striking out "721, or 708" and inserting in lieu thereof "708, or 721"; and

(2) in subsection (s), by striking out "412(d)" and inserting in lieu thereof "412(e)".

(d) SECTION 302.—Section 302 (21 U.S.C. 332) is amended—

(1) in subsection (a), by striking out ", and subject to" and all that follows through "381),", and

(2) in subsection (b), by striking out the second sentence.

(e) SECTION 303.—Section 303 (21 U.S.C. 333) is amended by redesignating the second subsection (e) and subsection (f) as subsections (f) and (g), respectively.

(f) SECTION 304.—Section 304 (21 U.S.C. 334) is amended—

(1) in subsection (a)(1), by striking out ": *Provided, however,* That no" and inserting in lieu thereof a period and "No", and

(2) in subsection (d)(1)—

(A) by striking out ": *Provided,* That after" and inserting in lieu thereof a period and "After",

(B) by striking out ": *Provided, however,* That the" and inserting in lieu thereof a period and "The",

(C) by striking out ": *And provided further,* That where" and inserting in lieu thereof a period and "Where", and

(D) by striking out "the foregoing proviso" and inserting in lieu thereof "the preceding sentence".

21 USC 335b.

(g) SECTION 307.—Section 307(b)(3)(A) (21 U.S.C. 337(b)(3)(A)) is amended by striking out "Act" and inserting in lieu thereof "section".

(h) SECTION 401.—Section 401 (21 U.S.C. 341) is amended by striking out "and/or reasonable standards of fill of container: *Provided,* That no" and inserting in lieu thereof "or reasonable standards of fill of container. No".

(i) SECTION 402.—Section 402 (21 U.S.C. 342) is amended—

(1) by striking out "; or" at the end of subparagraphs (1) and (2) of paragraph (a) and inserting in lieu thereof a period and by striking out "if it" at the beginning of subparagraph (3) of such paragraph and inserting in lieu thereof "If it",

(2) in paragraph (d)(1), by striking out ": *Provided,* That this clause" and inserting in lieu thereof ", except that this subparagraph", and

(3) in paragraph (d)(3), by striking out ": *Provided,* That this clause" and inserting in lieu thereof ", except that this subparagraph" and by striking out ": *And provided further,* That the Secretary may, for the purpose of avoiding or resolving uncertainty as to the application of this clause" and inserting in lieu thereof ", except that the Secretary may, for the purpose of avoiding or resolving uncertainty as to the application of this subparagraph".

(j) SECTION 403.—Section 403 (21 U.S.C. 343) is amended—

(1) in paragraph (e), by striking out ": *Provided,* That" and inserting in lieu thereof ", except that",

(2) in paragraph (i), by striking out ", other than those sold as such" and inserting in lieu thereof "unless sold as spices, flavorings, or such colors" and by striking out ": *Provided,* That, to the extent" and inserting in lieu thereof a period and "To the extent",

(3) in paragraph (k), by striking out ": *Provided,* That" and inserting in lieu thereof ", except that",

(4) in paragraph (l), by striking out ": *Provided, however,* That" and inserting in lieu thereof ", except that",

(5) in paragraph (r)(1)(B), by striking out "5(D)" and inserting in lieu thereof "(5)(D)", and

(6) in paragraph (r)(4)(B), by striking out "subsection" and inserting in lieu thereof "paragraph".

(k) SECTION 408.—Section 408 (21 U.S.C. 346a) is amended—

(1) in subsection (a)(1), by striking out "Secretary of Health and Human Services" and inserting in lieu thereof "Administrator of the Environmental Protection Agency (hereinafter in this section referred to as the 'Administrator')",

(2) in subsection (d)(5), by striking out "section 7(c) of the Administrative Procedure Act (5 U.S.C., sec. 1006(c))" and inserting in lieu thereof "section 556(c) of title 5, United States Code",

(3) in subsection (l), by striking out "It the event" and inserting in lieu thereof "In the event",

(4) in subsection (n), by striking out "of the Federal Food, Drug, and Cosmetic Act",

(5) in subsection (o), by striking out "Secretary of Health and Human Services" each place it occurs and inserting in lieu thereof "Administrator", and

(6) by striking out "Secretary" each place it occurs except when followed by "of Agriculture" and inserting in lieu thereof "Administrator".

(l) SECTION 412.—Section 412(h) (21 U.S.C. 350a(h)) is amended by striking out "(c)(1)(B)," and inserting in lieu thereof "(e)(1)(B)".

(m) SECTION 502.—Section 502 (21 U.S.C. 352) is amended—

(1) in paragraph (e)(3), by striking out ": *Provided further,* That" and inserting in lieu thereof ", except that",

(2) in paragraph (f), by striking out ": *Provided,* That" and inserting in lieu thereof ", except that",

(3) in paragraph (g), by striking out ": *Provided,* That the method" and inserting in lieu thereof a period and "The method" and by striking out ": *Provided further,* That," and inserting in lieu thereof ", except that", and

(4) in paragraph (n), by striking out ": *Provided,* That" and inserting in lieu thereof ", except that".

(n) SECTION 505.—Section 505 (21 U.S.C. 355) is amended—

(1) in subsection (j)(6)(A)—

(A) by striking out "Secretry" in clause (ii) and inserting in lieu thereof "Secretary", and

(B) by inserting a comma after "Secretary" the first time it appears in clause (iii).

(2) in subsection (k)(1), by striking out ": *Provided, however,* That regulations" and inserting in lieu thereof a period and "Regulations".

(o) SECTION 506.—Section 506(a) (21 U.S.C. 356(a)) is amended by striking out "Federal Security Administrator" and "Administrator" each place it appears and inserting in lieu thereof "Secretary".

(p) SECTION 507.—Section 507 (21 U.S.C. 357) is amended—

(1) in subsection (a), by striking out "Federal Security Administrator" and "Administrator" each place it appears and inserting in lieu thereof "Secretary",

(2) in subsection (e)—

(A) by striking out "section 507" each place it occurs and inserting in lieu thereof "this section",

(B) by striking out "or 507" and inserting in lieu thereof "or this section", and

(C) by striking out ": *Provided,* That, for purposes" and inserting in lieu thereof a period and "For purposes",

(3) in subsection (g)(1), by striking out ": *Provided, however,* That regulations" and inserting in lieu thereof a period and "Regulations", and

(4) in subsection (h), by striking out "507".

(q) SECTION 508.—Subsections (c) and (e) of section 508 (21 U.S.C. 358) are each amended by striking out "section 4 of the Administrative Procedure Act (5 U.S.C. 1003)" and inserting in lieu thereof "section 553 of title 5, United States Code".

(r) SECTION 512.—Section 512 (21 U.S.C. 360b) is amended—

(1) in subsection (c)(2)(A)(ii), by inserting "in" after "provided",

(2) in subsection (c)(2)(F)(i), by striking out "(C)(iii)" and inserting in lieu thereof "(D)(iii)",

(3) in subsection (c)(2)(H), by striking out "subclause" the first time it appears and inserting in lieu thereof "subclauses",

(4) in subsection (d)(1), by striking out "subparagraphs (A) through (G)" and inserting in lieu thereof "subparagraphs (A) through (I)", and

(5) in subsection (n)(1)—

(A) by striking out "201(w)" in subparagraphs (B)(ii)(II) and (C)(ii)(I) and inserting in lieu thereof "201(v)", and

(B) by striking out in the last sentence "(H)" and inserting in lieu thereof "(I)".

(s) SECTION 513.—Section 513(b)(3) (21 U.S.C 360c(b)(3)) is amended by striking out "5703(b)" and inserting in lieu thereof "5703".

(t) SECTION 515.—Section 515(c)(2)(A) (21 U.S.C. 360e(c)(2)(A)) is amended by striking out "refer such application".

(u) SECTION 519.—Section 519(a) (21 U.S.C. 360i(a)) is amended by striking out "paragraph (4)" and inserting in lieu thereof "paragraph (7)".

(v) SECTION 527.—Section 527(b) (21 U.S.C. 360cc(b)) is amended—

(1) by striking out "507,," and inserting in lieu thereof "507,", and

(2) in paragraph (1), by striking out "The" and inserting in lieu thereof "the".

(w) SECTION 534.—Section 534(f)(2) (21 U.S.C. 360kk) is amended by striking out "this Act" and inserting in lieu thereof "the Public Health Service Act".

(x) SECTION 601.—Section 601(a) (21 U.S.C. 361) is amended by striking out ": *Provided,* That this" and inserting in lieu thereof ", except that this".

(y) SECTION 701.—Section 701 (21 U.S.C. 371) is amended—

(1) in subsection (e)(1), by striking out the period after "Regulations)" the second time it occurs, and

(2) in subsection (f)(4), by striking out "sections 239 and 240 of the Judicial Code, as amended" and inserting in lieu thereof "section 1254 of title 28, United States Code".

(z) SECTION 703.—Section 703 (21 U.S.C. 373) is amended—

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

(2) by striking out ": *Provided further,* That" and inserting in lieu thereof ", and except that".

(aa) SECTION 704.—Section 704(a)(1) (21 U.S.C. 374(a)(1)) is amended—

(1) by striking out the semicolon after "materials" and inserting in lieu thereof a comma, and

(2) by striking out "(j)" the first time it appears and inserting in lieu thereof "(k)".

(bb) SECTION 721.—Section 721(b)(5)(D) (21 U.S.C. 379e(b)(5)(D)) is amended by striking out "5703(b)" and inserting in lieu thereof "5703".

(cc) SECTION 801.—Section 801(b) (21 U.S.C. 381(b)) is amended—

(1) by striking out "Administrator" the first time it occurs and inserting in lieu thereof "Secretary of Health and Human Services",

(2) by striking out "Administrator" the second and third time it occurs and inserting in lieu thereof "Secretary",

(3) by striking out "Administrator's" and inserting in lieu thereof "Secretary's", and

(4) by striking out "Federal Security Agency" and inserting in lieu thereof "Department of Health and Human Services".

(dd) AGRICULTURE.—

(1) Sections 201(c), 201(d), 701(b), and 801(a) (21 U.S.C. 321(c), 321(d), 371(b), and 381(a) are each amended by striking out "Agriculture" each place it appears and inserting in lieu thereof "Health and Human Services".

(2) Sections 702(c) and 706 (21 U.S.C. 372(c) and 376) are each amended by striking out "of Agriculture" each place it appears.

SEC. 4. TECHNICAL AMENDMENTS TO AMENDATORY ACTS.

(a) SAFE MEDICAL DEVICES ACT OF 1990.—

(1) Section 18(b) of the Safe Medical Devices Act of 1990 (Public Law 101–629) is amended by striking out "(b)(4)(B)" and inserting in lieu thereof "(b)", and 21 USC 360d.

(2) Section 19(a)(4) of the Safe Medical Devices Act of 1990 (Public Law 101–629) is amended— 21 USC 360hh–360ss; 42 USC 263b.

(A) by striking out "as amended by paragraphs (1) and (2)" and inserting in lieu thereof "as amended by paragraphs (1), (2), and (3)",

(B) by striking out "530" and inserting in lieu thereof "531", and

(C) by striking out "354" and inserting in lieu thereof "355".

(b) MEDICAL DEVICE AMENDMENTS OF 1992.—Section 6(a) of the Medical Device Amendments of 1992 (Public Law 102–300) is amended by inserting "wherever appearing" after " 'any of its principal' ". 21 USC 321.

(c) NUTRITION LABELING AND EDUCATION ACT OF 1990.—Section 8 of the Nutrition Labeling and Education Act of 1990 is amended by striking the period at the end and inserting close quotation marks and a period. 21 USC 371.

Approved August 13, 1993.

LEGISLATIVE HISTORY—H.R. 2900:

CONGRESSIONAL RECORD, Vol. 139 (1993):
Aug. 6, considered and passed House and Senate.

Public Law 103-81
103d Congress

An Act

Aug. 13, 1993
[S. 1274]

To reduce the subsidy cost for the Guaranteed Business Loan Program of the Small Business Administration, and for other purposes.

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

Small Business Guaranteed Credit Enhancement Act of 1993.
15 USC 631 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Small Business Guaranteed Credit Enhancement Act of 1993".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. General authorizations.
Sec. 3. Authority to impose secondary market fees.
Sec. 4. Penalties.
Sec. 5. Authority to reduce loan guarantee percentages.
Sec. 6. Study and report.
Sec. 7. Repealer.
Sec. 8. Microloan program amendments.
Sec. 9. Small Business Development Center Program.
Sec. 10. White House Conference on Small Business.
Sec. 11. National Women's Business Council.

SEC. 2. GENERAL AUTHORIZATIONS.

Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended—

(1) in subsection (g)(2) by striking "$7,030,000,000" and by inserting in lieu thereof "$7,155,000,000";

(2) in subsection (g)(2) by striking "$775,000,000" and by inserting in lieu thereof "$900,000,000";

(3) in subsection (i)(2) by striking "$8,083,000,000" and by inserting in lieu thereof "$8,458,000,000"; and

(4) in subsection (i)(2) by striking "$825,000,000" and by inserting in lieu thereof "$1,200,000,000".

SEC. 3. AUTHORITY TO IMPOSE SECONDARY MARKET FEES.

(a) ADDITIONAL GUARANTEE FEES.—Section 5(g) of the Small Business Act (15 U.S.C. 634) is amended by striking paragraph (4) and by inserting in lieu thereof the following:

"(4)(A) The Administration may collect the following fees for loan guarantees sold into the secondary market pursuant to the provisions of subsection (f): an amount equal to (A)

not more than 4/10 of one percent per year of the outstanding principal amount of the portion of such loan guaranteed by the Administration, and (B) not more than 50 percent of the portion of the sale price which is in excess of 110 percent of the outstanding principal amount of the portion of such loan guaranteed by the Administration. Any such fees imposed by the Administration shall be collected by the Administration or by the agent which carries out on behalf of the Administration the central registration functions required by subsection (h) of this section and shall be paid to the Administration and used solely to reduce the subsidy on loans guaranteed under section 7(a) of this Act: *Provided,* That such fees shall not be charged to the borrower whose loan is guaranteed: and, *Provided further,* That nothing herein shall preclude any agent of the Administration from collecting a fee approved by the Administration for the functions described in subsection (h)(2).

"(B) The Administration is authorized to impose and collect, either directly or through a fiscal and transfer agent, a reasonable penalty on late payments of the fee authorized under subparagraph (A) in an amount not to exceed 5 percent of such fee per month plus interest.".

(b) Any new fees imposed by the Administration pursuant to the authority conferred by subsection (a) shall be applicable only to loans initially sold in the secondary market pursuant to the provisions of section 5(f) of the Small Business Act after August 31, 1993. 15 USC 634 note.

SEC. 4. PENALTIES.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following new paragraph:

"(22) The Administration is authorized to permit participating lenders to impose and collect a reasonable penalty fee on late payments of loans guaranteed under this subsection in an amount not to exceed 5 percent of the monthly loan payment per month plus interest.".

SEC. 5. AUTHORITY TO REDUCE LOAN GUARANTEE PERCENTAGES.

(a) GUARANTEE PERCENTAGES.—Section 7(a)(2) of the Small Business Act (15 U.S.C. 636) is amended—

(1) by striking from the end of clause (B)(i) the word "and" and by redesignating clause (B)(ii) as (B)(iv) and by inserting the following after clause (B)(i):

"(ii) not less than 75 percent of the financing outstanding at the time of disbursement, if such financing is more than $155,000 and the period of maturity of such financing is more than 10 years, except that the participation by the Administration may be reduced below 75 percent upon request of the participating lender;

"(iii) not less than 85 percent of the financing outstanding at the time of disbursement, if such financing is more than $155,000 and the period of maturity of such financing is 10 years or less, except that the participation by the Administration may be reduced below 85 percent upon request of the participating lender; and";

(2) by striking the words "85 percent under subparagraph (B)" and by inserting in lieu thereof the following: "the above specified percentums";

(3) by striking from paragraph (B) the words "not less than 80 percent, except upon" and by inserting in lieu thereof the following: "not less than 70 percent, unless a lesser percent is required by clause (B)(ii) or upon the"; and

(4) by inserting after the third sentence the following: "The maximum interest rate for a loan guaranteed under the Preferred Lenders Program shall not exceed the maximum interest rate, as determined by the Administration, which is made applicable to other loan guarantees under section 7(a).".

Effective date.
15 USC 636 note.

(b) APPLICATION.—Notwithstanding any other provision of law, the amendments made by subsection (a) shall be effective September 1, 1993, but shall not be applicable to loan guarantee applications received by the Administration prior to August 21, 1993. In order to determine the percent of the loan to be guaranteed pursuant to the amendments made by subsection (a), the Administration shall aggregate the outstanding guaranteed principal of multiple loan guarantees issued on behalf of the same borrower.

15 USC 634 note.

SEC. 6. STUDY AND REPORT.

The Administration shall study, monitor and evaluate the impact of the amendments made by sections 3 and 5 of this Act on the ability of small business concerns and small business concerns owned and controlled by minorities and women, to obtain financing and the impact of such sections on the effectiveness, viability and growth of the secondary market authorized by section 5(f) of the Small Business Act. Not later than 16 months after the date of enactment, and annually thereafter, the Administration shall submit to the Committees on Small Business of the Senate and the House of Representatives a report containing the Administration's findings and recommendations on such impact, specifically including changes in the interest rates on financings provided to small business concerns and small business concerns owned and controlled by minorities and women, through the use of the secondary market. The Administration shall segregate such findings and recommendations in the study according to the ethnic and gender components in these categories. Solely for the purposes of the study authorized herein, the term "small business concerns owned and controlled by minorities", includes businesses owned and controlled by individuals belonging to one of the designated groups listed in section 8(d)(3)(C) of the Small Business Act.

Effective date.
15 USC 634 note.

SEC. 7. REPEALER.

Sections 3 and 5 of this Act are hereby repealed on September 30, 1996.

SEC. 8. MICROLOAN PROGRAM AMENDMENTS.

Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) is amended—

(1) in paragraph (1)(B)(iii), by striking "$15,000" and inserting "$25,000";

(2) in paragraph (5)(A), by striking "6 grants" and inserting "25 grants for terms of up to 5 years"; and

(3) in paragraph (9)(B) by striking "3 percent" and inserting "7 percent".

SEC. 9. SMALL BUSINESS DEVELOPMENT CENTER PROGRAM.

(a) CLEARINGHOUSE.—Section 21(c)(7) of the Small Business Act (15 U.S.C. 648) is amended by striking "system which will" and by inserting in lieu thereof the following: "system. Subject to amounts approved in advance in appropriations Acts, the Administration may make grants or enter cooperative agreements with one or more centers to carry out the provisions of this paragraph. Said grants or cooperative agreements shall be awarded for periods of no more than five years duration. The matching funds provisions of subsection (a) shall not be applicable to grants or cooperative agreements under this paragraph. The system shall".

(b) AUTHORIZATION.—Section 25(i) of the Small Business Act (15 U.S.C. 652) is amended by striking "$8,000,000 for fiscal year 1993" and by inserting in lieu thereof "$2,000,000 for each of fiscal years 1993 and 1994".

(c) REGULATIONS.—Section 223 of the Small Business Credit and Business Opportunity Enhancement Act of 1992 (15 U.S.C. 631 note) is amended by striking the last sentence of subsection (b). 15 USC 648 note.

SEC. 10. WHITE HOUSE CONFERENCE ON SMALL BUSINESS.

The White House Conference on Small Business Authorization Act (15 U.S.C. 631 note) is amended—

(1) in section 2 by striking from subsection (a) "not earlier than January 1, 1994, and not later than April 1, 1994" and by inserting in lieu thereof "not earlier than May 1, 1995, and not later than September 30, 1995";

(2) in section 2 by striking from subsection (a) "December 1, 1992" and by inserting in lieu thereof "March 1, 1994"; and

(3) in section 5 by striking the second sentence of subsection (a) and by inserting in lieu thereof the following: "Subsequent to the date of enactment of this Act, but not later than 30 days after the date of enactment of this Act, the President shall select and appoint eleven individuals to the Commission.". President.

SEC. 11. NATIONAL WOMEN'S BUSINESS COUNCIL.

Section 407 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended to read as follows:

"SEC. 407. AUTHORIZATION.

"(a) IN GENERAL.—There are authorized to be appropriated to carry out this title—

"(1) $500,000 for fiscal year 1993; and

"(2) $500,000 for fiscal year 1994.

"(b) LIMITATION ON AUTHORITY.—New spending authority or authority to enter into contracts as authorized in this Act shall be effective only to such extent and in such amounts as are provided in advance in appropriation Acts.

Termination date.

"(c) SUNSET.—This section shall cease to be effective on November 30, 1995.".

Approved August 13, 1993.

LEGISLATIVE HISTORY—S. 1274 (H.R. 2766):

CONGRESSIONAL RECORD, Vol. 139 (1993):
July 30, considered and passed Senate.
Aug. 2, H.R. 2766 considered and passed House.
Aug. 4, S. 1274 considered and passed House, amended.
Aug. 5, Senate concurred in House amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 29 (1993):
Aug. 13, Presidential statement.

Public Law 103-82
103d Congress

An Act

To amend the National and Community Service Act of 1990 to establish a Corporation for National Service, enhance opportunities for national service, and provide national service educational awards to persons participating in such service, and for other purposes.

Sept. 21, 1993
[H.R. 2010]

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

National and Community Service Trust Act of 1993. Intergovernmental relations. Children and youth. 42 USC 12501 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National and Community Service Trust Act of 1993".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purpose.

TITLE I—PROGRAMS AND RELATED PROVISIONS

Subtitle A—Programs

Sec. 101. Federal investment in support of national service.
Sec. 102. National Service Trust and provision of national service educational awards.
Sec. 103. School-based and community-based service-learning programs.
Sec. 104. Quality and innovation activities.
Sec. 105. Public Lands Corps.
Sec. 106. Urban Youth Corps.

Subtitle B—Related Provisions

Sec. 111. Definitions.
Sec. 112. Authority to make State grants.
Sec. 113. Family and medical leave.
Sec. 114. Reports.
Sec. 115. Nondiscrimination.
Sec. 116. Notice, hearing, and grievance procedures.
Sec. 117. Nondisplacement.
Sec. 118. Evaluation.
Sec. 119. Engagement of participants.
Sec. 120. Contingent extension.
Sec. 121. Audits.
Sec. 122. Repeals.
Sec. 123. Effective date.

TITLE II—ORGANIZATION

Sec. 201. State Commissions on National and Community Service.
Sec. 202. Interim authorities of the Corporation for National and Community Service and ACTION Agency.
Sec. 203. Final authorities of the Corporation for National and Community Service.
Sec. 204. Business plan.
Sec. 205. Actions under the national service laws to be subject to the availability of appropriations.

TITLE III—REAUTHORIZATION

Subtitle A—National and Community Service Act of 1990

Sec. 301. Authorization of appropriations.

Subtitle B—Domestic Volunteer Service Act of 1973

Sec. 311. Short title; references.

CHAPTER 1—VISTA AND OTHER ANTI-POVERTY PROGRAMS

Sec. 321. Purpose of the VISTA program.
Sec. 322. Assistant director for VISTA program.
Sec. 323. Selection and assignment of VISTA volunteers.
Sec. 324. Terms and periods of service.
Sec. 325. Support for VISTA volunteers.
Sec. 326. Participation of younger and older persons.
Sec. 327. Literacy activities.
Sec. 328. Applications for assistance.
Sec. 329. Repeal of authority for student community service programs.
Sec. 330. University Year for VISTA.
Sec. 331. Authority to establish and operate special volunteer and demonstration programs.
Sec. 332. Technical and financial assistance.
Sec. 333. Elimination of separate authority for drug abuse programs.

CHAPTER 2—NATIONAL SENIOR VOLUNTEER CORPS

Sec. 341. National Senior Volunteer Corps.
Sec. 342. The Retired and Senior Volunteer Program.
Sec. 343. Operation of the Retired and Senior Volunteer Program.
Sec. 344. Services under the Foster Grandparent Program.
Sec. 345. Stipends for low-income volunteers.
Sec. 346. Conditions of grants and contracts.
Sec. 347. Evaluation of the Senior Companion Program.
Sec. 348. Agreements with other Federal agencies.
Sec. 349. Programs of national significance.
Sec. 350. Adjustments to Federal financial assistance.
Sec. 351. Demonstration programs.

CHAPTER 3—ADMINISTRATION

Sec. 361. Purpose of agency.
Sec. 362. Authority of the Director.
Sec. 363. Political activities.
Sec. 364. Compensation for volunteers.
Sec. 365. Repeal of report.
Sec. 366. Application of Federal law.
Sec. 367. Nondiscrimination provisions.
Sec. 368. Elimination of separate requirements for setting regulations.
Sec. 369. Clarification of role of Inspector General.
Sec. 370. Copyright protection.
Sec. 371. Deposit requirement credit for service as a volunteer.

CHAPTER 4—AUTHORIZATION OF APPROPRIATIONS AND OTHER AMENDMENTS

Sec. 381. Authorization of appropriations for title I.
Sec. 382. Authorization of appropriations for title II.
Sec. 383. Authorization of appropriations for title IV.
Sec. 384. Conforming amendments; compensation for VISTA FECA claimants.
Sec. 385. Repeal of authority.

CHAPTER 5—GENERAL PROVISIONS

Sec. 391. Technical and conforming amendments.
Sec. 392. Effective date.

TITLE IV—TECHNICAL AND CONFORMING AMENDMENTS

Sec. 401. Definitions.
Sec. 402. References to the Commission on National and Community Service.
Sec. 403. References to Directors of the Commission on National and Community Service.
Sec. 404. Definition of Director.
Sec. 405. References to ACTION and the ACTION Agency.
Sec. 406. Effective date.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Compliance with Buy American Act.
Sec. 502. Sense of Congress; requirement regarding notice.
Sec. 503. Prohibition of contracts with persons falsely labeling products as made in America.

SEC. 2. FINDINGS AND PURPOSE.

(a) IN GENERAL.—Section 2 of the National and Community Service Act of 1990 (42 U.S.C. 12501) is amended to read as follows:

"SEC. 2. FINDINGS AND PURPOSE.

"(a) FINDINGS.—The Congress finds the following:

"(1) Throughout the United States, there are pressing unmet human, educational, environmental, and public safety needs.

"(2) Americans desire to affirm common responsibilities and shared values, and join together in positive experiences, that transcend race, religion, gender, age, disability, region, income, and education.

"(3) The rising costs of postsecondary education are putting higher education out of reach for an increasing number of citizens.

"(4) Americans of all ages can improve their communities and become better citizens through service to the United States.

"(5) Nonprofit organizations, local governments, States, and the Federal Government are already supporting a wide variety of national service programs that deliver needed services in a cost-effective manner.

"(6) Residents of low-income communities, especially youth and young adults, can be empowered through their service, and can help provide future community leadership.

"(b) PURPOSE.—It is the purpose of this Act to—

"(1) meet the unmet human, educational, environmental, and public safety needs of the United States, without displacing existing workers;

"(2) renew the ethic of civic responsibility and the spirit of community throughout the United States;

"(3) expand educational opportunity by rewarding individuals who participate in national service with an increased ability to pursue higher education or job training;

"(4) encourage citizens of the United States, regardless of age, income, or disability, to engage in full-time or part-time national service;

"(5) reinvent government to eliminate duplication, support locally established initiatives, require measurable goals for performance, and offer flexibility in meeting those goals;

"(6) expand and strengthen existing service programs with demonstrated experience in providing structured service opportunities with visible benefits to the participants and community;

"(7) build on the existing organizational service infrastructure of Federal, State, and local programs and agencies to expand full-time and part-time service opportunities for all citizens; and

"(8) provide tangible benefits to the communities in which national service is performed.".

(b) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101–610; 104 Stat. 3127) is amended by striking the item relating to section 2 and inserting the following new item:

"Sec. 2. Findings and purpose.".

TITLE I—PROGRAMS AND RELATED PROVISIONS

Subtitle A—Programs

SEC. 101. FEDERAL INVESTMENT IN SUPPORT OF NATIONAL SERVICE.

(a) TRANSFER OF EXISTING SUBTITLE.—Title I of the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.) is amended—

(1) by redesignating subtitle C (42 U.S.C. 12541 et seq.) as subtitle I;

42 USC 12541–12555, 12655–12655n.

(2) by inserting subtitle I (as redesignated by paragraph (1) of this subsection) after subtitle H; and

(3) by redesignating sections 120 through 136 as sections 199 through 199O, respectively.

(b) ASSISTANCE PROGRAM AUTHORIZED.—Title I of the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.) is amended by inserting after subtitle B the following new subtitle:

"Subtitle C—National Service Trust Program

"PART I—INVESTMENT IN NATIONAL SERVICE

42 USC 12571.

"SEC. 121. AUTHORITY TO PROVIDE ASSISTANCE AND APPROVED NATIONAL SERVICE POSITIONS.

"(a) PROVISION OF ASSISTANCE.—Subject to the availability of appropriations for this purpose, the Corporation for National and Community Service may make grants to States, subdivisions of States, Indian tribes, public or private nonprofit organizations, and institutions of higher education for the purpose of assisting the recipients of the grants—

"(1) to carry out full- or part-time national service programs, including summer programs, described in section 122(a); and

"(2) to make grants in support of other national service programs described in section 122(a) that are carried out by other entities.

"(b) AGREEMENTS WITH FEDERAL AGENCIES.—

"(1) AGREEMENTS AUTHORIZED.—The Corporation may enter into a contract or cooperative agreement with another Federal agency to support a national service program carried out by the agency. The support provided by the Corporation pursuant to the contract or cooperative agreement may include the transfer to the Federal agency of funds available to the Corporation under this subtitle.

"(2) MATCHING FUNDS REQUIREMENTS.—A Federal agency receiving assistance under this subsection shall not be required to satisfy the matching funds requirements specified in subsection (e). However, the supplementation requirements specified in section 173 shall apply with respect to the Federal national service programs supported with such assistance.

"(3) CONSULTATION WITH STATE COMMISSIONS.—A Federal agency receiving assistance under this subsection shall consult

with the State Commissions for those States in which projects will be conducted using such assistance in order to ensure that the projects do not duplicate projects conducted by State or local national service programs.

"(4) SUPPORT FOR OTHER NATIONAL SERVICE PROGRAMS.—A Federal agency that enters into a contract or cooperative agreement under paragraph (1) shall, in an appropriate case, enter into a contract or cooperative agreement with an entity that is carrying out a national service program in a State that is in existence in the State as of the date of the contract or cooperative agreement and is of high quality, in order to support the national service program.

"(c) PROVISION OF APPROVED NATIONAL SERVICE POSITIONS.—As part of the provision of assistance under subsections (a) and (b), the Corporation shall—

"(1) approve the provision of national service educational awards described in subtitle D for the participants who serve in national service programs carried out using such assistance; and

"(2) deposit in the National Service Trust established in section 145(a) an amount equal to the product of—

"(A) the value of a national service educational award under section 147; and

"(B) the total number of approved national service positions to be provided.

"(d) FIVE PERCENT LIMITATION ON ADMINISTRATIVE COSTS.—

"(1) LIMITATION.—Not more than 5 percent of the amount of assistance provided to the original recipient of a grant or transfer of assistance under subsection (a) or (b) for a fiscal year may be used to pay for administrative costs incurred by—

"(A) the recipient of the assistance; and

"(B) national service programs carried out or supported with the assistance.

"(2) RULES ON USE.—The Corporation may by rule prescribe the manner and extent to which—

"(A) assistance provided under subsection (a) or (b) may be used to cover administrative costs; and

"(B) that portion of the assistance available to cover administrative costs should be distributed between—

"(i) the original recipient of the grant or transfer of assistance under such subsection; and

"(ii) national service programs carried out or supported with the assistance.

"(e) MATCHING FUNDS REQUIREMENTS.—

"(1) REQUIREMENTS.—Except as provided in section 140, the Federal share of the cost of carrying out a national service program that receives the assistance under subsection (a), whether the assistance is provided directly or as a subgrant from the original recipient of the assistance, may not exceed 75 percent of such cost.

"(2) CALCULATION.—In providing for the remaining share of the cost of carrying out a national service program, the program—

"(A) shall provide for such share through a payment in cash or in kind, fairly evaluated, including facilities, equipment, or services; and

"(B) may provide for such share through State sources, local sources, or other Federal sources (other than the use of funds made available under the national service laws).

"(3) COST OF HEALTH CARE.—In providing a payment in cash under paragraph (2)(A) as part of providing for the remaining share of the cost of carrying out a national service program, the program may count not more than 85 percent of the cost of providing a health care policy described in section 140(d)(2) toward such share.

"(4) WAIVER.—The Corporation may waive in whole or in part the requirements of paragraph (1) with respect to a national service program in any fiscal year if the Corporation determines that such a waiver would be equitable due to a lack of available financial resources at the local level.

42 USC 12572.

"SEC. 122. TYPES OF NATIONAL SERVICE PROGRAMS ELIGIBLE FOR PROGRAM ASSISTANCE.

"(a) ELIGIBLE NATIONAL SERVICE PROGRAMS.—The recipient of a grant under section 121(a) and each Federal agency receiving assistance under section 121(b) shall use the assistance, directly or through subgrants to other entities, to carry out full- or part-time national service programs, including summer programs, that address unmet human, educational, environmental, or public safety needs. Subject to subsection (b)(1), these national service programs may include the following types of national service programs:

"(1) A community corps program that meets unmet human, educational, environmental, or public safety needs and promotes greater community unity through the use of organized teams of participants of varied social and economic backgrounds, skill levels, physical and developmental capabilities, ages, ethnic backgrounds, or genders.

"(2) A full-time, year-round youth corps program or full-time summer youth corps program, such as a conservation corps or youth service corps (including youth corps programs under subtitle I, the Public Lands Corps established under the Public Lands Corps Act of 1993, the Urban Youth Corps established under section 106 of the National and Community Service Trust Act of 1993, and other conservation corps or youth service corps that performs service on Federal or other public lands or on Indian lands or Hawaiian home lands), that—

"(A) undertakes meaningful service projects with visible public benefits, including natural resource, urban renovation, or human services projects;

"(B) includes as participants youths and young adults between the ages of 16 and 25, inclusive, including out-of-school youths and other disadvantaged youths (such as youths with limited basic skills, youths in foster care who are becoming too old for foster care, youths of limited-English proficiency, homeless youths, and youths who are individuals with disabilities) who are between those ages; and

"(C) provides those participants who are youths and young adults with—

"(i) crew-based, highly structured, and adult-supervised work experience, life skills, education, career

guidance and counseling, employment training, and support services; and

"(ii) the opportunity to develop citizenship values and skills through service to their community and the United States.

"(3) A program that provides specialized training to individuals in service-learning and places the individuals after such training in positions, including positions as service-learning coordinators, to facilitate service-learning in programs eligible for funding under part I of subtitle B.

"(4) A service program that is targeted at specific unmet human, educational, environmental, or public safety needs and that—

"(A) recruits individuals with special skills or provides specialized preservice training to enable participants to be placed individually or in teams in positions in which the participants can meet such unmet needs; and

"(B) if consistent with the purposes of the program, brings participants together for additional training and other activities designed to foster civic responsibility, increase the skills of participants, and improve the quality of the service provided.

"(5) An individualized placement program that includes regular group activities, such as leadership training and special service projects.

"(6) A campus-based program that is designed to provide substantial service in a community during the school term and during summer or other vacation periods through the use of—

"(A) students who are attending an institution of higher education, including students participating in a work-study program assisted under part C of title IV of the Higher Education Act of 1965 (42 U.S.C. 2751 et seq.);

"(B) teams composed of such students; or

"(C) teams composed of a combination of such students and community residents.

"(7) A preprofessional training program in which students enrolled in an institution of higher education—

"(A) receive training in specified fields, which may include classes containing service-learning;

"(B) perform service related to such training outside the classroom during the school term and during summer or other vacation periods; and

"(C) agree to provide service upon graduation to meet unmet human, educational, environmental, or public safety needs related to such training.

"(8) A professional corps program that recruits and places qualified participants in positions—

"(A) as teachers, nurses and other health care providers, police officers, early childhood development staff, engineers, or other professionals providing service to meet educational, human, environmental, or public safety needs in communities with an inadequate number of such professionals;

"(B) that may include a salary in excess of the maximum living allowance authorized in subsection (a)(3) of

section 140, as provided in subsection (c) of such section; and

"(C) that are sponsored by public or private nonprofit employers who agree to pay 100 percent of the salaries and benefits (other than any national service educational award under subtitle D) of the participants.

"(9) A program in which economically disadvantaged individuals who are between the ages of 16 and 24 years of age, inclusive, are provided with opportunities to perform service that, while enabling such individuals to obtain the education and employment skills necessary to achieve economic self-sufficiency, will help their communities meet—

"(A) the housing needs of low-income families and the homeless; and

"(B) the need for community facilities in low-income areas.

"(10) A national service entrepreneur program that identifies, recruits, and trains gifted young adults of all backgrounds and assists them in designing solutions to community problems.

"(11) An intergenerational program that combines students, out-of-school youths, and older adults as participants to provide needed community services, including an intergenerational component for other national service programs described in this subsection.

"(12) A program that is administered by a combination of nonprofit organizations located in a low-income area, provides a broad range of services to residents of such area, is governed by a board composed in significant part of low-income individuals, and is intended to provide opportunities for individuals or teams of individuals to engage in community projects in such area that meet unaddressed community and individual needs, including projects that would—

"(A) meet the needs of low-income children and youth aged 18 and younger, such as providing after-school 'safe-places', including schools, with opportunities for learning and recreation; or

"(B) be directed to other important unaddressed needs in such area.

"(13) A community service program designed to meet the needs of rural communities, using teams or individual placements to address the development needs of rural communities and to combat rural poverty, including health care, education, and job training.

"(14) A program that seeks to eliminate hunger in communities and rural areas through service in projects—

"(A) involving food banks, food pantries, and nonprofit organizations that provide food during emergencies;

"(B) involving the gleaning of prepared and unprepared food that would otherwise be discarded as unusable so that the usable portion of such food may be donated to food banks, food pantries, and other nonprofit organizations;

"(C) seeking to address the long-term causes of hunger through education and the delivery of appropriate services; or

"(D) providing training in basic health, nutrition, and life skills necessary to alleviate hunger in communities and rural areas.

"(15) Such other national service programs addressing unmet human, educational, environmental, or public safety needs as the Corporation may designate.

"(b) QUALIFICATION CRITERIA TO DETERMINE ELIGIBILITY.—

"(1) ESTABLISHMENT BY CORPORATION.—The Corporation shall establish qualification criteria for different types of national service programs for the purpose of determining whether a particular national service program should be considered to be a national service program eligible to receive assistance or approved national service positions under this subtitle.

"(2) CONSULTATION.—In establishing qualification criteria under paragraph (1), the Corporation shall consult with organizations and individuals with extensive experience in developing and administering effective national service programs or regarding the delivery of human, educational, environmental, or public safety services to communities or persons.

"(3) APPLICATION TO SUBGRANTS.—The qualification criteria established by the Corporation under paragraph (1) shall also be used by each recipient of assistance under section 121(a) that uses any portion of the assistance to conduct a grant program to support other national service programs.

"(4) ENCOURAGEMENT OF INTERGENERATIONAL COMPONENTS OF PROGRAMS.—The Corporation shall encourage national service programs eligible to receive assistance or approved national service positions under this subtitle to establish, if consistent with the purposes of the program, an intergenerational component of the program that combines students, out-of-school youths, and older adults as participants to provide services to address unmet human, educational, environmental, or public safety needs.

"(c) NATIONAL SERVICE PRIORITIES.—

"(1) ESTABLISHMENT.—

"(A) BY CORPORATION.—In order to concentrate national efforts on meeting certain unmet human, educational, environmental, or public safety needs and to achieve the other purposes of this Act, the Corporation shall establish, and after reviewing the strategic plan approved under section 192A(g)(1), periodically alter priorities as appropriate regarding the types of national service programs to be assisted under subsection (b) or (d) of section 129 and the purposes for which such assistance may be used.

"(B) BY STATES.—Consistent with paragraph (4), States shall establish, and through the national service plan process described in section 178(e)(1), periodically alter priorities as appropriate regarding the national service programs to be assisted under section 129(a)(1). The State priorities shall be subject to Corporation review as part of the application process under section 130.

"(2) NOTICE TO APPLICANTS.—The Corporation shall provide advance notice to potential applicants of any national service priorities to be in effect under this subsection for a fiscal year. The notice shall specifically include—

"(A) a description of any alteration made in the priorities since the previous notice; and

"(B) a description of the national service programs that are designated by the Corporation under section 133(d)(2) as eligible for priority consideration in the next competitive distribution of assistance under section 121(a).

"(3) REGULATIONS.—The Corporation shall by regulation establish procedures to ensure the equitable treatment of national service programs that—

"(A) receive funding under this subtitle for multiple years; and

"(B) would be adversely affected by annual revisions in such national service priorities.

"(4) APPLICATION TO SUBGRANTS.—Any national service priorities established by the Corporation under this subsection shall also be used by each recipient of funds under section 121(a) that uses any portion of the assistance to conduct a grant program to support other national service programs.

42 USC 12573.

"SEC. 123. TYPES OF NATIONAL SERVICE POSITIONS ELIGIBLE FOR APPROVAL FOR NATIONAL SERVICE EDUCATIONAL AWARDS.

"The Corporation may approve of any of the following service positions as an approved national service position that includes the national service educational award described in subtitle D as one of the benefits to be provided for successful service in the position:

"(1) A position for a participant in a national service program described in section 122(a) that receives assistance under subsection (a) or (b) of section 121.

"(2) A position for a participant in a program that—

"(A) is carried out by a State, a subdivision of a State, an Indian tribe, a public or private nonprofit organization, an institution of higher education, or a Federal agency; and

"(B) would be eligible to receive assistance under section 121(a), based on criteria established by the Corporation, but has not applied for such assistance.

"(3) A position involving service as a VISTA volunteer under title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.).

"(4) A position facilitating service-learning in a program described in section 122(a)(3) that is eligible for assistance under part I of subtitle B.

"(5) A position for a participant in the Civilian Community Corps under subtitle E.

"(6) A position involving service as a crew leader in a youth corps program or a similar position supporting a national service program that receives an approved national service position.

"(7) Such other national service positions as the Corporation considers to be appropriate.

42 USC 12574.

"SEC. 124. TYPES OF PROGRAM ASSISTANCE.

"(a) PLANNING ASSISTANCE.—The Corporation may provide assistance under section 121 to a qualified applicant that submits an application under section 130 for the planning of a national

service program. Assistance provided in accordance with this subsection may cover a period of not more than 1 year.

"(b) OPERATIONAL ASSISTANCE.—The Corporation may provide assistance under section 121 to a qualified applicant that submits an application under section 130 for the establishment, operation, or expansion of a national service program. Assistance provided in accordance with this subsection may cover a period of not more than 3 years, but may be renewed by the Corporation upon consideration of a new application under section 130.

"(c) REPLICATION ASSISTANCE.—The Corporation may provide assistance under section 121 to a qualified applicant that submits an application under section 130 for the expansion of a proven national service program to another geographical location. Assistance provided in accordance with this subsection may cover a period of not more than 3 years, but may be renewed by the Corporation upon consideration of a new application under section 130.

"(d) APPLICATION TO SUBGRANTS.—The requirements of this section shall apply to any State or other applicant receiving assistance under section 121 that proposes to conduct a grant program using the assistance to support other national service programs.

"SEC. 125. TRAINING AND TECHNICAL ASSISTANCE. 42 USC 12575.

"(a) TRAINING PROGRAMS.—The Corporation may conduct, directly or by grant or contract, appropriate training programs regarding national service in order to—

"(1) improve the ability of national service programs assisted under section 121 to meet human, educational, environmental, or public safety needs in communities—

"(A) where services are needed most; and

"(B) where programs do not exist, or are too limited to meet community needs, as of the date on which the Corporation makes the grant or enters into the contract;

"(2) promote leadership development in such programs;

"(3) improve the instructional and programmatic quality of such programs to build an ethic of civic responsibility;

"(4) develop the management and budgetary skills of program operators;

"(5) provide for or improve the training provided to the participants in such programs; and

"(6) encourage national service programs to adhere to risk management procedures, including the training of participants in appropriate risk management practices.

"(b) TECHNICAL ASSISTANCE.—To the extent appropriate and necessary, the Corporation shall make technical assistance available to States, Indian tribes, labor organizations, organizations operated by young adults, organizations serving economically disadvantaged individuals, and other entities described in section 121 that desire—

"(1) to develop national service programs; or

"(2) to apply for assistance under such section or under a grant program conducted using assistance provided under such section.

"SEC. 126. OTHER SPECIAL ASSISTANCE. 42 USC 12576.

"(a) SUPPORT FOR STATE COMMISSIONS.—

"(1) GRANTS AUTHORIZED.—From amounts appropriated for a fiscal year pursuant to the authorization of appropriation in section 501(a)(4), the Corporation may make a grant in an amount between $125,000 and $750,000 to a State to assist

the State to establish or operate the State Commission on National and Community Service required to be established by the State under section 178.

"(2) LIMITATION ON AMOUNT OF GRANTS.—Notwithstanding the amounts specified in paragraph (1), the amount of a grant that may be provided to a State Commission under this subsection, together with other Federal funds available to establish or operate the State Commission, may not exceed—

"(A) 85 percent of the total cost to establish or operate the State Commission for the first year for which the State Commission receives assistance under this subsection; and

"(B) such smaller percentage of such cost as the Corporation may establish for the second, third, and fourth years of such assistance in order to ensure that the Federal share does not exceed 50 percent of such costs for the fifth year, and any subsequent year, for which the State Commission receives assistance under this subsection.

"(b) DISASTER SERVICE.—The Corporation may undertake activities, including activities carried out through part A of title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.), to involve in disaster relief efforts youth corps programs described in section 122(a)(2) and other programs that receive assistance under the national service laws.

"(c) CHALLENGE GRANTS FOR NATIONAL SERVICE PROGRAMS.—

"(1) ASSISTANCE AUTHORIZED.—The Corporation may make challenge grants under this subsection to national service programs that receive assistance under section 121.

"(2) SELECTION CRITERIA.—The Corporation shall develop criteria for the selection of recipients of challenge grants under this subsection, so as to make the grants widely available to a variety of programs that—

"(A) are high-quality national service programs; and

"(B) are carried out by entities with demonstrated experience in establishing and implementing projects that provide benefits to participants and communities.

"(3) AMOUNT OF ASSISTANCE.—A challenge grant under this subsection may provide not more than $1 of assistance under this subsection for each $1 in cash raised by the national service program from private sources in excess of amounts required to be provided by the program to satisfy matching funds requirements under section 121(e). The Corporation shall establish a ceiling on the amount of assistance that may be provided to a national service program under this subsection.

"PART II—APPLICATION AND APPROVAL PROCESS

42 USC 12581.

"SEC. 129. PROVISION OF ASSISTANCE AND APPROVED NATIONAL SERVICE POSITIONS BY COMPETITIVE AND OTHER MEANS.

"(a) ALLOTMENTS OF ASSISTANCE AND APPROVED POSITIONS TO STATES AND INDIAN TRIBES.—

District of Columbia. Puerto Rico.

"(1) 33⅓ PERCENT ALLOTMENT OF ASSISTANCE TO CERTAIN STATES.—Of the funds allocated by the Corporation for provision of assistance under subsections (a) and (b) of section 121 for a fiscal year, the Corporation shall make a grant under section

121(a) (and a corresponding allotment of approved national service positions) to each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico that has an application approved by the Corporation under section 133. The amount allotted as a grant to each such State under this paragraph for a fiscal year shall be equal to the amount that bears the same ratio to 33⅓ percent of the allocated funds for that fiscal year as the population of the State bears to the total population of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

"(2) ONE PERCENT ALLOTMENT FOR CERTAIN TERRITORIES AND POSSESSIONS.—Of the funds allocated by the Corporation for provision of assistance under subsections (a) and (b) of section 121 for a fiscal year, the Corporation shall reserve 1 percent of the allocated funds for grants under section 121(a) to the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands upon approval of an application by the Corporation under section 133. Palau shall also be eligible for a grant under this paragraph from the allotment until such time as the Compact of Free Association with Palau is ratified. The amount allotted as a grant to each such territory or possession under this paragraph for a fiscal year shall be equal to the amount that bears the same ratio to 1 percent of the allocated funds for that fiscal year as the population of the territory or possession bears to the total population of such territories and possessions.

"(3) ONE PERCENT ALLOTMENT FOR INDIAN TRIBES.—Of the funds allocated by the Corporation for provision of assistance under subsections (a) and (b) of section 121 for a fiscal year, the Corporation shall reserve 1 percent of the allocated funds for grants under section 121(a) to Indian tribes, to be allotted by the Corporation on a competitive basis in accordance with their respective needs.

"(4) EFFECT OF FAILURE TO APPLY.—If a State or Indian tribe fails to apply for, or fails to give notice to the Corporation of its intent to apply for, an allotment under this subsection, the Corporation shall use the amount that would have been allotted under this subsection to the State or Indian tribe—

"(A) to make grants (and provide approved national service positions in connection with such grants) to other eligible entities under section 121 that propose to carry out national service programs in the State or on behalf of the Indian tribe; and

"(B) after making grants under subparagraph (A), to make a reallotment to other States and Indian tribes with approved applications under section 130.

"(b) RESERVATION OF APPROVED POSITIONS.—The Corporation shall ensure that each individual selected during a fiscal year for assignment as a VISTA volunteer under title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.) or as a participant in the Civilian Community Corps Demonstration Program under subtitle E shall receive the national service educational award described in subtitle D if the individual satisfies the eligibility requirements for the award. Funds for approved national service positions required by this paragraph for a fiscal year shall be deducted from the total funding for approved national service

positions to be available for distribution under subsections (a) and (d) for that fiscal year.

"(c) RESERVATION FOR SPECIAL ASSISTANCE.—From amounts appropriated for a fiscal year pursuant to the authorization of appropriation in section 501(a)(2), and subject to the limitation in such section, the Corporation may reserve such amount as the Corporation considers to be appropriate for the purpose of making assistance available under sections 125 and 126. The Corporation may not reserve more than $10,000,000 for a fiscal year for disaster service under subsection (b) of section 126 or challenge grants under subsection (c) of such section.

"(d) COMPETITIVE DISTRIBUTION OF REMAINING FUNDS.—

"(1) STATE COMPETITION.—Of the funds allocated by the Corporation for provision of assistance under subsections (a) and (b) of section 121 for a fiscal year, the Corporation shall use not less than 33⅓ percent of the allocated funds to make grants to States on a competitive basis under section 121(a).

"(2) FEDERAL AGENCIES AND OTHER APPLICANTS.—The Corporation shall distribute on a competitive basis to subdivisions of States, Indian tribes, public or private nonprofit organizations (including labor organizations), institutions of higher education, and Federal agencies the remainder of the funds allocated by the Corporation for provision of assistance under section 121 for a fiscal year, after operation of paragraph (1) and subsections (a) and (c).

"(3) LIMITATION ON DISTRIBUTION TO FEDERAL AGENCIES.—The Corporation may not provide more than ⅓ of the funds available for competitive distribution under paragraph (2) for a fiscal year to Federal agencies under section 121(b).

"(4) PRIORITY LIMITATIONS.—The Corporation may limit the categories of eligible applicants for assistance under paragraph (2) consistent with the priorities established by the Corporation under section 133(d)(2).

"(5) RESERVATION OF FUNDS FOR SUPPLEMENTAL AND OUTREACH GRANTS.—

"(A) RESERVATION.—From amounts appropriated for a fiscal year pursuant to the authorization of appropriation in section 501(a)(2), and subject to the limitation in such section, the Chief Executive Officer shall reserve an amount that is not less than 1 percent of such amounts (except that the amount reserved may not exceed $5,000,000), in order to make supplemental grants as provided in subparagraph (B) and outreach grants as provided in subparagraph (C). The amount reserved pursuant to this paragraph shall be available until expended.

"(B) GRANTS TO ASSIST ENTITIES IN PLACING APPLICANTS WHO ARE INDIVIDUALS WITH A DISABILITY.—

"(i) IN GENERAL.—The Chief Executive Officer shall make grants from a portion of the funds reserved under subparagraph (A) to entities that—

"(I) receive a grant to carry out a national service program under paragraph (1) or (2);

"(II) demonstrate that the entity has received a substantial number of applications for placement in the national service program of persons who are individuals with a disability and who require a reasonable accommodation (as defined in section

101(9) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111(9))), or auxiliary aids and services (as defined in section 3(1) of such Act (42 U.S.C. 12102(1))), in order to perform national service; and

"(III) demonstrate that additional funding would assist the national service program in placing a substantial number of such individuals with a disability as participants in projects carried out through the program.

"(ii) REQUIREMENTS.—Funds made available through such a supplemental grant under clause (i) shall be made available for the same purposes, and subject to the same requirements, as funds made available through a grant made under paragraph (1) or (2).

"(C) GRANTS FOR OUTREACH TO INDIVIDUALS WITH A DISABILITY.—

"(i) IN GENERAL.—From the portion of the funds reserved under subparagraph (A) that is not used to make grants under subparagraph (B), the Chief Executive Officer shall make grants to public or private nonprofit organizations to pay for the Federal share described in section 121(e) of—

"(I) providing information about the programs specified in section 193A(d)(10) to such individuals with a disability who desire to perform national service; and

"(II) enabling the individuals to participate in activities carried out through such programs, which may include assisting the placement of the individuals in approved national service positions.

"(ii) APPLICATION.—To be eligible to receive a grant under this subparagraph, an organization described in clause (i) shall submit an application to the Chief Executive Officer at such time, in such manner, and containing such information as the Chief Executive Officer may require.

"(e) APPLICATION REQUIRED.—The allotment of assistance and approved national service positions to a State or Indian tribe under subsection (a), and the competitive distribution of assistance under subsection (d), shall be made by the Corporation only pursuant to an application submitted by a State or other applicant under section 130 and approved by the Corporation under section 133.

"(f) APPROVAL OF POSITIONS SUBJECT TO AVAILABLE FUNDS.—The Corporation may not approve positions as approved national service positions under this subtitle for a fiscal year in excess of the number of such positions for which the Corporation has sufficient available funds in the National Service Trust for that fiscal year, taking into consideration funding needs for national service educational awards under subtitle D based on completed service. If appropriations are insufficient to provide the maximum allowable national service educational awards under subtitle D for all eligible participants, the Corporation is authorized to make necessary and reasonable adjustments to program rules.

"(g) SPONSORSHIP OF APPROVED NATIONAL SERVICE POSITIONS.—

"(1) SPONSORSHIP AUTHORIZED.—The Corporation may enter into agreements with persons or entities who offer to sponsor national service positions for which the person or entity will be responsible for supplying the funds necessary to provide a national service educational award. The distribution of these approved national service positions shall be made pursuant to the agreement, and the creation of these positions shall not be taken into consideration in determining the number of approved national service positions to be available for distribution under this section.

"(2) DEPOSIT OF CONTRIBUTION.—Funds provided pursuant to an agreement under paragraph (1) and any other funds contributed to the Corporation to support the activities of the Corporation under the national service laws shall be deposited in the National Service Trust established in section 145 until such time as the funds are needed.

42 USC 12582.

"SEC. 130. APPLICATION FOR ASSISTANCE AND APPROVED NATIONAL SERVICE POSITIONS.

"(a) TIME, MANNER, AND CONTENT OF APPLICATION.—To be eligible to receive assistance under section 121 or approved national service positions for participants who serve in the national service programs to be carried out using the assistance, a State, subdivision of a State, Indian tribe, public or private nonprofit organization, institution of higher education, or Federal agency shall prepare and submit to the Corporation an application at such time, in such manner, and containing such information as the Corporation may reasonably require.

"(b) TYPES OF PERMISSIBLE APPLICATION INFORMATION.—In order to have adequate information upon which to consider an application under section 133, the Corporation may require the following information to be provided in an application submitted under subsection (a):

"(1) A description of the national service programs proposed to be carried out directly by the applicant using assistance provided under section 121.

"(2) A description of the national service programs that are selected by the applicant to receive a grant using assistance requested under section 121 and a description of the process and criteria by which the programs were selected.

"(3) A description of other funding sources to be used, or sought to be used, for the national service programs referred to in paragraphs (1) and (2), and, if the application is submitted for the purpose of seeking a renewal of assistance, a description of the success of the programs in reducing their reliance on Federal funds.

"(4) A description of the extent to which the projects to be conducted using the assistance will address unmet human, educational, environmental, or public safety needs and produce a direct benefit for the community in which the projects are performed.

"(5) A description of the plan to be used to recruit participants, including youth who are individuals with disabilities and economically disadvantaged young men and women, for the national service programs referred to in paragraphs (1) and (2).

"(6) A description of the manner in which the national service programs referred to in paragraphs (1) and (2) build on existing programs, including Federal programs.

"(7) A description of the manner in which the national service programs referred to in paragraphs (1) and (2) will involve participants—

"(A) in projects that build an ethic of civic responsibility and produce a positive change in the lives of participants through training and participation in meaningful service experiences and opportunities for reflection on such experiences; and

"(B) in leadership positions in implementing and evaluating the program.

"(8) Measurable goals for the national service programs referred to in paragraphs (1) and (2), and a strategy to achieve such goals, in terms of—

"(A) the impact to be made in meeting unmet human, educational, environmental, or public safety needs; and

"(B) the service experience to be provided to participants in the programs.

"(9) A description of the manner and extent to which the national service programs referred to in paragraphs (1) and (2) conform to the national service priorities established by the Corporation under section 122(c).

"(10) A description of the past experience of the applicant in operating a comparable program or in conducting a grant program in support of other comparable service programs.

"(11) A description of the type and number of proposed service positions in which participants will receive the national service educational award described in subtitle D and a description of the manner in which approved national service positions will be apportioned by the applicant.

"(12) A description of the manner and extent to which participants, representatives of the community served, community-based agencies with a demonstrated record of experience in providing services, and labor organizations contributed to the development of the national service programs referred to in paragraphs (1) and (2), including the identity of the individual representing each appropriate labor organization (if any) who was consulted and the nature of the consultation.

"(13) Such other information as the Corporation may reasonably require.

"(c) REQUIRED APPLICATION INFORMATION.—An application submitted under subsection (a) shall contain the following information:

"(1) A description of the jobs or positions into which participants will be placed using the assistance provided under section 121, including descriptions of specific tasks to be performed by such participants.

"(2) A description of the minimum qualifications that individuals shall meet to become participants in such programs.

"(d) APPLICATION TO RECEIVE ONLY APPROVED NATIONAL SERVICE POSITIONS.—

"(1) APPLICABILITY OF SUBSECTION.—This subsection shall apply in the case of an application in which—

"(A) the applicant is not seeking assistance under subsection (a) or (b) of section 121, but requests national

service educational awards for individuals serving in service positions described in section 123; or

"(B) the applicant requests national service educational awards for service positions described in section 123, but the positions are not positions in a national service program described in section 122(a) for which assistance may be provided under subsection (a) or (b) of section 121.

"(2) SPECIAL APPLICATION REQUIREMENTS.—For the applications described in paragraph (1), the Corporation shall establish special application requirements in order to determine—

"(A) whether the service positions meet unmet human, educational, environmental, or public safety needs and meet the criteria for assistance under this subtitle; and

"(B) whether the Corporation should approve the positions as approved national service positions.

"(e) SPECIAL RULE FOR STATE APPLICANTS.—

"(1) SUBMISSION BY STATE COMMISSION.—The application of a State for approved national service positions or for a grant under section 121(a) shall be submitted by the State Commission.

"(2) COMPETITIVE SELECTION.—The application of a State shall contain an assurance that all assistance provided under section 121(a) to the State will be used to support national service programs that were selected by the State on a competitive basis. In making such competitive selections, the State shall seek to ensure the equitable allocation within the State of assistance and approved national service positions provided under this subtitle to the State taking into consideration such factors as the location of the programs applying to the State, population density, and economic distress.

"(3) ASSISTANCE TO NONSTATE ENTITIES.—The application of a State shall also contain an assurance that not less than 60 percent of the assistance will be used to make grants in support of national service programs other than national service programs carried out by a State agency. The Corporation may permit a State to deviate from the percentage specified by this subsection if the State has not received a sufficient number of acceptable applications to comply with the percentage.

"(f) SPECIAL RULE FOR CERTAIN APPLICANTS.—

"(1) WRITTEN CONCURRENCE.—In the case of a program applicant that proposes to also serve as the service sponsor, the application shall include the written concurrence of any local labor organization representing employees of the service sponsor who are engaged in the same or substantially similar work as that proposed to be carried out.

"(2) PROGRAM APPLICANT DEFINED.—For purposes of this subsection, the term 'program applicant' means—

"(A) a State, subdivision of a State, Indian tribe, public or private nonprofit organization, institution of higher education, or Federal agency submitting an application under this section; or

"(B) an entity applying for assistance or approved national service positions through a grant program conducted using assistance provided to a State, subdivision of a State, Indian tribe, public or private nonprofit organization, institution of higher education, or Federal agency under section 121.

"(g) LIMITATION ON SAME PROJECT IN MULTIPLE APPLICATIONS.—The Corporation shall reject an application submitted under this section if a project proposed to be conducted using assistance requested by the applicant is already described in another application pending before the Corporation.

"SEC. 131. NATIONAL SERVICE PROGRAM ASSISTANCE REQUIREMENTS. 42 USC 12583.

"(a) IMPACT ON COMMUNITIES.—An application submitted under section 130 shall include an assurance by the applicant that any national service program carried out by the applicant using assistance provided under section 121 and any national service program supported by a grant made by the applicant using such assistance will—

"(1) address unmet human, educational, environmental, or public safety needs through services that provide a direct benefit to the community in which the service is performed; and

"(2) comply with the nonduplication and nondisplacement requirements of section 177 and the grievance procedure requirements of section 176(f).

"(b) IMPACT ON PARTICIPANTS.—An application submitted under section 130 shall also include an assurance by the applicant that any national service program carried out by the applicant using assistance provided under section 121 and any national service program supported by a grant made by the applicant using such assistance will—

"(1) provide participants in the national service program with the training, skills, and knowledge necessary for the projects that participants are called upon to perform;

"(2) provide support services to participants, such as the provision of appropriate information and support—

"(A) to those participants who are completing a term of service and making the transition to other educational and career opportunities; and

"(B) to those participants who are school dropouts in order to assist those participants in earning the equivalent of a high school diploma; and

"(3) provide, if appropriate, structured opportunities for participants to reflect on their service experiences.

"(c) CONSULTATION.—An application submitted under section 130 shall also include an assurance by the applicant that any national service program carried out by the applicant using assistance provided under section 121 and any national service program supported by a grant made by the applicant using such assistance will—

"(1) provide in the design, recruitment, and operation of the program for broad-based input from—

"(A) the community served and potential participants in the program; and

"(B) community-based agencies with a demonstrated record of experience in providing services and local labor organizations representing employees of service sponsors, if these entities exist in the area to be served by the program;

"(2) prior to the placement of participants, consult with the appropriate local labor organization, if any, representing employees in the area who are engaged in the same or similar

work as that proposed to be carried out by such program to ensure compliance with the nondisplacement requirements specified in section 177; and

"(3) in the case of a program that is not funded through a State, consult with and coordinate activities with the State Commission for the State in which the program operates.

"(d) EVALUATION AND PERFORMANCE GOALS.—

"(1) IN GENERAL.—An application submitted under section 130 shall also include an assurance by the applicant that the applicant will—

"(A) arrange for an independent evaluation of any national service program carried out using assistance provided to the applicant under section 121 or, with the approval of the Corporation, conduct an internal evaluation of the program;

"(B) apply measurable performance goals and evaluation methods (such as the use of surveys of participants and persons served), which are to be used as part of such evaluation to determine the impact of the program—

"(i) on communities and persons served by the projects performed by the program;

"(ii) on participants who take part in the projects; and

"(iii) in such other areas as the Corporation may require; and

"(C) cooperate with any evaluation activities undertaken by the Corporation.

"(2) EVALUATION.—Subject to paragraph (3), the Corporation shall develop evaluation criteria and performance goals applicable to all national service programs carried out with assistance provided under section 121.

"(3) ALTERNATIVE EVALUATION REQUIREMENTS.—The Corporation may establish alternative evaluation requirements for national service programs based upon the amount of assistance received under section 121 or received by a grant made by a recipient of assistance under such section. The determination of whether a national service program is covered by this paragraph shall be made in such manner as the Corporation may prescribe.

"(e) LIVING ALLOWANCES AND OTHER INSERVICE BENEFITS.—Except as provided in section 140(c), an application submitted under section 130 shall also include an assurance by the applicant that the applicant will—

"(1) ensure the provision of a living allowance and other benefits specified in section 140 to participants in any national service program carried out by the applicant using assistance provided under section 121; and

"(2) require that each national service program that receives a grant from the applicant using such assistance will also provide a living allowance and other benefits specified in section 140 to participants in the program.

"(f) SELECTION OF PARTICIPANTS FROM INDIVIDUALS RECRUITED BY CORPORATION OR STATE COMMISSIONS.—The Corporation may also require an assurance by the applicant that any national service program carried out by the applicant using assistance provided under section 121 and any national service program supported by a grant made by the applicant using such assistance will select

a portion of the participants for the program from among prospective participants recruited by the Corporation or State Commissions under section 138(d). The Corporation may specify a minimum percentage of participants to be selected from the national leadership pool established under section 138(e) and may vary the percentage for different types of national service programs.

"SEC. 132. INELIGIBLE SERVICE CATEGORIES. 42 USC 12584.

"(a) IN GENERAL.—Except as provided in subsection (b), an application submitted to the Corporation under section 130 shall include an assurance by the applicant that any national service program carried out using assistance provided under section 121 and any approved national service position provided to an applicant will not be used to perform service that provides a direct benefit to any—

"(1) business organized for profit;

"(2) labor union;

"(3) partisan political organization;

"(4) organization engaged in religious activities, unless such service does not involve the use of assistance provided under section 121 or participants—

"(A) to give religious instruction;

"(B) to conduct worship services;

"(C) to provide instruction as part of a program that includes mandatory religious education or worship;

"(D) to construct or operate facilities devoted to religious instruction or worship or to maintain facilities primarily or inherently devoted to religious instruction or worship; or

"(E) to engage in any form of proselytization; or

"(5) nonprofit organization that fails to comply with the restrictions contained in section 501(c) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)), except that nothing in this section shall be construed to prevent participants from engaging in advocacy activities undertaken at their own initiative.

"(b) REGIONAL CORPORATION.—The requirement of subsection (a) relating to an assurance regarding direct benefits to businesses organized for profit shall not apply with respect to a Regional Corporation, as defined in section 3(g) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(g)), that is established in accordance with such Act as a for-profit corporation but that is engaging in nonprofit activities.

"SEC. 133. CONSIDERATION OF APPLICATIONS. 42 USC 12585.

"(a) CORPORATION CONSIDERATION OF CERTAIN CRITERIA.—The Corporation shall apply the criteria described in subsections (c) and (d) in determining whether—

"(1) to approve an application submitted under section 130 and provide assistance under section 121 to the applicant; and

"(2) to approve service positions described in the application as national service positions that include the national service educational award described in subtitle D and provide such approved national service positions to the applicant.

"(b) APPLICATION TO SUBGRANTS.—

"(1) IN GENERAL.—A State or other entity that uses assistance provided under section 121(a) to support national service programs selected on a competitive basis to receive a share

of the assistance shall use the criteria described in subsections (c) and (d) when considering an application submitted by a national service program to receive a portion of such assistance or an approved national service position.

"(2) CONTENTS.—The application of the State or other entity under section 130 shall contain—

"(A) a certification that the State or other entity used these criteria in the selection of national service programs to receive assistance;

"(B) a description of the jobs or positions into which participants will be placed using such assistance, including descriptions of specific tasks to be performed by such participants; and

"(C) a description of the minimum qualifications that individuals shall meet to become participants in such programs.

"(c) ASSISTANCE CRITERIA.—The criteria required to be applied in evaluating applications submitted under section 130 are as follows:

"(1) The quality of the national service program proposed to be carried out directly by the applicant or supported by a grant from the applicant.

"(2) The innovative aspects of the national service program, and the feasibility of replicating the program.

"(3) The sustainability of the national service program, based on evidence such as the existence—

"(A) of strong and broad-based community support for the program; and

"(B) of multiple funding sources or private funding for the program.

"(4) The quality of the leadership of the national service program, the past performance of the program, and the extent to which the program builds on existing programs.

"(5) The extent to which participants of the national service program are recruited from among residents of the communities in which projects are to be conducted, and the extent to which participants and community residents are involved in the design, leadership, and operation of the program.

"(6) The extent to which projects would be conducted in the following areas where they are needed most:

"(A) Communities designated as empowerment zones or redevelopment areas, targeted for special economic incentives, or otherwise identifiable as having high concentrations of low-income people.

"(B) Areas that are environmentally distressed.

"(C) Areas adversely affected by Federal actions related to the management of Federal lands that result in significant regional job losses and economic dislocation.

"(D) Areas adversely affected by reductions in defense spending or the closure or realignment of military installations.

"(E) Areas that have an unemployment rate greater than the national average unemployment for the most recent 12 months for which satisfactory data are available.

"(7) In the case of applicants other than States, the extent to which the application is consistent with the application under

section 130 of the State in which the projects would be conducted.

"(8) Such other criteria as the Corporation considers to be appropriate.

"(d) OTHER CONSIDERATIONS.—

"(1) GEOGRAPHIC DIVERSITY.—The Corporation shall ensure that recipients of assistance provided under section 121 are geographically diverse and include projects to be conducted in those urban and rural areas in a State with the highest rates of poverty.

"(2) PRIORITIES.—The Corporation may designate, under such criteria as may be established by the Corporation, certain national service programs or types of national service programs described in section 122(a) for priority consideration in the competitive distribution of funds under section 129(d)(2). In designating national service programs to receive priority, the Corporation may include—

"(A) national service programs carried out by another Federal agency;

"(B) national service programs that conform to the national service priorities in effect under section 122(c);

"(C) innovative national service programs;

"(D) national service programs that are well established in one or more States at the time of the application and are proposed to be expanded to additional States using assistance provided under section 121;

"(E) grant programs in support of other national service programs if the grant programs are to be conducted by nonprofit organizations with a demonstrated and extensive expertise in the provision of services to meet human, educational, environmental, or public safety needs;

"(F) professional corps programs described in section 122(a)(8); and

"(G) programs that—

"(i) received funding under subtitle D of this Act, as in effect on the day before the date of enactment of this subtitle;

"(ii) the Corporation determines to meet the requirements of sections 142 (other than subsection (g)), 143, and 148 through 150 of this Act, as in effect on such day, in addition to the requirements of this subtitle; and

"(iii) include an evaluation component.

"(3) ADDITIONAL PRIORITY.—In making a competitive distribution of funds under section 129(d)(2), the Corporation may give priority consideration to a national service program that is—

"(A) proposed in an application submitted by a State Commission; and

"(B) not one of the types of programs described in paragraph (2),

if the State Commission provides an adequate explanation of the reasons why it should not be a priority of such State to carry out any of such types of programs in the State.

"(4) REVIEW PANEL.—The Corporation shall—

"(A) establish panels of experts for the purpose of securing recommendations on applications submitted under sec-

tion 130 for more than $250,000 in assistance, or for national service positions that would require more than $250,000 in national service educational awards; and

"(B) consider the opinions of such panels prior to making such determinations.

"(e) EMPHASIS ON AREAS MOST IN NEED.—In making assistance available under section 121 and in providing approved national service positions under section 123, the Corporation shall ensure that not less than 50 percent of the total amount of assistance to be distributed to States under subsections (a) and (d)(1) of section 129 for a fiscal year is provided to carry out or support national service programs and projects that—

"(1) are conducted in any of the areas described in subsection (c)(6) or on Federal or other public lands, to address unmet human, educational, environmental, or public safety needs in such areas or on such lands; and

"(2) place a priority on the recruitment of participants who are residents of any of such areas or Federal or other public lands.

"(f) REJECTION OF STATE APPLICATIONS.—

"(1) NOTIFICATION OF STATE APPLICANTS.—If the Corporation rejects an application submitted by a State Commission under section 130 for funds described in section 129(a)(1), the Corporation shall promptly notify the State Commission of the reasons for the rejection of the application.

"(2) RESUBMISSION AND RECONSIDERATION.—The Corporation shall provide a State Commission notified under paragraph (1) with a reasonable opportunity to revise and resubmit the application. At the request of the State Commission, the Corporation shall provide technical assistance to the State Commission as part of the resubmission process. The Corporation shall promptly reconsider an application resubmitted under this paragraph.

"(3) REALLOTMENT.—The amount of any State's allotment under section 129(a) for a fiscal year that the Corporation determines will not be provided for that fiscal year shall be available for distribution by the Corporation as provided in paragraph (3) of such subsection.

"PART III—NATIONAL SERVICE PARTICIPANTS

42 USC 12591.

"SEC. 137. DESCRIPTION OF PARTICIPANTS.

"(a) IN GENERAL.—For purposes of this subtitle, an individual shall be considered to be a participant in a national service program carried out using assistance provided under section 121 if the individual—

"(1) meets such eligibility requirements, directly related to the tasks to be accomplished, as may be established by the program;

"(2) is selected by the program to serve in a position with the program;

"(3) will serve in the program for a term of service specified in section 139 to be performed before, during, or after attendance at an institution of higher education;

"(4) is 17 years of age or older at the time the individual begins the term of service;

"(5) has received a high school diploma or its equivalent, agrees to obtain a high school diploma or its equivalent (unless this requirement is waived based on an individual education assessment conducted by the program) and the individual did not drop out of an elementary or secondary school to enroll in the program, or is enrolled in an institution of higher education on an ability to benefit basis and is considered eligible for funds under section 484 of the Higher Education Act of 1965 (20 U.S.C. 1091); and

"(6) is a citizen or national of the United States or lawful permanent resident alien of the United States.

"(b) SPECIAL RULES FOR CERTAIN YOUTH PROGRAMS.—An individual shall be considered to be a participant in a youth corps program described in section 122(a)(2) or a program described in section 122(a)(9) that is carried out with assistance provided under section 121(a) if the individual—

"(1) satisfies the requirements specified in subsection (a), except paragraph (4) of such subsection; and

"(2) is between the ages of 16 and 25, inclusive, at the time the individual begins the term of service.

"(c) WAIVER.—The Corporation may waive the requirements of subsection (a)(5)(A) with respect to an individual if the program in which the individual seeks to become a participant conducts an independent evaluation demonstrating that the individual is incapable of obtaining a high school diploma or its equivalent.

"SEC. 138. SELECTION OF NATIONAL SERVICE PARTICIPANTS. 42 USC 12592.

"(a) SELECTION PROCESS.—Subject to subsections (b) and (c) and section 131(f), the actual recruitment and selection of an individual to serve in a national service program receiving assistance under section 121 or to fill an approved national service position shall be conducted by the State, subdivision of a State, Indian tribe, public or private nonprofit organization, institution of higher education, Federal agency, or other entity to which the assistance and approved national service positions are provided.

"(b) NONDISCRIMINATION AND NONPOLITICAL SELECTION OF PARTICIPANTS.—The recruitment and selection of individuals to serve in national service programs receiving assistance under section 121 or to fill approved national service positions shall be consistent with the requirements of section 175.

"(c) SECOND TERM.—Acceptance into a national service program to serve a second term of service under section 139 shall only be available to individuals who perform satisfactorily in their first term of service.

"(d) RECRUITMENT AND PLACEMENT.—The Corporation and each State Commission shall establish a system to recruit individuals who desire to perform national service and to assist the placement of these individuals in approved national service positions, which may include positions available under titles I and II of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.). The Corporation and State Commissions shall disseminate information regarding available approved national service positions through cooperation with secondary schools, institutions of higher education, employment service offices, State vocational rehabilitation agencies within the meaning of the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.) and other State agencies that primarily serve individuals with disabilities, and other appropriate entities, particularly

those organizations that provide outreach to disadvantaged youths and youths who are individuals with disabilities.

"(e) NATIONAL LEADERSHIP POOL.—

"(1) SELECTION AND TRAINING.—From among individuals recruited under subsection (d), the Corporation may select individuals with significant leadership potential, as determined by the Corporation, to receive special training to enhance their leadership ability. The leadership training shall be provided by the Corporation directly or through a grant or contract.

Grants.
Contracts.

"(2) EMPHASIS ON CERTAIN INDIVIDUALS.—In selecting individuals to receive leadership training under this subsection, the Corporation shall make special efforts to select individuals who have served—

"(A) in the Peace Corps;

"(B) as VISTA volunteers;

"(C) as participants in national service programs receiving assistance under section 121;

"(D) as participants in programs receiving assistance under subtitle D of the National and Community Service Act of 1990, as in effect on the day before the date of enactment of this subtitle; or

Veterans.

"(E) as members of the Armed Forces of the United States and who were honorably discharged from such service.

"(3) ASSIGNMENT.—At the request of a program that receives assistance under the national service laws, the Corporation may assign an individual who receives leadership training under paragraph (1) to work with the program in a leadership position and carry out assignments not otherwise performed by regular participants. An individual assigned to a program shall be considered to be a participant of the program.

Regulations.

"(f) EVALUATION OF SERVICE.—The Corporation shall issue regulations regarding the manner and criteria by which the service of a participant shall be evaluated to determine whether the service is satisfactory and successful for purposes of eligibility for a second term of service or a national service educational award.

42 USC 12593.

"SEC. 139. TERMS OF SERVICE.

"(a) IN GENERAL.—As a condition of receiving a national service education award under subtitle D, a participant in an approved national service position shall be required to perform full- or part-time national service for at least one term of service specified in subsection (b).

"(b) TERM OF SERVICE.—

"(1) FULL-TIME SERVICE.—An individual performing full-time national service in an approved national service position shall agree to participate in the program sponsoring the position for not less than 1,700 hours during a period of not less than 9 months and not more than 1 year.

"(2) PART-TIME SERVICE.—Except as provided in paragraph (3), an individual performing part-time national service in an approved national service position shall agree to participate in the program sponsoring the position for not less than 900 hours during a period of—

"(A) not more than 2 years; or

"(B) not more than 3 years if the individual is enrolled in an institute of higher education while preforming all or a portion of the service.

"(3) REDUCTION IN HOURS OF PART-TIME SERVICE.—The Corporation may reduce the number of hours required to be served to successfully complete part-time national service to a level determined by the Corporation, except that any reduction in the required term of service shall include a corresponding reduction in the amount of any national service educational award that may be available under subtitle D with regard to that service.

"(c) RELEASE FROM COMPLETING TERM OF SERVICE.—

"(1) RELEASE AUTHORIZED.—A recipient of assistance under section 121 or a program sponsoring an approved national service position may release a participant from completing a term of service in the position—

"(A) for compelling personal circumstances as demonstrated by the participant; or

"(B) for cause.

"(2) EFFECT OF RELEASE FOR COMPELLING CIRCUMSTANCES.—If a participant eligible for release under paragraph (1)(A) is serving in an approved national service position, the recipient of assistance under section 121 or a program sponsoring an approved national service position may elect—

"(A) to grant such release and provide to the participant that portion of the national service educational award corresponding to the portion of the term of service actually completed, as provided in section 147(c); or

"(B) to permit the participant to temporarily suspend performance of the term of service for a period of up to 2 years (and such additional period as the Corporation may allow for extenuating circumstances) and, upon completion of such period, to allow return to the program with which the individual was serving in order to complete the remainder of the term of service and obtain the entire national service educational award.

"(3) EFFECT OF RELEASE FOR CAUSE.—A participant released for cause may not receive any portion of the national service educational award.

"SEC. 140. LIVING ALLOWANCES FOR NATIONAL SERVICE PARTICIPANTS. 42 USC 12594.

"(a) PROVISION OF LIVING ALLOWANCE.—

"(1) LIVING ALLOWANCE REQUIRED.—Subject to paragraph (3), a national service program carried out using assistance provided under section 121 shall provide to each participant who participates on a full-time basis in the program a living allowance in an amount equal to or greater than the average annual subsistence allowance provided to VISTA volunteers under section 105 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4955).

"(2) LIMITATION ON FEDERAL SHARE.—The amount of the annual living allowance provided under paragraph (1) that may be paid using assistance provided under section 121 and using any other Federal funds shall not exceed 85 percent of the total average annual provided to VISTA volunteers under

section 105 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4955).

"(3) MAXIMUM LIVING ALLOWANCE.—Except as provided in subsection (c), the total amount of an annual living allowance that may be provided to a participant in a national service program shall not exceed 200 percent of the average annual subsistence allowance provided to VISTA volunteers under section 105 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4955).

"(4) PRORATION OF LIVING ALLOWANCE.—The amount provided as a living allowance under this subsection shall be prorated in the case of a participant who is authorized to serve a reduced term of service under section 139(b)(3).

"(5) WAIVER OR REDUCTION OF LIVING ALLOWANCE.—The Corporation may waive or reduce the requirement of paragraph (1) with respect to such national service program if such program demonstrates that—

"(A) such requirement is inconsistent with the objectives of the program; and

"(B) the amount of the living allowance that will be provided to each full-time participant is sufficient to meet the necessary costs of living (including food, housing, and transportation) in the area in which the program is located.

"(6) EXEMPTION.—The requirement of paragraph (1) shall not apply to any program that was in existence on the date of the enactment of the National and Community Service Trust Act of 1993.

"(b) COVERAGE OF CERTAIN EMPLOYMENT-RELATED TAXES.—To the extent a national service program that receives assistance under section 121 is subject, with respect to the participants in the program, to the taxes imposed on an employer under sections 3111 and 3301 of the Internal Revenue Code of 1986 (26 U.S.C. 3111, 3301) and taxes imposed on an employer under a workmen's compensation act, the assistance provided to the program under section 121 shall include an amount sufficient to cover 85 percent of such taxes based upon the lesser of—

"(1) the total average annual subsistence allowance provided to VISTA volunteers under section 105 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4955); and

"(2) the annual living allowance established by the program.

"(c) EXCEPTION FROM MAXIMUM LIVING ALLOWANCE FOR CERTAIN ASSISTANCE.—A professional corps program described in section 122(a)(8) that desires to provide a living allowance in excess of the maximum allowance authorized in subsection (a)(3) may still apply for such assistance, except that—

"(1) any assistance provided to the applicant under section 121 may not be used to pay for any portion of the allowance;

"(2) the applicant shall apply for such assistance only by submitting an application to the Corporation for assistance on a competitive basis; and

"(3) the national service program shall be operated directly by the applicant and shall meet urgent, unmet human, educational, environmental, or public safety needs, as determined by the Corporation.

"(d) HEALTH INSURANCE.—

"(1) IN GENERAL.—A State or other recipient of assistance under section 121 shall provide a basic health care policy for each full-time participant in a national service program carried out or supported using the assistance, if the participant is not otherwise covered by a health care policy. Not more than 85 percent of the cost of a premium shall be provided by the Corporation, with the remaining cost paid by the entity receiving assistance under section 121. The Corporation shall establish minimum standards that all plans must meet in order to qualify for payment under this part, any circumstances in which an alternative health care policy may be substituted for the basic health care policy, and mechanisms to prohibit participants from dropping existing coverage.

"(2) OPTION.—A State or other recipient of assistance under section 121 may elect to provide from its own funds a health care policy for participants that does not meet all of the standards established by the Corporation if the fair market value of such policy is equal to or greater than the fair market value of a plan that meets the minimum standards established by the Corporation, and is consistent with other applicable laws.

"(e) CHILD CARE.—

"(1) AVAILABILITY.—A State or other recipient of assistance under section 121 shall—

"(A) make child care available for children of each full-time participant who needs child care in order to participate in a national service program carried out or supported by the recipient using the assistance; or

"(B) provide a child care allowance to each full-time participant in a national service program who needs such assistance in order to participate in the program.

"(2) GUIDELINES.—The Corporation shall establish guidelines regarding the circumstances under which child care shall be made available under this subsection and the value of any allowance to be provided.

"(f) INDIVIDUALIZED SUPPORT SERVICES.—A State or other recipient of assistance under section 121 shall provide reasonable accommodation, including auxiliary aids and services (as defined in section 3(1) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102(1))), based on the individualized need of a participant who is a qualified individual with a disability (as defined in section 101(8) of such Act (42 U.S.C. 12111(8))). Disabled.

"(g) WAIVER OF LIMITATION ON FEDERAL SHARE.—The Corporation may waive in whole or in part the limitation on the Federal share specified in this section with respect to a particular national service program in any fiscal year if the Corporation determines that such a waiver would be equitable due to a lack of available financial resources at the local level.

"(h) LIMITATION ON NUMBER OF TERMS OF SERVICE FOR FEDERALLY SUBSIDIZED LIVING ALLOWANCE.—No national service program may use assistance provided under section 121, or any other Federal funds, to provide a living allowance under subsection (a), a health care policy under subsection (d), or child care or a child care allowance under subsection (e), to an individual for a third, or subsequent, term of service described in section 139(b) by the individual in a national service program carried out under this subtitle.

42 USC 12595.

"SEC. 141. NATIONAL SERVICE EDUCATIONAL AWARDS.

"(a) ELIGIBILITY GENERALLY.—A participant in a national service program carried out using assistance provided to an applicant under section 121 shall be eligible for the national service educational award described in subtitle D if the participant—

"(1) serves in an approved national service position; and

"(2) satisfies the eligibility requirements specified in section 146 with respect to service in that approved national service position.

"(b) SPECIAL RULE FOR VISTA VOLUNTEERS.—A VISTA volunteer who serves in an approved national service position shall be ineligible for a national service educational award if the VISTA volunteer accepts the stipend authorized under section 105(a)(1) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4955(a)(1)).".

(c) TABLE OF CONTENTS RELATED TO SUBTITLE C.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101–610; 104 Stat. 3127) is amended by striking the items relating to subtitle C of title I of such Act and inserting the following new items:

"Subtitle C—National Service Trust Program

"PART I—INVESTMENT IN NATIONAL SERVICE

"Sec. 121. Authority to provide assistance and approved national service positions.
"Sec. 122. Types of national service programs eligible for program assistance.
"Sec. 123. Types of national service positions eligible for approval for national service educational awards.
"Sec. 124. Types of program assistance.
"Sec. 125. Training and technical assistance.
"Sec. 126. Other special assistance.

"PART II—APPLICATION AND APPROVAL PROCESS

"Sec. 129. Provision of assistance and approved national service positions by competitive and other means.
"Sec. 130. Application for assistance and approved national service positions.
"Sec. 131. National service program assistance requirements.
"Sec. 132. Ineligible service categories.
"Sec. 133. Consideration of applications.

"PART III—NATIONAL SERVICE PARTICIPANTS

"Sec. 137. Description of participants.
"Sec. 138. Selection of national service participants.
"Sec. 139. Terms of service.
"Sec. 140. Living allowances for national service participants.
"Sec. 141. National service educational awards.".

(d) LIVING ALLOWANCE UNDER SUBTITLE I.—Section 199M(a) of the National and Community Service Act of 1990 (former section 133(a) of such Act as redesignated in subsection (a)(3) of this section) (42 U.S.C. 12553(a)) is amended by striking paragraphs (1) and (2) and inserting the following new paragraphs:

42 USC 12655*l*.

"(1) LIVING ALLOWANCE REQUIRED.—Subject to paragraph (3), each participant in a full-time youth corps program that receives assistance under this subtitle shall receive a living allowance in an amount equal to or greater than the average annual subsistence allowance provided to VISTA volunteers under section 105 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4955).

"(2) LIMITATION ON FEDERAL SHARE.—The amount of the annual living allowance provided under paragraph (1) that may be paid using assistance provided under this subtitle, section 121, and any other Federal funds shall not exceed

85 percent of the total average annual subsistence allowance provided to VISTA volunteers under section 105 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4955).

"(3) MAXIMUM LIVING ALLOWANCE.—The total amount of an annual living allowance that may be provided to a participant in a full-time youth corps program that receives assistance under this subtitle shall not exceed 200 percent of the average annual subsistence allowance provided to VISTA volunteers under section 105 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4955).

"(4) WAIVER OR REDUCTION OF LIVING ALLOWANCE.—The Corporation may waive or reduce the requirement of paragraph (1) with respect to such national service program if such program demonstrates that—

"(A) such requirement is inconsistent with the objectives of the program; and

"(B) the amount of the living allowance that will be provided to each full-time participant is sufficient to meet the necessary costs of living (including food, housing, and transportation) in the area in which the program is located.

"(5) EXEMPTION.—The requirement of paragraph (1) shall not apply to any program that was in existence on the date of the enactment of the National and Community Service Trust Act of 1993.".

(e) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) REFERENCES.—Subtitle I of title I of the National and Community Service Act of 1990 (as so redesignated by subsection (a)(1) of this section) is amended by striking "Commission" each place it appears in sections 199A, 199C, 199D, 199F, 199I, 199M, and 199N (as redesignated in subsection (a)(3) of this section) and inserting "Corporation". 42 USC 12655, 12655b, 12655c, 12655e, 12655h, 12655*l*, 12655m.

(2) GENERAL AUTHORITY.—Section 199A of such Act (as redesignated in subsection (a)(3) of this section) (42 U.S.C. 12541) is amended—

(A) by striking "under section 102";

(B) by striking ", to the Secretary of the Interior, or to the Director of ACTION" and inserting "or to the Secretary of the Interior"; and

(C) by adding at the end the following new sentence: "To the extent practicable, the Corporation shall apply the provisions of subtitle C in making grants under this section.".

(3) PURCHASE OF CAPITAL EQUIPMENT.—Section 199B of such Act (as redesignated in subsection (a)(3) of this section) (42 U.S.C. 12542) is amended to read as follows: 42 USC 12655a.

"SEC. 199B. LIMITATION ON PURCHASE OF CAPITAL EQUIPMENT.

"Not to exceed 10 percent of the amount of assistance made available to a program agency under this subtitle shall be used for the purchase of major capital equipment.".

(4) STATE APPLICATION.—Section 199C of such Act (as redesignated in subsection (a)(3) of this section) (42 U.S.C. 12543) is amended— 42 USC 12655b.

(A) in subsection (a)—

(i) by striking "section 122(b)" and inserting "section 199A"; and

(ii) by striking ", including the information required under subsection (b)" before the period at the end thereof; and

(B) by striking subsections (c) and (d).

42 USC 12655c.

(5) FOCUS OF PROGRAMS.—Section 199D of such Act (as redesignated in subsection (a)(3) of this section) (42 U.S.C. 12544) is amended—

(A) by striking subsection (b); and

(B) by redesignating subsection (c) as subsection (b).

42 USC 12655e.

(6) PUBLIC LANDS.—Section 199F(b) of such Act (as redesignated in subsection (a)(3) of this section) (42 U.S.C. 12546(b)) is amended by striking "section 123" and inserting "section 199C".

42 USC 12655h.

(7) PREFERENCE.—Section 199I(a) of such Act (as redesignated in subsection (a)(3) of this section) (42 U.S.C. 12549) is amended by striking "section 123" and inserting "section 199C".

(8) OBSOLETE PROVISIONS.—Such subtitle is further amended—

42 USC 12655g, 12655k.

(A) by striking sections 199H and 199L (as redesignated in subsection (a)(3) of this section) (42 U.S.C. 12548, 12552); and

(B) by redesignating sections 199I, 199J, 199K, 199M, 199N, and 199O (as previously redesignated) as sections 199H, 199I, 199J, 199K, 199L, and 199M, respectively.

42 USC 12655h, 12655i, 12655j, 12655*l*, 12655m, 12655n.

(f) TABLE OF CONTENTS RELATED TO SUBTITLE I.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101-610; 104 Stat. 3127) is amended by inserting after the item relating to section 195O the following new items:

"Subtitle I—American Conservation and Youth Corps

"Sec. 199. Short title.
"Sec. 199A. General authority.
"Sec. 199B. Limitation on purchase of capital equipment.
"Sec. 199C. State application.
"Sec. 199D. Focus of programs.
"Sec. 199E. Related programs.
"Sec. 199F. Public lands or Indian lands.
"Sec. 199G. Training and education services.
"Sec. 199H. Preference for certain projects.
"Sec. 199I. Age and citizenship criteria for enrollment.
"Sec. 199J. Use of volunteers.
"Sec. 199K. Living allowance.
"Sec. 199L. Joint programs.
"Sec. 199M. Federal and State employee status.".

SEC. 102. NATIONAL SERVICE TRUST AND PROVISION OF NATIONAL SERVICE EDUCATIONAL AWARDS.

(a) ESTABLISHMENT OF TRUST; PROVISION OF AWARDS.—Subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12571 et seq.) is amended to read as follows:

"Subtitle D—National Service Trust and Provision of National Service Educational Awards

"SEC. 145. ESTABLISHMENT OF THE NATIONAL SERVICE TRUST. 42 USC 12601.

"(a) ESTABLISHMENT.—There is established in the Treasury of the United States an account to be known as the National Service Trust. The Trust shall consist of—

"(1) from the amounts appropriated to the Corporation and made available to carry out this subtitle pursuant to section 501(a)(2), such amounts as the Corporation may designate to be available for the payment of—

"(A) national service educational awards; and

"(B) interest expenses pursuant to section 148(e);

"(2) any amounts received by the Corporation as gifts, bequests, devises, or otherwise pursuant to section 196(a)(2); and

"(3) the interest on, and proceeds from the sale or redemption of, any obligations held by the Trust.

"(b) INVESTMENT OF TRUST.—It shall be the duty of the Secretary of the Treasury to invest in full the amounts appropriated to the Trust. Except as otherwise expressly provided in instruments concerning a gift, bequest, devise, or other donation and agreed to by the Corporation, such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose, such obligations may be acquired on original issue at the issue price or by purchase of outstanding obligations at the market price. Any obligation acquired by the Trust may be sold by the Secretary at the market price.

"(c) EXPENDITURES FROM TRUST.—Amounts in the Trust shall be available, to the extent provided for in advance by appropriation, for payments of national service educational awards in accordance with section 148.

"(d) REPORTS TO CONGRESS ON RECEIPTS AND EXPENDITURES.—Not later than March 1 of each year, the Corporation shall submit a report to the Congress on the financial status of the Trust during the preceding fiscal year. Such report shall—

"(1) specify the amount deposited to the Trust from the most recent appropriation to the Corporation, the amount received by the Corporation as gifts, bequests, devises, or otherwise pursuant to section 196(a)(2) during the period covered by the report, and any amounts obtained by the Trust pursuant to subsection (a)(3);

"(2) identify the number of individuals who are currently performing service to qualify, or have qualified, for national service educational awards;

"(3) identify the number of individuals whose expectation to receive national service educational awards during the period covered by the report—

"(A) has been reduced pursuant to section 147(c); or

"(B) has lapsed pursuant to section 146(d); and

"(4) estimate the number of additional approved national service positions that the Corporation will be able to make available under subtitle C on the basis of any accumulated

surplus in the Trust above the amount required to provide national service educational awards to individuals identified under paragraph (2), including any amounts available as a result of the circumstances referred to in paragraph (3).

42 USC 12602.

"SEC. 146. INDIVIDUALS ELIGIBLE TO RECEIVE A NATIONAL SERVICE EDUCATIONAL AWARD FROM THE TRUST.

"(a) ELIGIBLE INDIVIDUALS.—An individual shall receive a national service educational award from the National Service Trust if the individual—

"(1) successfully completes the required term of service described in subsection (b) in an approved national service position;

"(2) was 17 years of age or older at the time the individual began serving in the approved national service position or was an out-of-school youth serving in an approved national service position with a youth corps program described in section 122(a)(2) or a program described in section 122(a)(9);

"(3) at the time the individual uses the national service educational award—

"(A) has received a high school diploma, or the equivalent of such diploma;

"(B) is enrolled at an institution of higher education on the basis of meeting the standard described in paragraph (1) or (2) of subsection (a) of section 484 of the Higher Education Act of 1965 (20 U.S.C. 1091) and meets the requirements of subsection (a) of such section; or

"(C) has received a waiver described in section 137(c); and

"(3) has received a high school diploma, or the equivalent of such diploma, at the time the individual uses the national service educational award, unless this requirement has been waived based on an individual education assessment conducted by the program; and

"(4) is a citizen or national of the United States or lawful permanent resident alien of the United States.

"(b) TERM OF SERVICE.—The term of service for an approved national service position shall not be less than the full- or part-time term of service specified in section 139(b).

"(c) LIMITATION ON NUMBER OF TERMS OF SERVICE FOR AWARDS.—Although an individual may serve more than 2 terms of service described in subsection (b) in an approved national service position, the individual shall receive a national service educational award from the National Service Trust only on the basis of the first and second of such terms of service.

"(d) TIME FOR USE OF EDUCATIONAL AWARD.—

"(1) SEVEN-YEAR REQUIREMENT.—An individual eligible to receive a national service educational award under this section may not use such award after the end of the 7-year period beginning on the date the individual completes the term of service in an approved national service position that is the basis of the award.

"(2) EXCEPTION.—The Corporation may extend the period within which an individual may use a national service educational award if the Corporation determines that the individual—

"(A) was unavoidably prevented from using the national service educational award during the original 7-year period; or

"(B) performed another term of service in an approved national service position during that period.

"(e) SUSPENSION OF ELIGIBILITY FOR DRUG-RELATED OFFENSES.—

"(1) IN GENERAL.—An individual who, after qualifying under this section as an eligible individual, has been convicted under any Federal or State law of the possession or sale of a controlled substance shall not be eligible to receive a national service educational award during the period beginning on the date of such conviction and ending after the interval specified in the following table:

"If convicted of:	
The possession of a controlled substance:	Ineligibility period is:
1st conviction	1 year
2nd conviction	2 years
3rd conviction	indefinite
The sale of a controlled substance:	
1st conviction	2 years
2nd conviction	indefinite

"(2) REHABILITATION.—An individual whose eligibility has been suspended under paragraph (1) shall resume eligibility before the end of the period determined under such paragraph if the individual satisfactorily completes a drug rehabilitation program that complies with such criteria as the Corporation shall prescribe for purposes of this paragraph.

"(3) FIRST CONVICTIONS.—An individual whose eligibility has been suspended under paragraph (1) and is convicted of a first offense may resume eligibility before the end of the period determined under such paragraph if the individual demonstrates that he or she has enrolled or been accepted for enrollment in a drug rehabilitation program described in paragraph (2).

"(4) DEFINITIONS.—As used in this subsection, the term 'controlled substance' has the meaning given in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).

"(5) EFFECTIVE DATE.—This subsection shall be effective upon publication by the Corporation in the Federal Register of criteria prescribed under paragraph (2). Federal Register, publication.

"(f) AUTHORITY TO ESTABLISH DEMONSTRATION PROGRAMS.—The Corporation may establish by regulation demonstration programs for the creation and evaluation of innovative volunteer and community service programs.

"SEC. 147. DETERMINATION OF THE AMOUNT OF THE NATIONAL SERVICE EDUCATIONAL AWARD. 42 USC 12603.

"(a) AMOUNT FOR FULL-TIME NATIONAL SERVICE.—Except as provided in subsection (c), an individual described in section 146(a) who successfully completes a required term of full-time national service in an approved national service position shall receive a national service educational award having a value, for each of not more than 2 of such terms of service, equal to 90 percent of—

Armed Forces.

"(1) one-half of an amount equal to the aggregate basic educational assistance allowance provided in section 3015(b)(1) of title 38, United States Code (as in effect on July 28, 1993), for the period referred to in section 3013(a)(1) of such title (as in effect on July 28, 1993), for a member of the Armed Forces who is entitled to such an allowance under section 3011 of such title and whose initial obligated period of active duty is 2 years; less

"(2) one-half of the aggregate basic contribution required to be made by the member in section 3011(b) of such title (as in effect on July 28, 1993).

"(b) AMOUNT FOR PART-TIME NATIONAL SERVICE.—Except as provided in subsection (c), an individual described in section 146(a) who successfully completes a required term of part-time national service in an approved national service position shall receive a national service educational award having a value, for each of not more than 2 of such terms of service, equal to 50 percent of value of the national service educational award determined under subsection (a).

"(c) AWARD FOR PARTIAL COMPLETION OF SERVICE.—If an individual serving in an approved national service position is released in accordance with section 139(c)(1)(A) from completing the full-time or part-time term of service agreed to by the individual, the Corporation may provide the individual with that portion of the national service educational award approved for the individual that corresponds to the quantity of the term of service actually completed by the individual.

42 USC 12604.

"SEC. 148. DISBURSEMENT OF NATIONAL SERVICE EDUCATIONAL AWARDS.

"(a) IN GENERAL.—Amounts in the Trust shall be available—

Loans.

"(1) to repay student loans in accordance with subsection (b);

"(2) to pay all or part of the cost of attendance at an institution of higher education in accordance with subsection (c);

"(3) to pay expenses incurred in participating in an approved school-to-work program in accordance with subsection (d); and

"(4) to pay interest expenses in accordance with regulations prescribed pursuant to subsection (e).

"(b) USE OF EDUCATIONAL AWARD TO REPAY OUTSTANDING STUDENT LOANS.—

"(1) APPLICATION BY ELIGIBLE INDIVIDUALS.—An eligible individual under section 146 who desires to apply the national service educational award of the individual to the repayment of qualified student loans shall submit, in a manner prescribed by the Corporation, an application to the Corporation that—

"(A) identifies, or permits the Corporation to identify readily, the holder or holders of such loans;

"(B) indicates, or permits the Corporation to determine readily, the amounts of principal and interest outstanding on the loans;

"(C) specifies, if the outstanding balance is greater than the amount disbursed under paragraph (2), which of the loans the individual prefers to be paid by the Corporation; and

"(D) contains or is accompanied by such other information as the Corporation may require.

"(2) DISBURSEMENT OF REPAYMENTS.—Upon receipt of an application from an eligible individual of an application that complies with paragraph (1), the Corporation shall, as promptly as practicable consistent with paragraph (5), disburse the amount of the national service educational award that the eligible individual has earned. Such disbursement shall be made by check or other means that is payable to the holder of the loan and requires the endorsement or other certification by the eligible individual.

"(3) APPLICATION OF DISBURSED AMOUNTS.—If the amount disbursed under paragraph (2) is less than the principal and accrued interest on any qualified student loan, such amount shall be applied according to the specified priorities of the individual.

"(4) REPORTS BY HOLDERS.—Any holder receiving a loan payment pursuant to this subsection shall submit to the Corporation such information as the Corporation may require to verify that such payment was applied in accordance with this subsection and any regulations prescribed to carry out this subsection.

"(5) NOTIFICATION OF INDIVIDUAL.—The Corporation upon disbursing the national service educational award, shall notify the individual of the amount paid for each outstanding loan and the date of payment.

"(6) AUTHORITY TO AGGREGATE PAYMENTS.—The Corporation may, by regulation, provide for the aggregation of payments to holders under this subsection.

"(7) DEFINITION OF QUALIFIED STUDENT LOANS.—As used in this subsection, the term 'qualified student loans' means—

"(A) any loan made, insured, or guaranteed pursuant to title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), other than a loan to a parent of a student pursuant to section 428B of such Act (20 U.S.C. 1078–2); and

"(B) any loan made pursuant to title VII or VIII of the Public Health Service Act (42 U.S.C. 292a et seq.).

"(8) DEFINITION OF HOLDER.—As used in this subsection, the term 'holder' with respect to any eligible loan means the original lender or, if the loan is subsequently sold, transferred, or assigned to some other person, and such other person acquires a legally enforceable right to receive payments from the borrower, such other person.

"(c) USE OF EDUCATIONAL AWARDS TO PAY CURRENT EDUCATIONAL EXPENSES.—

"(1) APPLICATION BY ELIGIBLE INDIVIDUAL.—An eligible individual under section 146 who desires to apply the individual's national service educational award to the payment of current full-time or part-time educational expenses shall, on a form prescribed by the Corporation, submit an application to the institution of higher education in which the student will be enrolled that contains such information as the Corporation may require to verify the individual's eligibility.

"(2) SUBMISSION OF REQUESTS FOR PAYMENT BY INSTITUTIONS.—An institution of higher education that receives one or more applications that comply with paragraph (1) shall sub-

mit to the Corporation a statement, in a manner prescribed by the Corporation, that—

"(A) identifies each eligible individual filing an application under paragraph (1) for a disbursement of the individual's national service educational award under this subsection;

"(B) specifies the amounts for which such eligible individuals are, consistent with paragraph (6), qualified for disbursement under this subsection;

"(C) certifies that—

"(i) the institution of higher education has in effect a program participation agreement under section 487 of the Higher Education Act of 1965 (20 U.S.C. 1094);

"(ii) the institution's eligibility to participate in any of the programs under title IV of such Act (20 U.S.C. 1070 et seq.) has not been limited, suspended, or terminated; and

"(iii) individuals using national service educational awards received under this subtitle to pay for educational costs do not comprise more than 15 percent of the total student population of the institution; and

"(D) contains such provisions concerning financial compliance as the Corporation may require.

"(3) DISBURSEMENT OF PAYMENTS.—Upon receipt of a statement from an institution of higher education that complies with paragraph (2), the Corporation shall, subject to paragraph (4), disburse the total amount of the national service educational awards for which eligible individuals who have submitted applications to that institution under paragraph (1) are scheduled to receive. Such disbursement shall be made by check or other means that is payable to the institution and requires the endorsement or other certification by the eligible individual.

"(4) MULTIPLE DISBURSEMENTS REQUIRED.—The total amount required to be disbursed to an institution of higher education under paragraph (3) for any period of enrollment shall be disbursed by the Corporation in 2 or more installments, none of which exceeds ½ of such total amount. The interval between the first and second such installment shall not be less than ½ of such period of enrollment, except as necessary to permit the second installment to be paid at the beginning of the second semester, quarter, or similar division of such period of enrollment.

Regulations.

"(5) REFUND RULES.—The Corporation shall, by regulation, provide for the refund to the Corporation (and the crediting to the national service educational award of an eligible individual) of amounts disbursed to institutions for the benefit of eligible individuals who withdraw or otherwise fail to complete the period of enrollment for which the assistance was provided. Such regulations shall be consistent with the fair and equitable refund policies required of institutions pursuant to section 484B of the Higher Education Act of 1965 (20 U.S.C. 1091b). Amounts refunded to the Trust pursuant to this paragraph may be used by the Corporation to fund additional approved national service positions under subtitle C.

"(6) MAXIMUM AWARD.—The portion of an eligible individual's total available national service educational award that

may be disbursed under this subsection for any period of enrollment shall not exceed the difference between—

"(A) the eligible individual's cost of attendance for such period of enrollment, determined in accordance with section 472 of the Higher Education Act of 1965 (20 U.S.C. 1087ll); and

"(B) the sum of—

"(i) the student's estimated financial assistance for such period under part A of title IV of such Act (20 U.S.C. 1070 et seq.); and

"(ii) the student's veterans' education benefits, determined in accordance with section 480(c) of such Act (20 U.S.C. 1087vv(c)).

"(d) USE OF EDUCATIONAL AWARD TO PARTICIPATE IN APPROVED SCHOOL-TO-WORK PROGRAMS.—The Corporation shall by regulation provide for the payment of national service educational awards to permit eligible individuals to participate in school-to-work programs approved by the Secretaries of Labor and Education. Regulations.

"(e) INTEREST PAYMENTS DURING FORBEARANCE ON LOAN REPAYMENT.—The Corporation shall provide by regulation for the payment on behalf of an eligible individual of interest that accrues during a period for which such individual has obtained forbearance in the repayment of a qualified student loan (as defined in subsection (b)(6)), if the eligible individual successfully completes the individual's required term of service (as determined under section 146(b)). Such regulations shall be prescribed after consultation with the Secretary of Education. Regulations.

"(f) EXCEPTION.—With the approval of the Director, an approved national service program funded under section 121, may offer participants the option of waiving their right to receive a national service educational award in order to receive an alternative post-service benefit funded by the program entirely with non-Federal funds.

"(g) DEFINITION OF INSTITUTION OF HIGHER EDUCATION.—Notwithstanding section 101 of this Act, for purposes of this section the term 'institution of higher education' has the meaning provided by section 481(a) of the Higher Education Act of 1965 (20 U.S.C. 1088(a)).".

(b) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101–610; 104 Stat. 3127) is amended by striking the items relating to subtitle D of title I of such Act and inserting the following new items:

"Subtitle D—National Service Trust and Provision of National Service Educational Awards

"Sec. 145. Establishment of the National Service Trust.
"Sec. 146. Individuals eligible to receive a national service educational award from the Trust.
"Sec. 147. Determination of the amount of the national service educational award.
"Sec. 148. Disbursement of national service educational awards.".

(c) CONFORMING AMENDMENTS.—

(1) FORBEARANCE IN THE COLLECTION OF STAFFORD LOANS.—Section 428 of the Higher Education Act of 1965 (20 U.S.C. 1078) is amended—

(A) in subsection (b)(1)—

(i) by redesignating subparagraphs (W), (X), and (Y) as subparagraphs (X), (Y), and (Z), respectively; and

(ii) by inserting immediately after subparagraph (V) the following new subparagraph:

"(W)(i) provides that, upon written request, a lender shall grant a borrower forbearance on such terms as are otherwise consistent with the regulations of the Secretary, during periods in which the borrower is serving in a national service position, for which the borrower receives a national service educational award under the National and Community Service Trust Act of 1993;

"(ii) provides that clauses (iii) and (iv) of subparagraph (V) shall also apply to a forbearance granted under this subparagraph; and

"(iii) provides that interest shall continue to accrue on a loan for which a borrower receives forbearance under this subparagraph and shall be capitalized or paid by the borrower;"; and

(B) in subsection (c)(3)(A), by striking "subsection (b)(1)(V)" and inserting "subparagraphs (V) and (W) of subsection (b)(1)".

(2) ELIGIBILITY FOR STAFFORD LOAN FORGIVENESS.—Section 428J of the Higher Education Act of 1965 (20 U.S.C. 1078–10) is amended—

(A) in subsection (b)(1), by striking "October 1, 1992" and inserting "October 1, 1989"; and

(B) in subsection (c), by adding at the end the following new paragraph:

"(5) INELIGIBILITY OF NATIONAL SERVICE EDUCATIONAL AWARD RECIPIENTS.—No student borrower may, for the same volunteer service, receive a benefit under both this section and subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12571 et seq.).".

(3) ELIGIBILITY FOR PERKINS LOAN FORGIVENESS.—Section 465(a) of the Higher Education Act of 1965 (20 U.S.C. 1087ee(a)) is amended by adding at the end the following new paragraph:

"(6) No borrower may, for the same volunteer service, receive a benefit under both this section and subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12571 et seq.).".

(4) DEFINITION OF INCOME.—Section 480(a)(2) of the Higher Education Act of 1965 (20 U.S.C. 1087vv(a)(2)) is amended by inserting after "by an individual" the following: ", and no portion of a national service educational award or post-service benefit received by an individual under title I of the National and Community Service Act of 1990 (42 U.S.C. 12571 et seq.),".

(5) IMPACT ON GENERAL NEEDS ANALYSIS.—Section 480(j) of the Higher Education Act of 1965 (20 U.S.C. 1087vv(j)) is amended by adding at the end the following new paragraph:

"(3) Notwithstanding paragraph (1), a national service educational award or post-service benefit under title I of the National and Community Service Act of 1990 (42 U.S.C. 12571 et seq.) shall not be treated as financial assistance for purposes of section 471(3).".

SEC. 103. SCHOOL-BASED AND COMMUNITY-BASED SERVICE-LEARNING PROGRAMS.

(a) AMENDMENTS TO SERVE-AMERICA PROGRAMS.—

(1) PURPOSE.—The purpose of this subsection is to improve the Serve-America programs established under part I of subtitle B of the National and Community Service Act of 1990, and to enable the Corporation for National and Community Service, and the entities receiving financial assistance under such part, to— 42 USC 12521 note.

(A) work with teachers in elementary schools and secondary schools within a community, and with community-based agencies, to create and offer service-learning opportunities for all school-age youth;

(B) educate teachers, and faculty providing teacher training and retraining, about service-learning, and incorporate service-learning opportunities into classroom teaching to strengthen academic learning;

(C) coordinate the work of adult volunteers who work with elementary and secondary schools as part of their community service activities; and

(D) work with employers in the communities to ensure that projects introduce the students to various careers and expose the students to needed further education and training.

(2) PROGRAMS.—Subtitle B of title I of the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.) is amended by striking the subtitle heading and all that follows through the end of part I and inserting the following: 42 USC 12501 note, 12521–12527.

"Subtitle B—School-Based and Community-Based Service-Learning Programs

Grants.

"PART I—SERVE-AMERICA PROGRAMS

"Subpart A—School-Based Programs for Students

"SEC. 111. AUTHORITY TO ASSIST STATES AND INDIAN TRIBES. 42 USC 12521.

"(a) USE OF FUNDS.—The Corporation, in consultation with the Secretary of Education, may make grants under section 112(b)(1), and allotments under subsections (a) and (b)(2) of section 112, to States (through State educational agencies), and to Indian tribes, to pay for the Federal share of—

"(1) planning and building the capacity of the States or Indian tribes (which may be accomplished through grants or contracts with qualified organizations) to implement school-based service-learning programs, including—

"(A) providing training for teachers, supervisors, personnel from community-based agencies (particularly with regard to the utilization of participants), and trainers, to be conducted by qualified individuals or organizations that have experience with service-learning;

"(B) developing service-learning curricula to be integrated into academic programs, including the age-appropriate learning component described in section 114(d)(2);

"(C) forming local partnerships described in paragraph (2) or (4) to develop school-based service-learning programs in accordance with this subpart;

"(D) devising appropriate methods for research and evaluation of the educational value of service-learning and the effect of service-learning activities on communities; and

"(E) establishing effective outreach and dissemination of information to ensure the broadest possible involvement of community-based agencies with demonstrated effectiveness in working with school-age youth in their communities;

"(2) implementing, operating, or expanding school-based service-learning programs, which may include paying for the cost of the recruitment, training, supervision, placement, salaries, and benefits of service-learning coordinators, through State distribution of Federal funds made available under this subpart to projects operated by local partnerships among—

"(A) local educational agencies; and

"(B) one or more community partners that—

"(i) shall include a public or private nonprofit organization that—

"(I) has a demonstrated expertise in the provision of services to meet unmet human, educational, environmental, or public safety needs;

"(II) was in existence at least 1 year before the date on which the organization submitted an application under section 114; and

"(III) will make projects available for participants, who shall be students; and

"(ii) may include a private for-profit business or private elementary or secondary school;

"(3) planning of school-based service-learning programs, through State distribution of Federal funds made available under this subpart to local educational agencies, which planning may include paying for the cost of—

"(A) the salaries and benefits of service-learning coordinators; or

"(B) the recruitment, training, supervision, and placement of service-learning coordinators who are participants in a program under subtitle C or receive a national service educational award under subtitle D,

who will identify the community partners described in paragraph (2)(B) and assist in the design and implementation of a program described in paragraph (2); and

"(4) implementing, operating, or expanding school-based service-learning programs involving adult volunteers to utilize service-learning to improve the education of students, through State distribution of Federal funds made available under this part to local partnerships among—

"(A) local educational agencies; and

"(B) one or more—

"(i) public or private nonprofit organizations;

"(ii) other educational agencies; or

"(iii) private for-profit businesses,

that coordinate and operate projects for participants, who shall be students.

"(b) DUTIES OF SERVICE-LEARNING COORDINATOR.—A service-learning coordinator referred to in paragraph (2) or (3) of subsection (a) shall provide services to a local educational agency by—

"(1) providing technical assistance and information to, and facilitating the training of, teachers who want to use service-learning in their classrooms;

"(2) assisting local partnerships described in subsection (a) in the planning, development, and execution of service-learning projects; and

"(3) carrying out such other duties as the local educational agency may determine to be appropriate.

"(c) RELATED EXPENSES.—A partnership, local educational agency, or other qualified organization that receives financial assistance under this subpart may, in carrying out the activities described in subsection (a), use such assistance to pay for the Federal share of reasonable costs related to the supervision of participants, program administration, transportation, insurance, and evaluations, and for other reasonable expenses related to the activities.

"SEC. 111A. AUTHORITY TO ASSIST LOCAL APPLICANTS IN NONPARTICIPATING STATES. 42 USC 12522.

"In any fiscal year in which a State does not submit an application under section 113, for an allotment under subsection (a) or (b)(2) of section 112, that meets the requirements of section 113 and such other requirements as the Chief Executive Officer may determine to be appropriate, the Corporation may use the allotment of that State to make direct grants to pay for the Federal share of the cost of—

"(1) carrying out the activities described in paragraph (2) or (4) of section 111(a), to a local partnership described in such paragraph; or

"(2) carrying out the activities described in paragraph (3) of such section, to an agency described in such paragraph, that is located in the State.

"SEC. 111B. AUTHORITY TO ASSIST PUBLIC OR PRIVATE NONPROFIT ORGANIZATIONS. 42 USC 12523.

"(a) IN GENERAL.—The Corporation may make grants under section 112(b)(1) to public or private nonprofit organizations that—

"(1) have experience with service-learning;

"(2) were in existence at least 1 year before the date on which the organization submitted an application under section 114(a); and

"(3) meet such other criteria as the Chief Executive Officer may establish.

"(b) USE OF FUNDS.—Such organizations may use grants made under subsection (a) to make grants to partnerships described in paragraph (2) or (4) of section 111(a) to implement, operate, or expand school-based service-learning programs as described in such section and provide technical assistance and training to appropriate persons.

"SEC. 112. GRANTS AND ALLOTMENTS. 42 USC 12524.

"(a) INDIAN TRIBES AND TERRITORIES.—Of the amounts appropriated to carry out this subpart for any fiscal year, the Corporation shall reserve an amount of not more than 3 percent for payments to Indian tribes, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, to be allotted in accordance with their respective needs. The Corporation may also make payments from such amount to Palau,

in accordance with its needs, until such time as the Compact of Free Association with Palau is ratified.

"(b) GRANTS AND ALLOTMENTS THROUGH STATES.—The Corporation shall use the remainder of the funds appropriated to carry out this subpart for any fiscal year as follows:

"(1) GRANTS.—Except as provided in paragraph (3), from 25 percent of such remainder, the Corporation may make grants, on a competitive basis, to—

"(A) States and Indian tribes; or

"(B) as described in section 111B, to grantmaking entities.

"(2) ALLOTMENTS.—

"(A) SCHOOL-AGE YOUTH.—Except as provided in paragraph (3), from 37.5 percent of such remainder, the Corporation shall allot to each State an amount that bears the same ratio to 37.5 percent of such remainder as the number of school-age youth in the State bears to the total number of school-age youth of all States.

"(B) ALLOCATION UNDER ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—Except as provided in paragraph (3), from 37.5 percent of such remainder, the Corporation shall allot to each State an amount that bears the same ratio to 37.5 percent of such remainder as the allocation to the State for the previous fiscal year under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2711 et seq.) bears to such allocations to all States.

"(3) MINIMUM AMOUNT.—No State shall receive, under paragraph (2), an allotment that is less than the allotment such State received for fiscal year 1993 under section 112(b) of this Act, as in effect on the day before the date of enactment of this part. If the amount of funds made available in a fiscal year to carry out paragraph (2) is insufficient to make such allotments, the Corporation shall make available sums from the 25 percent described in paragraph (1) for such fiscal year to make such allotments.

"(4) DEFINITION.—Notwithstanding section 101(26), for purposes of this subsection, the term 'State' means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

"(c) REALLOTMENT.—If the Corporation determines that the allotment of a State or Indian tribe under this section will not be required for a fiscal year because the State or Indian tribe does not submit an application for the allotment under section 113 that meets the requirements of such section and such other requirements as the Chief Executive Officer may determine to be appropriate, the Corporation shall, after making any grants under section 111A to a partnership or agency described in such section, make any remainder of such allotment available for reallotment to such other States, and Indian tribes, with approved applications submitted under section 113, as the Corporation may determine to be appropriate.

"(d) EXCEPTION.—Notwithstanding subsections (a) and (b), if less than $20,000,000 is appropriated for any fiscal year to carry out this subpart, the Corporation shall award grants to States and Indian tribes, from the amount so appropriated, on a competi-

tive basis to pay for the Federal share of the activities described in section 111.

"SEC. 113. STATE OR TRIBAL APPLICATIONS. 42 USC 12525.

"(a) SUBMISSION.—To be eligible to receive a grant under section 112(b)(1), an allotment under subsection (a) or (b)(2) of section 112, a reallotment under section 112(c), or a grant under section 112(d), a State, acting through the State educational agency, or an Indian tribe, shall prepare, submit to the Corporation, and obtain approval of, an application at such time and in such manner as the Chief Executive Officer may reasonably require.

"(b) CONTENTS.—An application that is submitted under subsection (a) with respect to service-learning programs described in section 111 shall include—

"(1) a 3-year strategic plan, or a revision of a previously approved 3-year strategic plan, for promoting service-learning through the programs, which plan shall contain such information as the Chief Executive Officer may reasonably require, including information demonstrating that the programs will be carried out in a manner consistent with the approved strategic plan;

"(2) assurances that—

"(A) the applicant will keep such records and provide such information to the Corporation with respect to the programs as may be required for fiscal audits and program evaluation; and

"(B) the applicant will comply with the nonduplication and nondisplacement requirements of section 177 and the grievance procedure requirements of section 176(f); and

"(3) such additional information as the Chief Executive Officer may reasonably require.

"SEC. 114. LOCAL APPLICATIONS. 42 USC 12526.

"(a) APPLICATION TO CORPORATION TO MAKE GRANTS FOR SCHOOL-BASED SERVICE-LEARNING PROGRAMS.—

"(1) IN GENERAL.—To be eligible to receive a grant in accordance with section 111B(a) to make grants relating to school-based service-learning programs described in section 111(a), a grantmaking entity shall prepare, submit to the Corporation, and obtain approval of, an application.

"(2) SUBMISSION.—Such application shall be submitted at such time and in such manner, and shall contain such information, as the Chief Executive Officer may reasonably require. Such application shall include a proposal to assist such programs in more than 1 State.

"(b) DIRECT APPLICATION TO CORPORATION TO CARRY OUT SCHOOL-BASED SERVICE-LEARNING PROGRAMS IN NONPARTICIPATING STATES.—To be eligible to receive a grant from the Corporation in the circumstances described in section 111A to carry out an activity as described in such section, a partnership or agency described in such section shall prepare, submit to the Corporation, and obtain approval of, an application. Such application shall be submitted at such time and in such manner, and shall contain such information, as the Chief Executive Officer may reasonably require.

"(c) APPLICATION TO STATE OR INDIAN TRIBE TO RECEIVE ASSISTANCE TO CARRY OUT SCHOOL-BASED SERVICE-LEARNING PROGRAMS.—

"(1) IN GENERAL.—Any—

"(A) qualified organization that desires to receive financial assistance under this subpart from a State or Indian tribe for an activity described in section 111(a)(1);

"(B) partnership described in section 111(a)(2) that desires to receive such assistance from a State, Indian tribe, or grantmaking entity for an activity described in section 111(a)(2);

"(C) agency described in section 111(a)(3) that desires to receive such assistance from a State or Indian tribe for an activity described in such section; or

"(D) partnership described in section 111(a)(4) that desires to receive such assistance from a State or Indian tribe for an activity described in such section,

to be carried out through a service-learning program described in section 111, shall prepare, submit to the State educational agency, Indian tribe, or grantmaking entity, and obtain approval of, an application for the program.

"(2) SUBMISSION.—Such application shall be submitted at such time and in such manner, and shall contain such information, as the agency, tribe, or entity may reasonably require.

"(d) REGULATIONS.—The Corporation shall by regulation establish standards for the information and assurances required to be contained in an application submitted under subsection (a) or (b) with respect to a service-learning program described in section 111, including, at a minimum, assurances that—

"(1) prior to the placement of a participant, the entity carrying out the program will consult with the appropriate local labor organization, if any, representing employees in the area who are engaged in the same or similar work as that proposed to be carried out by such program, to prevent the displacement and protect the rights of such employees;

"(2) the entity carrying out the program will develop an age-appropriate learning component for participants in the program that shall include a chance for participants to analyze and apply their service experiences; and

"(3) the entity carrying out the program will comply with the nonduplication and nondisplacement requirements of section 177 and the grievance procedure requirements of section 176(f).

"(e) LIMITATION ON SAME PROJECT IN MULTIPLE APPLICATIONS.—No applicant shall submit an application under section 113 or this section, and the Corporation shall reject an application that is submitted under section 113 or this section, if the application describes a project proposed to be conducted using assistance requested by the applicant and the project is already described in another application pending before the Corporation.

42 USC 12527.

"SEC. 115. CONSIDERATION OF APPLICATIONS.

"(a) CRITERIA FOR APPLICATIONS.—In approving applications for financial assistance under subsection (a), (b), (c), or (d) of section 112, the Corporation shall consider such criteria with respect to sustainability, replicability, innovation, and quality of programs under this subpart as the Chief Executive Officer may by regulation specify. In providing assistance under this subpart, a State educational agency, Indian tribe, or grantmaking entity shall consider such criteria.

"(b) PRIORITY FOR LOCAL APPLICATIONS.—In providing assistance under this subpart, a State educational agency or Indian tribe, or the Corporation if section 111A or 111B applies, shall give priority to entities that submit applications under section 114 with respect to service-learning programs described in section 111 that—

"(1) involve participants in the design and operation of the program;

"(2) are in the greatest need of assistance, such as programs targeting low-income areas;

"(3) involve—

"(A) students from public elementary or secondary schools, and students from private elementary or secondary schools, serving together; or

"(B) students of different ages, races, sexes, ethnic groups, disabilities, or economic backgrounds, serving together; or

"(4) are integrated into the academic program of the participants.

"(c) REJECTION OF APPLICATIONS.—If the Corporation rejects an application submitted by a State under section 113 for an allotment under section 112(b)(2), the Corporation shall promptly notify the State of the reasons for the rejection of the application. The Corporation shall provide the State with a reasonable opportunity to revise and resubmit the application and shall provide technical assistance, if needed, to the State as part of the resubmission process. The Corporation shall promptly reconsider such resubmitted application.

"SEC. 115A. PARTICIPATION OF STUDENTS AND TEACHERS FROM PRIVATE SCHOOLS. 42 USC 12528.

"(a) IN GENERAL.—To the extent consistent with the number of students in the State or Indian tribe or in the school district of the local educational agency involved who are enrolled in private nonprofit elementary and secondary schools, such State, Indian tribe, or agency shall (after consultation with appropriate private school representatives) make provision—

"(1) for the inclusion of services and arrangements for the benefit of such students so as to allow for the equitable participation of such students in the programs implemented to carry out the objectives and provide the benefits described in this subpart; and

"(2) for the training of the teachers of such students so as to allow for the equitable participation of such teachers in the programs implemented to carry out the objectives and provide the benefits described in this subpart.

"(b) WAIVER.—If a State, Indian tribe, or local educational agency is prohibited by law from providing for the participation of students or teachers from private nonprofit schools as required by subsection (a), or if the Corporation determines that a State, Indian tribe, or local educational agency substantially fails or is unwilling to provide for such participation on an equitable basis, the Chief Executive Officer shall waive such requirements and shall arrange for the provision of services to such students and teachers. Such waivers shall be subject to consultation, withholding, notice, and judicial review requirements in accordance with para-

graphs (3) and (4) of section 1017(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2727(b)).

42 USC 12529.

"SEC. 116. FEDERAL, STATE, AND LOCAL CONTRIBUTIONS.

"(a) SHARE.—

"(1) IN GENERAL.—The Federal share attributable to this subpart of the cost of carrying out a program for which a grant or allotment is made under this subpart may not exceed—

"(A) 90 percent of the total cost of the program for the first year for which the program receives assistance under this subpart;

"(B) 80 percent of the total cost of the program for the second year for which the program receives assistance under this subpart;

"(C) 70 percent of the total cost of the program for the third year for which the program receives assistance under this subpart; and

"(D) 50 percent of the total cost of the program for the fourth year, and for any subsequent year, for which the program receives assistance under this subpart.

"(2) CALCULATION.—In providing for the remaining share of the cost of carrying out such a program, each recipient of assistance under this subpart—

"(A) shall provide for such share through a payment in cash or in kind, fairly evaluated, including facilities, equipment, or services; and

"(B) may provide for such share through State sources, local sources, or Federal sources (other than funds made available under the national service laws).

"(b) WAIVER.—The Chief Executive Officer may waive the requirements of subsection (a) in whole or in part with respect to any such program in any fiscal year if the Corporation determines that such a waiver would be equitable due to a lack of available financial resources at the local level.

42 USC 12530.

"SEC. 116A. LIMITATIONS ON USES OF FUNDS.

"(a) ADMINISTRATIVE COSTS.—

"(1) LIMITATION.—Not more than 5 percent of the amount of assistance provided to a State educational agency, Indian tribe, or grantmaking entity that is the original recipient of a grant or allotment under subsection (a), (b), (c), or (d) of section 112 for a fiscal year may be used to pay for administrative costs incurred by—

"(A) the original recipient; or

"(B) the entity carrying out the service-learning programs supported with the assistance.

"(2) RULES ON USE.—The Chief Executive Officer may by rule prescribe the manner and extent to which—

"(A) such assistance may be used to cover administrative costs; and

"(B) that portion of the assistance available to cover administrative costs should be distributed between—

"(i) the original recipient; and

"(ii) the entity carrying out the service-learning programs supported with the assistance.

"(b) CAPACITY-BUILDING ACTIVITIES.—

"(1) IN GENERAL.—Except as provided in paragraph (2), not less than 10 percent and not more than 15 percent of

the amount of assistance provided to a State educational agency or Indian tribe that is the original recipient of a grant or allotment under subsection (a), (b), (c), or (d) of section 112 for a fiscal year may be used to build capacity through training, technical assistance, curriculum development, and coordination activities, described in section 111(a)(1).

"(2) WAIVER.—The Chief Executive Officer may waive the requirements of paragraph (1) in order to permit an agency or a tribe to use not less than 10 percent and not more than 20 percent of such amount to build capacity as provided in paragraph (1). To be eligible to receive such a waiver such an agency or tribe shall submit an application to the Chief Executive Officer at such time, in such manner, and containing such information as the Chief Executive Officer may require.

"(c) LOCAL USES OF FUNDS.—Funds made available under this subpart may not be used to pay any stipend, allowance, or other financial support to any student who is a participant under this subtitle, except reimbursement for transportation, meals, and other reasonable out-of-pocket expenses directly related to participation in a program assisted under this subpart.

"SEC. 116B. DEFINITIONS. 42 USC 12531.

"As used in this subpart:

"(1) GRANTMAKING ENTITY.—The term 'grantmaking entity' means an organization described in section 111B(a).

"(2) SCHOOL-BASED.—The term 'school-based' means based in an elementary school or a secondary school.

"(3) STUDENT.—Notwithstanding section 101(29), the term 'student' means an individual who is enrolled in an elementary or secondary school on a full- or part-time basis.

"Subpart B—Community-Based Service Programs for School-Age Youth

"SEC. 117. DEFINITIONS. 42 USC 12541.

"As used in this subpart:

"(1) COMMUNITY-BASED SERVICE PROGRAM.—The term 'community-based service program' means a program described in section 117A(b)(1)(A).

"(2) GRANTMAKING ENTITY.—The term 'grantmaking entity' means a qualified organization that—

"(A) submits an application under section 117C(a) to make grants to qualified organizations;

"(B) was in existence at least 1 year before the date on which the organization submitted the application; and

"(C) meets such other criteria as the Chief Executive Officer shall establish.

"(3) QUALIFIED ORGANIZATION.—The term 'qualified organization' means a public or private nonprofit organization with experience working with school-age youth that meets such criteria as the Chief Executive Officer may establish.

"SEC. 117A. GENERAL AUTHORITY. 42 USC 12542.

"(a) GRANTS.—From the funds appropriated to carry out this subpart for a fiscal year, the Corporation may make grants to State Commissions, grantmaking entities, and qualified organiza-

tions to pay for the Federal share of the implementation, operation, expansion, or replication of community-based service programs.

"(b) USE OF FUNDS.—

"(1) STATE COMMISSIONS AND GRANTMAKING ENTITIES.—A State Commission or grantmaking entity may use a grant made under subsection (a)—

"(A) to make a grant to a qualified organization to implement, operate, expand, or replicate a community-based service program that provides for meaningful human, educational, environmental, or public safety service by participants, who shall be school-age youth; or

"(B) to provide training and technical assistance to such an organization.

"(2) QUALIFIED ORGANIZATIONS.—A qualified organization, other than a grantmaking entity, may use a grant made under subsection (a) to implement, operate, expand, or replicate a program described in paragraph (1)(A).

42 USC 12543.

"SEC. 117B. STATE APPLICATIONS.

"(a) IN GENERAL.—To be eligible to receive a grant under section 117A(a), a State Commission shall prepare, submit to the Corporation, and obtain approval of, an application.

"(b) SUBMISSION.—Such application shall be submitted to the Corporation at such time and in such manner, and shall contain such information, as the Chief Executive Officer may reasonably require.

"(c) CONTENTS.—Such an application shall include, at a minimum, a State plan that contains the information and assurances described in section 117C(d) with respect to each community-based service program proposed to be carried out through funding distributed by the State Commission under this subpart.

42 USC 12544.

"SEC. 117C. LOCAL APPLICATIONS.

"(a) APPLICATION TO CORPORATION TO MAKE GRANTS FOR COMMUNITY-BASED SERVICE PROGRAMS.—To be eligible to receive a grant from the Corporation under section 117A(a) to make grants under section 117A(b)(1), a grantmaking entity shall prepare, submit to the Corporation, and obtain approval of, an application that proposes a community-based service program to be carried out through grants made to qualified organizations. Such application shall be submitted at such time and in such manner, and shall contain such information, as the Chief Executive Officer may reasonably require.

"(b) DIRECT APPLICATION TO CORPORATION TO CARRY OUT COMMUNITY-BASED SERVICE PROGRAMS.—To be eligible to receive a grant from the Corporation under section 117A(a) to implement, operate, expand, or replicate a community service program, a qualified organization shall prepare, submit to the Corporation, and obtain approval of, an application that proposes a community-based service program to be carried out at multiple sites, or that proposes an innovative community-based service program. Such application shall be submitted at such time and in such manner, and shall contain such information, as the Chief Executive Officer may reasonably require.

"(c) APPLICATION TO STATE COMMISSION OR GRANTMAKING ENTITY TO RECEIVE GRANTS TO CARRY OUT COMMUNITY-BASED SERVICE PROGRAMS.—To be eligible to receive a grant from a State Commission or grantmaking entity under section 117A(b)(1), a

qualified organization shall prepare, submit to the Commission or entity, and obtain approval of, an application. Such application shall be submitted at such time and in such manner, and shall contain such information, as the Commission or entity may reasonably require.

"(d) REGULATIONS.—The Corporation shall by regulation establish standards for the information and assurances required to be contained in an application submitted under subsection (a) or (b) with respect to a community-based service program, including, at a minimum—

"(1) an assurance that the entity carrying out the program proposed by the applicant will comply with the nonduplication and nondisplacement provisions of section 177 and the grievance procedure requirements of section 176(f);

"(2) an assurance that the entity carrying out the program will, prior to placing a participant in the program, consult with the appropriate local labor organization, if any, representing employees in the area in which the program will be carried out that are engaged in the same or similar work as the work proposed to be carried out by the program, to prevent the displacement of such employees; and

"(3) in the case of an application submitted by a grantmaking entity, information demonstrating that the entity will make grants for a program to—

"(A) carry out activities described in section 117A(b)(1) in two or more States, under circumstances in which the activities carried out under such program can be carried out more efficiently through one program than through two or more programs; and

"(B) carry out the same activities, such as training activities or activities related to exchanging information on service experiences, through each of the projects assisted through the program.

"(e) LIMITATION ON SAME PROJECT IN MULTIPLE APPLICATIONS.—No applicant shall submit an application under section 117B or this section, and the Corporation shall reject an application that is submitted under section 117B or this section, if the application describes a project proposed to be conducted using assistance requested by the applicant and the project is already described in another application pending before the Corporation.

"SEC. 117D. CONSIDERATION OF APPLICATIONS.

42 USC 12545.

"(a) APPLICATION OF CRITERIA.—The Corporation shall apply the criteria described in subsection (b) in determining whether to approve an application submitted under section 117B or under subsection (a) or (b) of section 117C and to provide assistance under section 117A to the applicant on the basis of the application.

"(b) ASSISTANCE CRITERIA.—In evaluating such an application with respect to a program under this subpart, the Corporation shall consider the criteria established for national service programs under section 133(c).

"(c) APPLICATION TO SUBGRANTS.—A State Commission or grantmaking entity shall apply the criteria described in subsection (b) in determining whether to approve an application under section 117C(c) and to make a grant under section 117A(b)(1) to the applicant on the basis of the application.

42 USC 12546.

"SEC. 117E. FEDERAL, STATE, AND LOCAL CONTRIBUTIONS.

"(a) FEDERAL SHARE.—

"(1) IN GENERAL.—The Federal share attributable to this subpart of the cost of carrying out a program for which a grant is made under this subpart may not exceed the percentage specified in subparagraph (A), (B), (C), or (D) of section 116(a)(1), as appropriate.

"(2) CALCULATION.—Each recipient of assistance under this subpart shall comply with section 116(a)(2).

"(b) WAIVER.—The Chief Executive Officer may waive the requirements of subsection (a), in whole or in part, as provided in section 116(b).

42 USC 12547.

"SEC. 117F. LIMITATIONS ON USES OF FUNDS.

"(a) ADMINISTRATIVE COSTS.—Not more than 5 percent of the amount of assistance provided to a State Commission, grantmaking entity, or qualified organization that is the original recipient of a grant under section 117A(a) for a fiscal year may be used to pay for administrative costs incurred by—

"(1) the original recipient; or

"(2) the entity carrying out the community-based service programs supported with the assistance.

"(b) RULES ON USE.—The Chief Executive Officer may by rule prescribe the manner and extent to which—

"(1) such assistance may be used to cover administrative costs; and

"(2) that portion of the assistance available to cover administrative costs should be distributed between—

"(A) the original recipient; and

"(B) the entity carrying out the community-based service programs supported with the assistance.

"Subpart C—Clearinghouse

42 USC 12551.

"SEC. 118. SERVICE-LEARNING CLEARINGHOUSE.

"(a) IN GENERAL.—The Corporation shall provide financial assistance, from funds appropriated to carry out subtitle H, to organizations described in subsection (b) to establish a clearinghouse, which shall carry out activities, either directly or by arrangement with another such organization, with respect to information about service-learning.

"(b) PUBLIC OR PRIVATE NONPROFIT ORGANIZATIONS.—Public or private nonprofit organizations that have extensive experience with service-learning, including use of adult volunteers to foster service-learning, shall be eligible to receive assistance under subsection (a).

"(c) FUNCTION OF CLEARINGHOUSE.—An organization that receives assistance under subsection (a) may—

"(1) assist entities carrying out State or local service-learning programs with needs assessments and planning;

"(2) conduct research and evaluations concerning service-learning;

"(3)(A) provide leadership development and training to State and local service-learning program administrators, supervisors, service sponsors, and participants; and

"(B) provide training to persons who can provide the leadership development and training described in subparagraph (A);

"(4) facilitate communication among entities carrying out service-learning programs and participants in such programs;

"(5) provide information, curriculum materials, and technical assistance relating to planning and operation of service-learning programs, to States and local entities eligible to receive financial assistance under this title;

"(6) provide information regarding methods to make service-learning programs accessible to individuals with disabilities;

"(7)(A) gather and disseminate information on successful service-learning programs, components of such successful programs, innovative youth skills curricula related to service-learning, and service-learning projects; and

"(B) coordinate the activities of the Clearinghouse with appropriate entities to avoid duplication of effort;

"(8) make recommendations to State and local entities on quality controls to improve the quality of service-learning programs;

"(9) assist organizations in recruiting, screening, and placing service-learning coordinators; and

"(10) carry out such other activities as the Chief Executive Officer determines to be appropriate.".

(b) HIGHER EDUCATION INNOVATIVE PROJECTS.—Subtitle B of title I of the National and Community Service Act of 1990 (42 U.S.C. 12531 et seq.) is amended by striking part II and inserting the following: 42 USC 12531.

"PART II—HIGHER EDUCATION INNOVATIVE PROGRAMS FOR COMMUNITY SERVICE

"SEC. 119. HIGHER EDUCATION INNOVATIVE PROGRAMS FOR COMMUNITY SERVICE. 42 USC 12561.

"(a) PURPOSE.—It is the purpose of this part to expand participation in community service by supporting innovative community service programs carried out through institutions of higher education, acting as civic institutions to meet the human, educational, environmental, or public safety needs of neighboring communities.

"(b) GENERAL AUTHORITY.—The Corporation, in consultation with the Secretary of Education, is authorized to make grants to, and enter into contracts with, institutions of higher education (including a combination of such institutions), and partnerships comprised of such institutions and of other public or private nonprofit organizations, to pay for the Federal share of the cost of—

"(1) enabling such an institution or partnership to create or expand an organized community service program that—

"(A) engenders a sense of social responsibility and commitment to the community in which the institution is located; and

"(B) provides projects for participants, who shall be students, faculty, administration, or staff of the institution, or residents of the community;

"(2) supporting student-initiated and student-designed community service projects through the program;

"(3) strengthening the leadership and instructional capacity of teachers at the elementary, secondary, and postsecondary levels, with respect to service-learning, by—

"(A) including service-learning as a key component of the preservice teacher education of the institution; and

"(B) encouraging the faculty of the institution to use service-learning methods throughout their curriculum;

"(4) facilitating the integration of community service carried out under the program into academic curricula, including integration of clinical programs into the curriculum for students in professional schools, so that students can obtain credit for their community service projects;

"(5) supplementing the funds available to carry out work-study programs under part C of title IV of the Higher Education Act of 1965 (42 U.S.C. 2751 et seq.) to support service-learning and community service through the community service program;

"(6) strengthening the service infrastructure within institutions of higher education in the United States through the program; and

"(7) providing for the training of teachers, prospective teachers, related education personnel, and community leaders in the skills necessary to develop, supervise, and organize service-learning.

"(c) FEDERAL SHARE.—

"(1) SHARE.—

"(A) IN GENERAL.—The Federal share of the cost of carrying out a community service project for which a grant or contract is awarded under this part may not exceed 50 percent.

"(B) CALCULATION.—Each recipient of assistance under this part shall comply with section 116(a)(2).

"(2) WAIVER.—The Chief Executive Officer may waive the requirements of paragraph (1), in whole or in part, as provided in section 116(b).

"(d) APPLICATION FOR GRANT.—

"(1) SUBMISSION.—To receive a grant or enter into a contract under this part, an institution or partnership described in subsection (b) shall prepare, submit to the Corporation, and obtain approval of, an application at such time, in such manner, and containing such information and assurances as the Corporation may reasonably require. In requesting applications for assistance under this part, the Corporation shall specify such required information and assurances.

"(2) CONTENTS.—An application submitted under paragraph (1) shall contain, at a minimum—

"(A) assurances that—

"(i) prior to the placement of a participant, the applicant will consult with the appropriate local labor organization, if any, representing employees in the area who are engaged in the same or similar work as that proposed to be carried out by such program, to prevent the displacement and protect the rights of such employees; and

"(ii) the applicant will comply with the nonduplication and nondisplacement provisions of section 177 and grievance procedure requirements of section 176(f); and

"(B) such other assurances as the Chief Executive Officer may reasonably require.

"(e) PRIORITY.—

"(1) IN GENERAL.—In making grants and entering into contracts under subsection (b), the Corporation shall give priority to applicants that submit applications containing proposals that—

"(A) demonstrate the commitment of the institution of higher education, other than by demonstrating the commitment of the students, to supporting the community service projects carried out under the program;

"(B) specify the manner in which the institution will promote faculty, administration, and staff participation in the community service projects;

"(C) specify the manner in which the institution will provide service to the community through organized programs, including, where appropriate, clinical programs for students in professional schools;

"(D) describe any partnership that will participate in the community service projects, such as a partnership comprised of—

"(i) the institution;

"(ii)(I) a community-based agency;

"(II) a local government agency; or

"(III) a nonprofit entity that serves or involves school-age youth or older adults; and

"(iii) a student organization;

"(E) demonstrate community involvement in the development of the proposal;

"(F) specify that the institution will use such assistance to strengthen the service infrastructure in institutions of higher education; or

"(G) with respect to projects involving delivery of service, specify projects that involve leadership development of school-age youth.

"(2) DETERMINATION.—In giving priority to applicants under paragraph (1), the Corporation shall give increased priority to such an applicant for each characteristic described in subparagraphs (A) through (G) of paragraph (1) that is reflected in the application submitted by the applicant.

"(f) NATIONAL SERVICE EDUCATIONAL AWARD.—A participant in a program funded under this part shall be eligible for the national service educational award described in subtitle D, if the participant served in an approved national service position.

"(g) DEFINITION.—Notwithstanding section 101(29), as used in this part, the term 'student' means an individual who is enrolled in an institution of higher education on a full- or part-time basis.".

(c) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101–610; 104 Stat. 3127) is amended by striking the items relating to subtitle B of title I of such Act and inserting the following:

"Subtitle B—School-Based and Community-Based Service-Learning Programs

"PART I—SERVE-AMERICA PROGRAMS

"SUBPART A—SCHOOL-BASED PROGRAMS FOR STUDENTS

"Sec. 111. Authority to assist States and Indian tribes.
"Sec. 111A. Authority to assist local applicants in nonparticipating States.
"Sec. 111B. Authority to assist public or private nonprofit organizations.
"Sec. 112. Grants and allotments.
"Sec. 113. State or tribal applications.
"Sec. 114. Local applications.

"Sec. 115. Consideration of applications.
"Sec. 115A. Participation of students and teachers from private schools.
"Sec. 116. Federal, State, and local contributions.
"Sec. 116A. Limitations on uses of funds.
"Sec. 116B. Definitions.

"SUBPART B—COMMUNITY-BASED SERVICE PROGRAMS FOR SCHOOL-AGE YOUTH

"Sec. 117. Definitions.
"Sec. 117A. General authority.
"Sec. 117B. State applications.
"Sec. 117C. Local applications.
"Sec. 117D. Consideration of applications.
"Sec. 117E. Federal, State, and local contributions.
"Sec. 117F. Limitations on uses of funds.

"SUBPART C—CLEARINGHOUSE

"Sec. 118. Service-learning clearinghouse.

"PART II—HIGHER EDUCATION INNOVATIVE PROGRAMS FOR COMMUNITY SERVICE

"Sec. 119. Higher education innovative programs for community service.".

SEC. 104. QUALITY AND INNOVATION ACTIVITIES.

(a) REPEAL.—Subtitle E of title I of the National and Community Service Act of 1990 (42 U.S.C. 12591 et seq.) is repealed.

(b) TRANSFER.—Title I of the National and Community Service Act of 1990 is amended—

42 USC 12653-12653*o*, 12611-12626.

(1) by redesignating subtitle H (42 U.S.C. 12653 et seq.) as subtitle E;

(2) by inserting subtitle E (as redesignated by paragraph (1) of this subsection) after subtitle D; and

(3) by redesignating sections 195 through 195O as sections 151 through 166, respectively.

(c) INVESTMENT FOR QUALITY AND INNOVATION.—Title I of the National and Community Service Act of 1990 (as amended by subsection (b) of this section) is amended by inserting after subtitle G the following new subtitle:

"Subtitle H—Investment for Quality and Innovation

42 USC 12653.

"SEC. 198. ADDITIONAL CORPORATION ACTIVITIES TO SUPPORT NATIONAL SERVICE.

"(a) METHODS OF CONDUCTING ACTIVITIES.—The Corporation may carry out this section directly (except as provided in subsection (r)) or through grants, contracts, and cooperative agreements with other entities.

"(b) INNOVATION AND QUALITY IMPROVEMENT.—The Corporation may undertake activities to improve the quality of national service programs, including service-learning programs, and to support innovative and model programs, including—

"(1) programs, including programs for rural youth, under subtitle B or C;

"(2) employer-based retiree programs;

"(3) intergenerational programs;

"(4) programs involving individuals with disabilities as participants providing service; and

"(5) programs sponsored by Governors.

"(c) SUMMER PROGRAMS.—The Corporation may support service programs intended to be carried out between May 1 and October 1, except that such a program may also include a year-round component.

"(d) COMMUNITY-BASED AGENCIES.—The Corporation may provide training and technical assistance and other assistance to service sponsors and other community-based agencies that provide volunteer placements in order to improve the ability of such agencies to use participants and other volunteers in a manner that results in high-quality service and a positive service experience for the participants and volunteers.

"(e) IMPROVE ABILITY TO APPLY FOR ASSISTANCE.—The Corporation shall provide training and technical assistance, where necessary, to individuals, programs, local labor organizations, State educational agencies, State Commissions, local educational agencies, local governments, community-based agencies, and other entities to enable them to apply for funding under one of the national service laws, to conduct high-quality programs, to evaluate such programs, and for other purposes.

"(f) NATIONAL SERVICE FELLOWSHIPS.—The Corporation may award national service fellowships.

"(g) CONFERENCES AND MATERIALS.—The Corporation may organize and hold conferences, and prepare and publish materials, to disseminate information and promote the sharing of information among programs for the purpose of improving the quality of programs and projects.

"(h) PEACE CORPS AND VISTA TRAINING.—The Corporation may provide training assistance to selected individuals who volunteer to serve in the Peace Corps or a program authorized under title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.). The training shall be provided as part of the course of study of the individual at an institution of higher education, shall involve service-learning, and shall cover appropriate skills that the individual will use in the Peace Corps or VISTA.

"(i) PROMOTION AND RECRUITMENT.—The Corporation may conduct a campaign to solicit funds for the National Service Trust and other programs and activities authorized under the national service laws and to promote and recruit participants for programs that receive assistance under the national service laws.

"(j) TRAINING.—The Corporation may support national and regional participant and supervisor training, including leadership training and training in specific types of service and in building the ethic of civic responsibility.

"(k) RESEARCH.—The Corporation may support research on national service, including service-learning.

"(l) INTERGENERATIONAL SUPPORT.—The Corporation may assist programs in developing a service component that combines students, out-of-school youths, and older adults as participants to provide needed community services.

"(m) PLANNING COORDINATION.—The Corporation may coordinate community-wide planning among programs and projects.

"(n) YOUTH LEADERSHIP.—The Corporation may support activities to enhance the ability of youth and young adults to play leadership roles in national service.

"(o) NATIONAL PROGRAM IDENTITY.—The Corporation may support the development and dissemination of materials, including training materials, and arrange for uniforms and insignia, designed to promote unity and shared features among programs that receive assistance under the national service laws.

"(p) SERVICE-LEARNING.—The Corporation shall support innovative programs and activities that promote service-learning.

"(q) NATIONAL YOUTH SERVICE DAY.—

President. "(1) DESIGNATION.—April 19, 1994, and April 18, 1995 are each designated as 'National Youth Service Day'. The President is authorized and directed to issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities.

"(2) FEDERAL ACTIVITIES.—In order to observe National Youth Service Day at the Federal level, the Corporation may organize and carry out appropriate ceremonies and activities.

"(3) ACTIVITIES.—The Corporation may make grants to public or private nonprofit organizations with demonstrated ability to carry out appropriate activities, in order to support such activities on National Youth Service Day.

"(r) ASSISTANCE FOR HEAD START.—The Corporation may make grants to, and enter into contracts and cooperative agreements with, public or nonprofit private agencies and organizations that receive grants or contracts under the Foster Grandparent Program (part B of title II of the Domestic Volunteer Service Act of 1973 (29 U.S.C. 5011 et seq.)), for projects of the type described in section 211(a) of such Act (29 U.S.C. 5011) operating under memoranda of agreement with the ACTION Agency, for the purpose of increasing the number of low-income individuals who provide services under such program to children who participate in Head Start programs under the Head Start Act (42 U.S.C 9831 et seq).

42 USC 12653a. **"SEC. 198A. CLEARINGHOUSES.**

"(a) ASSISTANCE.—The Corporation shall provide assistance to appropriate entities to establish one or more clearinghouses, including the clearinghouse described in section 118.

"(b) APPLICATION.—To be eligible to receive assistance under subsection (a), an entity shall submit an application to the Corporation at such time, in such manner, and containing such information as the Corporation may require.

"(c) FUNCTION OF CLEARINGHOUSES.—An entity that receives assistance under subsection (a) may—

"(1) assist entities carrying out State or local community service programs with needs assessments and planning;

"(2) conduct research and evaluations concerning community service;

"(3)(A) provide leadership development and training to State and local community service program administrators, supervisors, and participants; and

"(B) provide training to persons who can provide the leadership development and training described in subparagraph (A);

"(4) facilitate communication among entities carrying out community service programs and participants;

"(5) provide information, curriculum materials, and technical assistance relating to planning and operation of community service programs, to States and local entities eligible to receive funds under this title;

"(6)(A) gather and disseminate information on successful community service programs, components of such successful programs, innovative youth skills curriculum, and community service projects; and

"(B) coordinate the activities of the clearinghouse with appropriate entities to avoid duplication of effort;

"(7) make recommendations to State and local entities on quality controls to improve the delivery of community service programs and on changes in the programs under this title; and

"(8) carry out such other activities as the Chief Executive Officer determines to be appropriate.

"SEC. 198B. PRESIDENTIAL AWARDS FOR SERVICE. 42 USC 12653b.

"(a) PRESIDENTIAL AWARDS.—

"(1) IN GENERAL.—The President, acting through the Corporation, may make Presidential awards for service to individuals providing significant service, and to outstanding service programs.

"(2) INDIVIDUALS AND PROGRAMS.—Notwithstanding section 101(19)—

"(A) an individual receiving an award under this subsection need not be a participant in a program authorized under this Act; and

"(B) a program receiving an award under this subsection need not be a program authorized under this Act.

"(3) NATURE OF AWARD.—In making an award under this section to an individual or program, the President, acting through the Corporation—

"(A) is authorized to incur necessary expenses for the honorary recognition of the individual or program; and

"(B) is not authorized to make a cash award to such individual or program.

"(b) INFORMATION.—The President, acting through the Corporation, shall ensure that information concerning individuals and programs receiving awards under this section is widely disseminated.

"SEC. 198C. MILITARY INSTALLATION CONVERSION DEMONSTRATION PROGRAMS. Disadvantaged. 42 USC 12653c.

"(a) PURPOSES.—The purposes of this section are to—

"(1) provide meaningful service opportunities for economically disadvantaged youth;

"(2) fully utilize military installations affected by closures or realignments;

"(3) encourage communities affected by such closures or realignments to convert the installations to community use; and

"(4) foster a sense of community pride in the youth in the community.

"(b) DEFINITIONS.—As used in this section:

"(1) AFFECTED MILITARY INSTALLATION.—The term 'affected military installation' means a military installation described in section 325(e)(1) of the Job Training Partnership Act (29 U.S.C. 1662d(e)(1)).

"(2) COMMUNITY.—The term 'community' includes a county.

"(3) CONVERT TO COMMUNITY USE.—The term 'convert to community use', used with respect to an affected military installation, includes—

"(A) conversion of the installation or a part of the installation to—

"(i) a park;

"(ii) a community center;

"(iii) a recreational facility; or

"(iv) a facility for a Head Start program under the Head Start Act (42 U.S.C. 9831 et seq.); and

"(B) carrying out, at the installation, a construction or economic development project that is of substantial benefit, as determined by the Chief Executive Officer, to—

"(i) the community in which the installation is located; or

"(ii) a community located within such distance of the installation as the Chief Executive Officer may determine by regulation to be appropriate.

"(4) DEMONSTRATION PROGRAM.—The term 'demonstration program' means a program described in subsection (c).

"(c) DEMONSTRATION PROGRAMS.—

"(1) GRANTS.—The Corporation may make grants to communities and community-based agencies to pay for the Federal share of establishing and carrying out military installation conversion demonstration programs, to assist in converting to community use affected military installations located—

"(A) within the community; or

"(B) within such distance from the community as the Chief Executive Officer may by regulation determine to be appropriate.

"(2) DURATION.—In carrying out such a demonstration program, the community or community-based agency may carry out—

"(A) a program of not less than 6 months in duration; or

"(B) a full-time summer program.

"(d) USE OF FUNDS.—

"(1) STIPEND.—A community or community-based agency that receives a grant under subsection (c) to establish and carry out a project through a demonstration program may use the funds made available through such grant to pay for a portion of a stipend for the participants in the project.

"(2) LIMITATION ON AMOUNT OF STIPEND.—The amount of the stipend provided to a participant under paragraph (1) that may be paid using assistance provided under this section and using any other Federal funds shall not exceed the lesser of—

"(A) 85 percent of the total average annual subsistence allowance provided to VISTA volunteers under section 105 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4955); and

"(B) 85 percent of the stipend established by the demonstration program involved.

"(e) PARTICIPANTS.—

"(1) ELIGIBILITY.—A person shall be eligible to be selected as a participant in a project carried out through a demonstration program if the person is—

"(A) an economically disadvantaged individual; and

"(B)(i) a person described in section 153(b);

"(ii) a youth described in section 154(a); or

"(iii) an eligible youth described in section 423 of the Job Training Partnership Act (29 U.S.C. 1693).

"(2) PARTICIPATION.—Persons desiring to participate in such a project shall enter into an agreement with the service sponsor of the project to participate—

"(A) on a full-time or a part-time basis; and

"(B) for the duration referred to in subsection (f)(2)(C).

"(f) APPLICATION.—

"(1) IN GENERAL.—To be eligible to receive a grant under subsection (c), a community or community-based agency shall submit an application to the Chief Executive Officer at such time, in such manner, and containing such information as the Chief Executive Officer may require.

"(2) CONTENTS.—At a minimum, such application shall contain—

"(A) a description of the demonstration program proposed to be conducted by the applicant;

"(B) a proposal for carrying out the program that describes the manner in which the applicant will—

"(i) provide preservice and inservice training, for supervisors and participants, that will be conducted by qualified individuals or qualified organizations;

"(ii) conduct an appropriate evaluation of the program; and

"(iii) provide for appropriate community involvement in the program;

"(C) information indicating the duration of the program; and

"(D) an assurance that the applicant will comply with the nonduplication and nondisplacement provisions of section 177 and the grievance procedure requirements of section 176(f).

"(g) LIMITATION ON GRANT.—In making a grant under subsection (c) with respect to a demonstration program to assist in converting an affected military installation, the Corporation shall not make a grant for more than 25 percent of the total cost of the conversion.

"SEC. 198D. SPECIAL DEMONSTRATION PROJECT. 42 USC 12653d.

"(a) SPECIAL DEMONSTRATION PROJECT FOR THE YUKON-KUSKOKWIM DELTA OF ALASKA.—The President may award grants to, and enter into contracts with, organizations to carry out programs that address significant human needs in the Yukon-Kuskokwim delta region of Alaska.

"(b) APPLICATION.—

"(1) GENERAL REQUIREMENTS.—To be eligible to receive a grant or enter into a contract under subsection (a) with respect to a program, an organization shall submit an application to the President at such time, in such manner, and containing such information as the President may require.

"(2) CONTENTS.—The application submitted by the organization shall, at a minimum—

"(A) include information describing the manner in which the program will utilize VISTA volunteers, individuals who have served in the Peace Corps, and other qualified persons, in partnership with the local nonprofit organizations known as the Yukon-Kuskokwim Health Corporation and the Alaska Village Council Presidents;

"(B) take into consideration—

"(i) the primarily noncash economy of the region; and

"(ii) the needs and desires of residents of the local communities in the region; and

"(C) include specific strategies, developed in cooperation with the Yupi'k speaking population that resides in such communities, for comprehensive and intensive community development for communities in the Yukon-Kuskokwim delta region.".

(d) TABLE OF CONTENTS.—

(1) CIVILIAN COMMUNITY CORPS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101–610; 104 Stat. 3127) is amended by striking the items relating to subtitle E of title I of such Act and inserting the following:

"Subtitle E—Civilian Community Corps

"Sec. 151. Purpose.
"Sec. 152. Establishment of Civilian Community Corps Demonstration Program.
"Sec. 153. National service program.
"Sec. 154. Summer national service program.
"Sec. 155. Civilian Community Corps.
"Sec. 156. Training.
"Sec. 157. Service projects.
"Sec. 158. Authorized benefits for Corps members.
"Sec. 159. Administrative provisions.
"Sec. 160. Status of Corps members and Corps personnel under Federal law.
"Sec. 161. Contract and grant authority.
"Sec. 162. Responsibilities of other departments.
"Sec. 163. Advisory board.
"Sec. 164. Annual evaluation.
"Sec. 165. Funding limitation.
"Sec. 166. Definitions.".

(2) QUALITY AND INNOVATION.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101–610; 104 Stat. 3127) is amended by striking the items relating to subtitle H of title I of such Act and inserting the following:

"Subtitle H—Investment for Quality and Innovation

"Sec. 198. Additional corporation activities to support national service.
"Sec. 198A. Clearinghouses.
"Sec. 198B. Presidential awards for service.
"Sec. 198C. Military installation conversion demonstration programs.
"Sec. 198D. Special demonstration project.".

(e) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1993.—

(A) Section 1091(f)(2) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484) is amended by striking "195G" and inserting "158".

32 USC 501 note.

(B) Paragraphs (1) and (2) of section 1092(b), and sections 1092(c), 1093(a), and 1094(a) of such Act are amended by striking "195A" and inserting "152".

42 USC 12653a note; 106 Stat. 2522; 42 USC 12653a note; 106 Stat. 2535.

(C) Sections 1091(f)(2), 1092(b)(1), and 1094(a), and subsections (a) and (c) of section 1095 of such Act are amended by striking "subtitle H" and inserting "subtitle E".

106 Stat. 2535.

(D) Section 1094(b)(1) and subsections (b) and (c)(1) of section 1095 of such Act are amended by striking "subtitles B, C, D, E, F, and G" and inserting "subtitles B, C, D, F, G, and H".

(2) NATIONAL AND COMMUNITY SERVICE ACT OF 1990.—

(A) Section 153(a) of the National and Community Service Act of 1990 (as redesignated in subsection (b)(3) of this section) (42 U.S.C. 12653b(a)) is amended by striking "195A(a)" and inserting "152(a)".

42 USC 12613.

(B) Section 154(a) of such Act (as redesignated in subsection (b)(3) of this section) (42 U.S.C. 12653c(a)) is amended by striking "195A(a)" and inserting "152(a)". 42 USC 12614.

(C) Section 155 of such Act (as redesignated in subsection (b)(3) of this section) (42 U.S.C. 12653d) is amended— 42 USC 12615.

(i) in subsection (a), by striking "195H(c)(1)" and inserting "159(c)(1)";

(ii) in subsection (c)(2), by striking "195H(c)(2)" and inserting "159(c)(2)"; and

(iii) in subsection (d)(3), by striking "195K(a)(3)" and inserting "162(a)(3)".

(D) Section 156 of such Act (as redesignated in subsection (b)(3) of this section) (42 U.S.C. 12653e) is amended— 42 USC 12616.

(i) in subsection (c)(1), by striking "195H(c)(2)" and inserting "159(c)(2)"; and

(ii) in subsection (d), by striking "195K(a)(3)" and inserting "162(a)(3)".

(E) Section 159 of such Act (as redesignated in subsection (b)(3) of this section) (42 U.S.C. 12653h) is amended— 42 USC 12619.

(i) in subsection (a)—

(I) by striking "195A" and inserting "152"; and

(II) in paragraph (2), by striking "195" and inserting "151"; and

(ii) in subsection (c)(2)(C)(i), by striking "195K(a)(2)" and inserting "section 162(a)(2)".

(F) Section 161(b)(1)(B) of such Act (as redesignated in subsection (b)(3) of this section) (42 U.S.C. 12653j(b)(1)(B)) is amended by striking "195K(a)(3)" and inserting "162(a)(3)". 42 USC 12621.

(G) Section 162(a)(2)(A) of such Act (as redesignated in subsection (b)(3) of this section) (42 U.S.C. 12653k(a)(2)(A)) is amended by striking "195(3)" and inserting "151(3)". 42 USC 12622.

(H) Section 166 of such Act (as redesignated in subsection (b)(3) of this section) (42 U.S.C. 12653o) is amended— 42 USC 12626.

(i) in paragraph (2), by striking "195D" and inserting "155";

(ii) in paragraph (8), by striking "195A" and inserting "152";

(iii) in paragraph (10), by striking "195D(d)" and inserting "155(d)"; and

(iv) in paragraph (11), by striking "195D(c)" and inserting "155(c)".

(f) EXTENSION OF AUTHORITY TO CONDUCT CIVILIAN COMMUNITY CORPS.—Section 1092(c) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2534), as amended by subsection (e)(1) of this section, is further amended by adding at the end the following new sentence: "The amount made available for the Civilian Community Corps Demonstration Program pursuant to this subsection shall remain available for expenditure during fiscal years 1993 and 1994.".

(g) ADDITIONAL AMENDMENT REGARDING CIVILIAN COMMUNITY CORPS.—Section 158 of the National and Community Service Act

42 USC 12618.

of 1990 (as redesignated in subsection (b)(3) of this section) (42 U.S.C. 12653g) is amended by striking subsections (f), (g), and (h) and inserting the following new subsections:

"(f) NATIONAL SERVICE EDUCATIONAL AWARDS.—A Corps member who successfully completes a period of agreed service in the Corps may receive the national service educational award described in subtitle D if the Corps member—

"(1) serves in an approved national service position; and

"(2) satisfies the eligibility requirements specified in section 146 with respect to service in that approved national service position.

"(g) ALTERNATIVE BENEFIT.—If a Corps member who successfully completes a period of agreed service in the Corps is ineligible for the national service educational award described in subtitle D, the Director may provide for the provision of a suitable alternative benefit for the Corps member.".

SEC. 105. PUBLIC LANDS CORPS.

Public Law 91–378 (16 U.S.C. 1701–1706; commonly known as the Youth Conservation Corps Act of 1970) is amended—

(1) by inserting before section 1 the following:

"TITLE I—YOUTH CONSERVATION CORPS";

(2) by striking "Act" each place it appears and inserting "title";

16 USC 1701–1706.

(3) by redesignating sections 1 through 6 as sections 101 through 106, respectively;

16 USC 1702.

(4) in section 102 (as so redesignated), by inserting "in this title" after "hereinafter" in subsection (a);

16 USC 1704.

(5) in section 104 (as so redesignated), by striking "section 6" in subsection (d) and inserting "section 106"; and

(6) by adding at the end the following new title:

"TITLE II—PUBLIC LANDS CORPS

Public Lands Corps Act of 1993. Conservation. 16 USC 1701 note.

"SEC. 201. SHORT TITLE.

"This title may be cited as the 'Public Lands Corps Act of 1993'.

16 USC 1721.

"SEC. 202. CONGRESSIONAL FINDINGS AND PURPOSE.

"(a) FINDINGS.—The Congress finds the following:

"(1) Conserving or developing natural and cultural resources and enhancing and maintaining environmentally important lands and waters through the use of the Nation's young men and women in a Public Lands Corps can benefit those men and women by providing them with education and work opportunities, furthering their understanding and appreciation of the natural and cultural resources, and providing a means to pay for higher education or to repay indebtedness they have incurred to obtain higher education while at the same time benefiting the Nation's economy and its environment.

"(2) Many facilities and natural resources located on eligible service lands are in disrepair or degraded and in need of labor intensive rehabilitation, restoration, and enhancement

work which cannot be carried out by Federal agencies at existing personnel levels.

"(3) Youth conservation corps have established a good record of restoring and maintaining these kinds of facilities and resources in a cost effective and efficient manner, especially when they have worked in partnership arrangements with government land management agencies.

"(b) PURPOSE.—It is the purpose of this title to—

"(1) perform, in a cost-effective manner, appropriate conservation projects on eligible service lands where such projects will not be performed by existing employees;

"(2) assist governments and Indian tribes in performing research and public education tasks associated with natural and cultural resources on eligible service lands;

"(3) expose young men and women to public service while furthering their understanding and appreciation of the Nation's natural and cultural resources;

"(4) expand educational opportunities by rewarding individuals who participate in national service with an increased ability to pursue higher education or job training; and

"(5) stimulate interest among the Nation's young men and women in conservation careers by exposing them to conservation professionals in land managing agencies.

"SEC. 203. DEFINITIONS. 16 USC 1722.

"For purposes of this title:

"(1) APPROPRIATE CONSERVATION PROJECT.—The term 'appropriate conservation project' means any project for the conservation, restoration, construction or rehabilitation of natural, cultural, historic, archaeological, recreational, or scenic resources.

"(2) CORPS AND PUBLIC LANDS CORPS.—The terms 'Corps' and 'Public Lands Corps' mean the Public Lands Corps established under section 204.

"(3) ELIGIBLE SERVICE LANDS.—The term 'eligible service lands' means public lands, Indian lands, and Hawaiian home lands.

"(4) HAWAIIAN HOME LANDS.—The term 'Hawaiian home lands' means all lands given the status of Hawaiian home lands under section 204 of the Hawaiian Homes Commission Act, 1920 (42 Stat. 110), or under the corresponding provision of the Constitution of the State of Hawaii adopted under section 4 of the Act entitled 'An Act to provide for the admission of the State of Hawaii into the Union', approved March 18, 1959 (Public Law 86–3; 73 Stat. 5).

"(5) INDIAN.—The term 'Indian' means a person who—

"(A) is a member of an Indian tribe; or

"(B) is a 'Native', as defined in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b)).

"(6) INDIAN LANDS.—The term 'Indian lands' means—

"(A) any Indian reservation;

"(B) any public domain Indian allotments;

"(C) any former Indian reservation in the State of Oklahoma;

"(D) any land held by incorporated Native groups, regional corporations, and village corporations under the

Alaska Native Claims Settlement Act (43 U.S.C. 1701 et seq.); and

"(E) any land held by dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a State.

"(7) INDIAN TRIBE.—The term 'Indian tribe' means an Indian tribe, band, nation, or other organized group or community, including any Native village, Regional Corporation, or Village Corporation, as defined in subsection (c), (g), or (j), respectively, of section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602 (c), (g), or (j)), that is recognized as eligible for the special programs and services provided by the United States under Federal law to Indians because of their status as Indians.

"(8) PUBLIC LANDS.—The term 'public lands' means any lands or waters (or interest therein) owned or administered by the United States, except that such term does not include any Indian lands.

"(9) QUALIFIED YOUTH OR CONSERVATION CORPS.—The term 'qualified youth or conservation corps' means any program established by a State or local government, by the governing body of any Indian tribe, or by a nonprofit organization that—

"(A) is capable of offering meaningful, full-time, productive work for individuals between the ages of 16 and 25, inclusive, in a natural or cultural resource setting;

"(B) gives participants a mix of work experience, basic and life skills, education, training, and support services; and

"(C) provides participants with the opportunity to develop citizenship values and skills through service to their community and the United States.

"(10) RESOURCE ASSISTANT.—The term 'resource assistant' means a resource assistant selected under section 206.

"(11) STATE.—The term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands of the United States, American Samoa, and the Commonwealth of the Northern Mariana Islands.

16 USC 1723.

"SEC. 204. PUBLIC LANDS CORPS PROGRAM.

"(a) ESTABLISHMENT OF PUBLIC LANDS CORPS.—There is hereby established in the Department of the Interior and the Department of Agriculture a Public Lands Corps.

"(b) PARTICIPANTS.—The Corps shall consist of individuals between the ages of 16 and 25, inclusive, who are enrolled as participants in the Corps by the Secretary of the Interior or the Secretary of Agriculture. To be eligible for enrollment in the Corps, an individual shall satisfy the criteria specified in section 137(b) of the National and Community Service Act of 1990. The Secretaries may enroll such individuals in the Corps without regard to the civil service and classification laws, rules, or regulations of the United States. The Secretaries may establish a preference for the enrollment in the Corps of individuals who are economically, physically, or educationally disadvantaged.

"(c) QUALIFIED YOUTH OR CONSERVATION CORPS.—The Secretary of the Interior and the Secretary of Agriculture are author-

ized to enter into contracts and cooperative agreements with any qualified youth or conservation corps to perform appropriate conservation projects referred to in subsection (d).

"(d) PROJECTS TO BE CARRIED OUT.—The Secretary of the Interior and the Secretary of Agriculture may each utilize the Corps or any qualified youth or conservation corps to carry out appropriate conservation projects which such Secretary is authorized to carry out under other authority of law on public lands. Appropriate conservation projects may also be carried out under this title on Indian lands with the approval of the Indian tribe involved and on Hawaiian home lands with the approval of the Department of Hawaiian Home Lands of the State of Hawaii. The Secretaries may also authorize appropriate conservation projects and other appropriate projects to be carried out on Federal, State, local, or private lands as part of disaster prevention or relief efforts in response to an emergency or major disaster declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

"(e) PREFERENCE FOR CERTAIN PROJECTS.—In selecting appropriate conservation projects to be carried out under this title, the Secretary of the Interior and the Secretary of Agriculture shall give preference to those projects which—

"(1) will provide long-term benefits to the public;

"(2) will instill in the enrollee involved a work ethic and a sense of public service;

"(3) will be labor intensive;

"(4) can be planned and initiated promptly; and

"(5) will provide academic, experiential, or environmental education opportunities.

"(f) CONSISTENCY.—Each appropriate conservation project carried out under this title on eligible service lands shall be consistent with the provisions of law and policies relating to the management and administration of such lands, with all other applicable provisions of law, and with all management, operational, and other plans and documents which govern the administration of the area.

"SEC. 205. CONSERVATION CENTERS. 16 USC 1724.

"(a) ESTABLISHMENT AND USE.—The Secretary of the Interior and the Secretary of Agriculture are each authorized to provide such quarters, board, medical care, transportation, and other services, facilities, supplies, and equipment as such Secretary deems necessary in connection with the Public Lands Corps and appropriate conservation projects carried out under this title and to establish and use conservation centers owned and operated by such Secretary for purposes of the Corps and such projects. The Secretaries shall establish basic standards of health, nutrition, sanitation, and safety for all conservation centers established under this section and shall assure that such standards are enforced. Where necessary or appropriate, the Secretaries may enter into contracts and other appropriate arrangements with State and local government agencies and private organizations for the management of such conservation centers.

"(b) LOGISTICAL SUPPORT.—The Secretary of the Interior and the Secretary of Agriculture may make arrangements with the Secretary of Defense to have logistical support provided by the Armed Forces to the Corps and any conservation center established under this section, where feasible. Logistical support may include

the provision of temporary tent shelters where needed, transportation, and residential supervision.

"(c) USE OF MILITARY INSTALLATIONS.—The Secretary of the Interior and the Secretary of Agriculture may make arrangements with the Secretary of Defense to identify military installations and other facilities of the Department of Defense and, in consultation with the adjutant generals of the State National Guards, National Guard facilities that may be used, in whole or in part, by the Corps for training or housing Corps participants.

16 USC 1725.

"SEC. 206. RESOURCE ASSISTANTS.

"(a) AUTHORIZATION.—The Secretary of the Interior and the Secretary of Agriculture are each authorized to provide individual placements of resource assistants with any Federal land managing agency under the jurisdiction of such Secretary to carry out research or resource protection activities on behalf of the agency. To be eligible for selection as a resource assistant, an individual must be at least 17 years of age. The Secretaries may select resource assistants without regard to the civil service and classification laws, rules, or regulations of the United States. The Secretaries shall give a preference to the selection of individuals who are enrolled in an institution of higher education or are recent graduates from an institution of higher education, with particular attention given to ensure full representation of women and participants from historically black, Hispanic, and Native American schools.

"(b) USE OF EXISTING NONPROFIT ORGANIZATIONS.—Whenever one or more existing nonprofit organizations can provide, in the judgment of the Secretary of the Interior or the Secretary of Agriculture, appropriate recruitment and placement services to fulfill the requirements of this section, the Secretary may implement this section through such existing organizations. Participating nonprofit organizations shall contribute to the expenses of providing and supporting the resource assistants, through private sources of funding, at a level equal to 25 percent of the total costs of each participant in the Resource Assistant program who has been recruited and placed through that organization. Any such participating nonprofit conservation service organization shall be required, by the respective land managing agency, to submit an annual report evaluating the scope, size, and quality of the program, including the value of work contributed by the Resource Assistants, to the mission of the agency.

16 USC 1726.

"SEC. 207. LIVING ALLOWANCES AND TERMS OF SERVICE.

"(a) LIVING ALLOWANCES.—The Secretary of the Interior and the Secretary of Agriculture shall provide each participant in the Public Lands Corps and each resource assistant with a living allowance in an amount not to exceed the maximum living allowance authorized by section 140(a)(3) of the National and Community Service Act of 1990 for participants in a national service program assisted under subtitle C of title I of such Act.

"(b) TERMS OF SERVICE.—Each participant in the Corps and each resource assistant shall agree to participate in the Corps or serve as a resource assistant, as the case may be, for such term of service as may be established by the Secretary enrolling or selecting the individual.

"SEC. 208. NATIONAL SERVICE EDUCATIONAL AWARDS. 16 USC 1727.

"(a) EDUCATIONAL BENEFITS AND AWARDS.—If a participant in the Public Lands Corps or a resource assistant also serves in an approved national service position designated under subtitle C of title I of the National and Community Service Act of 1990, the participant or resource assistant shall be eligible for a national service educational award in the manner prescribed in subtitle D of such title upon successfully complying with the requirements for the award. The period during which the national service educational award may be used, the purposes for which the award may be used, and the amount of the award shall be determined as provided under such subtitle.

"(b) FORBEARANCE IN THE COLLECTION OF STAFFORD LOANS.—For purposes of section 428 of the Higher Education Act of 1965, in the case of borrowers who are either participants in the Corps or resource assistants, upon written request, a lender shall grant a borrower forbearance on such terms as are otherwise consistent with the regulations of the Secretary of Education, during periods in which the borrower is serving as such a participant or a resource assistant.

"SEC. 209. NONDISPLACEMENT. 16 USC 1728.

"The nondisplacement requirements of section 177 of the National and Community Service Act of 1990 shall be applicable to all activities carried out by the Public Lands Corps, to all activities carried out under this title by a qualified youth or conservation corps, and to the selection and service of resource assistants.

"SEC. 210. FUNDING. 16 USC 1729.

"(a) COST SHARING.—

"(1) PROJECTS BY QUALIFIED YOUTH OR CONSERVATION CORPS.—The Secretary of the Interior and the Secretary of Agriculture are each authorized to pay not more than 75 percent of the costs of any appropriate conservation project carried out pursuant to this title on public lands by a qualified youth or conservation corps. The remaining 25 percent of the costs of such a project may be provided from nonfederal sources in the form of funds, services, facilities, materials, equipment, or any combination of the foregoing. No cost sharing shall be required in the case of any appropriate conservation project carried out on Indian lands or Hawaiian home lands under this title.

"(2) PUBLIC LANDS CORPS PROJECTS.—The Secretary of the Interior and the Secretary of Agriculture are each authorized to accept donations of funds, services, facilities, materials, or equipment for the purposes of operating the Public Lands Corps and carrying out appropriate conservation projects by the Corps. However, nothing in this title shall be construed to require any cost sharing for any project carried out directly by the Corps.

"(b) FUNDS AVAILABLE UNDER NATIONAL AND COMMUNITY SERVICE ACT.—In order to carry out the Public Lands Corps or to support resource assistants and qualified youth or conservation corps under this title, the Secretary of the Interior and the Secretary of Agriculture shall be eligible to apply for and receive assistance under section 121(b) of the National and Community Service Act of 1990.".

42 USC 12656.

SEC. 106. URBAN YOUTH CORPS.

(a) FINDINGS.—The Congress finds the following:

(1) The rehabilitation, reclamation, and beautification of urban public housing, recreational sites, youth and senior centers, and public roads and public works facilities through the efforts of young people in the United States in an Urban Youth Corps can benefit these youths, while also benefiting their communities, by—

(A) providing them with education and work opportunities;

(B) furthering their understanding and appreciation of the challenges faced by individuals residing in urban communities; and

(C) providing them with a means to pay for higher education or to repay indebtedness they have incurred to obtain higher education.

(2) A significant number of housing units for low-income individuals in urban areas has become substandard and unsafe and the deterioration of urban roadways, mass transit systems, and transportation facilities in the United States have contributed to the blight encountered in many cities in the United States.

(3) As a result, urban housing, public works, and transportation resources are in need of labor intensive rehabilitation, reclamation, and beautification work that has been neglected in the past and cannot be adequately carried out by Federal, State, and local government at existing personnel levels.

(4) Urban youth corps have established a good record of rehabilitating, reclaiming, and beautifying these kinds of resources in a cost-efficient manner, especially when they have worked in partnership with government housing, public works, and transportation authorities and agencies.

(b) PURPOSE.—It is the purpose of this section—

(1) to perform, in a cost-effective manner, appropriate service projects to rehabilitate, reclaim, beautify, and improve public housing and public works and transportation facilities and resources in urban areas suffering from high rates of poverty where work will not be performed by existing employees;

(2) to assist government housing, public works, and transportation authorities and agencies;

(3) to expose young people in the United States to public service while furthering their understanding and appreciation of their community;

(4) to expand educational opportunity for individuals who participate in the Urban Youth Corps established by this section by providing them with an increased ability to pursue post-secondary education or job training; and

(5) to stimulate interest among young people in the United States in lifelong service to their communities and the United States.

(c) DEFINITIONS.—For purposes of this section:

(1) APPROPRIATE SERVICE PROJECT.—The term "appropriate service project" means any project for the rehabilitation, reclamation, or beautification of urban public housing and public works and transportation resources or facilities.

(2) CORPS AND URBAN YOUTH CORPS.—The term "Corps" and "Urban Youth Corps" mean the Urban Youth Corps established under subsection (d)(1).

(3) QUALIFIED URBAN YOUTH CORPS.—The term "qualified urban youth corps" means any program established by a State or local government or by a nonprofit organization that—

(A) is capable of offering meaningful, full-time, productive work for individuals between the ages of 16 and 25, inclusive, in an urban or public works or transportation setting;

(B) gives participants a mix of work experience, basic and life skills, education, training, and support services; and

(C) provides participants with the opportunity to develop citizenship values and skills through service to their communities and the United States.

(4) SECRETARY.—The term "Secretary" means the Secretary of Housing and Urban Development or the Secretary of Transportation.

(5) STATE.—The term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands of the United States, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(d) ESTABLISHMENT OF URBAN YOUTH CORPS.—

(1) ESTABLISHMENT.—There is hereby established in the Department of Housing and Urban Development and the Department of Transportation an Urban Youth Corps. The Corps shall consist of individuals between the ages of 16 and 25, inclusive, who are enrolled as participants in the Corps by the Secretary of Housing and Urban Development and the Secretary of Transportation. To be eligible for enrollment in the Corps, an individual shall satisfy the criteria specified in section 139(b) of the National and Community Service Act of 1990. The Secretaries may enroll such individuals in the Corps without regard to the civil service and classification laws, rules, or regulations of the United States. The Secretaries may establish a preference for the enrollment in the Corps of individuals who are economically, physically, or educationally disadvantaged.

(2) USE OF QUALIFIED URBAN YOUTH CORPS.—The Secretaries are authorized to enter into contracts and cooperative agreements with any qualified urban youth corps to perform appropriate service projects described in paragraph (3). As part of the Urban Youth Corps established in the Department of Transportation, the Secretary of Transportation may make grants to States (and through States to local governments) for the purpose of establishing, operating, or supporting qualified urban youth corps that will perform appropriate service projects relating to transportation resources or facilities.

(3) SERVICE PROJECTS.—The Secretaries may each utilize the Corps or any qualified urban youth corps to carry out appropriate service projects that the Secretary involved is authorized to carry out under other authority of law involving public housing projects or public works resources or facilities.

(4) PREFERENCE FOR CERTAIN PROJECTS.—In selecting an appropriate service project to be carried out under this section, the Secretaries shall give a preference to those projects which—

(A) will provide long-term benefits to the public;

(B) will instill in the participant a work ethic and a sense of public service;

(C) will be labor intensive;

(D) can be planned and initiated promptly; and

(E) will provide academic, experiential, or community education opportunities.

(5) CONSISTENCY.—Each appropriate service project carried out under this section in any public housing project or public works resource or facility shall be consistent with the provisions of law and policies relating to the management and administration of such projects, facilities, or resources, with all other applicable provisions of law, and with all management, operational, and other plans and documents which govern the administration of such projects, facilities, or resources.

(e) LIVING ALLOWANCES.—The Secretaries shall provide each participant in the Urban Youth Corps with a living allowance in an amount not to exceed the maximum living allowance authorized by section 140(a)(3) of the National and Community Service Act of 1990 for participants in a national service program assisted under subtitle C of title I of such Act.

(f) TERMS OF SERVICE.—Each participant in the Urban Youth Corps shall agree to participate in the Corps for a term of service established by the Secretary involved, consistent with the terms of service required under section 139(b) of the National and Community Service Act of 1990 for participants in a national service program assisted under subtitle C of title I of such Act.

(g) EDUCATIONAL AWARDS.—

(1) ELIGIBILITY.—Each participant in the Urban Youth Corps shall be eligible for a national service educational award in the manner prescribed in subtitle D of title I of the National and Community Service Act of 1990 if such participant complies with such requirements as may be established under this subtitle by the Secretary involved respecting eligibility for the award. The period during which the award may be used, the purposes for which the award may be used, and the amount of the award shall be determined as provided under such subtitle.

(2) FORBEARANCE IN THE COLLECTION OF STAFFORD LOANS.—For purposes of section 428 of the Higher Education Act of 1965, in the case of borrowers who are participants in the Urban Youth Corps, upon written request, a lender shall grant a borrower forbearance on such terms as are otherwise consistent with the regulations of the Secretary of Education, during periods in which the borrower is serving as such a participant and eligible for a national service educational award under paragraph (1).

(h) NONDISPLACEMENT.—The nondisplacement requirements of section 177 of the National and Community Service Act of 1990 shall be applicable to all activities carried out by the Urban Youth Corps and to all activities carried out under this section by a qualified urban youth corps.

(i) COST SHARING.—

(1) PROJECTS BY QUALIFIED URBAN YOUTH CORPS.—The Secretaries are each authorized to pay not more than 75 percent of the costs of any appropriate service project carried out pursuant to this section by a qualified urban youth corps. The remaining 25 percent of the costs of such a project may be provided from nonfederal sources in the form of funds, services, facilities, materials, equipment, or any combination of the foregoing.

(2) DONATIONS.—The Secretaries are each authorized to accept donations of funds, services, facilities, materials, or equipment for the purposes of operating the Urban Youth Corps and carrying out appropriate service projects by the Corps. However, nothing in this section shall be construed to require any cost sharing for any project carried out directly by the Corps.

(3) FUNDS AVAILABLE UNDER NATIONAL AND COMMUNITY SERVICE ACT.—In order to carry out the Urban Youth Corps or to support qualified urban youth corps under this section, the Secretaries shall be eligible to apply for and receive assistance under section 121(b) of the National and Community Service Act of 1990.

Subtitle B—Related Provisions

SEC. 111. DEFINITIONS.

(a) IN GENERAL.—Section 101 of the National and Community Service Act of 1990 (42 U.S.C. 12511) is amended to read as follows:

"SEC. 101. DEFINITIONS.

"For purposes of this title:

"(1) ADULT VOLUNTEER.—The term 'adult volunteer' means an individual, such as an older adult, an individual with a disability, a parent, or an employee of a business or public or private nonprofit organization, who—

"(A) works without financial remuneration in an educational institution to assist students or out-of-school youth; and

"(B) is beyond the age of compulsory school attendance in the State in which the educational institution is located.

"(2) APPROVED NATIONAL SERVICE POSITION.—The term 'approved national service position' means a national service position for which the Corporation has approved the provision of a national service educational award described in section 147 as one of the benefits to be provided for successful service in the position.

"(3) CARRY OUT.—The term 'carry out', when used in connection with a national service program described in section 122, means the planning, establishment, operation, expansion, or replication of the program.

"(4) CHIEF EXECUTIVE OFFICER.—The term 'Chief Executive Officer', except when used to refer to the chief executive officer of a State, means the Chief Executive Officer of the Corporation appointed under section 193.

"(5) COMMUNITY-BASED AGENCY.—The term 'community-based agency' means a private nonprofit organization (including a church or other religious entity) that—

"(A) is representative of a community or a significant segment of a community; and

"(B) is engaged in meeting human, educational, environmental, or public safety community needs.

"(6) CORPORATION.—The term 'Corporation' means the Corporation for National and Community Service established under section 191.

"(7) ECONOMICALLY DISADVANTAGED.—The term 'economically disadvantaged' means, with respect to an individual, an individual who is determined by the Chief Executive Officer to be low-income according to the latest available data from the Department of Commerce.

"(8) ELEMENTARY SCHOOL.—The term 'elementary school' has the same meaning given such term in section 1471(8) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(8)).

"(9) INDIAN.—The term 'Indian' means a person who is a member of an Indian tribe, or is a 'Native', as defined in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b)).

"(10) INDIAN LANDS.—The term 'Indian lands' means any real property owned by an Indian tribe, any real property held in trust by the United States for an Indian or Indian tribe, and any real property held by an Indian or Indian tribe that is subject to restrictions on alienation imposed by the United States.

"(11) INDIAN TRIBE.—The term 'Indian tribe' means—

"(A) an Indian tribe, band, nation, or other organized group or community, including—

"(i) any Native village, as defined in section 3(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(c)), whether organized traditionally or pursuant to the Act of June 18, 1934 (commonly known as the 'Indian Reorganization Act'; 48 Stat. 984, chapter 576; 25 U.S.C 461 et seq.); and

"(ii) any Regional Corporation or Village Corporation, as defined in subsection (g) or (j), respectively, of section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602 (g) or (j)),

that is recognized as eligible for the special programs and services provided by the United States under Federal law to Indians because of their status as Indians; and

"(B) any tribal organization controlled, sanctioned, or chartered by an entity described in subparagraph (A).

"(12) INDIVIDUAL WITH A DISABILITY.—Except as provided in section 175(a), the term 'individual with a disability' has the meaning given the term in section 7(8)(B) of the Rehabilitation Act of 1973 (29 U.S.C. 706(8)(B)).

"(13) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the same meaning given such term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

"(14) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' has the same meaning given such term in section 1471(12) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(12)).

"(15) NATIONAL SERVICE LAWS.—The term 'national service laws' means this Act and the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.).

"(16) OUT-OF-SCHOOL YOUTH.—The term 'out-of-school youth' means an individual who—

"(A) has not attained the age of 27;

"(B) has not completed college or the equivalent thereof; and

"(C) is not enrolled in an elementary or secondary school or institution of higher education.

"(17) PARTICIPANT.—

"(A) IN GENERAL.—The term 'participant' means—

"(i) for purposes of subtitle C, an individual in an approved national service position; and

"(ii) for purposes of any other provision of this Act, an individual enrolled in a program that receives assistance under this title.

"(B) RULE.—A participant shall not be considered to be an employee of the program in which the participant is enrolled.

"(18) PARTNERSHIP PROGRAM.—The term 'partnership program' means a program through which an adult volunteer, a public or private nonprofit organization, an institution of higher education, or a business assists a local educational agency.

"(19) PROGRAM.—The term 'program', unless the context otherwise requires, and except when used as part of the term 'academic program', means a program described in section 111(a) (other than a program referred to in paragraph (3)(B) of such section), 117A(a), 119(b)(1), or 122(a), or in paragraph (1) or (2) of section 152(b), or an activity that could be funded under section 198, 198C, or 198D.

"(20) PROJECT.—The term 'project' means an activity, carried out through a program that receives assistance under this title, that results in a specific identifiable service or improvement that otherwise would not be done with existing funds, and that does not duplicate the routine services or functions of the employer to whom participants are assigned.

"(21) SCHOOL-AGE YOUTH.—The term 'school-age youth' means—

"(A) individuals between the ages of 5 and 17, inclusive; and

"(B) children with disabilities, as defined in section 602(a)(1) of the Individuals with Disabilities Education Act (20 U.S.C. 1401(a)(1)), who receive services under part B of such Act.

"(22) SECONDARY SCHOOL.—The term 'secondary school' has the same meaning given such term in section 1471(21) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(21)).

"(23) SERVICE-LEARNING.—The term 'service-learning' means a method—

"(A) under which students or participants learn and develop through active participation in thoughtfully organized service that—

"(i) is conducted in and meets the needs of a community;

"(ii) is coordinated with an elementary school, secondary school, institution of higher education, or community service program, and with the community; and

"(iii) helps foster civic responsibility; and

"(B) that—

"(i) is integrated into and enhances the academic curriculum of the students, or the educational components of the community service program in which the participants are enrolled; and

"(ii) provides structured time for the students or participants to reflect on the service experience.

"(24) SERVICE-LEARNING COORDINATOR.—The term 'service-learning coordinator' means an individual who provides services as described in subsection (a)(3) or (b) of section 111.

"(25) SERVICE SPONSOR.—The term 'service sponsor' means an organization, or other entity, that has been selected to provide a placement for a participant.

"(26) STATE.—The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands. The term also includes Palau, until such time as the Compact of Free Association is ratified.

"(27) STATE COMMISSION.—The term 'State Commission' means a State Commission on National and Community Service maintained by a State pursuant to section 178. Except when used in section 178, the term includes an alternative administrative entity for a State approved by the Corporation under such section to act in lieu of a State Commission.

"(28) STATE EDUCATIONAL AGENCY.—The term 'State educational agency' has the same meaning given such term in section 1471(23) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(23)).

"(29) STUDENT.—The term 'student' means an individual who is enrolled in an elementary or secondary school or institution of higher education on a full- or part-time basis.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 182(a)(2) of the National and Community Service Act of 1990 (42 U.S.C 12642(a)(2)) is amended by striking "adult volunteer and partnership" each place the term appears and inserting "partnership".

(2) Section 182(a)(3) of the National and Community Service Act of 1990 (42 U.S.C 12642(a)(3)) is amended by striking "adult volunteer and partnership" and inserting "partnership".

(3) Section 441(c)(2) of the Higher Education Act of 1965 (42 U.S.C. 2751(c)(2)) is amended by striking "service opportunities or youth corps as defined in section 101 of the National and Community Service Act of 1990, and service in the agencies, institutions and activities designated in section 124(a) of the National and Community Service Act of 1990" and inserting "a project, as defined in section 101(20) of the National and Community Service Act of 1990 (42 U.S.C. 12511(20))".

(4) Section 1122(a)(2)(C) of the Higher Education Act of 1965 (20 U.S.C. 1137a(a)(2)(C)) is amended by striking "youth corps as defined in section 101(30) of the National and Community Service Act of 1990" and inserting "youth corps programs,

as described in section 122(a)(2) of the National and Community Service Act of 1990".

(5) Section 1201(p) of the Higher Education Act of 1965 (20 U.S.C. 1141(p)) is amended by striking "section 101(22) of the National and Community Service Act of 1990" and inserting "section 101(23) of the National and Community Service Act of 1990 (42 U.S.C. 12511(21))".

SEC. 112. AUTHORITY TO MAKE STATE GRANTS.

Section 102 of the National and Community Service Act of 1990 (42 U.S.C. 12512) is repealed.

SEC. 113. FAMILY AND MEDICAL LEAVE.

(a) IN GENERAL.—Section 171 of the National and Community Service Act of 1990 (42 U.S.C. 12631) is amended to read as follows:

"SEC. 171. FAMILY AND MEDICAL LEAVE.

"(a) PARTICIPANTS IN PRIVATE, STATE, AND LOCAL PROJECTS.—For purposes of title I of the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.), if—

"(1) a participant has provided service for the period required by section 101(2)(A)(i) (29 U.S.C. 2611(2)(A)(i)), and has met the hours of service requirement of section 101(2)(A)(ii), of such Act with respect to a project; and

"(2) the service sponsor of the project is an employer described in section 101(4) of such Act (other than an employing agency within the meaning of subchapter V of chapter 63 of title 5, United States Code),

the participant shall be considered to be an eligible employee of the service sponsor.

"(b) PARTICIPANTS IN FEDERAL PROJECTS.—For purposes of subchapter V of chapter 63 of title 5, United States Code, if—

"(1) a participant has provided service for the period required by section 6381(1)(B) of such title with respect to a project; and

"(2) the service sponsor of the project is an employing agency within the meaning of such subchapter,

the participant shall be considered to be an employee of the service sponsor.

"(c) TREATMENT OF ABSENCE.—The period of any absence of a participant from a service position pursuant to title I of the Family and Medical Leave Act of 1993 or subchapter V of chapter 63 of title 5, United States Code, shall not be counted toward the completion of the term of service of the participant under section 139 of this Act.".

(b) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101–610; 104 Stat. 3127) is amended by striking the item relating to section 171 of such Act and inserting the following:

"Sec. 171. Family and medical leave.".

SEC. 114. REPORTS.

Section 172 of the National and Community Service Act of 1990 (42 U.S.C. 12632) is amended—

(1) in subsection (a)(3)(A), by striking "sections 177 and 113(9)" and inserting "section 177";

(2) in subsection (b)—

(A) by striking "REPORT TO CONGRESS"; and inserting "REPORT TO CONGRESS BY CORPORATION"; and

(B) in paragraph (1), by striking "this title" and inserting "the national service laws"; and

(3) by adding at the end the following:

"(c) REPORT TO CONGRESS BY SECRETARY OF DEFENSE.—

"(1) STUDY.—The Secretary of Defense shall annually conduct a study of the effect of the programs carried out under this title on recruitment for the Armed Forces.

"(2) REPORT.—The Secretary of Defense shall annually submit a report to the appropriate committees of Congress containing the findings of the study described in paragraph (1) and such recommendations for legislative and administrative reform as the Secretary may determine to be appropriate.".

SEC. 115. NONDISCRIMINATION.

Section 175 of the National and Community Service Act of 1990 (42 U.S.C. 12635) is amended to read as follows:

"SEC. 175. NONDISCRIMINATION.

"(a) IN GENERAL.—

"(1) BASIS.—An individual with responsibility for the operation of a project that receives assistance under this title shall not discriminate against a participant in, or member of the staff of, such project on the basis of race, color, national origin, sex, age, or political affiliation of such participant or member, or on the basis of disability, if the participant or member is a qualified individual with a disability.

"(2) DEFINITION.—As used in paragraph (1), the term 'qualified individual with a disability' has the meaning given the term in section 101(8) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111(8)).

"(b) FEDERAL FINANCIAL ASSISTANCE.—Any assistance provided under this title shall constitute Federal financial assistance for purposes of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), and the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), and shall constitute Federal financial assistance to an education program or activity for purposes of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.).

"(c) RELIGIOUS DISCRIMINATION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), an individual with responsibility for the operation of a project that receives assistance under this title shall not discriminate on the basis of religion against a participant in such project or a member of the staff of such project who is paid with funds received under this title.

"(2) EXCEPTION.—Paragraph (1) shall not apply to the employment, with assistance provided under this title, of any member of the staff, of a project that receives assistance under this title, who was employed with the organization operating the project on the date the grant under this title was awarded.

"(d) RULES AND REGULATIONS.—The Chief Executive Officer shall promulgate rules and regulations to provide for the enforcement of this section that shall include provisions for summary suspension of assistance for not more than 30 days, on an emergency basis, until notice and an opportunity to be heard can be provided.".

SEC. 116. NOTICE, HEARING, AND GRIEVANCE PROCEDURES.

(a) DECERTIFICATION OF POSITIONS.—Section 176(a) of the National and Community Service Act of 1990 (42 U.S.C. 12636(a)) is amended—

(1) in paragraph (1), by inserting ", or revoke the designation of positions, related to the grant or contract, as approved national service positions," before "whenever the Commission"; and

(2) in paragraph (2)(B), by inserting "or revoked" after "terminated".

(b) CONSTRUCTION.—Section 176(e) of such Act (42 U.S.C. 12636(e)) is amended by adding before the period the following ", other than assistance provided pursuant to this Act".

(c) GRIEVANCE PROCEDURE.—Section 176(f) of such Act is amended to read as follows:

"(f) GRIEVANCE PROCEDURE.—

"(1) IN GENERAL.—A State or local applicant that receives assistance under this title shall establish and maintain a procedure for the filing and adjudication of grievances from participants, labor organizations, and other interested individuals concerning projects that receive assistance under this title, including grievances regarding proposed placements of such participants in such projects.

"(2) DEADLINE FOR GRIEVANCES.—Except for a grievance that alleges fraud or criminal activity, a grievance shall be made not later than 1 year after the date of the alleged occurrence of the event that is the subject of the grievance.

"(3) DEADLINE FOR HEARING AND DECISION.—

"(A) HEARING.—A hearing on any grievance conducted under this subsection shall be conducted not later than 30 days after the filing of such grievance.

"(B) DECISION.—A decision on any such grievance shall be made not later than 60 days after the filing of such grievance.

"(4) ARBITRATION.—

"(A) IN GENERAL.—

"(i) JOINTLY SELECTED ARBITRATOR.—In the event of a decision on a grievance that is adverse to the party who filed such grievance, or 60 days after the filing of such grievance if no decision has been reached, such party shall be permitted to submit such grievance to binding arbitration before a qualified arbitrator who is jointly selected and independent of the interested parties.

"(ii) APPOINTED ARBITRATOR.—If the parties cannot agree on an arbitrator, the Chief Executive Officer shall appoint an arbitrator from a list of qualified arbitrators within 15 days after receiving a request for such appointment from one of the parties to the grievance.

"(B) DEADLINE FOR PROCEEDING.—An arbitration proceeding shall be held not later than 45 days after the request for such arbitration proceeding, or, if the arbitrator is appointed by the Chief Executive Officer in accordance with subparagraph (A)(ii), not later than 30 days after the appointment of such arbitrator.

"(C) DEADLINE FOR DECISION.—A decision concerning a grievance shall be made not later than 30 days after the date such arbitration proceeding begins.

"(D) COST.—

"(i) IN GENERAL.—Except as provided in clause (ii), the cost of an arbitration proceeding shall be divided evenly between the parties to the arbitration.

"(ii) EXCEPTION.—If a participant, labor organization, or other interested individual described in paragraph (1) prevails under a binding arbitration proceeding, the State or local applicant described in paragraph (1) that is a party to such grievance shall pay the total cost of such proceeding and the attorneys' fees of such participant, labor organization, or individual, as the case may be.

"(5) PROPOSED PLACEMENT.—If a grievance is filed regarding a proposed placement of a participant in a project that receives assistance under this title, such placement shall not be made unless the placement is consistent with the resolution of the grievance pursuant to this subsection.

"(6) REMEDIES.—Remedies for a grievance filed under this subsection include—

"(A) suspension of payments for assistance under this title;

"(B) termination of such payments;

"(C) prohibition of the placement described in paragraph (5); and

"(D) in a case in which the grievance involves a violation of subsection (a) or (b) of section 177 and the employer of the displaced employee is the recipient of assistance under this title—

"(i) reinstatement of the displaced employee to the position held by such employee prior to displacement;

"(ii) payment of lost wages and benefits of the displaced employee;

"(iii) reestablishment of other relevant terms, conditions, and privileges of employment of the displaced employee; and

"(iv) such equitable relief as is necessary to correct any violation of subsection (a) or (b) of section 177 or to make the displaced employee whole.

"(7) ENFORCEMENT.—Suits to enforce arbitration awards under this section may be brought in any district court of the United States having jurisdiction of the parties, without regard to the amount in controversy and without regard to the citizenship of the parties.".

SEC. 117. NONDISPLACEMENT.

Section 177(b)(3) of the National and Community Service Act of 1990 (42 U.S.C. 12637(b)(3)) is amended—

(1) in subparagraph (B), to read as follows:

"(B) SUPPLANTATION OF HIRING.—A participant in any program receiving assistance under this title shall not perform any services or duties, or engage in activities, that—

"(i) will supplant the hiring of employed workers; or

"(ii) are services, duties, or activities with respect to which an individual has recall rights pursuant to a collective bargaining agreement or applicable personnel procedures."; and

(2) in subparagraph (C)(iii), to read as follows:

"(iii) employee who—

"(I) is subject to a reduction in force; or

"(II) has recall rights pursuant to a collective bargaining agreement or applicable personnel procedures;".

SEC. 118. EVALUATION.

Section 179 of the National and Community Service Act of 1990 (42 U.S.C. 12639) is amended—

(1) in subsection (a)(2)—

(A) in the matter preceding subparagraph (A), by striking "for purposes of the reports required by subsection (j)," and inserting "with respect to the programs authorized under subtitle C,"; and

(B) in subparagraph (A), by striking "older American volunteer programs" and inserting "National Senior Volunteer Corps programs";

(2) in subsection (g)—

(A) in the matter preceding paragraph (1), by striking "subtitle D" and inserting "subtitle C"; and

(B) in paragraphs (3) and (9), by striking "older American volunteer programs" and inserting "National Senior Volunteer Corps programs";

(3) by striking subsections (i) and (j); and

(4) by adding at the end the following:

"(i) INDEPENDENT EVALUATION AND REPORT OF DEMOGRAPHICS OF NATIONAL SERVICE PARTICIPANTS AND COMMUNITIES.—

"(1) INDEPENDENT EVALUATION.—

"(A) IN GENERAL.—The Corporation shall, on an annual basis, arrange for an independent evaluation of the programs assisted under subtitle C.

"(B) PARTICIPANTS.—

"(i) IN GENERAL.—The entity conducting such evaluation shall determine the demographic characteristics of the participants in such programs.

"(ii) CHARACTERISTICS.—The entity shall determine, for the year covered by the evaluation, the total number of participants in the programs, and the number of participants within the programs in each State, by sex, age, economic background, education level, ethnic group, disability classification, and geographic region.

"(iii) CATEGORIES.—The Corporation shall determine appropriate categories for analysis of each of the characteristics referred to in clause (ii) for purposes of such an evaluation.

"(C) COMMUNITIES.—In conducting the evaluation, the entity shall determine the amount of assistance provided under section 121 during the year that has been expended for projects conducted under the programs in areas described in section 133(c)(6).

"(2) REPORT.—The entity conducting the evaluation shall submit a report to the President, Congress, the Corporation, and each State Commission containing the results of the evaluation—

"(A) with respect to the evaluation covering the year beginning on the date of enactment of this subsection, not later than 18 months after such date; and

"(B) with respect to the evaluation covering each subsequent year, not later than 18 months after the first day of each such year.".

SEC. 119. ENGAGEMENT OF PARTICIPANTS.

Section 180 of the National and Community Service Act of 1990 (42 U.S.C. 12640) is amended by striking "post-service benefits" and inserting "national service educational awards".

SEC. 120. CONTINGENT EXTENSION.

(a) IN GENERAL.—Section 181 of the National and Community Service Act of 1990 (42 U.S.C. 12641) is amended to read as follows:

"SEC. 181. CONTINGENT EXTENSION.

"Section 414 of the General Education Provisions Act (20 U.S.C. 1226a) shall apply to this Act.".

(b) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101–610; 104 Stat. 3127) is amended by striking the item relating to section 181 of such Act and inserting the following:

"Sec. 181. Contingent extension.".

SEC. 121. AUDITS.

(a) IN GENERAL.—Section 183 of the National and Community Service Act of 1990 (42 U.S.C. 12643) is amended to read as follows:

Records.

"SEC. 183. RIGHTS OF ACCESS, EXAMINATION, AND COPYING.

"(a) COMPTROLLER GENERAL.—The Comptroller General, or any of the duly authorized representatives of the Comptroller General, shall have access to, and the right to examine and copy, any books, documents, papers, records, and other recorded information in any form—

"(1) within the possession or control of the Corporation or any State or local government, Indian tribe, or public or private nonprofit organization receiving assistance directly or indirectly under this Act; and

"(2) that the Comptroller General, or his representative, considers necessary to the performance of an evaluation, audit, or review.

"(b) CHIEF FINANCIAL OFFICER.—The Chief Financial Officer of the Corporation shall have access to, and the right to examine and copy, any books, documents, papers, records, and other recorded information in any form—

"(1) within the possession or control of the Corporation or any State or local government, Indian tribe, or public or private nonprofit organization receiving assistance directly or indirectly under this Act; and

"(2) that relates to the duties of the Chief Financial Officer.".

(b) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101–610; 104 Stat.

3127) is amended by striking the item relating to section 183 of such Act and inserting the following:

"Sec. 183. Rights of access, examination, and copying.".

SEC. 122. REPEALS.

(a) IN GENERAL.—Subtitle F of title I of the National and Community Service Act of 1990 (42 U.S.C. 12631 et seq.) is amended by repealing sections 185 and 186. 42 USC 12645.

(b) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101–610; 104 Stat. 3127) is amended by striking the item relating to section 185 of such Act.

SEC. 123. EFFECTIVE DATE. 16 USC 1701 note.

This title, and the amendments made by this title, shall take effect on October 1, 1993.

TITLE II—ORGANIZATION

SEC. 201. STATE COMMISSIONS ON NATIONAL AND COMMUNITY SERVICE.

(a) COMPOSITION AND DUTIES OF STATE COMMISSIONS.—Subtitle F of title I of the National and Community Service Act of 1990 is amended by striking section 178 (42 U.S.C. 12638) and inserting the following new section:

"SEC. 178. STATE COMMISSIONS ON NATIONAL AND COMMUNITY SERVICE. 42 USC 12638.

"(a) EXISTENCE REQUIRED.—

"(1) STATE COMMISSION.—Except as provided in paragraph (2), to be eligible to receive a grant or allotment under subtitle B or C or to receive a distribution of approved national service positions under subtitle C, a State shall maintain a State Commission on National and Community Service that satisfies the requirements of this section.

"(2) ALTERNATIVE ADMINISTRATIVE ENTITY.—The chief executive officer of a State may apply to the Corporation for approval to use an alternative administrative entity to carry out the duties otherwise entrusted to a State Commission under this Act. The chief executive officer shall ensure that any alternative administrative entity used in lieu of a State Commission provides for the individuals described in paragraph (1), and some of the individuals described in paragraph (2), of subsection (c) to play a significant policymaking role in carrying out the duties otherwise entrusted to a State Commission, including the submission of applications on behalf of the State under sections 117B and 130.

"(b) APPOINTMENT AND SIZE.—Except as provided in subsection (c)(3), the members of a State Commission for a State shall be appointed by the chief executive officer of the State. A State Commission shall consist of not fewer than 15, and not more than 25, voting members, and any ex officio nonvoting members, as described in paragraph (3) or (4) of subsection (c).

"(c) COMPOSITION AND MEMBERSHIP.—

"(1) REQUIRED MEMBERS.—The State Commission for a State shall include as voting members at least one of each of the following individuals:

"(A) An individual with expertise in the educational, training, and development needs of youth, particularly disadvantaged youth.

"(B) An individual with experience in promoting the involvement of older adults in service and voluntarism.

"(C) A representative of community-based agencies or community-based organizations within the State.

"(D) The head of the State educational agency.

"(E) A representative of local governments in the State.

"(F) A representative of local labor organizations in the State.

"(G) A representative of business.

"(H) An individual between the ages of 16 and 25 who is a participant or supervisor in a program.

"(I) A representative of a national service program described in section 122(a), such as a youth corps program described in section 122(a)(2).

"(2) SOURCES OF OTHER MEMBERS.—The State Commission for a State may include as voting members the following individuals:

"(A) Members selected from among local educators.

"(B) Members selected from among experts in the delivery of human, educational, environmental, or public safety services to communities and persons.

"(C) Representatives of Indian tribes.

"(D) Members selected from among out-of-school youth or other at-risk youth.

"(E) Representatives of entities that receive assistance under the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.).

"(3) CORPORATION REPRESENTATIVE.—The representative of the Corporation designated under section 195(c) for a State shall be an ex officio nonvoting member of the State Commission or alternative administrative entity for that State, unless the State permits the representative to serve as a voting member of the State Commission or alternative administrative entity.

"(4) EX OFFICIO STATE REPRESENTATIVES.—The chief executive officer of a State may appoint, as ex officio nonvoting members of the State Commission for the State, representatives selected from among officers and employees of State agencies operating community service, youth service, education, social service, senior service, and job training programs.

"(5) LIMITATION ON NUMBER OF STATE EMPLOYEES AS MEMBERS.—The number of voting members of a State Commission selected under paragraph (1) or (2) who are officers or employees of the State may not exceed 25 percent (reduced to the nearest whole number) of the total membership of the State Commission.

"(d) MISCELLANEOUS MATTERS.—

"(1) MEMBERSHIP BALANCE.—The chief executive officer of a State shall ensure, to the maximum extent practicable, that the membership of the State Commission for the State is diverse with respect to race, ethnicity, age, gender, and disability

characteristics. Not more than 50 percent of the voting members of a State Commission, plus one additional member, may be from the same political party.

"(2) TERMS.—Each member of the State Commission for a State shall serve for a term of 3 years, except that the chief executive officer of a State shall initially appoint a portion of the members to terms of 1 year and 2 years.

"(3) VACANCIES.—If a vacancy occurs on a State Commission, a new member shall be appointed by the chief executive officer of the State and serve for the remainder of the term for which the predecessor of such member was appointed. The vacancy shall not affect the power of the remaining members to execute the duties of the State Commission.

"(4) COMPENSATION.—A member of a State Commission or alternative administrative entity shall not receive any additional compensation by reason of service on the State Commission or alternative administrative entity, except that the State may authorize the reimbursement of travel expenses, including a per diem in lieu of subsistence, in the same manner as other employees serving intermittently in the service of the State.

"(5) CHAIRPERSON.—The voting members of a State Commission shall elect one of the voting members to serve as chairperson of the State Commission.

"(6) LIMITATION ON MEMBER PARTICIPATION.—

"(A) GENERAL LIMITATION.—Except as provided in subparagraph (B), a voting member of the State Commission (or of an alternative administrative entity) shall not participate in the administration of the grant program (including any discussion or decision regarding the provision of assistance or approved national service positions, or the continuation, suspension, or termination of such assistance or such positions, to any program or entity) described in subsection (e)(9) if—

"(i) a grant application relating to such program is pending before the Commission (or such entity); and

"(ii) the application was submitted by a program or entity of which such member is, or in the 1-year period before the submission of such application was, an officer, director, trustee, full-time volunteer, or employee.

"(B) EXCEPTION.—If, as a result of the operation of subparagraph (A), the number of voting members of the Commission (or of such entity) is insufficient to establish a quorum for the purpose of administering such program, then voting members excluded from participation by subparagraph (A) may participate in the administration of such program, notwithstanding the limitation in subparagraph (A), to the extent permitted by regulations issued under section 193A(b)(11) by the Corporation.

"(C) RULE OF CONSTRUCTION.—Subparagraph (A) shall not be construed to limit the authority of any voting member of the Commission (or of such entity) to participate in—

"(i) discussion of, and hearing and forums on—

"(I) the general duties, policies, and operations of the Commission (or of such entity); or

"(II) the general administration of such program; or

"(ii) similar general matters relating to the Commission (or such entity).

"(e) DUTIES OF A STATE COMMISSION.—The State Commission or alternative administrative entity for a State shall be responsible for the following duties:

"(1) Preparation of a national service plan for the State that—

"(A) is developed through an open and public process (such as through regional forums, hearings, and other means) that provides for maximum participation and input from national service programs within the State and other interested members of the public;

"(B) covers a 3-year period;

"(C) is updated annually;

"(D) ensures outreach to diverse community-based agencies that serve underrepresented populations, by—

"(i) using established networks, and registries, at the State level; or

"(ii) establishing such networks and registries; and

"(E) contains such information as the State Commission considers to be appropriate or as the Corporation may require.

"(2) Preparation of the applications of the State under sections 117B and 130 for financial assistance.

"(3) Assistance in the preparation of the application of the State educational agency for assistance under section 113.

"(4) Preparation of the application of the State under section 130 for the approval of service positions that include the national service educational award described in subtitle D.

"(5) Make recommendations to the Corporation with respect to priorities for programs receiving assistance under the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.).

"(6) Make technical assistance available to enable applicants for assistance under section 121—

"(A) to plan and implement service programs; and

"(B) to apply for assistance under the national service laws using, if appropriate, information and materials available through a clearinghouse established under section 198A.

"(7) Assistance in the provision of health care and child care benefits under section 140 to participants in national service programs that receive assistance under section 121.

"(8) Development of a State system for the recruitment and placement of participants in programs that receive assistance under the national service laws and dissemination of information concerning national service programs that receive such assistance or approved national service positions.

"(9) Administration of the grant program in support of national service programs that is conducted by the State using assistance provided to the State under section 121, including selection, oversight, and evaluation of grant recipients.

"(10) Development of projects, training methods, curriculum materials, and other materials and activities related to national

service programs that receive assistance directly from the Corporation (to be made available in a case in which such a program requests such a project, method, material, or activity) or from the State using assistance provided under section 121, for use by programs that request such projects, methods, materials, and activities.

"(f) ACTIVITY INELIGIBLE FOR ASSISTANCE.—A State Commission or alternative administrative entity may not directly carry out any national service program that receives assistance under section 121.

"(g) DELEGATION.—Subject to such requirements as the Corporation may prescribe, a State Commission may delegate nonpolicymaking duties to a State agency or public or private nonprofit organization.

"(h) APPROVAL OF STATE COMMISSION OR ALTERNATIVE.—

"(1) SUBMISSION TO CORPORATION.—The chief executive officer for a State shall notify the Corporation of the establishment or designation of the State Commission or use of an alternative administrative entity for the State. The notification shall include a description of—

"(A) the composition and membership of the State Commission or alternative administrative entity; and

"(B) the authority of the State Commission or alternative administrative entity regarding national service activities carried out by the State.

"(2) APPROVAL OF ALTERNATIVE ADMINISTRATIVE ENTITY.—Any designation of a State Commission or use of an alternative administrative entity to carry out the duties of a State Commission shall be subject to the approval of the Corporation, which shall not be unreasonably withheld. The Corporation shall approve an alternative administrative entity if such entity provides for individuals described in paragraph (1), and some of the individuals described in paragraph (2), of subsection (c) to play a significant policymaking role in carrying out the duties otherwise entrusted to a State Commission, including the duties described in paragraphs (1) through (4) of subsection (e).

"(3) REJECTION.—The Corporation may reject a State Commission if the Corporation determines that the composition, membership, or duties of the State Commission do not comply with the requirements of this section. The Corporation may reject a request to use an alternative administrative entity in lieu of a State Commission if the Corporation determines that the entity does not provide for the individuals described in paragraph (1), and some of the individuals described in paragraph (2), of subsection (c) to play a significant policymaking role as described in paragraph (2). If the Corporation rejects a State Commission or alternative administrative entity under this paragraph, the Corporation shall promptly notify the State of the reasons for the rejection.

"(4) RESUBMISSION AND RECONSIDERATION.—The Corporation shall provide a State notified under paragraph (3) with a reasonable opportunity to revise the rejected State Commission or alternative administrative entity. At the request of the State, the Corporation shall provide technical assistance to the State as part of the revision process. The Corporation shall promptly reconsider any resubmission of a notification

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under paragraph (1) or application to use an alternative administrative entity under paragraph (2).

"(5) SUBSEQUENT CHANGES.—This subsection shall also apply to any change in the composition or duties of a State Commission or an alternative administrative entity made after approval of the State Commission or the alternative administrative entity.

"(6) RIGHTS.—An alternative administrative entity approved by the Corporation under this subsection shall have the same rights as a State Commission.

"(i) COORDINATION.—

"(1) COORDINATION WITH OTHER STATE AGENCIES.—The State Commission or alternative administrative entity for a State shall coordinate the activities of the Commission or entity under this Act with the activities of other State agencies that administer Federal financial assistance programs under the Community Services Block Grant Act (42 U.S.C. 9901 et seq.) or other appropriate Federal financial assistance programs.

"(2) COORDINATION WITH VOLUNTEER SERVICE PROGRAMS.—

"(A) IN GENERAL.—The State Commission or alternative administrative entity for a State shall coordinate functions of the Commission or entity (including recruitment, public awareness, and training activities) with such functions of any division of ACTION, or of the Corporation, that carries out volunteer service programs in the State.

"(B) AGREEMENT.—In coordinating functions under this paragraph, such Commission or entity, and such division, may enter into an agreement to—

"(i) carry out such a function jointly;

"(ii) to assign responsibility for such a function to the Commission or entity; or

"(iii) to assign responsibility for such a function to the division.

"(C) INFORMATION.—The State Commission or alternative entity for a State, and the head of any such division, shall exchange information about—

"(i) the programs carried out in the State by the Commission, entity, or division, as appropriate; and

"(ii) opportunities to coordinate activities.

"(j) LIABILITY.—

"(1) LIABILITY OF STATE.—Except as provided in paragraph (2)(B), a State shall agree to assume liability with respect to any claim arising out of or resulting from any act or omission by a member of the State Commission or alternative administrative entity of the State, within the scope of the service of the member on the State Commission or alternative administrative entity.

"(2) OTHER CLAIMS.—

"(A) IN GENERAL.—A member of the State Commission or alternative administrative entity shall have no personal liability with respect to any claim arising out of or resulting from any act or omission by such person, within the scope of the service of the member on the State Commission or alternative administrative entity.

"(B) LIMITATION.—This paragraph shall not be construed to limit personal liability for criminal acts or omissions, willful or malicious misconduct, acts or omissions

for private gain, or any other act or omission outside the scope of the service of such member on the State Commission or alternative administrative entity.

"(3) EFFECT ON OTHER LAW.—This subsection shall not be construed—

"(A) to affect any other immunities and protections that may be available to such member under applicable law with respect to such service;

"(B) to affect any other right or remedy against the State under applicable law, or against any person other than a member of the State Commission or alternative administrative entity; or

"(C) to limit or alter in any way the immunities that are available under applicable law for State officials and employees not described in this subsection.".

(b) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101–610; 104 Stat. 3127) is amended by striking the item relating to section 178 and inserting the following new item:

"Sec. 178. State Commissions on National and Community Service.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1993. 42 USC 12638 note.

(d) TRANSITIONAL PROVISIONS.— 42 USC 12638 note.

(1) USE OF ALTERNATIVES TO STATE COMMISSION.—If a State does not have a State Commission on National and Community Service that satisfies the requirements specified in section 178 of the National and Community Service Act of 1990, as amended by subsection (a), the Corporation for National and Community Service may authorize the chief executive officer of the State to use an existing agency of the State to perform the duties otherwise reserved to a State Commission under subsection (e) of such section.

(2) APPLICATION OF SUBSECTION.—This subsection shall apply only during the 27-month period beginning on the date of the enactment of this Act.

SEC. 202. INTERIM AUTHORITIES OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE AND ACTION AGENCY.

(a) NATIONAL AND COMMUNITY SERVICE ACT OF 1990.—Subtitle G of title I of the National and Community Service Act of 1990 (42 U.S.C. 12651) is amended to read as follows:

"Subtitle G—Corporation for National and Community Service

"SEC. 191. CORPORATION FOR NATIONAL AND COMMUNITY SERVICE. Establishment. 42 USC 12651.

"There is established a Corporation for National and Community Service that shall administer the programs established under this Act. The Corporation shall be a Government corporation, as defined in section 103 of title 5, United States Code.

"SEC. 192. BOARD OF DIRECTORS. President. 42 USC 12651a.

"(a) COMPOSITION.—

"(1) IN GENERAL.—There shall be in the Corporation a Board of Directors (referred to in this subtitle as the 'Board') that shall be composed of—

"(A) 15 members, including an individual between the ages of 16 and 25 who—

"(i) has served in a school-based or community-based service-learning program; or

"(ii) is or was a participant or a supervisor in a program;

to be appointed by the President, by and with the advice and consent of the Senate; and

"(B) the ex officio nonvoting members described in paragraph (3).

"(2) QUALIFICATIONS.—To the maximum extent practicable, the President shall appoint members—

"(A) who have extensive experience in volunteer or service activities, which may include programs funded under one of the national service laws, and in State government;

"(B) who represent a broad range of viewpoints;

"(C) who are experts in the delivery of human, educational, environmental, or public safety services;

"(D) so that the Board shall be diverse according to race, ethnicity, age, gender, and disability characteristics; and

"(E) so that no more than 50 percent of the appointed members of the Board, plus 1 additional appointed member, are from a single political party.

"(3) EX OFFICIO MEMBERS.—The Secretary of Education, the Secretary of Health and Human Services, the Secretary of Labor, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Housing and Urban Development, the Secretary of Defense, the Attorney General, the Director of the Peace Corps, the Administrator of the Environmental Protection Agency, and the Chief Executive Officer shall serve as ex officio nonvoting members of the Board.

"(b) OFFICERS.—

"(1) CHAIRPERSON.—The President shall appoint a member of the Board to serve as the initial Chairperson of the Board. Each subsequent Chairperson shall be elected by the Board from among its members.

"(2) VICE CHAIRPERSON.—The Board shall elect a Vice Chairperson from among its membership.

"(3) OTHER OFFICERS.—The Board may elect from among its membership such additional officers of the Board as the Board determines to be appropriate.

"(c) TERMS.—Each appointed member of the Board shall serve for a term of 5 years, except that, as designated by the President—

"(1) 3 of the members first appointed to the Board shall serve for a term of 1 year;

"(2) 3 of the members first appointed to the Board shall serve for a term of 2 years;

"(3) 3 of the members first appointed to the Board shall serve for a term of 3 years;

"(4) 3 of the members first appointed to the Board shall serve for a term of 4 years; and

"(5) 3 of the members first appointed to the Board shall serve for a term of 5 years.

"(d) VACANCIES.—If a vacancy occurs on the Board, a new member shall be appointed by the President, by and with the advice and consent of the Senate, and serve for the remainder of the term for which the predecessor of such member was appointed. The vacancy shall not affect the power of the remaining members to execute the duties of the Board.

"SEC. 192A. AUTHORITIES AND DUTIES OF THE BOARD OF DIRECTORS. 42 USC 12651b.

"(a) MEETINGS.—The Board shall meet not less often than 3 times each year. The Board shall hold additional meetings at the call of the Chairperson of the Board, or if 6 members of the Board request such meetings in writing.

"(b) QUORUM.—A majority of the appointed members of the Board shall constitute a quorum.

"(c) AUTHORITIES OF OFFICERS.—

"(1) CHAIRPERSON.—The Chairperson of the Board may call and conduct meetings of the Board.

"(2) VICE CHAIRPERSON.—The Vice Chairperson of the Board may conduct meetings of the Board in the absence of the Chairperson.

"(d) EXPENSES.—While away from their homes or regular places of business on the business of the Board, members of such Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, for persons employed intermittently in the Government service.

"(e) SPECIAL GOVERNMENT EMPLOYEES.—For purposes of the provisions of chapter 11 of part I of title 18, United States Code, and any other provision of Federal law, a member of the Board (to whom such provisions would not otherwise apply except for this subsection) shall be a special Government employee.

"(f) STATUS OF MEMBERS.—

"(1) TORT CLAIMS.—For the purposes of the tort claims provisions of chapter 171 of title 28, United States Code, a member of the Board shall be considered to be a Federal employee.

"(2) OTHER CLAIMS.—A member of the Board shall have no personal liability under Federal law with respect to any claim arising out of or resulting from any act or omission by such person, within the scope of the service of the member on the Board, in connection with any transaction involving the provision of financial assistance by the Corporation. This paragraph shall not be construed to limit personal liability for criminal acts or omissions, willful or malicious misconduct, acts or omissions for private gain, or any other act or omission outside the scope of the service of such member on the Board.

"(3) EFFECT ON OTHER LAW.—This subsection shall not be construed—

"(A) to affect any other immunities and protections that may be available to such member under applicable law with respect to such transactions;

"(B) to affect any other right or remedy against the Corporation, against the United States under applicable

law, or against any person other than a member of the Board participating in such transactions; or

"(C) to limit or alter in any way the immunities that are available under applicable law for Federal officials and employees not described in this subsection.

"(g) DUTIES.—The Board shall—

"(1) review and approve the strategic plan described in section 193A(b)(1), and annual updates of the plan;

"(2) review and approve the proposal described in section 193A(b)(2)(A), with respect to the grants, allotments, contracts, financial assistance, payment, and positions referred to in such section;

"(3) review and approve the proposal described in section 193A(b)(3)(A), regarding the regulations, standards, policies, procedures, programs, and initiatives referred to in such section;

"(4) review and approve the evaluation plan described in section 193A(b)(4)(A);

"(5)(A) review, and advise the Chief Executive Officer regarding, the actions of the Chief Executive Officer with respect to the personnel of the Corporation, and with respect to such standards, policies, procedures, programs, and initiatives as are necessary or appropriate to carry out this Act; and

"(B) inform the Chief Executive Officer of any aspects of the actions of the Chief Executive Officer that are not in compliance with the annual strategic plan referred to in paragraph (1), the proposals referred to in paragraphs (2) and (3), or the plan referred to in paragraph (4), or are not consistent with the objectives of this Act;

"(6) receive any report as provided under subsection (b), (c), or (d) of section 8E of the Inspector General Act of 1978;

"(7) make recommendations relating to a program of research for the Corporation with respect to national and community service programs, including service-learning programs;

"(8) advise the President and the Congress concerning developments in national and community service that merit the attention of the President and the Congress;

"(9) ensure effective dissemination of information regarding the programs and initiatives of the Corporation; and

"(10) prepare and make recommendations to the Congress and the President for changes in this Act resulting from the studies and demonstrations the Chief Executive Officer is required to carry out under section 193A(b)(10), which recommendations shall be submitted to the Congress and President not later than September 30, 1995.

"(h) ADMINISTRATION.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the Board.

"(i) LIMITATION ON PARTICIPATION.—All employees and officers of the Corporation shall recuse themselves from decisions that would constitute conflicts of interest.

"(j) COORDINATION WITH OTHER FEDERAL ACTIVITIES.—As part of the agenda of meetings of the Board under subsection (a), the Board shall review projects and programs conducted or funded by the Corporation under the national service laws to improve the coordination between such projects and programs, and the

activities of other Federal agencies that deal with the individuals and communities participating in or benefiting from such projects and programs. The ex officio members of the Board specified in section 192(a)(3) shall jointly plan, implement, and fund activities in connection with projects and programs conducted under the national service laws to ensure that Federal efforts attempt to address the total needs of participants in such programs and projects, their communities, and the persons and communities the participants serve.

"SEC. 193. CHIEF EXECUTIVE OFFICER. 42 USC 12651c.

"(a) APPOINTMENT.—The Corporation shall be headed by an individual who shall serve as Chief Executive Officer of the Corporation, and who shall be appointed by the President, by and with the advice and consent of the Senate. President.

"(b) COMPENSATION.—The Chief Executive Officer shall be compensated at the rate provided for level III of the Executive Schedule under section 5314 of title 5, United States Code.

"(c) REGULATIONS.—The Chief Executive Officer shall prescribe such rules and regulations as are necessary or appropriate to carry out this Act.

"SEC. 193A. AUTHORITIES AND DUTIES OF THE CHIEF EXECUTIVE OFFICER. 42 USC 12651d.

"(a) GENERAL POWERS AND DUTIES.—The Chief Executive Officer shall be responsible for the exercise of the powers and the discharge of the duties of the Corporation that are not reserved to the Board, and shall have authority and control over all personnel of the Corporation, except as provided in section 8E of the Inspector General Act of 1978.

"(b) DUTIES.—In addition to the duties conferred on the Chief Executive Officer under any other provision of this Act, the Chief Executive Officer shall—

"(1) prepare and submit to the Board a strategic plan every 3 years, and annual updates of the plan, for the Corporation with respect to the major functions and operations of the Corporation;

"(2)(A) prepare and submit to the Board a proposal with respect to such grants and allotments, contracts, other financial assistance, and designation of positions as approved national service positions, as are necessary or appropriate to carry out this Act; and

"(B) after receiving and reviewing an approved proposal under section 192A(g)(2), make such grants and allotments, enter into such contracts, award such other financial assistance, make such payments (in lump sum or installments, and in advance or by way of reimbursement, and in the case of financial assistance otherwise authorized under this Act, with necessary adjustments on account of overpayments and underpayments), and designate such positions as approved national service positions as are necessary or appropriate to carry out this Act;

"(3)(A) prepare and submit to the Board a proposal regarding, the regulations established under section 195(b)(3)(A), and such other standards, policies, procedures, programs, and initiatives as are necessary or appropriate to carry out this Act; and

"(B) after receiving and reviewing an approved proposal under section 192A(g)(3)—

"(i) establish such standards, policies, and procedures as are necessary or appropriate to carry out this Act; and

"(ii) establish and administer such programs and initiatives as are necessary or appropriate to carry out this Act;

"(4)(A) prepare and submit to the Board a plan for the evaluation of programs established under this Act, in accordance with section 179; and

"(B) after receiving an approved proposal under section 192A(g)(4)—

"(i) establish measurable performance goals and objectives for such programs, in accordance with section 179; and

"(ii) provide for periodic evaluation of such programs to assess the manner and extent to which the programs achieve the goals and objectives, in accordance with such section;

"(5) consult with appropriate Federal agencies in administering the programs and initiatives;

"(6) suspend or terminate payments and positions described in paragraph (2)(B), in accordance with section 176;

Reports. "(7) prepare and submit to the Board an annual report, and such interim reports as may be necessary, describing the major actions of the Chief Executive Officer with respect to the personnel of the Corporation, and with respect to such standards, policies, procedures, programs, and initiatives;

"(8) inform the Board of, and provide an explanation to the Board regarding, any substantial differences regarding the implementation of this Act between—

"(A) the actions of the Chief Executive Officer; and

"(B)(i) the strategic plan approved by the Board under section 192A(g)(1);

"(ii) the proposals approved by the Board under paragraph (2) or (3) of section 192A(g); or

"(iii) the evaluation plan approved by the Board under section 192A(g)(4);

Reports. "(9) prepare and submit to the appropriate committees of Congress an annual report, and such interim reports as may be necessary, describing—

"(A) the services referred to in paragraph (1), and the money and property referred to in paragraph (2), of section 196(a) that have been accepted by the Corporation;

"(B) the manner in which the Corporation used or disposed of such services, money, and property; and

"(C) information on the results achieved by the programs funded under this Act during the year preceding the year in which the report is prepared;

"(10) provide for studies (including the evaluations described in subsection (f)) and demonstrations that evaluate, and prepare and submit to the Board by June 30, 1995, a report containing recommendations regarding, issues related to—

"(A) the administration and organization of programs authorized under the national service laws or under Public

Law 91-378 (referred to in this subparagraph as 'service programs'), including—

"(i) whether the State and national priorities designed to meet the unmet human, education, environmental, or public safety needs described in section 122(c)(1) are being addressed by this Act;

"(ii) the manner in which—

"(I) educational and other outcomes of both stipended and nonstipended service and service-learning are defined and measured in such service programs; and

"(II) such outcomes should be defined and measured in such service programs;

"(iii) whether stipended service programs, and service programs providing educational benefits in return for service, should focus on economically disadvantaged individuals or at-risk youth or whether such programs should include a mix of individuals, including individuals from middle- and upper-income families;

"(iv) the role and importance of stipends and educational benefits in achieving desired outcomes in the service programs;

"(v) the potential for cost savings and coordination of support and oversight services from combining functions performed by ACTION State offices and State Commissions;

"(vi) the implications of the results from such studies and demonstrations for authorized funding levels for the service programs; and

"(vii) other issues that the Director determines to be relevant to the administration and organization of the service programs; and

"(B) the number, potential consolidation, and future organization of national service or domestic volunteer service programs that are authorized under Federal law, including VISTA, service corps assisted under subtitle C and other programs authorized by this Act, programs administered by the Public Health Service, the Department of Defense, or other Federal agencies, programs regarding teacher corps, and programs regarding work-study and higher education loan forgiveness or forbearance programs authorized by the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) related to community service; and

"(11) for purposes of section 178(d)(6)(B), issue regulations to waive the disqualification of members of the Board and members of the State Commissions selectively in a random, nondiscretionary manner and only to the extent necessary to establish the quorum involved, including rules that forbid each member of the Board and each voting member of a State Commission to participate in any discussion or decision regarding the provision of assistance or approved national service positions, or the continuation, suspension, or termination of such assistance or such positions, to any program or entity of which such member of the Board or such member of the State Commission is, or in the 1-year period before the submis- Regulations.

sion of the application referred to in such section was, an officer, director, trustee, full-time volunteer, or employee.

"(c) POWERS.—In addition to the authority conferred on the Chief Executive Officer under any other provision of this Act, the Chief Executive Officer may—

"(1) establish, alter, consolidate, or discontinue such organizational units or components within the Corporation as the Chief Executive Officer considers necessary or appropriate, consistent with Federal law, and shall, to the maximum extent practicable, consolidate such units or components of the divisions of the Corporation described in section 194(a)(3) as may be appropriate to enable the two divisions to coordinate common support functions;

"(2) with the approval of the President, arrange with and reimburse the heads of other Federal agencies for the performance of any of the provisions of this Act;

"(3) with their consent, utilize the services and facilities of Federal agencies with or without reimbursement, and, with the consent of any State, or political subdivision of a State, accept and utilize the services and facilities of the agencies of such State or subdivisions without reimbursement;

"(4) allocate and expend funds made available under this Act;

"(5) disseminate, without regard to the provisions of section 3204 of title 39, United States Code, data and information, in such form as the Chief Executive Officer shall determine to be appropriate to public agencies, private organizations, and the general public;

"(6) collect or compromise all obligations to or held by the Chief Executive Officer and all legal or equitable rights accruing to the Chief Executive Officer in connection with the payment of obligations in accordance with chapter 37 of title 31, United States Code (commonly known as the 'Federal Claims Collection Act of 1966');

"(7) file a civil action in any court of record of a State having general jurisdiction or in any district court of the United States, with respect to a claim arising under this Act;

"(8) exercise the authorities of the Corporation under section 196;

"(9) consolidate the reports to Congress required under this Act, and the report required under section 9106 of title 31, United States Code, into a single report, and submit the report to Congress on an annual basis; and

"(10) generally perform such functions and take such steps consistent with the objectives and provisions of this Act, as the Chief Executive Officer determines to be necessary or appropriate to carry out such provisions.

"(d) DELEGATION.—

"(1) DEFINITION.—As used in this subsection, the term 'function' means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

"(2) IN GENERAL.—Except as otherwise prohibited by law or provided in this Act, the Chief Executive Officer may delegate any function under this Act, and authorize such successive redelegations of such function as may be necessary or appropriate. No delegation of a function by the Chief Executive Officer under this subsection or under any other provision

of this Act shall relieve such Chief Executive Officer of responsibility for the administration of such function.

"(3) FUNCTION OF BOARD.—The Chief Executive Officer may not delegate a function of the Board without the permission of the Board.

"(e) ACTIONS.—In an action described in subsection (c)(7)—

"(1) a district court referred to in such subsection shall have jurisdiction of such a civil action without regard to the amount in controversy;

"(2) such an action brought by the Chief Executive Officer shall survive notwithstanding any change in the person occupying the office of Chief Executive Officer or any vacancy in that office;

"(3) no attachment, injunction, garnishment, or other similar process, mesne or final, shall be issued against the Chief Executive Officer or the Board or property under the control of the Chief Executive Officer or the Board; and

"(4) nothing in this section shall be construed to except litigation arising out of activities under this Act from the application of sections 509, 517, 547, and 2679 of title 28, United States Code.

"(f) EVALUATIONS.—

"(1) EVALUATION OF LIVING ALLOWANCE.—The Corporation shall arrange for an independent evaluation to determine the levels of living allowances paid in all programs under subtitles C and I, individually, by State, and by region. Such evaluation shall determine the effects that such living allowances have had on the ability of individuals to participate in such programs.

"(2) EVALUATION OF SUCCESS OF INVESTMENT IN NATIONAL SERVICE.—

"(A) EVALUATION REQUIRED.—The Corporation shall arrange for the independent evaluation of the operation of subtitle C to determine the levels of participation of economically disadvantaged individuals in national service programs carried out or supported using assistance provided under section 121.

"(B) PERIOD COVERED BY EVALUATION.—The evaluation required by this paragraph shall cover the period beginning on the date the Corporation first makes a grant under section 121, and ending on a date that is as close as is practicable to the date specified in subsection (b)(10).

"(C) INCOME LEVELS OF PARTICIPANTS.—The evaluating entity shall determine the total income of each participant who serves, during the period covered by the evaluation, in a national service program carried out or supported using assistance provided under section 121 or in an approved national service position. The total income of the participant shall be determined as of the date the participant was first selected to participate in such a program and shall include family total income unless the evaluating entity determines that the participant was independent at the time of selection.

"(D) ASSISTANCE FOR DISTRESSED AREAS.—The evaluating entity shall also determine the amount of assistance provided under section 121 during the period covered by the report that has been expended for projects conducted in areas of economic distress described in section 133(c)(6).

"(E) DEFINITIONS.—As used in this paragraph:

"(i) INDEPENDENT.—The term 'independent' has the meaning given the term in section 480(d) of the Higher Education Act of 1965 (20 U.S.C. 1087vv(d)).

"(ii) TOTAL INCOME.—The term 'total income' has the meaning given the term in section 480(a) of the Higher Education Act of 1965 (20 U.S.C. 1087vv(a)).

42 USC 12651e.

"SEC. 194. OFFICERS.

"(a) MANAGING DIRECTORS.—

President.

"(1) IN GENERAL.—There shall be in the Corporation 2 Managing Directors, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall report to the Chief Executive Officer.

"(2) COMPENSATION.—The Managing Directors shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

"(3) DUTIES.—The Corporation shall determine the programs for which the Managing Directors shall have primary responsibility and shall establish the divisions of the Corporation to be headed by the Managing Directors.

"(b) INSPECTOR GENERAL.—

"(1) OFFICE.—There shall be in the Corporation an Office of the Inspector General.

"(2) APPOINTMENT.—The Office shall be headed by an Inspector General, appointed in accordance with the Inspector General Act of 1978.

"(3) COMPENSATION.—The Inspector General shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

"(c) CHIEF FINANCIAL OFFICER.—

President.

"(1) OFFICE.—There shall be in the Corporation a Chief Financial Officer, who shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) COMPENSATION.—The Chief Financial Officer shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

"(3) DUTIES.—The Chief Financial Officer shall—

"(A) report directly to the Chief Executive Officer regarding financial management matters;

"(B) oversee all financial management activities relating to the programs and operations of the Corporation;

"(C) develop and maintain an integrated accounting and financial management system for the Corporation, including financial reporting and internal controls;

"(D) develop and maintain any joint financial management systems with the Department of Education necessary to carry out the programs of the Corporation; and

"(E) direct, manage, and provide policy guidance and oversight of the financial management personnel, activities, and operations of the Corporation.

"(d) ASSISTANT DIRECTORS FOR VISTA AND NATIONAL SENIOR VOLUNTEER CORPS.—

"(1) APPOINTMENT.—One of the Managing Directors appointed under subsection (a) shall, in accordance with applicable provisions of title 5, United States Code, appoint

4 Assistant Directors who shall report directly to such Managing Director, of which—

"(A) 1 Assistant Director shall be responsible for programs carried out under parts A and B of title I of the Domestic Volunteer Service Act of 1973 (the Volunteers in Service to America (VISTA) program) and other anti-poverty programs under title I of that Act;

"(B) 1 Assistant Director shall be responsible for programs carried out under part A of title II of that Act (relating to the Retired Senior Volunteer Program);

"(C) 1 Assistant Director shall be responsible for programs carried out under part B of title II of that Act (relating to the Foster Grandparent Program); and

"(D) 1 Assistant Director shall be responsible for programs carried out under part C of title II of that Act (relating to the Senior Companion Program).

"(2) EFFECTIVE DATE FOR EXERCISE OF AUTHORITY.—Each Assistant Director appointed pursuant to paragraph (1) may exercise the authority assigned to each such Director only after the effective date of section 203(c)(2) of the National and Community Service Trust Act of 1993.

"SEC. 195. EMPLOYEES, CONSULTANTS, AND OTHER PERSONNEL. 42 USC 12651f.

"(a) EMPLOYEES.—Except as provided in subsection (b), section 194(d), and section 8E of the Inspector General Act of 1978, the Chief Executive Officer shall, in accordance with applicable provisions of title 5, United States Code, appoint and determine the compensation of such employees as the Chief Executive Officer determines to be necessary to carry out the duties of the Corporation.

"(b) ALTERNATIVE PERSONNEL SYSTEM.—

"(1) AUTHORITY.—The Chief Executive Officer may designate positions in the Corporation as positions to which the Chief Executive Officer may make appointments, and for which the Chief Executive Officer may determine compensation, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, to the extent the Chief Executive Officer determines that such a designation is appropriate and desirable to further the effective operation of the Corporation. The Chief Executive Officer may provide for appointments to such positions to be made on a limited term basis.

"(2) APPOINTMENT IN THE COMPETITIVE SERVICE AFTER EMPLOYMENT UNDER ALTERNATIVE PERSONNEL SYSTEM.—The Director of the Office of Personnel Management may grant competitive status for appointment to the competitive service, under such conditions as the Director may prescribe, to an employee who is appointed under this subsection and who is separated from the Corporation (other than by removal for cause).

"(3) SELECTION AND COMPENSATION SYSTEM.—

"(A) ESTABLISHMENT OF SYSTEM.—The Chief Executive Officer, after obtaining the approval of the Director of the Office of Personnel Management, shall issue regulations establishing a selection and compensation system for Regulations.

employees of the Corporation appointed under paragraph (1). In issuing such regulations, the Chief Executive Officer shall take into consideration the need for flexibility in such a system.

"(B) APPLICATION.—The Chief Executive Officer shall appoint and determine the compensation of employees in accordance with the selection and compensation system established under subparagraph (A).

"(C) SELECTION.—The system established under subparagraph (A) shall provide for the selection of employees—

"(i) through a competitive process; and

"(ii) on the basis of the qualifications of applicants and the requirements of the positions.

"(D) COMPENSATION.—The system established under subparagraph (A) shall include a scheme for the classification of positions in the Corporation. The system shall require that the compensation of an employee be determined in part on the basis of the job performance of the employee, and in a manner consistent with the principles described in section 5301 of title 5, United States Code. The rate of compensation for each employee compensated under the system shall not exceed the annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

"(c) CORPORATION REPRESENTATIVE IN EACH STATE.—

"(1) DESIGNATION OF REPRESENTATIVE.—The Corporation shall designate 1 employee of the Corporation for each State or group of States to serve as the representative of the Corporation in the State or States and to assist the Corporation in carrying out the activities described in this Act in the State or States.

"(2) DUTIES.—The representative designated under this subsection for a State or group of States shall serve as the liaison between—

"(A) the Corporation and the State Commission that is established in the State or States;

"(B) the Corporation and any subdivision of a State, Indian tribe, public or private nonprofit organization, or institution of higher education, in the State or States, that is awarded a grant under section 121 directly from the Corporation; and

"(C) after the effective date of section 203(c)(2) of the National and Community Service Trust Act of 1993, the State Commission and the Corporation employee responsible for programs under the Domestic Volunteer Service Act of 1973 in the State, if the employee is not the representative described in paragraph (1) for the State.

"(3) MEMBER OF STATE COMMISSION.—The representative designated under this subsection for a State or group of States shall also serve as a member of the State Commission established in the State or States, as described in section 178(c)(3).

"(4) COMPENSATION.—If the employee designated under paragraph (1) is an employee whose appointment was made pursuant to section 195(b), the rate of compensation for such employee may not exceed the maximum rate of basic pay pay-

able for GS–13 of the General Schedule under section 5332 of title 5, United States Code.

"(d) CONSULTANTS.—The Chief Executive Officer may procure the temporary and intermittent services of experts and consultants and compensate the experts and consultants in accordance with section 3109(b) of title 5, United States Code.

"(e) DETAILS OF PERSONNEL.—The head of any Federal department or agency may detail on a reimbursable basis, or on a nonreimbursable basis for not to exceed 180 calendar days during any fiscal year, as agreed upon by the Chief Executive Officer and the head of the Federal agency, any of the personnel of that department or agency to the Corporation to assist the Corporation in carrying out the duties of the Corporation under this Act. Any detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

"(f) ADVISORY COMMITTEES.—

"(1) ESTABLISHMENT.—The Chief Executive Officer, acting upon the recommendation of the Board, may establish advisory committees in the Corporation to advise the Board with respect to national service issues, such as the type of programs to be established or assisted under the national service laws, priorities and criteria for such programs, and methods of conducting outreach for, and evaluation of, such programs.

"(2) COMPOSITION.—Such an advisory committee shall be composed of members appointed by the Chief Executive Officer, with such qualifications as the Chief Executive Officer may specify.

"(3) EXPENSES.—Members of such an advisory committee may be allowed travel expenses as described in section 192A(d).

"(4) STAFF.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the Chief Executive Officer is authorized to appoint and fix the compensation of such staff as the Chief Executive Officer determines to be necessary to carry out the functions of the advisory committee, without regard to—

"(i) the provisions of title 5, United States Code, governing appointments in the competitive service; and

"(ii) the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

"(B) COMPENSATION.—If a member of the staff appointed under subparagraph (A) was appointed without regard to the provisions described in clauses (i) and (ii) of subparagraph (A), the rate of compensation for such member may not exceed the maximum rate of basic pay payable for GS–13 of the General Schedule under section 5332 of title 5, United States Code.

"SEC. 196. ADMINISTRATION. 42 USC 12651g.

"(a) DONATIONS.—

"(1) SERVICES.—

"(A) VOLUNTEERS.—Notwithstanding section 1342 of title 31, United States Code, the Corporation may solicit and accept the voluntary services of individuals to assist the Corporation in carrying out the duties of the Corporation under this Act, and may provide to such individuals the travel expenses described in section 192A(d).

"(B) LIMITATION.—Such a volunteer shall not be considered to be a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits, except that—

"(i) for the purposes of the tort claims provisions of chapter 171 of title 28, United States Code, a volunteer under this subtitle shall be considered to be a Federal employee;

"(ii) for the purposes of subchapter I of chapter 81 of title 5, United States Code, relating to compensation to Federal employees for work injuries, volunteers under this subtitle shall be considered to be employees, as defined in section 8101(1)(B) of title 5, United States Code, and the provisions of such subchapter shall apply; and

"(iii) for purposes of the provisions of chapter 11 of part I of title 18, United States Code, such a volunteer (to whom such provisions would not otherwise apply except for this subsection) shall be a special Government employee.

"(C) INHERENTLY GOVERNMENTAL FUNCTION.—

"(i) IN GENERAL.—Such a volunteer shall not carry out an inherently governmental function.

"(ii) REGULATIONS.—The Chief Executive Officer shall promulgate regulations to carry out this subparagraph.

"(iii) INHERENTLY GOVERNMENTAL FUNCTION.—As used in this subparagraph, the term 'inherently governmental function' means any activity that is so intimately related to the public interest as to mandate performance by an officer or employee of the Federal Government, including an activity that requires either the exercise of discretion in applying the authority of the Government or the use of value judgment in making a decision for the Government.

"(2) PROPERTY.—

"(A) IN GENERAL.—The Corporation may solicit, accept, hold, administer, use, and dispose of, in furtherance of the purposes of this Act, donations of any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise. Donations accepted under this subparagraph shall be used as nearly as possible in accordance with the terms, if any, of such donation.

"(B) STATUS OF CONTRIBUTION.—Any donation accepted under subparagraph (A) shall be considered to be a gift, devise, or bequest to, or for the use of, the United States.

"(C) RULES.—The Chief Executive Officer shall establish written rules to ensure that the solicitation, acceptance, holding, administration, and use of property described in subparagraph (A)—

"(i) will not reflect unfavorably upon the ability of the Corporation, or of any officer or employee of the Corporation, to carry out the responsibilities or

official duties of the Corporation in a fair and objective manner; and

"(ii) will not compromise the integrity of the programs of the Corporation or any official or employee of the Corporation involved in such programs.

"(D) DISPOSITION.—Upon completion of the use by the Corporation of any property accepted pursuant to subparagraph (A) (other than money or monetary proceeds from sales of property so accepted), such completion shall be reported to the General Services Administration and such property shall be disposed of in accordance with title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.).

"(3) VOLUNTEER.—As used in this subsection, the term 'volunteer' does not include a participant.

"(b) CONTRACTS.—Subject to the Federal Property and Administrative Services Act of 1949, the Corporation may enter into contracts, and cooperative and interagency agreements, with Federal and State agencies, private firms, institutions, and individuals to conduct activities necessary to assist the Corporation in carrying out the duties of the Corporation under this Act.

"(c) OFFICE OF MANAGEMENT AND BUDGET.—Appropriate circulars of the Office of Management and Budget shall apply to the Corporation.

"SEC. 196A. CORPORATION STATE OFFICES. 42 USC 12651h.

"(a) IN GENERAL.—The Chief Executive Officer shall establish and maintain a decentralized field structure that provides for an office of the Corporation for each State. The office for a State shall be located in, or in reasonable proximity to, such State. Only one such office may carry out the duties described in subsection (b) with respect to a State at any particular time. Such State office may be directed by the representative designated under section 195(c).

"(b) DUTIES.—Each State office established pursuant to subsection (a) shall—

"(1) provide to the State Commissions established under section 178 technical and other assistance for the development and implementation of national service plans under section 178(e)(1);

"(2) provide to community-based agencies and other entities within the State technical assistance for the preparation of applications for assistance under the national service laws, utilizing, as appropriate, information and materials provided by the clearinghouses established pursuant to section 198A;

"(3) provide to the State Commission and other entities within the State support and technical assistance necessary to assure the existence of an effective system of recruitment, placement, and training of volunteers within the State;

"(4) monitor and evaluate the performance of all programs and projects within the State that receive assistance under the national service laws; and

"(5) perform such other duties and functions as may be assigned or delegated by the Chief Executive Officer.".

(b) DOMESTIC VOLUNTEER SERVICE ACT OF 1973.—Section 401 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5041) is amended by inserting after the second sentence the following:

"The Director shall report directly to the Chief Executive Officer of the Corporation for National and Community Service.".

42 USC 12651 note.

(c) TRANSFER OF FUNCTIONS OF COMMISSION ON NATIONAL AND COMMUNITY SERVICE.—

(1) DEFINITIONS.—For purposes of this subsection, unless otherwise provided or indicated by the context, each term specified in section 203(c)(1) shall have the meaning given the term in such section.

(2) TRANSFER OF FUNCTIONS.—There are transferred to the Corporation the functions that the Board of Directors or Executive Director of the Commission on National and Community Service exercised before the effective date of this subsection (including all related functions of any officer or employee of the Commission).

(3) APPLICATION.—The provisions of paragraphs (3) through (10) of section 203(c) shall apply with respect to the transfer described in paragraph (2), except that—

(A) for purposes of such application, references to the term "ACTION Agency" shall be deemed to be references to the Commission on National and Community Service; and

(B) paragraph (10) of such section shall not preclude the transfer of the members of the Board of Directors of the Commission to the Corporation if, on the effective date of this subsection, the Board of Directors of the Corporation has not been confirmed.

42 USC 12651 note.

(d) CONTINUING PERFORMANCE OF CERTAIN FUNCTIONS.—The individuals who, on the day before the date of enactment of this Act, are performing any of the functions required by section 190 of the National and Community Service Act of 1990 (42 U.S.C. 12651), as in effect on such date, to be performed by the members of the Board of Directors of the Commission on National and Community Service may, subject to section 193A of the National and Community Service Act of 1990, as added by subsection (a) of this section, continue to perform such functions until the date on which the Board of Directors of the Corporation for National and Community Service conducts the first meeting of the Board. The service of such individuals as members of the Board of Directors of such Commission, and the employment of such individuals as special Government employees, shall terminate on such date.

(e) GOVERNMENT CORPORATION CONTROL.—

(1) WHOLLY OWNED GOVERNMENT CORPORATION.—Section 9101(3) of title 31, United States Code, is amended by inserting after subparagraph (D) the following:

"(E) the Corporation for National and Community Service.".

(2) AUDITS.—Section 9105(a)(1) of title 31, United States Code, is amended by inserting ", or under other Federal law," before "or by an independent".

(f) DISPOSAL OF PROPERTY.—Section 203(k) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(k)) is amended by adding at the end the following:

"(5)(A) Under such regulations as the Administrator may prescribe, the Administrator is authorized, in the discretion of the Administrator, to assign to the Chief Executive Officer of the Corporation for National and Community Service for disposal such

surplus property as is recommended by the Chief Executive Officer as being needed for national service activities.

"(B) Subject to the disapproval of the Administrator, within 30 days after notice to the Administrator by the Chief Executive Officer of the Corporation for National and Community Service of a proposed transfer of property for such activities, the Chief Executive Officer, through such officers or employees of the Corporation as the Chief Executive Officer may designate, may sell, lease, or donate such property to any entity that receives financial assistance under the National and Community Service Act of 1990 for such activities.

"(C) In fixing the sale or lease value of such property, the Chief Executive Officer of the Corporation for National and Community Service shall comply with the requirements of paragraph (1)(C).".

(g) INSPECTOR GENERAL.—

(1) SPECIAL PROVISIONS IN INSPECTOR GENERAL ACT OF 1978.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended by redesignating sections 8E and 8F as sections 8F and 8G, respectively, and inserting after section 8D the following new section: 5 USC app. 8E–8G.

"SPECIAL PROVISIONS CONCERNING THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

"SEC. 8E. (a) Notwithstanding the provisions of paragraphs (7) and (8) of section 6(a), it is within the exclusive jurisdiction of the Inspector General of the Corporation for National and Community Service to— 5 USC app. 8E.

"(1) appoint and determine the compensation of such officers and employees in accordance with section 195(b) of the National and Community Service Trust Act of 1993; and

"(2) procure the temporary and intermittent services of and compensate such experts and consultants, in accordance with section 3109(b) of title 5, United States Code,

as may be necessary to carry out the functions, powers, and duties of the Inspector General.

"(b) No later than the date on which the Chief Executive Officer of the Corporation for National and Community Service transmits any report to the Congress under subsection (a) or (b) of section 5, the Chief Executive Officer shall transmit such report to the Board of Directors of such Corporation. Reports.

"(c) No later than the date on which the Chief Executive Officer of the Corporation for National and Community Service transmits a report described under section 5(b) to the Board of Directors as provided under subsection (b) of this section, the Chief Executive Officer shall also transmit any audit report which is described in the statement required under section 5(b)(4) to the Board of Directors. All such audit reports shall be placed on the agenda for review at the next scheduled meeting of the Board of Directors following such transmittal. The Chief Executive Officer of the Corporation shall be present at such meeting to provide any information relating to such audit reports. Reports.

"(d) No later than the date on which the Inspector General of the Corporation for National and Community Service reports a problem, abuse, or deficiency under section 5(d) to the Chief Executive Officer of the Corporation, the Chief Executive Officer

shall report such problem, abuse, or deficiency to the Board of Directors.".

(2) TERMINATION OF STATUS AS DESIGNATED FEDERAL ENTITY.—

5 USC app. 8F.

(A) IN GENERAL.—Section 8F(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) (as redesignated by paragraph (1) of this subsection) is amended by striking out "ACTION,".

5 USC app. 8F note.

(B) EFFECTIVE DATE.—This paragraph shall take effect on the effective date of section 203(c)(2).

(3) TRANSFER.—

5 USC app. 9.

(A) IN GENERAL.—Section 9(a)(1) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(i) in subparagraph (T), by striking out "and" at the end thereof; and

(ii) by adding at the end thereof the following new subparagraph:

"(V) of the Corporation for National and Community Service, the Office of Inspector General of ACTION; and".

5 USC app. 9 note.

(B) EFFECTIVE DATE.—This paragraph shall take effect on the effective date of section 203(c)(2).

(4) HEAD OF ESTABLISHMENT AND ESTABLISHMENT.—Section

5 USC app. 11.

11 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(A) in paragraph (1) by inserting "; the Chief Executive Officer of the Corporation for National and Community Service;" after "Thrift Depositor Protection Oversight Board"; and

(B) in paragraph (2) by inserting ", the Corporation for National and Community Service," after "United States Information Agency".

(5) TECHNICAL AND CONFORMING AMENDMENTS TO THE INSPECTOR GENERAL ACT OF 1978.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

5 USC app. 4.

(A) in section 4(b)(2)—

(i) by striking out "section 8E(a)(2), and any" and inserting in lieu thereof "section 8F(a)(2), and any";

(ii) by striking out "section 8E(a)(1)" and inserting in lieu thereof "section 8F(a)(1)"; and

(iii) by striking out "section 8E(a)(2)." and inserting in lieu thereof "section 8F(a)(2)."; and

5 USC app. 8G.

(B) in section 8G (as redesignated by paragraph (1) of this subsection)—

(i) by striking out "or 8D" and inserting in lieu thereof "8D, or 8E"; and

(ii) by striking out "section 8E(a)" and inserting in lieu thereof "section 8F(a)".

(6) POSTAL SERVICE TECHNICAL AND CONFORMING AMENDMENTS.—Section 410(b) of title 39, United States Code, is amended—

(A) in paragraph (8) by striking out "and" after the semicolon;

(B) in the first paragraph (9) by striking out the period and inserting in lieu thereof a semicolon and "and"; and

(C) by striking out the second paragraph (9) and inserting in lieu thereof the following:

"(10) the provisions of section 8F of the Inspector General Act of 1978.".

(h) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101–610; 104 Stat. 3127) is amended by striking the items relating to subtitle G of title I of such Act and inserting the following:

"Subtitle G—Corporation for National and Community Service

"Sec. 191. Corporation for National and Community Service.
"Sec. 192. Board of Directors.
"Sec. 192A. Authorities and duties of the Board of Directors.
"Sec. 193. Chief Executive Officer.
"Sec. 193A. Authorities and duties of the Chief Executive Officer.
"Sec. 194. Officers.
"Sec. 195. Employees, consultants, and other personnel.
"Sec. 196. Administration.
"Sec. 196A. Corporation State offices.".

(i) EFFECTIVE DATES.— 42 USC 12651 note.

(1) IN GENERAL.—Except as provided in paragraph (2), or paragraph (2) or (3) of subsection (g), the amendments made by this section shall take effect on October 1, 1993.

(2) ESTABLISHMENT AND APPOINTMENT AUTHORITIES.—Sections 191, 192, and 193 of the National and Community Service Act of 1990, as added by subsection (a), shall take effect on the date of enactment of this Act.

SEC. 203. FINAL AUTHORITIES OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE.

(a) NATIONAL AND COMMUNITY SERVICE ACT OF 1990.—

(1) APPLICATION.—

(A) EVALUATION.—Subsections (a), (d), and (e) of section 179 of the National and Community Service Act of 1990 (42 U.S.C. 12639) are amended by striking "this title" and inserting "the national service laws".

(B) CORPORATION.—Subtitle I of the National and Community Service Act of 1990 (as amended by section 202 of this Act) is amended in section 191, paragraphs (5) and (10) of section 192A(g), section 193(c), subsections (b) (other than paragraph (10)), (c) (other than paragraph (7)), and (d) of section 193A, subsections (c) and (e) of section 195, and subsections (a) and (b) of section 196, by striking "this Act" each place the term appears and inserting "the national service laws". 42 USC 12651, 12651b, 12651c, 12651d, 12651f, 12651g.

(2) GRANTS.—Section 192A(g) of the National and Community Service Act of 1990 (as added by section 202 of this Act) is amended—

(A) by striking "and" at the end of paragraph (9);

(B) by redesignating paragraph (10) as paragraph (11); and

(C) by inserting after paragraph (9) the following:

"(10) notwithstanding any other provision of law, make grants to or contracts with Federal or other public departments or agencies and private nonprofit organizations for the assignment or referral of volunteers under the provisions of the Domestic Volunteer Service Act of 1973 (except as provided in section 108 of the Domestic Volunteer Service Act of 1973), which may provide that the agency or organization shall pay all or a part of the costs of the program; and".

(3) RECRUITMENT AND PUBLIC AWARENESS FUNCTIONS.—Section 193A of the National and Community Service Act of 1993

(as added by section 202 of this Act) is amended by adding at the end the following:

"(g) RECRUITMENT AND PUBLIC AWARENESS FUNCTIONS.—

"(1) EFFORT.—The Chief Executive Officer shall ensure that the Corporation, in carrying out the recruiting and public awareness functions of the Corporation, shall expend at least the level of effort on recruitment and public awareness activities related to the programs carried out under the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.) as ACTION expended on recruitment and public awareness activities related to programs under the Domestic Volunteer Service Act of 1973 during fiscal year 1993.

"(2) PERSONNEL.—The Chief Executive Officer shall assign or hire, as necessary, such additional national, regional, and State personnel to carry out such recruiting and public awareness functions as may be necessary to ensure that such functions are carried out in a timely and effective manner. The Chief Executive Officer shall give priority in the hiring of such additional personnel to individuals who have formerly served as volunteers in the programs carried out under the Domestic Volunteer Service Act of 1973 or similar programs, and to individuals who have specialized experience in the recruitment of volunteers.

"(3) FUNDS.—For the first fiscal year after the effective date of this subsection, and for each fiscal year thereafter, for the purpose of carrying out such recruiting and public awareness functions, the Chief Executive Officer shall obligate not less than 1.5 percent of the amounts appropriated for the fiscal year under section 501(a) of the Domestic Volunteer Service Act of 1973.".

(b) AUTHORITIES OF ACTION AGENCY.—Sections 401 and 402 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5041 and 5042) are repealed.

42 USC 12651 note.

(c) TRANSFER OF FUNCTIONS FROM ACTION AGENCY.—

(1) DEFINITIONS.—For purposes of this subsection, unless otherwise provided or indicated by the context—

(A) the term "Chief Executive Officer" means the Chief Executive Officer of the Corporation;

(B) the term "Corporation" means the Corporation for National and Community Service, established under section 191 of the National and Community Service Act of 1990;

(C) the term "Federal agency" has the meaning given to the term "agency" by section 551(1) of title 5, United States Code;

(D) the term "function" means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program; and

(E) the term "office" includes any office, administration, agency, institute, unit, organizational entity, or component thereof.

(2) TRANSFER OF FUNCTIONS.—There are transferred to the Corporation the functions that the Director of the ACTION Agency exercised before the effective date of this subsection (including all related functions of any officer or employee of the ACTION Agency).

(3) DETERMINATIONS OF CERTAIN FUNCTIONS BY THE OFFICE OF MANAGEMENT AND BUDGET.—If necessary, the Office of

Management and Budget shall make any determination of the functions that are transferred under paragraph (2).

(4) REORGANIZATION.—The Chief Executive Officer is authorized to allocate or reallocate any function transferred under paragraph (2) among the officers of the Corporation.

(5) TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.—Except as otherwise provided in this subsection, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the functions transferred by this subsection, subject to section 1531 of title 31, United States Code, shall be transferred to the Corporation. Unexpended funds transferred pursuant to this paragraph shall be used only for the purposes for which the funds were originally authorized and appropriated.

(6) INCIDENTAL TRANSFER.—The Director of the Office of Management and Budget, at such time or times as the Director shall provide, is authorized to make such determinations as may be necessary with regard to the functions transferred by this subsection, and to make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of this subsection. The Director of the Office of Management and Budget shall provide for the termination of the affairs of all entities terminated by this subsection and for such further measures and dispositions as may be necessary to effectuate the purposes of this subsection.

(7) EFFECT ON PERSONNEL.—

(A) IN GENERAL.—Except as otherwise provided by this subsection, the transfer pursuant to this subsection of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall be to positions in the Corporation subject to section 195(a) of the National and Community Service Act of 1990, as added by section 202(a) of this Act, and shall not cause any such employee to be separated or reduced in grade or compensation, or to have the benefits of the employee reduced, for 1 year after the date of transfer of such employee under this subsection, and such transfer shall be deemed to be a transfer of functions for purposes of section 3503 of title 5, United States Code.

(B) EXECUTIVE SCHEDULE POSITIONS.—Except as otherwise provided in this subsection, any person who, on the day preceding the effective date of this subsection, held a position compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed in the Corporation to a position having duties comparable to the duties performed immediately preceding such appointment shall continue to be compensated in such new position at not less than the rate provided for such previous

position, for the duration of the service of such person in such new position.

(C) TERMINATION OF CERTAIN POSITIONS.—Positions whose incumbents are appointed by the President, by and with the advice and consent of the Senate, the functions of which are transferred by this subsection, shall terminate on the effective date of this subsection.

(8) SAVINGS PROVISIONS.—

(A) CONTINUING EFFECT OF LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(i) that have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions that are transferred under this subsection; and

(ii) that are in effect at the time this subsection takes effect, or were final before the effective date of this subsection and are to become effective on or after the effective date of this subsection,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Chief Executive Officer, or other authorized official, a court of competent jurisdiction, or by operation of law.

(B) PROCEEDINGS NOT AFFECTED.—The provisions of this subsection shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before the ACTION Agency at the time this subsection takes effect, with respect to functions transferred by this subsection. Such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this subsection had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subparagraph shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this subsection had not been enacted.

(C) SUITS NOT AFFECTED.—The provisions of this subsection shall not affect suits commenced before the effective date of this subsection, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this subsection had not been enacted.

(D) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the ACTION Agency, or by or against any individual in the official capacity of such individual as an officer of the ACTION Agency, shall abate by reason of the enactment of this subsection.

(E) ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.—Any administrative action relating to the preparation or promulgation of a regulation by the ACTION Agency relating to a function transferred under this subsection may be continued by the Corporation with the same effect as if this subsection had not been enacted.

(9) SEVERABILITY.—If a provision of this subsection or its application to any person or circumstance is held invalid, neither the remainder of this subsection nor the application of the provision to other persons or circumstances shall be affected.

(10) TRANSITION.—Prior to, or after, any transfer of a function under this subsection, the Chief Executive Officer is authorized to utilize—

(A) the services of such officers, employees, and other personnel of the ACTION Agency with respect to functions that will be or have been transferred to the Corporation by this subsection; and

(B) funds appropriated to such functions for such period of time as may reasonably be needed to facilitate the orderly implementation of this subsection.

(d) EFFECTIVE DATE.— 42 USC 12651 note.

(1) IN GENERAL.—Except as provided in paragraph (2), this section, and the amendments made by this section, shall take effect—

(A) 18 months after the date of enactment of this Act; or

(B) on such earlier date as the President shall determine to be appropriate and announce by proclamation published in the Federal Register. President. Federal Register, publication.

(2) TRANSITION.—Subsection (c)(10) shall take effect on the date of enactment of this Act.

SEC. 204. BUSINESS PLAN. 42 USC 12651 note.

(a) BUSINESS PLAN REQUIRED.—

(1) IN GENERAL.—The Corporation for National and Community Service (referred to in this section as the "Corporation") shall prepare and submit to Congress a business plan. The Corporation may not provide assistance under section 121 of the National and Community Service Act of 1990 before the twentieth day of continuous session of Congress after the date on which the Corporation submits the business plan to Congress.

(2) COMPUTATION.—For purposes of the computation of the 20-day period referred to in paragraph (1), continuity of a session of the Congress shall be considered to be broken only by—

(A) an adjournment of the Congress sine die; and

(B) the days on which either House is not in session because of an adjournment of more than 3 days to a date certain.

(b) REQUIRED ELEMENTS OF BUSINESS PLAN.—

(1) ALLOCATION OF FUNDS.—The business plan shall contain—

(A) a description of the manner in which the Corporation will allocate funds for programs carried out by the Corporation after October 1, 1993;

(B) information on the principal offices and officers of the Corporation that will allocate such funds; and

(C) information that indicates how accountability for such funds can be determined, in terms of the office or officer responsible for such funds.

(2) INVESTIGATIVE AND AUDIT FUNCTIONS.—The business plan shall include a description of the plans of the Corporation—

(A) to ensure continuity, during the transition period, and after the transition period, in the investigative and audit functions carried out by the Inspector General of ACTION prior to such period, consistent with the Inspector General Act of 1978 (5 U.S.C. App.); and

(B) to carry out investigative and audit functions and implement financial management controls regarding programs carried out by the Corporation after October 1, 1993, consistent with the Inspector General Act of 1978, including a specific description of—

(i) the manner in which the Office of Inspector General shall be established in the Corporation, in accordance with section 194(b) of the National Community Service Act of 1990, as added by section 202 of this Act; and

(ii) the manner in which grants made by the Corporation shall be audited by such Office and the financial management controls that shall apply with regard to such grants and programs.

(3) ACCOUNTABILITY MEASURES.—The business plan shall include a detailed description of the accountability measures to be established by the Corporation to ensure effective control of all funds for programs carried out by the Corporation after October 1, 1993.

(4) INFORMATION RESOURCES.—The business plan shall include a description of an information resource management program that will support the program and financial management needs of the Corporation.

Reports.

(5) CORPORATION STAFFING AND INTEGRATION OF ACTION.—

(A) TRANSFERS.—The business plan shall include a report on the progress and plans of the President for transferring the functions, programs, and related personnel of ACTION to the Corporation, and shall include a timetable for the transfer.

(B) DETAILS AND ASSIGNMENTS.—The report shall specify the number of ACTION employees detailed or assigned to the Corporation, and describe the hiring activity of the Corporation, during the transition period.

(C) STRUCTURE.—The business plan shall include a description of the organizational structure of the Corporation during the transition period.

(D) STAFFING.—The business plan shall include a description of—

(i) measures to ensure adequate staffing during the transition period with respect to programs carried out by the Corporation after October 1, 1993; and

(ii) the responsibilities and authorities of the Managing Directors and other key personnel of the Corporation.

(E) SENIOR EXECUTIVE SERVICE.—The business plan shall include—

(i) an explanation of the number of the employees of the Corporation who will be paid at or above the rate of pay for level 1 of the Senior Executive Service Schedule under section 5382 of title 5, United States Code; and

(ii) information justifying such pay for such employees.

(6) DUPLICATION OF FUNCTIONS.—The business plan shall include a description of the measures that the Corporation is taking or will take to minimize duplication of functions in the Corporation caused by the transfer of the functions of the Commission on National and Community Service, and the transfer of the functions of ACTION, to the Corporation. This description shall address functions at both the national and State levels.

(c) DEFINITION.—The term "transition period" means the period beginning on October 1, 1993 and ending on the day before the effective date of section 203(c)(2).

SEC. 205. ACTIONS UNDER THE NATIONAL SERVICE LAWS TO BE SUBJECT TO THE AVAILABILITY OF APPROPRIATIONS. 42 USC 12682.

No action involving the obligation or expenditure of funds may be taken under one of the national service laws (as defined in section 101(15) of the National and Community Service Act of 1990 (42 U.S.C. 12511(15))) unless and until the Corporation for National and Community Service has sufficient appropriations available at the time such action is taken to satisfy the obligation to be incurred or make the expenditure to be made.

TITLE III—REAUTHORIZATION

Subtitle A—National and Community Service Act of 1990

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 501 of the National and Community Service Act of 1990 (42 U.S.C. 12681) is amended to read as follows:

"SEC. 501. AUTHORIZATION OF APPROPRIATIONS.

"(a) TITLE I.—

"(1) SUBTITLE B.—

"(A) IN GENERAL.—There are authorized to be appropriated to provide financial assistance under subtitle B of title I, $45,000,000 for fiscal year 1994 and such sums as may be necessary for each of the fiscal years 1995 through 1996.

"(B) PROGRAMS.—Of the amount appropriated under subparagraph (A) for a fiscal year—

"(i) not more than 63.75 percent shall be available to provide financial assistance under subpart A of part I of subtitle B of title I;

"(ii) not more than 11.25 percent shall be available to provide financial assistance under subpart B of part I of such subtitle; and

"(iii) not more than 25 percent shall be available to provide financial assistance under part II of such subtitle.

"(2) SUBTITLES C, D, AND H.—

"(A) IN GENERAL.—There are authorized to be appropriated to provide financial assistance under subtitles C and H of title I, to provide national service educational awards under subtitle D of title I, and to carry out such audits and evaluations as the Chief Executive Officer or the Inspector General of the Corporation may determine to be necessary, $300,000,000 for fiscal year 1994, $500,000,000 for fiscal year 1995, and $700,000,000 for fiscal year 1996.

"(B) PROGRAMS.—Of the amount appropriated under subparagraph (A) for a fiscal year, up to 15 percent shall be made available to provide financial assistance under section 125, under subsections (b) and (c) of section 126, and under subtitle H of title I.

"(3) SUBTITLE E.—There are authorized to be appropriated to provide financial assistance under subtitle E of title I, such sums as may be necessary for each of the fiscal years 1995 through 1996.

"(4) ADMINISTRATION.—

"(A) IN GENERAL.—There are authorized to be appropriated for the administration of this Act $40,000,000 for fiscal year 1994, $60,000,000 for fiscal year 1995, and $70,000,000 for fiscal year 1996.

"(B) CORPORATION.—Of the amounts appropriated under subparagraph (A) for a fiscal year—

"(i) up to 60 percent shall be made available to the Corporation for the administration of this Act; and

"(ii) the remainder shall be available to provide financial assistance under section 126(a).

"(b) TITLE III.—There are authorized to be appropriated to carry out title III $5,000,000 for each of the fiscal years 1994 through 1996.

"(c) AVAILABILITY OF APPROPRIATIONS.—Funds appropriated under this section shall remain available until expended.

"(d) SPECIFICATION OF BUDGET FUNCTION.—The authorizations of appropriations contained in this section shall be considered to be a component of budget function 500 as used by the Office of Management and Budget to cover education, training, employment, and social services, and, as such, shall be considered to be related to the programs of the Departments of Labor, Health and Human Services, and Education for budgetary purposes.".

42 USC 12681 note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1993.

Domestic Volunteer Service Act Amendments of 1993.

Subtitle B—Domestic Volunteer Service Act of 1973

SEC. 311. SHORT TITLE; REFERENCES.

42 USC 4950 note.

(a) SHORT TITLE.—This subtitle may be cited as the "Domestic Volunteer Service Act Amendments of 1993".

(b) REFERENCES.—Except as otherwise specifically provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.).

CHAPTER 1—VISTA AND OTHER ANTI-POVERTY PROGRAMS

SEC. 321. PURPOSE OF THE VISTA PROGRAM.

The last sentence of section 101 (42 U.S.C. 4951) is amended to read as follows: "In addition, the objectives of this part are to generate the commitment of private sector resources, to encourage volunteer service at the local level, and to strengthen local agencies and organizations to carry out the purpose of this part.".

SEC. 322. ASSISTANT DIRECTOR FOR VISTA PROGRAM.

(a) IN GENERAL.—Section 102 (42 U.S.C. 4952) is amended by striking "The Director" and inserting "This part shall be administered by one of the Assistant Directors appointed pursuant to section 194(d)(1)(A) of the National and Community Service Act of 1990. Such Director".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the effective date of section 203(b). 42 USC 4952 note.

SEC. 323. SELECTION AND ASSIGNMENT OF VISTA VOLUNTEERS.

(a) VOLUNTEER ASSIGNMENTS.—Section 103(a) (42 U.S.C. 4953(a)) is amended—

(1) in the matter preceding paragraph (1), by striking "a public" and inserting "public";

(2) in paragraph (2), by striking "and" at the end;

(3) in paragraph (3), by striking "illiterate or functionally illiterate youth and other individuals,";

(4) in paragraph (5), by striking "and" at the end;

(5) in paragraph (6)—

(A) by striking "or the Community Economic" and inserting "the Community Economic";

(B) by inserting "or other similar Acts," after "1981,"; and

(C) by striking the period and inserting "; and"; and

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

"(7) in strengthening, supplementing, and expanding efforts to address the problem of illiteracy throughout the United States.".

(b) RECRUITMENT PROCEDURES.—Section 103(b) (42 U.S.C. 4953(b)) is amended—

(1) in paragraph (2)—

(A) by amending subparagraph (A) to read as follows:

"(2)(A) The Director shall establish and maintain within the national headquarters of the ACTION Agency (or any successor entity of such agency) a volunteer placement office which shall be responsible for all functions related to the recruitment and placement of volunteers under this part. Such functions and activities shall be carried out in coordination or in conjunction with recruitment and placement activities carried out under the National and Community Service Trust Act of 1993. Upon the transfer of the functions of the ACTION Agency to the Corporation for National

and Community Service, the office established under this subparagraph shall be merged with the recruitment office of such Corporation. At no time after such transfer of functions shall more than one office responsible primarily for recruitment exist within the Corporation.";

(B) by striking subparagraph (C); and

(C) by redesignating subparagraph (D) as subparagraph (C);

(2) by striking paragraphs (4) and (6); and

(3) by redesignating paragraphs (5) and (7) as paragraphs (4) and (6), respectively.

(c) PUBLIC AWARENESS AND RECRUITMENT.—Subsection (c) of section 103 (42 U.S.C. 4953(c)) is amended—

(1) in paragraph (1)—

(A) in the 1st sentence by striking "regional or State employees designated in subparagraphs (C) and (D) of subsection (b)(2)" and inserting "personnel described in subsection (b)(2)(C)";

(B) in the second sentence, by striking "shall include" and inserting "may include";

(C) by redesignating subparagraphs (F) and (G) as subparagraphs (G) and (H), respectively; and

(D) by inserting after subparagraph (E) the following new subparagraph:

"(F) publicizing national service educational awards available under the National and Community Service Trust Act of 1993;";

(2) by striking paragraphs (4) and (5); and

(3) by redesignating paragraph (6) as paragraph (4).

(d) COORDINATION WITH OTHER FEDERAL AGENCIES.—Section 103 (42 U.S.C. 4953) is amended by adding at the end the following new subsection:

"(h) The Director is encouraged to enter into agreements with other Federal agencies to use VISTA volunteers in furtherance of program objectives that are consistent with the purposes described in section 101.".

SEC. 324. TERMS AND PERIODS OF SERVICE.

(a) CLARIFICATION AND PERIODS OF SERVICE.—Subsection (b) of section 104 (42 U.S.C. 4954(b)) is amended to read as follows:

"(b)(1) Volunteers serving under this part may be enrolled initially for periods of service of not less than 1 year, nor more than 2 years, except as provided in paragraph (2) or subsection (e).

"(2) Volunteers serving under this part may be enrolled for periods of service of less than 1 year if the Director determines, on an individual basis, that a period of service of less than 1 year is necessary to meet a critical scarce skill need.

"(3) Volunteers serving under this part may be reenrolled for periods of service in a manner to be determined by the Director. No volunteer shall serve for more than a total of 5 years under this part.".

(b) SUMMER PROGRAM.—Section 104 (42 U.S.C. 4954) is amended by adding at the end the following new subsection:

"(e)(1) Notwithstanding any other provision of this part, the Director may enroll full-time VISTA summer associates in a program for the summer months only, under such terms and conditions

as the Director shall determine to be appropriate. Such individuals shall be assigned to projects that meet the criteria set forth in section 103(a).

"(2) In preparing reports relating to programs under this Act, the Director shall report on participants, costs, and accomplishments under the summer program separately. Reports.

"(3) The limitation on funds appropriated for grants and contracts, as contained in section 108, shall not apply to the summer program.".

SEC. 325. SUPPORT FOR VISTA VOLUNTEERS.

(a) POSTSERVICE STIPEND.—Section 105(a)(1) (42 U.S.C. 4955(a)(1)) is amended—

(1) by inserting "(A)" after "(a)(1)"; and

(2) by striking the second sentence and inserting the following:

"(B) Such stipend shall not exceed $95 per month in fiscal year 1994, but shall be set at a minimum of $100 per month, and a maximum of $125 per month assuming the availability of funds to accomplish such maximum, during the service of the volunteer after October 1, 1994. The Director may provide a stipend of a maximum of $200 per month in the case of persons who have served as volunteers under this part for at least 1 year and who, in accordance with standards established in such regulations as the Director shall prescribe, have been designated volunteer leaders on the basis of experience and special skills and a demonstrated leadership among volunteers.

"(C) The Director shall not provide a stipend under this subsection to an individual who elects to receive a national service educational award under subtitle D of title I of the National and Community Service Act of 1990.".

(b) SUBSISTENCE ALLOWANCE.—Section 105(b) (42 U.S.C. 4955(b)) is amended—

(1) in paragraph (3)—

(A) by striking subparagraph (A);

(B) in subparagraph (B), by striking the subparagraph designation; and

(C) by adding at the end the following new sentence: "The Director shall review such adjustments on an annual basis to ensure that the adjustments are current."; and

(2) by striking paragraph (4).

(c) CHILD CARE.—Section 105 (42 U.S.C. 4955) is amended by adding at the end the following:

"(c)(1) The Director shall—

"(A) make child care available for children of each volunteer enrolled under this part who need such child care in order to participate as volunteers; or

"(B) provide a child care allowance to each such volunteer who needs such assistance in order to participate as volunteers.

"(2) The Corporation shall establish guidelines regarding the circumstances under which child care shall be made available under this subsection and the value of any child care allowance to be provided.".

SEC. 326. PARTICIPATION OF YOUNGER AND OLDER PERSONS.

Section 107 (42 U.S.C. 4957) is amended to read as follows:

"SEC. 107. PARTICIPATION OF YOUNGER AND OLDER PERSONS.

"In carrying out this part and part C, the Director shall take necessary steps, including the development of special projects, where appropriate, to encourage the fullest participation of individuals 18 through 27 years of age, and individuals 55 years of age and older, in the various programs and activities authorized under such parts.".

SEC. 327. LITERACY ACTIVITIES.

Section 109 (42 U.S.C. 4959) is amended—

(1) in subsection (g)—

(A) by striking paragraph (1); and

(B) by striking the paragraph designation of paragraph (2); and

(2) in subsection (h)—

(A) in paragraph (1) by striking "paragraphs (2) and (3)" and inserting "paragraph (2)"; and

(B) by striking paragraph (3).

SEC. 328. APPLICATIONS FOR ASSISTANCE.

Section 110 (42 U.S.C. 4960) is amended to read as follows:

"SEC. 110. APPLICATIONS FOR ASSISTANCE.

"In reviewing an application for assistance under this part, the Director shall not deny such assistance to any project or program, or any public or private nonprofit organization, solely on the basis of the duration of the assistance such project, program, or organization has received under this part prior to the date of submission of the application. The Director shall grant assistance under this part on the basis of merit and to accomplish the goals of the VISTA program, and shall consider the needs and requirements of projects in existence on such date as well as potential new projects.".

SEC. 329. REPEAL OF AUTHORITY FOR STUDENT COMMUNITY SERVICE PROGRAMS.

Section 114 (42 U.S.C. 4974) is repealed.

SEC. 330. UNIVERSITY YEAR FOR VISTA.

(a) PROGRAM TITLE.—Part B of title I (42 U.S.C. 4971 et seq.) is amended—

(1) in the part heading, to read as follows:

"PART B—UNIVERSITY YEAR FOR VISTA";

42 USC 4971, 4973.

(2) by striking "University Year for ACTION" each place that such term appears in such part and inserting "University Year for VISTA";

42 USC 4971, 4973.

(3) by striking "UYA" each place that such term appears in such part and inserting "UYV"; and

(4) in section 112 (42 U.S.C. 4972) by striking the section heading and inserting the following new section heading:

"AUTHORITY TO OPERATE UNIVERSITY YEAR FOR VISTA PROGRAM".

(b) SPECIAL CONDITIONS.—Section 113(a) (42 U.S.C. 4973(a)) is amended—

(1) by striking "of not less than the duration of an academic year" and inserting "of not less than the duration of an academic semester or its equivalent"; and

(2) by adding at the end the following new sentence: "Volunteers may receive a living allowance and such other support or allowances as the Director determines to be appropriate.".

SEC. 331. AUTHORITY TO ESTABLISH AND OPERATE SPECIAL VOLUNTEER AND DEMONSTRATION PROGRAMS.

Section 122 (42 U.S.C. 4992) is amended to read as follows:

"SEC. 122. AUTHORITY TO ESTABLISH AND OPERATE SPECIAL VOLUNTEER AND DEMONSTRATION PROGRAMS.

"(a) IN GENERAL.—The Director is authorized to conduct special volunteer programs for demonstration programs, or award grants to or enter into contracts with public or nonprofit organizations to carry out such programs. Such programs shall encourage wider volunteer participation on a full-time, part-time, or short-term basis to further the purpose of this part, and identify particular segments of the poverty community that could benefit from volunteer and other antipoverty efforts.

"(b) ASSIGNMENT AND SUPPORT OF VOLUNTEERS.—The assignment of volunteers under this section, and the provision of support for such volunteers, including any subsistence allowances and stipends, shall be on such terms and conditions as the Director shall determine to be appropriate, but shall not exceed the level of support provided under section 105. Projects using volunteers who do not receive stipends may also be supported under this section.

"(c) CRITERIA AND PRIORITIES.—In carrying out this section and section 123, the Director shall establish criteria and priorities for awarding grants and entering into contracts under this part in each fiscal year. No grant or contract exceeding $100,000 shall be made under this part unless the recipient of the grant or contractor has been selected by a competitive process that includes public announcement of the availability of funds for such grant or contract, general criteria for the selection of recipients or contractors, and a description of the application process and application review process.".

SEC. 332. TECHNICAL AND FINANCIAL ASSISTANCE.

Section 123 (42 U.S.C. 4993) is amended to read as follows:

"SEC. 123. TECHNICAL AND FINANCIAL ASSISTANCE.

"The Director may provide technical and financial assistance to Federal agencies, State and local governments and agencies, private nonprofit organizations, employers, and other private organizations that utilize or desire to utilize volunteers in carrying out the purpose of this part.".

SEC. 333. ELIMINATION OF SEPARATE AUTHORITY FOR DRUG ABUSE PROGRAMS.

Title I (42 U.S.C. 4951 et seq.) is amended—

(1) by repealing section 124; and 42 USC 4994.

(2) by redesignating section 125 as section 124. 42 USC 4995.

CHAPTER 2—NATIONAL SENIOR VOLUNTEER CORPS

SEC. 341. NATIONAL SENIOR VOLUNTEER CORPS.

(a) TITLE HEADING.—The heading for title II is amended to read as follows:

"TITLE II—NATIONAL SENIOR VOLUNTEER CORPS".

(b) REFERENCES.—

(1) Section 200(1) (42 U.S.C. 5000(1)) is amended by striking "Older American Volunteer Programs" and inserting "National Senior Volunteer Corps".

(2) The heading for section 221 (42 U.S.C. 5021) is amended by striking "OLDER AMERICAN VOLUNTEER PROGRAMS" and inserting "NATIONAL SENIOR VOLUNTEER CORPS".

(3) Section 224 (42 U.S.C. 5024) is amended—

(A) in the section heading by striking "OLDER AMERICAN VOLUNTEER PROGRAMS" and inserting "NATIONAL SENIOR VOLUNTEER CORPS"; and

(B) by striking "volunteer projects for Older Americans" and inserting "National Senior Volunteer Corps projects".

(4) Section 205(c) of the Older Americans Amendments of 1975 (Public Law 94–135; 89 Stat. 727; 42 U.S.C. 5001 note) is amended by striking "national older American volunteer programs" each place the term appears and inserting "National Senior Volunteer Corps programs".

SEC. 342. RETIRED AND SENIOR VOLUNTEER PROGRAM.

(a) PART HEADING.—The heading for part A of title II is amended by striking "RETIRED SENIOR VOLUNTEER PROGRAM" and inserting "RETIRED AND SENIOR VOLUNTEER PROGRAM".

(b) REFERENCES.—Section 200 (42 U.S.C. 5000) is amended by striking "retired senior volunteer program" each place that such term appears in such section and the Act and inserting "Retired and Senior Volunteer Program".

SEC. 343. OPERATION OF THE RETIRED AND SENIOR VOLUNTEER PROGRAM.

Section 201(a) (42 U.S.C. 5001(a)) is amended—

(1) in the matter preceding paragraph (1) by striking "retired persons" and inserting "retired individuals and working older individuals"; and

(2) in paragraph (2)—

(A) by striking "aged sixty or over" and inserting "55 years of age or older"; and

(B) by inserting ", and individuals 60 years of age or older will be given priority for enrollment," after "enrolled".

SEC. 344. SERVICES UNDER THE FOSTER GRANDPARENT PROGRAM.

Section 211(a) (42 U.S.C. 5011(a)) is amended by striking ", including services" and all that follows through "with special needs." and inserting a period and the following: "Such services may include services by individuals serving as foster grandparents to children who are individuals with disabilities, who have chronic health conditions, who are receiving care in hospitals, who are residing in homes for dependent and neglected children, or who are receiving services provided by day care centers, schools, early intervention

programs under part H of the Individuals with Disabilities Education Act (20 U.S.C. 1471 et seq.), Head Start agencies under the Head Start Act, or any of a variety of other programs, establishments, and institutions providing services for children with special or exceptional needs. Individual foster grandparents may provide person-to-person services to one or more children, depending on the needs of the project and local site.".

SEC. 345. STIPENDS FOR LOW-INCOME VOLUNTEERS.

Section 211(d) (42 U.S.C. 5011(d)) is amended—

(1) in the second sentence by striking "Any stipend or allowance provided under this subsection shall not be less than $2.20 per hour until October 1, 1990, $2.35 per hour during fiscal year 1991, and $2.50 per hour on and after October 1, 1992," and inserting "Any stipend or allowance provided under this section shall not be less than $2.45 per hour on and after October 1, 1993, and shall be adjusted once prior to December 31, 1997, to account for inflation, as determined by the Director and rounded to the nearest five cents,"; and

(2) by adding at the end the following:

"In establishing the amount of, and the effective date for, such adjustment, the Director, in consultation with the State Commissions on National and Community Service (as established under section 178 of the National and Community Service Act of 1990) and the heads of the State offices established under section 195 of such Act, shall consider the effect such adjustment will have on the ability of non-federally funded volunteer programs similar to the programs under this title to maintain their current level of volunteer hours.".

SEC. 346. CONDITIONS OF GRANTS AND CONTRACTS.

Section 212 (42 U.S.C. 5012) is repealed.

SEC. 347. EVALUATION OF THE SENIOR COMPANION PROGRAM.

Section 213(c) (42 U.S.C. 5013(c)) is amended by striking paragraph (3).

SEC. 348. AGREEMENTS WITH OTHER FEDERAL AGENCIES.

(a) PROMOTION.—Section 221(a) (42 U.S.C. 5021(a)) is amended—

(1) by striking "(a)" and inserting "(a)(1)"; and

(2) by adding at the end the following:

"(2) To the maximum extent practicable, the Director shall enter into agreements with—

"(A) the Department of Health and Human Services to—

"(i) involve retired and senior volunteers, and foster grandparents, in Head Start programs;

"(ii) involve retired and senior volunteers, and senior companions, in providing services authorized by title III of the Older Americans Act of 1965; and

"(iii) promote the recognition of such volunteers who are qualified to provide in-home services for reimbursement under title XVIII of the Social Security Act for providing such services;

"(B) the Department of Education to promote intergenerational tutoring and mentoring for at-risk children; and

"(C) the Environmental Protection Agency to support conservation efforts.".

(b) MINIMUM EXPENDITURE.—Section 221(b)(3) (42 U.S.C. 5021(b)(3)) is amended by striking "$250,000" and inserting "$375,000".

SEC. 349. PROGRAMS OF NATIONAL SIGNIFICANCE.

Section 225 (42 U.S.C. 5025) is amended—

(1) in subsection (a)(2)(B) by striking "paragraph (10)" and inserting "paragraphs (10), (12), (15), and (16)";

(2) in subsection (b), by adding at the end the following new paragraphs:

"(12) Programs that address environmental needs.

"(13) Programs that reach out to organizations (such as labor unions and profitmaking organizations) not previously involved in addressing national problems of local concern.

"(14) Programs that provide for outreach to increase participation of members of ethnic groups who have limited English proficiency.

"(15) Programs that support criminal justice activities and juvenile justice activities.

"(16) Programs that involve older volunteers working with young people in apprenticeship programs.

"(17) Programs that support the community integration of individuals with disabilities.

"(18) Programs that provide health, education, and welfare services that augment the activities of State and local agencies, to be carried out in a fiscal year for which the aggregate amount of funds available to such agencies is not less than the annual average aggregate amount of funds available to such agencies for the period of 3 fiscal years preceding such fiscal year.";

(3) in subsection (c)(1), by striking "under this title"; and

(4) in subsection (d), by striking paragraph (1) and inserting the following new paragraph:

"(1) Except as provided in paragraph (2), from the amounts appropriated under subsection (a), (b), (c), or (d) of section 502, for each fiscal year there shall be available to the Director such sums as may be necessary to make grants under subsection (a).".

SEC. 350. ADJUSTMENTS TO FEDERAL FINANCIAL ASSISTANCE.

Section 226(b) (42 U.S.C. 5026(b)) is amended—

(1) in paragraph (1)—

(A) by striking "(1)"; and

(B) by striking "annually" and inserting ", once every 2 years"; and

(2) by striking paragraph (2).

SEC. 351. DEMONSTRATION PROGRAMS.

Title II (42 U.S.C. 5000 et seq.) is amended by adding at the end the following new part:

"PART E—DEMONSTRATION PROGRAMS

42 USC 5028.

"SEC. 231. AUTHORITY OF DIRECTOR.

"(a) IN GENERAL.—The Director is authorized to make grants to or enter into contracts with public or nonprofit organizations, including organizations funded under part A, B, or C, for the

purposes of demonstrating innovative activities involving older Americans as volunteers. The Director may support under this part both volunteers receiving stipends and volunteers not receiving stipends.

"(b) ACTIVITIES.—An organization that receives a grant or enters into a contract under subsection (a) may use funds made available through the grant or contract for activities such as—

"(1) linking youth groups and older American organizations in volunteer activities;

"(2) involving older volunteers in programs and activities different from programs and activities supported in the community; and

"(3) testing whether older American volunteer programs may contribute to new objectives or certain national priorities.

"SEC. 232. PROHIBITION. 42 USC 5028a.

"The Director may not reduce the activities, projects, or volunteers funded under the other parts of this title in order to support projects under this part.".

CHAPTER 3—ADMINISTRATION

SEC. 361. PURPOSE OF AGENCY.

Section 401 (42 U.S.C. 5041) is amended—

(1) by inserting after the first sentence the following: "Such Agency shall also promote the coordination of volunteer efforts among Federal, State, and local agencies and organizations, exchange technical assistance information among such agencies and organizations."; and

(2) by striking "Older American Volunteer Programs" each place the term appears and inserting "National Senior Volunteer Corps".

SEC. 362. AUTHORITY OF THE DIRECTOR.

Section 402 (42 U.S.C. 5042) is amended in paragraphs (5) and (6) by inserting "solicit and" before "accept" in each such paragraph.

SEC. 363. POLITICAL ACTIVITIES.

Section 403 (42 U.S.C. 5043) is amended—

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

(2) in subsection (c), as so redesignated, by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively; and

(3) by striking subsection (b)(1) and inserting the following:

"(b)(1) Programs assisted under this Act shall not be carried on in a manner involving the use of funds, the provision of services, or the employment or assignment of personnel in a manner supporting or resulting in the identification of such programs with—

"(A) any partisan or nonpartisan political activity associated with a candidate, or a contending faction or group, in an election for public or party office;

"(B) any activity to provide voters or prospective voters with transportation to the polls or similar assistance in connection with any such election; or

"(C) any voter registration activity;

except that programs assisted under this Act may make voter registration applications and nonpartisan voter registration information available to the public on the premises of such programs.

"(2) In carrying out any voter registration activity permitted under paragraph (1), an individual who is affiliated with, or employed to carry out, a program assisted under this Act shall not—

"(A) indicate a preference with respect to any candidate, political party, or election issue; or

"(B) seek to influence the political or party affiliation, or voting decision, of any individual.".

SEC. 364. COMPENSATION FOR VOLUNTEERS.

Section 404 (42 U.S.C. 5044) is amended—

(1) in subsection (c), by inserting "from such volunteers or from beneficiaries" after "compensation";

(2) by striking subsection (f); and

(3) by redesignating subsection (g) as subsection (f).

SEC. 365. REPEAL OF REPORT.

Section 407 (42 U.S.C. 5047) is repealed.

SEC. 366. APPLICATION OF FEDERAL LAW.

Section 415(b)(4)(A) (42 U.S.C. 5055(b)(4)(A)) is amended by striking "a grade GS–7 employee" and inserting "an employee at grade GS–5 of the General Schedule under section 5332 of title 5, United States Code".

SEC. 367. NONDISCRIMINATION PROVISIONS.

Section 417 (42 U.S.C. 5057) is amended to read as follows:

"SEC. 417. NONDISCRIMINATION PROVISIONS.

"(a) IN GENERAL.—

"(1) BASIS.—An individual with responsibility for the operation of a program that receives assistance under this Act shall not discriminate against a participant in, or member of the staff of, such program on the basis of race, color, national origin, sex, age, or political affiliation of such participant or member, or on the basis of disability, if the participant or member is a qualified individual with a disability.

"(2) DEFINITION.—As used in paragraph (1), the term 'qualified individual with a disability' has the meaning given the term in section 101(8) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111(8)).

"(b) FEDERAL FINANCIAL ASSISTANCE.—Any assistance provided under this Act shall constitute Federal financial assistance for purposes of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), and the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.).

"(c) RELIGIOUS DISCRIMINATION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), an individual with responsibility for the operation of a program that receives assistance under this Act shall not discriminate on the basis of religion against a participant in such program

or a member of the staff of such program who is paid with funds received under this Act.

"(2) EXCEPTION.—Paragraph (1) shall not apply to the employment, with assistance provided under this Act, of any member of the staff, of a program that receives assistance under this Act, who was employed with the organization operating the program on the date the grant under this Act was awarded.

"(d) RULES AND REGULATIONS.—The Director shall promulgate rules and regulations to provide for the enforcement of this section that shall include provisions for summary suspension of assistance for not more than 30 days, on an emergency basis, until notice and an opportunity to be heard can be provided.".

SEC. 368. ELIMINATION OF SEPARATE REQUIREMENTS FOR SETTING REGULATIONS.

Section 420 (42 U.S.C. 5060) is repealed.

SEC. 369. CLARIFICATION OF ROLE OF INSPECTOR GENERAL.

Section 422 (42 U.S.C. 5062) is amended—

(1) in subsection (a), by inserting "or the Inspector General" after "Director"; and

(2) in subsection (b), by inserting ", the Inspector General," after "Director" each place that such term appears.

SEC. 370. COPYRIGHT PROTECTION.

Title IV is amended by adding at the end, the following new section:

"SEC. 425. PROTECTION AGAINST IMPROPER USE. 42 USC 5065.

"Whoever falsely—

"(1) advertises or represents; or

"(2) publishes or displays any sign, symbol, or advertisement, reasonably calculated to convey the impression,

that an entity is affiliated with, funded by, or operating under the authority of ACTION, VISTA, or any of the programs of the National Senior Volunteer Corps may be enjoined under an action filed by the Attorney General, on a complaint by the Director.".

SEC. 371. DEPOSIT REQUIREMENT CREDIT FOR SERVICE AS A VOLUNTEER.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—

(1) CREDITABLE SERVICE.—Section 8332(j) of title 5, United States Code, is amended—

(A) in paragraph (1)—

(i) in the first sentence, by inserting "the period of an individual's service as a full-time volunteer enrolled in a program of at least 1 year's duration under part A, B, or C of title I of the Domestic Volunteer Service Act of 1973," after "Economic Opportunity Act of 1964,";

(ii) in the second sentence, by inserting ", as a full-time volunteer enrolled in a program of at least 1 year's duration under part A, B, or C of title I of the Domestic Volunteer Service Act of 1973," after "Economic Opportunity Act of 1964"; and

(iii) in the last sentence—

(I) by inserting "or under part A, B, or C of title I of the Domestic Volunteer Service Act of 1973" after "Economic Opportunity Act of 1964"; and

(II) by inserting "or the Chief Executive Officer of the Corporation for National and Community Service, as appropriate," after "Director of the Office of Economic Opportunity"; and

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

"(3) The provisions of paragraph (1) relating to credit for service as a volunteer or volunteer leader under the Economic Opportunity Act of 1964, part A, B, or C of title I of the Domestic Volunteer Service Act of 1973, or the Peace Corps Act shall not apply to any period of service as a volunteer or volunteer leader of an employee or Member with respect to which the employee or Member has made the deposit with interest, if any, required by section 8334(l).".

(2) DEDUCTIONS, CONTRIBUTIONS, AND DEPOSITS.—

(A) IN GENERAL.—Section 8334 of title 5, United States Code, is amended by adding at the end the following new subsection:

"(l)(1) Each employee or Member who has performed service as a volunteer or volunteer leader under part A of title VIII of the Economic Opportunity Act of 1964, as a full-time volunteer enrolled in a program of at least 1 year's duration under part A, B, or C of title I of the Domestic Volunteer Service Act of 1973, or as a volunteer or volunteer leader under the Peace Corps Act before the date of the separation on which the entitlement to any annuity under this subchapter is based may pay, in accordance with such regulations as the Office of Personnel Management shall issue, an amount equal to 7 percent of the readjustment allowance paid to the employee or Member under title VIII of the Economic Opportunity Act of 1964 or section 5(c) or 6(1) of the Peace Corps Act or the stipend paid to the employee or Member under part A, B, or C of title I of the Domestic Volunteer Service Act of 1973, for each period of service as such a volunteer or volunteer leader.

"(2) Any deposit made under paragraph (1) more than 2 years after the later of—

"(A) October 1, 1993; or

"(B) the date on which the employee or Member making the deposit first becomes an employee or Member,

shall include interest on such amount computed and compounded annually beginning on the date of the expiration of the 2-year period. The interest rate that is applicable in computing interest in any year under this paragraph shall be equal to the interest rate that is applicable for such year under subsection (e).

"(3) The Director of the Peace Corps and the Chief Executive Officer of the Corporation for National and Community Service shall furnish such information to the Office of Personnel Management as the Office may determine to be necessary for the administration of this subsection.".

(B) CONFORMING AMENDMENT.—Section 8334(e) of title 5, United States Code, is amended in paragraphs (1) and (2) by striking "or (k)" each place that such term appears and inserting "(k), or (l)".

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—

(1) CREDITABLE SERVICE.—Section 8411 of title 5, United States Code, is amended—

(A) in subsection (b)(3), by striking "subsection (f)" and inserting "subsection (f) or (h)"; and

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

"(h) An employee or Member shall be allowed credit for service as a volunteer or volunteer leader under part A of title VIII of the Economic Opportunity Act of 1964, as a full-time volunteer enrolled in a program of at least 1 year's duration under part A, B, or C of title I of the Domestic Volunteer Service Act of 1973, or as a volunteer or volunteer leader under the Peace Corps Act performed at any time prior to the separation on which the entitlement to any annuity under this subchapter is based if the employee or Member has made a deposit with interest, if any, with respect to such service under section 8422(f).".

(2) DEDUCTIONS, CONTRIBUTIONS.—Section 8422 of title 5, United States Code, is amended by adding at the end the following new subsection:

"(f)(1) Each employee or Member who has performed service as a volunteer or volunteer leader under part A of title VIII of the Economic Opportunity Act of 1964, as a full-time volunteer enrolled in a program of at least 1 year's duration under part A, B, or C of title I of the Domestic Volunteer Service Act of 1973, or as a volunteer or volunteer leader under the Peace Corps Act before the date of the separation on which the entitlement to any annuity under this subchapter, or subchapter V of this chapter, is based may pay, in accordance with such regulations as the Office of Personnel Management shall issue, an amount equal to 3 percent of the readjustment allowance paid to the employee or Member under title VIII of the Economic Opportunity Service Act of 1964 or section 5(c) or 6(1) of the Peace Corps Act or the stipend paid to the employee or Member under part A, B, or C of title I of the Domestic Volunteer Service Act of 1973, for each period of service as such a volunteer or volunteer leader.

"(2) Any deposit made under paragraph (1) more than 2 years after the later of—

"(A) October 1, 1993, or

"(B) the date on which the employee or Member making the deposit first becomes an employee or Member,

shall include interest on such amount computed and compounded annually beginning on the date of the expiration of the 2-year period. The interest rate that is applicable in computing interest in any year under this paragraph shall be equal to the interest rate that is applicable for such year under section 8334(e).

"(3) The Director of the Peace Corps and the Chief Executive Officer of the Corporation for National and Community Service shall furnish such information to the Office of Personnel Management as the Office may determine to be necessary for the administration of this subsection.".

(c) APPLICABILITY AND OTHER PROVISIONS.— 5 USC 8332 note.

(1) APPLICABILITY.—

(A) AMENDMENTS RELATING TO CSRS.—

(i) IN GENERAL.—The amendments made by subsection (a) shall apply with respect to any individual entitled to an annuity on the basis of a separation

from service occurring on or after the effective date of this subtitle.

(ii) RULES RELATING TO ANNUITIES BASED ON EARLIER SEPARATIONS.—An annuity under subchapter III of chapter 83 of title 5, United States Code, payable to an individual based on a separation from service occurring before the effective date of this subtitle shall be subject to the provisions of paragraph (2).

(B) AMENDMENTS RELATING TO FERS.—

(i) IN GENERAL.—The amendments made by subsection (b) shall apply with respect to any individual entitled to an annuity on the basis of a separation from service occurring before, on, or after the effective date of this subtitle, subject to clause (ii).

(ii) RULE RELATING TO ANNUITIES BASED ON EARLIER SEPARATIONS.—In the case of any individual whose entitlement to an annuity is based on a separation from service occurring before the effective date of this subtitle, any increase in such individual's annuity on the basis of a deposit made under section 8442(f) of title 5, United States Code, as amended by subsection (b)(2), shall be effective beginning with the annuity payment payable for the first calendar month beginning after the effective date of this subtitle.

(2) SPECIAL RULES.—

(A) OLD-AGE OR SURVIVORS INSURANCE BENEFITS.—Subject to subparagraph (B), in any case in which an individual described in paragraph (1)(A)(ii) is also entitled to old-age or survivors insurance benefits under section 202 of the Social Security Act (or would be entitled to such benefits upon filing an application therefor), the amount of the annuity to which such individual is entitled under subchapter III of chapter 83 of title 5, United States Code (after taking into account any creditable service as a volunteer or volunteer leader under the Economic Opportunity Act of 1964, the Domestic Volunteer Service Act of 1973, or the Peace Corps Act) which is payable for any month shall be reduced by an amount determined by multiplying the amount of such old-age or survivors insurance benefit for the determination month by a fraction—

(i) the numerator of which is the total of the wages (within the meaning of section 209 of the Social Security Act) for service as a volunteer or volunteer leader under the Economic Opportunity Act of 1964, the Domestic Volunteer Service Act of 1973, or the Peace Corps Act of such individual credited for years before the calendar year in which the determination month occurs, up to the contribution and benefit base determined under section 230 of the Social Security Act (or other applicable maximum annual amount referred to in section 215(e)(1) of such Act for each such year); and

(ii) the denominator of which is the total of all wages described in clause (i), plus all other wages (within the meaning of section 209 of such Act) and all self-employment income (within the meaning of section 211(b) of such Act) of such individual credited

for years after 1936 and before the calendar year in which the determination month occurs, up to the contribution and benefit base (or such other amount referred to in section 215(e)(1) of such Act for each such year.

(B) LIMITATIONS.—

(i) REDUCTION IN ANNUITY.—Subparagraph (A) shall not reduce the annuity of an individual below the amount of the annuity which would be payable to the individual for the determination month if the provisions of section 8332(j) of title 5, United States Code, relating to service as a volunteer or volunteer leader, applied to the individual for such month.

(ii) APPLICATION.—Subparagraph (A) shall not apply in the case of an individual who, prior to the date of enactment of this Act, made a deposit under section 8334(c) of title 5, United States Code, with respect to service as a volunteer or volunteer leader (as described in subparagraph (A)).

(iii) DETERMINATION MONTH.—For purposes of this paragraph, the term "determination month" means—

(I) the first month the individual described in paragraph (1)(A)(ii) is entitled to old-age or survivors benefits under section 202 of the Social Security Act (or would be entitled to such benefits upon filing an application therefor); or

(II) the first calendar month beginning after the date of enactment of this Act, in the case of any individual entitled to such benefits for such month.

(iv) RULE RELATING TO ANNUITIES BASED ON EARLIER SEPARATIONS.—Any increase in an annuity which occurs by virtue of the enactment of this paragraph shall be effective beginning with the annuity payment payable for the first calendar month beginning after the effective date of this subtitle.

(3) FURNISHING OF INFORMATION.—The Secretary of Health and Human Services shall furnish such information to the Office of Personnel Management as may be necessary to carry out this subsection.

(4) ACTION TO INFORM INDIVIDUALS.—The Director of the Office of Personnel Management shall take such action as may be necessary and appropriate to inform individuals entitled to credit under this section for service as a volunteer or volunteer leader, or to have any annuity recomputed, or to make a deposit under this section, of such entitlement.

CHAPTER 4—AUTHORIZATION OF APPROPRIATIONS AND OTHER AMENDMENTS

SEC. 381. AUTHORIZATION OF APPROPRIATIONS FOR TITLE I.

Section 501 (42 U.S.C. 5081) is amended to read as follows:

"SEC. 501. NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS.

"(a) AUTHORIZATIONS.—

"(1) VOLUNTEERS IN SERVICE TO AMERICA.—There are authorized to be appropriated to carry out parts A and B

of title I, excluding section 109, $56,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.

"(2) LITERACY ACTIVITIES.—There are authorized to be appropriated to carry out section 109, $5,600,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.

"(3) SPECIAL VOLUNTEER PROGRAMS.—There are authorized to be appropriated to carry out part C of title I, excluding section 125, such sums as may be necessary for each of the fiscal years 1994 through 1996.

"(4) LITERACY CHALLENGE GRANTS.—There are authorized to be appropriated to carry out section 125, such sums as may be necessary for each of the fiscal years 1994 through 1996.

"(5) SPECIFICATION OF BUDGET FUNCTION.—The authorizations of appropriations contained in this subsection shall be considered to be a component of budget function 500 as used by the Office of Management and Budget to cover education, training, employment, and social services, and, as such, shall be considered to be related to the programs of the Departments of Labor, Health and Human Services, and Education for budgetary purposes.

"(b) SUBSISTENCE.—The minimum level of an allowance for subsistence required under section 105(b)(2), to be provided to each volunteer under title I, may not be reduced or limited in order to provide for an increase in the number of volunteer service years under part A of title I.

"(c) LIMITATION.—No part of the funds appropriated to carry out part A of title I may be used to provide volunteers or assistance to any program or project authorized under part B or C of title I, or under title II, unless the program or project meets the anti-poverty criteria of part A of title I.

"(d) AVAILABILITY.—Amounts appropriated for part A of title I shall remain available for obligation until the end of the fiscal year following the fiscal year for which the amounts were appropriated.

"(e) VOLUNTEER SERVICE REQUIREMENT.—

"(1) VOLUNTEER SERVICE YEARS.—Of the amounts appropriated under this section for parts A, B, and C of title I, including section 124, there shall first be available for part A of title I, including sections 104(e) and 109, an amount not less than the amount necessary to provide 3,700 volunteer service years in fiscal year 1994, 4,000 volunteer service years in fiscal year 1995, and 4,500 volunteer service years in fiscal year 1996.

"(2) PLAN.—If the Director determines that funds appropriated to carry out part A, B, or C of title I are insufficient to provide for the years of volunteer service required by paragraph (1), the Director shall submit a plan to the relevant authorizing and appropriations committees of Congress that will detail what is necessary to fully meet this requirement.".

SEC. 382. AUTHORIZATION OF APPROPRIATIONS FOR TITLE II.

Section 502 (42 U.S.C. 5082) is amended to read as follows:

"SEC. 502. NATIONAL SENIOR VOLUNTEER CORPS.

"(a) RETIRED AND SENIOR VOLUNTEER PROGRAM.—There are authorized to be appropriated to carry out part A of title II, $45,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.

"(b) FOSTER GRANDPARENT PROGRAM.—There are authorized to be appropriated to carry out part B of title II, $85,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.

"(c) SENIOR COMPANION PROGRAM.—There are authorized to be appropriated to carry out part C of title II, $40,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.

"(d) DEMONSTRATION PROGRAMS.—There are authorized to be appropriated to carry out part E of title II, such sums as may be necessary for each of the fiscal years 1994 through 1996.".

SEC. 383. AUTHORIZATION OF APPROPRIATIONS FOR TITLE IV.

Section 504 (42 U.S.C. 5084) is amended to read as follows:

"SEC. 504. ADMINISTRATION AND COORDINATION.

"(a) IN GENERAL.—For each of the fiscal years 1994 through 1996, there are authorized to be appropriated for the administration of this Act as provided for in title IV, 18 percent of the total amount appropriated under sections 501 and 502 with respect to such year.

"(b) EVALUATION.—For each of the fiscal years 1994 through 1996, the Director is authorized to expend not less than 2½ percent, and not more than 5 percent, of the amount appropriated under subsection (a), for the purposes prescribed in section 416.".

SEC. 384. CONFORMING AMENDMENTS; COMPENSATION FOR VISTA FECA CLAIMANTS.

Section 8143(b) of title 5, United States Code, is amended by striking "GS–7" and inserting "GS–5 of the General Schedule under section 5332 of title 5, United States Code".

SEC. 385. REPEAL OF AUTHORITY.

Title VII (42 U.S.C. 5091 et seq.) is repealed.

CHAPTER 5—GENERAL PROVISIONS

SEC. 391. TECHNICAL AND CONFORMING AMENDMENTS.

The Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.) is amended by striking "That this Act" and all that follows through the end of the table of contents and inserting the following:

"SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

"(a) SHORT TITLE.—This Act may be cited as the 'Domestic Volunteer Service Act of 1973'. 42 USC 4950 note.

"(b) TABLE OF CONTENTS.—The table of contents is as follows:

"Sec. 1. Short title; table of contents.
"Sec. 2. Volunteerism policy.

"TITLE I—NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS

"PART A—VOLUNTEERS IN SERVICE TO AMERICA

"Sec. 101. Statement of purpose.
"Sec. 102. Authority to operate VISTA program.

"Sec. 103. Selection and assignment of volunteers.
"Sec. 104. Terms and periods of service.
"Sec. 105. Support service.
"Sec. 106. Participation of beneficiaries.
"Sec. 107. Participation of younger and older persons.
"Sec. 108. Limitation.
"Sec. 109. VISTA Literacy Corps.
"Sec. 110. Applications for assistance.

"PART B—UNIVERSITY YEAR FOR VISTA

"Sec. 111. Statement of purpose.
"Sec. 112. Authority to operate University Year for VISTA program.
"Sec. 113. Special conditions.

"PART C—SPECIAL VOLUNTEER PROGRAMS

"Sec. 121. Statement of purpose.
"Sec. 122. Authority to establish and operate special volunteer and demonstration programs.
"Sec. 123. Technical and financial assistance.
"Sec. 125. Literacy challenge grants.

"TITLE II—NATIONAL SENIOR VOLUNTEER CORPS

"Sec. 200. Statement of purposes.

"PART A—RETIRED AND SENIOR VOLUNTEER PROGRAM

"Sec. 201. Grants and contracts for volunteer service projects.

"PART B—FOSTER GRANDPARENT PROGRAM

"Sec. 211. Grants and contracts for volunteer service projects.

"PART C—SENIOR COMPANION PROGRAM

"Sec. 213. Grants and contracts for volunteer service projects.

"PART D—GENERAL PROVISIONS

"Sec. 221. Promotion of National Senior Volunteer Corps.
"Sec. 222. Payments.
"Sec. 223. Minority group participation.
"Sec. 224. Use of locally generated contributions in National Senior Volunteer Corps.
"Sec. 225. Programs of national significance.
"Sec. 226. Adjustments to Federal financial assistance.
"Sec. 227. Multiyear grants or contracts.

"PART E—DEMONSTRATION PROGRAMS

"Sec. 231. Authority of Director.

"TITLE IV—ADMINISTRATION AND COORDINATION

"Sec. 403. Political activities.
"Sec. 404. Special limitations.
"Sec. 406. Labor standards.
"Sec. 408. Joint funding.
"Sec. 409. Prohibition of Federal control.
"Sec. 410. Coordination with other programs.
"Sec. 411. Prohibition.
"Sec. 412. Notice and hearing procedures for suspension and termination of financial assistance.
"Sec. 414. Distribution of benefits between rural and urban areas.
"Sec. 415. Application of Federal law.
"Sec. 416. Evaluation.
"Sec. 417. Nondiscrimination provisions.
"Sec. 418. Eligibility for other benefits.
"Sec. 419. Legal expenses.
"Sec. 421. Definitions.
"Sec. 422. Audit.
"Sec. 423. Reduction of paperwork.
"Sec. 424. Review of project renewals.
"Sec. 425. Protection against improper use.
"Sec. 426. Center for Research and Training.

"TITLE V—AUTHORIZATION OF APPROPRIATIONS

"Sec. 501. National volunteer antipoverty programs.
"Sec. 502. National Senior Volunteer Corps.
"Sec. 504. Administration and coordination.
"Sec. 505. Availability of appropriations.

"TITLE VI—AMENDMENTS TO OTHER LAWS AND REPEALERS

"Sec. 601. Supersedence of Reorganization Plan No. 1 of July 1, 1971.
"Sec. 602. Creditable service for civil service retirement.
"Sec. 603. Repeal of title VIII of the Economic Opportunity Act.
"Sec. 604. Repeal of title VI of the Older Americans Act.".

SEC. 392. EFFECTIVE DATE.

42 USC 4951 note.

This subtitle shall become effective on October 1, 1993.

TITLE IV—TECHNICAL AND CONFORMING AMENDMENTS

SEC. 401. DEFINITIONS.

Section 421 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5061) is amended—

(1) by striking "and" at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

"(8) the term 'Corporation' means the Corporation for National and Community Service established under section 191 of the National and Community Service Act of 1990;

"(9) the term 'foster grandparent' means a volunteer in the Foster Grandparent Program;

"(10) the term 'Foster Grandparent Program' means the program established under part B of title II;

"(11) except as provided in section 417, the term 'individual with a disability' has the meaning given the term in section 7(8)(B) of the Rehabilitation Act of 1973 (29 U.S.C. 706(8)(B));

"(12) the term 'Inspector General' means the Inspector General of ACTION;

"(13) the term 'national senior volunteer' means a volunteer in the National Senior Volunteer Corps;

"(14) the term 'National Senior Volunteer Corps' means the programs established under parts A, B, C, and E of title II;

"(15) the term 'Retired and Senior Volunteer Program' means the program established under part A of title II;

"(16) the term 'retired or senior volunteer' means a volunteer in the Retired and Senior Volunteer Program;

"(17) the term 'senior companion' means a volunteer in the Senior Companion Program;

"(18) the term 'Senior Companion Program' means the program established under part C of title II;

"(19) the terms 'VISTA' and 'Volunteers in Service to America' mean the program established under part A of title I; and

"(20) the term 'VISTA volunteer' means a volunteer in VISTA.".

SEC. 402. REFERENCES TO THE COMMISSION ON NATIONAL AND COMMUNITY SERVICE.

(a) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1993.—

(1) Section 1092(b) of the National Defense Authorization Act for Fiscal Year 1993 (42 U.S.C. 12653a note) is amended—

(A) in paragraph (1)—

(i) by striking "Commission on National Community Service" and inserting "Corporation for National and Community Service"; and

(ii) by striking "Commission shall prepare" and inserting "Board of Directors of the Corporation shall prepare"; and

(B) in paragraph (2), by striking "Board of Directors of the Commission on National and Community Service" and inserting "Board of Directors of the Corporation for National and Community Service".

(2) Section 1093(a) of such Act (42 U.S.C. 12653a note) is amended by striking "the Board of Directors and Executive Director of the Commission on National and Community Service" and inserting "the Board of Directors and Chief Executive Officer of the Corporation for National and Community Service".

(3) Section 1094 of such Act (Public Law 102–484; 106 Stat. 2535) is amended—

(A) in the title, by striking "COMMISSION ON NATIONAL AND COMMUNITY SERVICE" and inserting "CORPORATION FOR NATIONAL AND COMMUNITY SERVICE";

(B) in subsection (a)—

(i) in the heading, by striking "COMMISSION" and inserting "CORPORATION";

(ii) in the first sentence, by striking "Commission on National and Community Service" and inserting "Corporation for National and Community Service"; and

(iii) in the second sentence, by striking "The Commission" and inserting "The Chief Executive Officer of the Corporation"; and

(C) in subsection (b)—

(i) in paragraph (1), by striking "Board of Directors of the Commission on National and Community Service" and inserting "Chief Executive Officer of the Corporation for National and Community Service"; and

(ii) in paragraph (2), by striking "the Commission" and inserting "the Chief Executive Officer of the Corporation for National and Community Service".

(4) Section 1095 of such Act (Public Law 102–484; 106 Stat. 2535) is amended in the heading for subsection (b) by striking "COMMISSION ON NATIONAL AND COMMUNITY SERVICE" and inserting "CORPORATION FOR NATIONAL AND COMMUNITY SERVICE".

(5) Section 2(b) of such Act (Public Law 102–484; 106 Stat. 2315) is amended by striking the item relating to section 1094 of such Act and inserting the following:

"Sec. 1094. Other programs of the Corporation for National and Community Service.".

(b) NATIONAL AND COMMUNITY SERVICE ACT OF 1990.—

(1) Sections 159(b)(2) (as redesignated in section 104(b)(3) of this Act) and 165 (as redesignated in section 104(b)(3) of this Act), subsections (a) and (b) of section 172, sections 176(a) and 177(c), and subsections (a), (b), and (d) through (h) of section 179, of the National and Community Service Act of 1990 (42 U.S.C. 12653h(b)(2), 12653n, 12632 (a) and (b), 12636(a), 12637(c), and 12639 (a), (b), and (d) through (h)) are each amended by striking the term "Commission" each place the term appears and inserting "Corporation".

(2) Sections 152, 157(b)(2), 162(a)(2)(C), 164, and 166(1) of such Act (in each case, as redesignated in section 104(b)(3) of this Act) (42 U.S.C. 12653a, 12653f(b)(2), 12653k(a)(2)(C), 12653m, and 12653o(1)) are each amended by striking "Commission on National and Community Service" and inserting "Corporation".

(3) Section 163(b)(9) of such Act (as redesignated in section 104(b)(3) of this Act) (42 U.S.C. 12635l(b)(9)) is amended by striking "Chair of the Commission on National and Community Service" and inserting "Chief Executive Officer".

(4) Section 303(a) of such Act (42 U.S.C. 12662(a)) is amended—

(A) by striking "The President" and inserting "The President, acting through the Corporation,";

(B) by inserting "in furtherance of activities under section 302" after "section 501(b)"; and

(C) by striking "the President" both places it appears and inserting "the Corporation".

SEC. 403. REFERENCES TO DIRECTORS OF THE COMMISSION ON NATIONAL AND COMMUNITY SERVICE.

(a) BOARD OF DIRECTORS.—

(1) Section 159(a) of such Act (as redesignated in section 104(b)(3) of this Act) (42 U.S.C. 12653h(b)) is amended—

(A) by striking "BOARD.—The Board" and inserting "SUPERVISION.—The Chief Executive Officer";

(B) by striking "the Board" in the matter preceding paragraph (1), and in paragraph (1), and inserting "the Chief Executive Officer"; and

(C) by striking "the Director" in paragraph (1) and inserting "the Board".

(2) Section 159(b) of such Act (as redesignated in section 104(b)(3) of this Act) (42 U.S.C. 12653h(b)) is amended by striking "(b)" and all that follows through "Commission on National and Community Service" and inserting "(b) MONITORING AND COORDINATION.—The Chief Executive Officer".

(3) Section 159(c)(1) (as redesignated in section 104(b)(3) of this Act) (42 U.S.C. 12653h(c)(1)) is amended—

(A) in subparagraph (A), by striking "the Board, in consultation with the Executive Director," and inserting "the Chief Executive Officer"; and

(B) in subparagraph (B)(iii), by striking "the Board through the Executive Director" and inserting "the Chief Executive Officer".

(4) Section 166(6) (as redesignated in section 104(b)(3) of this Act) (42 U.S.C. 12653o(6)) is amended—

(A) by striking paragraph (6); and

(B) by redesignating paragraphs (7) through (11) as paragraphs (6) through (10), respectively.

(b) DIRECTOR OF CIVILIAN COMMUNITY CORPS.—Sections 155(a), 157(b)(1)(A), 158(a), 159(c)(1)(A), and 163(a) (in each case, as redesignated in section 104(b)(3) of this Act) of the National and Community Service Act of 1990 (42 U.S.C. 12653d(a), 12653f(b)(1)(A), 12653g(a), 12653h(c)(1)(A), and 12653l(a)) are amended by striking "Director of the Civilian Community Corps" each place the term appears and inserting "Director".

SEC. 404. DEFINITION OF DIRECTOR.

Section 421 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5061) is amended by striking paragraph (1) and inserting the following new paragraph:

"(1) the term 'Director' means the Chief Executive Officer of the Corporation for National and Community Service appointed under section 193 of the National and Community Service Act of 1990;".

SEC. 405. REFERENCES TO ACTION AND THE ACTION AGENCY.

(a) DOMESTIC VOLUNTEER SERVICE ACT OF 1973.—

(1) Section 2(b) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950(b)) is amended—

(A) by striking "ACTION, the Federal domestic volunteer agency," and inserting "this Act"; and

(B) by striking "ACTION shall" and inserting "the Corporation for National and Community Service shall".

(2) Section 103(b)(2)(A) of such Act (as amended by section 323(b)(1)(A) of this Act) is amended by striking "the ACTION Agency" the first place that such term appears and inserting "the Corporation".

(3) Section 103(b)(4) of such Act (as redesignated by section 323(b)(3) of this Act) is amended by striking "the ACTION Agency" each place that such appears and inserting "the Corporation".

(4) Section 103(c)(1)(D) of such Act is amended by striking "the ACTION Agency" and inserting "the Corporation".

(5) Section 124(b) of such Act (as redesignated by section 333(2) of this Act) is amended by striking "the ACTION Agency" and inserting "the Corporation".

(6) Section 225(e) of such Act (42 U.S.C. 5025(e)) is amended by striking "the ACTION Agency" and inserting "the Corporation".

(7) Section 403(a) of such Act (42 U.S.C. 5043(a)) is amended—

(A) by striking "the ACTION Agency" the first place such term appears and inserting "the Corporation under this Act"; and

(B) by striking "the ACTION Agency" the second place such term appears and inserting "the Corporation".

(8) Section 408 of such Act (42 U.S.C. 5048) is amended by striking "the ACTION Agency" and inserting "the Corporation".

(9) Section 416(f)(1) of such Act (42 U.S.C. 5056(f)(1)) is amended by striking "ACTION Agency" and inserting "Corporation".

(10) Section 421(12) of such Act (as added by section 401 of this Act) is amended by striking "ACTION" and inserting "the Corporation".

(11) Section 425 of such Act (as added by section 370 of this Act) is further amended by striking "ACTION" and inserting "the Corporation".

(b) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8332(j)(1) of title 5, United States Code (as amended by section 371(a)(1)(A)(iii)(II) of this Act) is amended by striking "the Director of ACTION" and inserting "the Chief Executive Officer of the Corporation for National and Community Service".

(c) PUBLIC HOUSING SECURITY.—Section 207(c) of the Public Housing Security Demonstration Act of 1978 (Public Law 95–557; 92 Stat. 2093; 12 U.S.C. 1701z–6 note) is amended—

(1) in paragraph (3)(ii), by striking "ACTION" and inserting "the Corporation for National and Community Service"; and

(2) in paragraph (4), by striking "ACTION" and inserting "the Corporation for National and Community Service".

(d) NATIONAL FOREST VOLUNTEERS.—Section 1 of the Volunteers in the National Forests Act of 1972 (16 U.S.C. 558a) is amended by striking "ACTION" and inserting "the Corporation for National and Community Service".

(e) PEACE CORPS.—Section 2A of the Peace Corps Act (22 U.S.C. 2501–1) is amended by inserting after "the ACTION Agency" the following: ", the successor to the ACTION Agency,".

(f) INDIAN ECONOMIC DEVELOPMENT.—Section 502 of the Indian Financing Act of 1974 (25 U.S.C. 1542) is amended by striking "ACTION Agency" and inserting "the Corporation for National and Community Service".

(g) OLDER AMERICANS.—The Older Americans Act of 1965 is amended—

(1) in section 202(c)(1) (42 U.S.C. 3012(c)(1)), by striking "the Director of the ACTION Agency" and inserting "the Corporation for National and Community Service";

(2) in section 203(a)(1) (42 U.S.C. 3013(a)(1)), by striking "the ACTION Agency" and inserting "the Corporation for National and Community Service"; and

(3) in section 422(b)(12)(C) (42 U.S.C. 3035a(b)(12)(C)), by striking "the ACTION Agency" and inserting "the Corporation for National and Community Service".

(h) VISTA SERVICE EXTENSION.—Section 101(c)(1) of the Domestic Volunteer Service Act Amendments of 1989 (Public Law 101–204; 103 Stat. 1810; 42 U.S.C. 4954 note) is amended by striking "Director of the ACTION Agency" and inserting "Chief Executive Officer of the Corporation for National and Community Service".

(i) AGING RESOURCE SPECIALISTS.—Section 205(c) of the Older Americans Amendments of 1975 (Public Law 94–135; 89 Stat. 727; 42 U.S.C. 5001 note) is amended—

(1) in paragraph (1)—

(A) by striking "the ACTION Agency," and inserting "the Corporation for National and Community Service,"; and

(B) by striking "the Director of the ACTION Agency" and inserting "the Chief Executive Officer of the Corporation";

(2) in paragraph (2)(A), by striking "ACTION Agency" and inserting "Corporation"; and

(3) in paragraph (3), by striking subparagraph (A) and inserting the following new subparagraph:

"(A) the term 'Corporation' means the Corporation for National and Community Service established by section 191 of the National and Community Service Act of 1990.".

(j) PROMOTION OF PHOTOVOLTAIC ENERGY.—Section 11(a) of the Solar Photovoltaic Energy Research, Development, and Demonstration Act of 1978 (42 U.S.C. 5590) is amended by striking "the Director of ACTION,".

(k) COORDINATING COUNCIL ON JUVENILE JUSTICE.—Section 206(a)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(a)(1)) is amended by striking "the Director of the ACTION Agency" and inserting "the Chief Executive Officer of the Corporation for National and Community Service".

(l) ENERGY CONSERVATION.—Section 413(b)(1) of the Energy Conservation and Production Act (42 U.S.C. 6863(b)(1)) is amended by striking "the Director of the ACTION Agency,".

(m) INTERAGENCY COUNCIL ON THE HOMELESS.—Section 202(a) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11312(a)) is amended by striking paragraph (12) and inserting the following new paragraph:

"(12) The Chief Executive Officer of the Corporation for National and Community Service, or the designee of the Chief Executive Officer.".

(n) ANTI-DRUG ABUSE.—Section 3601 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11851) is amended by striking paragraph (5) and inserting the following new paragraph:

"(5) the term 'Director' means the Chief Executive Officer of the Corporation for National and Community Service,".

(o) ADMINISTRATION ON CHILDREN, YOUTH, AND FAMILIES.—Section 916(b) of the Claude Pepper Young Americans Act of 1990 (42 U.S.C. 12312(b)) is amended by striking "the Director of the ACTION Agency" and inserting "the Chief Executive Officer of the Corporation for National and Community Service".

(p) NATIONAL AND COMMUNITY SERVICE.—

(1) Subsection (i) of section 178 of the National and Community Service Act of 1990 (as amended by section 201 of this Act) is further amended by striking "ACTION, or of the Corporation," and inserting "the Corporation".

(2) Subsection (r) of section 198 of such Act (as amended by section 104(c) of this Act) is further amended by striking "ACTION Agency" and inserting "Corporation".

SEC. 406. EFFECTIVE DATE.

42 USC 5061 note.

(a) COMMISSION.—The amendments made by sections 401 through 402 will take effect on October 1, 1993.

42 USC 8332 note.

(b) ACTION.—The amendments made by sections 404 and 405 shall take effect on the effective date of section 203(c)(2).

TITLE V—MISCELLANEOUS PROVISIONS

42 USC 12501 note.

SEC. 501. COMPLIANCE WITH BUY AMERICAN ACT.

No funds appropriated pursuant to this Act (including the amendments made by this Act) may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3,

1933 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act").

SEC. 502. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE. 42 USC 12501 note.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided under this Act (including the amendments made by this Act), it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act (including the amendments made by this Act), the Secretary of Education shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 503. PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA. 42 USC 12501 note.

If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds appropriated to carry out this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

Approved September 21, 1993.

LEGISLATIVE HISTORY—H.R. 2010 (S. 919):

HOUSE REPORTS: Nos. 103-155 (Comm. on Education and Labor) and 103-219 (Comm. of Conference).
SENATE REPORTS: No. 103-70 accompanying S. 919 (Comm. on Labor and Human Resources).
CONGRESSIONAL RECORD, Vol. 139 (1993):
July 13, 21, 28, considered and passed House.
July 20-22, 26-30, Aug. 3, S. 919 considered in Senate; H.R. 2010, amended, passed in lieu.
Aug. 6, House agreed to conference report.
Sept. 8, Senate agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 29 (1993):
Sept. 21, Presidential remarks.

○

Public Law 103-83
103d Congress

Joint Resolution

Sept. 21, 1993
[S.J. Res. 50]

To designate the weeks of September 19, 1993, through September 25, 1993, and of September 18, 1994, through September 24, 1994, as "National Rehabilitation Week".

Whereas the designation of a week as "National Rehabilitation Week" gives the people of this Nation an opportunity to celebrate the victories, courage, and determination of individuals with disabilities in this Nation and recognize dedicated health care professionals who work daily to help such individuals achieve independence;

Whereas there are significant areas where the needs of such individuals with disabilities have not been met, such as certain research and educational needs;

Whereas half of the people of this Nation will need some form of rehabilitation therapy;

Whereas rehabilitation agencies and facilities offer care and treatment for individuals with physical, mental, emotional, and social disabilities;

Whereas the goal of the rehabilitative services offered by such agencies and facilities is to help disabled individuals lead active lives at the greatest level of independence possible; and

Whereas the majority of the people of this Nation are not aware of the limitless possibilities of invaluable rehabilitative services in this Nation: Now, therefore, be it

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

(1) the week of September 19, 1993, through September 25, 1993, and of September 18, 1994, through September 24, 1994, is designated as "National Rehabilitation Week" and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe such week with appropriate ceremonies and activities, including educational activities to heighten public awareness of the types of rehabilitative services available in this Nation and the manner in which such services improve the quality of life of disabled individuals; and

(2) each State governor, and each chief executive of each political subdivision of each State, is urged to issue proclamation (or other appropriate official statement) calling upon the citizens of such State or political subdivision of a State to observe such week in the manner described in paragraph (1).

Approved September 21, 1993.

LEGISLATIVE HISTORY—S.J. Res. 50:

CONGRESSIONAL RECORD, Vol. 139 (1993):
Sept. 10, considered and passed Senate.
Sept. 14, considered and passed House.

Public Law 103-84
103d Congress

Joint Resolution

Sept. 21, 1993
[S.J. Res. 95]

To designate October 1993 as "National Breast Cancer Awareness Month".

Whereas breast cancer will strike an estimated 182,000 women and 1,000 men in the United States in 1993;

Whereas the risk of developing breast cancer increases as a woman grows older;

Whereas breast cancer is the second leading cause of cancer death in women, and will kill an estimated 46,000 women and 300 men in 1993;

Whereas the 5-year survival rate for localized breast cancer has risen from 78 percent in the 1940's to over 90 percent today;

Whereas most breast cancers are detected by the woman herself;

Whereas educating both the public and health care providers about the importance of early detection will result in reducing breast cancer mortality;

Whereas appropriate use of screening mammography, in conjunction with clinical examination and breast self-examination, can result in the detection of many breast cancers early in their development and increase the survival rate to nearly 100 percent;

Whereas data from controlled trials clearly demonstrate that deaths from breast cancer are significantly reduced in women who have been screened by mammography;

Whereas many women are reluctant to have screening mammograms for a variety of reasons, such as the cost of testing, lack of information, or fear;

Whereas access to screening mammography is directly related to socioeconomic status;

Whereas increased awareness about the importance of screening mammography will result in the procedure being regularly requested by the patient and recommended by the health care provider; and

Whereas it is projected that more women will use this lifesaving test as it becomes increasingly available and affordable: Now, therefore, be it

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

1993 is designated as "National Breast Cancer Awareness Month" and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the month with appropriate programs and activities.

Approved September 21, 1993.

LEGISLATIVE HISTORY—S.J. Res. 95:

CONGRESSIONAL RECORD, Vol. 139 (1993):
July 23, considered and passed Senate.
Sept. 14, considered and passed House.

Public Law 103-85
103d Congress

Joint Resolution

Sept. 21, 1993
[S.J. Res. 126]

Designating September 10, 1993, as "National POW/MIA Recognition Day" and authorizing the display of the National League of Families POW/MIA flag.

Whereas the United States has fought in many wars and thousands of Americans who served in those wars were captured by the enemy or listed as missing in action;

Whereas many American prisoners of war were subjected to brutal and inhumane treatment by their enemy captors in violation of international codes and customs for the treatment of prisoners of war, and many such prisoners of war died from such treatment;

Whereas many of these Americans are still listed as missing and unaccounted for, and the uncertainty surrounding their fates has caused their families to suffer tragic and continuing hardships;

Whereas, in Public Law 101–355, the Federal Government officially recognized and designated the National League of Families POW/MIA flag as the symbol of the Nation's concern and commitment to accounting as fully as possible for Americans still prisoner, missing in action, or unaccounted for in Southeast Asia; and

Whereas the sacrifices of Americans still missing and unaccounted for from all our Nation's wars and their families are deserving of national recognition and support for continued priority efforts to determine the fate of those missing Americans: Now, therefore, be it

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

SECTION 1. DESIGNATION OF NATIONAL POW/MIA RECOGNITION DAY.

September 10, 1993, is designated as "National POW/MIA Recognition Day", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities.

SEC. 2. REQUIREMENT TO DISPLAY NATIONAL LEAGUE OF FAMILIES POW/MIA FLAG.

(a) IN GENERAL.—The POW/MIA flag shall be displayed—

(1) at all national cemeteries and the National Vietnam Veterans Memorial on May 31, 1993 (Memorial Day), September 10, 1993 (National POW/MIA Recognition Day), and November 11, 1993 (Veterans Day); and

(2) on, or on the grounds of, the buildings specified in subsection (b) on September 10, 1993;

as the symbol of our Nation's concern and commitment to accounting as fully as possible for Americans still prisoner, missing, and unac-

counted for, thus ending the uncertainty for their families and the Nation.

(b) BUILDINGS.—The buildings specified in this subsection are—

(1) the White House; and

(2) the buildings containing the primary offices of—

(A) the Secretary of State;

(B) the Secretary of Defense;

(C) the Secretary of Veterans Affairs; and

(D) the Director of the Selective Service System.

(c) POW/MIA FLAG.—As used in this section, the term "POW/MIA flag" means the National League of Families POW/MIA flag recognized officially and designated by section 2 of Public Law 101–355.

Approved September 21, 1993.

LEGISLATIVE HISTORY—S.J. Res. 126:

CONGRESSIONAL RECORD, Vol. 139 (1993):
Aug. 6, considered and passed Senate.
Sept. 9, considered and passed House.

Public Law 103-86
103d Congress

An Act

Sept. 30, 1993
[H.R. 3049]

To extend the current interim exemption under the Marine Mammal Protection Act for commercial fisheries until April 1, 1994.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, **That section 114(a)(1) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1383a(a)(1)), is amended by striking "October 1, 1993," and inserting in lieu thereof "April 1, 1994,".**

Approved September 30, 1993.

LEGISLATIVE HISTORY—H.R. 3049:

CONGRESSIONAL RECORD, Vol. 139 (1993):
Sept. 21, considered and passed House.
Sept. 22, considered and passed Senate.

Public Law 103-87
103d Congress

An Act

Making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1994, and making supplemental appropriations for such programs for the fiscal year ending September 30, 1993, and for other purposes.

Sept. 30, 1993
[H.R. 2295]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1994, and for other purposes, namely:

TITLE I—MULTILATERAL ECONOMIC ASSISTANCE

Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1994.

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTION TO THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the International Bank for Reconstruction and Development by the Secretary of the Treasury, for the United States share of the paid-in share portion of the increases in capital stock for the General Capital Increase, $55,821,000, to remain available until expended: *Provided,* That one quarter of such funds may be obligated only after April 1, 1994: *Provided further,* That one quarter of such funds may be obligated only after September 1, 1994: *Provided further,* That not more than twenty-one days prior to the obligation of each such sum, the Secretary shall submit a certification to the Committees on Appropriations that the Bank has not approved any loans to Iran since October 1, 1993, or the President of the United States certifies that withholding of these funds is contrary to the national interest of the United States.

For payment to the International Bank for Reconstruction and Development by the Secretary of the Treasury, for the United States contribution to the Global Environment Facility (GEF), $30,000,000, to remain available until expended: *Provided,* That such funds shall be made available to the Facility by the Secretary of the Treasury if the Secretary determines (and so reports to the Committees on Appropriations) that the Facility implementing agencies have: (1) established clear procedures ensuring public availability of documentary information on all Facility projects and associated projects of the Facility implementing agencies; and (2) have developed or are in the process of developing clear procedures ensuring that affected peoples in recipient countries are consulted

on all aspects of identification, preparation, and implementation of Facility projects and associated projects of the Facility implementing agencies: *Provided further,* That in the event the Secretary of the Treasury has not made such determinations by September 30, 1994, funds appropriated under this heading for the GEF shall be transferred to the Agency for International Development and used for activities associated with the GEF and the Global Warming Initiative.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the International Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of increases in capital stock in an amount not to exceed $1,804,879,000: *Provided,* That the Secretary of the Treasury shall instruct the United States Executive Director to each of the international financial institutions (IFIs) to use the voice and vote of the United States to urge that each of the IFIs establish an independent entity appointed by and reporting to the executive board, with the authority and functions of an inspector general: *Provided further,* That on or before March 31, 1994, the Secretary of the Treasury shall submit a report to the Committees on Appropriations on the progress being made towards establishing such entities: *Provided further,* That the Secretary of the Treasury shall consult and work with appropriate international fora to establish an independent commission to review the operations and management structure of the IFIs: *Provided further,* That the commission, which should be funded from the budgets of the IFIs, would be comprised of members of various nationalities who are familiar with the management and operations of the IFIs: *Provided further,* That on or before March 31, 1994, the Secretary of the Treasury shall submit a report to the Committees on Appropriations on the progress being made towards establishing the commission.

Reports.

Reports.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, $1,024,332,000, for the United States contribution to the replenishment, to remain available until expended.

CONTRIBUTION TO THE INTERNATIONAL FINANCE CORPORATION

For payment to the International Finance Corporation by the Secretary of the Treasury, $35,761,500, for the United States share of the increase in subscriptions to capital stock, to remain available until expended: *Provided,* That of the amount appropriated under this heading not more than $5,364,000 may be expended for the purchase of such stock in fiscal year 1994.

CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT BANK

For payment to the Inter-American Development Bank by the Secretary of the Treasury for the United States share of the paid-in share portion of the increase in capital stock, $56,166,000, and for the United States share of the increases in the resources of the Fund for Special Operations, $20,164,000, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Inter-American Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $2,190,283,457.

CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS MULTILATERAL INVESTMENT FUND

For payment to the Enterprise for the Americas Multilateral Investment Fund by the Secretary of the Treasury, for the United States contribution to the Fund to be administered by the Inter-American Development Bank, $75,000,000 to remain available until expended.

CONTRIBUTION TO THE ASIAN DEVELOPMENT BANK

For payment to the Asian Development Bank by the Secretary of the Treasury, for the paid-in share portion of the United States share of the increase in capital stock, $13,026,366, to remain available until expended: *Provided,* That funds appropriated under this heading are available subject to receipt by the Congress of the President's budget request for such funds.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increases in resources of the Asian Development Fund, as authorized by the Asian Development Bank Act, as amended (Public Law 89–369), $62,500,000, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Asian Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of increases in the capital stock in an amount not to exceed $95,438,437: *Provided,* That the authority provided under this heading is available subject to receipt by the Congress of the President's budget request for such authority.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For payment to the African Development Fund by the Secretary of the Treasury, $135,000,000, for the United States contribution to the sixth replenishment of the African Development Fund, to remain available until expended.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1973, $360,628,000: *Provided,* That none of the funds appropriated under this heading shall be made available for the following: the United Nations Fund for Science and Technology, the G–7 Nuclear Safety Fund, the OECD Center for Cooperation with European Economies in Transition, and United Nations Electoral Assistance activities: *Provided further,* That funds appropriated under this heading may

be made available for the International Atomic Energy Agency only if the Secretary of State determines (and so reports to the Congress) that Israel is not being denied its right to participate in the activities of that Agency: *Provided further,* That of the funds appropriated under this heading that are made available for the United Nations Children's Fund (UNICEF), 75 per centum (less amounts withheld consistent with section 307 of the Foreign Assistance Act of 1961 and section 516 of this Act) shall be obligated and expended no later than thirty days after the date of enactment of this Act and 25 per centum of which shall be expended within thirty days from the start of UNICEF's fourth quarter of operations for 1994: *Provided further,* That none of the funds appropriated under this heading that are made available to the United Nations Population Fund (UNFPA) shall be made available for activities in the People's Republic of China: *Provided further,* That not more than $40,000,000 of the funds appropriated under this heading may be made available to the UNFPA: *Provided further,* That not more than one-half of this amount may be provided to UNFPA before March 1, 1994, and that no later than February 15, 1994, the Secretary of State shall submit a report to the Committees on Appropriations indicating the amount UNFPA is budgeting for the People's Republic of China in 1994: *Provided further,* That any amount UNFPA plans to spend in the People's Republic of China in 1994 above $10,000,000, shall be deducted from the amount of funds provided to UNFPA after March 1, 1994: *Provided further,* That with respect to any funds appropriated under this heading that are made available to UNFPA, UNFPA shall be required to maintain such funds in a separate account and not commingle them with any other funds.

Reports.

TITLE II—BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 1994, unless otherwise specified herein, as follows:

AGENCY FOR INTERNATIONAL DEVELOPMENT

DEVELOPMENT ASSISTANCE FUND

For necessary expenses to carry out the provisions of sections 103 through 106 of the Foreign Assistance Act of 1961, $811,900,000, to remain available until September 30, 1995.

POPULATION, DEVELOPMENT ASSISTANCE

Abortion.

Sterilization.

For necessary expenses to carry out the provisions of section 104(b), $392,000,000, to remain available until September 30, 1995: *Provided,* That none of the funds made available in this Act nor any unobligated balances from prior appropriations may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: *Provided further,* That none of the funds made available under this heading may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce

any person to practice abortions; and that in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services: *Provided further,* That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: *Provided further,* That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961.

DEVELOPMENT FUND FOR AFRICA

For necessary expenses to carry out the provisions of chapter 10 of part I of the Foreign Assistance Act of 1961, $784,000,000, to remain available until September 30, 1995: *Provided,* That none of the funds appropriated by this Act to carry out chapters 1 and 10 of part I of the Foreign Assistance Act of 1961 shall be transferred to the Government of Zaire: *Provided further,* That funds appropriated under this heading which are made available for activities supported by the Southern Africa Development Community shall be made available notwithstanding section 512 of this Act and section 620(q) of the Foreign Assistance Act of 1961.

PRIVATE AND VOLUNTARY ORGANIZATIONS

None of the funds appropriated or otherwise made available by this Act for development assistance may be made available to any United States private and voluntary organization, except any cooperative development organization, which obtains less than 20 per centum of its total annual funding for international activities from sources other than the United States Government: *Provided,* That the requirements of the provisions of section 123(g) of the Foreign Assistance Act of 1961 and the provisions on private and voluntary organizations in title II of the "Foreign Assistance and Related Programs Appropriations Act, 1985" (as enacted in Public Law 98–473) shall be superseded by the provisions of this section. 22 USC 2151u note.

INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses for international disaster relief, rehabilitation, and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, as amended, $145,985,000 to remain available until expended.

MICRO AND SMALL ENTERPRISE DEVELOPMENT PROGRAM ACCOUNT

For the cost of direct loans and loan guarantees, $1,000,000, as authorized by section 108 of the Foreign Assistance Act of 1961, as amended: *Provided,* That such costs shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further,* That these funds are available to subsidize gross obligations for the principal amount of direct loans and total loan principal, any part of which is to be guaranteed, not to exceed $25,000,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the "Foreign Service Retirement and Disability Fund", as authorized by the Foreign Service Act of 1980, $44,151,000.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

For necessary expenses to carry out the provisions of section 667, $501,760,000: *Provided,* That none of the funds appropriated by title II of this Act may be obligated after March 31, 1994 unless the Administration has acted to implement those recommendations of the Report of the National Performance Review which can be accomplished without legislation and has submitted the necessary package of proposed legislation to accomplish the following remaining recommendations:

(1) reform of foreign assistance programs and rewriting of the Foreign Assistance Act of 1961,

(2) reform of the personnel systems of the Agency for International Development aimed at integrating the multiple personnel systems and reviewing benefits under each system,

(3) lifting of some current Agency personnel restrictions and giving managers authority to manage staff resources more efficiently and effectively,

(4) reengineering of project and program management processes to emphasize innovation, flexibility, beneficiary participation, pilot and experimental programs, incentive systems linked to project and program performance, processes for continuing critical review and evaluation, and improved coordination systems with other donors, and

(5) a planned reduction of a specific number of Agency missions during the next three years, of which at least twelve shall be terminated during the first year.

For additional expenses only to carry out the provisions of section 667 related to termination or phasing down of overseas missions of the Agency for International Development and related to improving the information and financial management systems and customer service of the Agency for International Development as recommended by the Report of the National Performance Review, $3,000,000 to remain available until expended: *Provided,* That funds appropriated by this paragraph may be made available notwithstanding any other provision of law, shall not be transferred or utilized for any other purpose, and shall be in addition to amounts otherwise available for such purposes.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667, $39,118,000, which sum shall be available for the Office of the Inspector General of the Agency for International Development.

HOUSING GUARANTY PROGRAM ACCOUNT

For the subsidy cost, as defined in section 13201 of the Budget Enforcement Act of 1990, of guaranteed loans authorized by sections 221 and 222 of the Foreign Assistance Act of 1961, $16,078,000:

Provided, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $110,000,000: *Provided further,* That these funds are available to subsidize loan principal, 100 percent of which shall be guaranteed, pursuant to the authority of such sections: *Provided further,* That the President shall enter into commitments to guarantee such loans in the full amount provided under this heading, subject to the availability of qualified applicants for such guarantees. In addition, for administrative expenses to carry out guaranteed loan programs, $8,239,000, all of which may be transferred to and merged with the appropriation for Operating Expenses of the Agency for International Development: *Provided further,* That commitments to guarantee loans under this heading may be entered into notwithstanding the second and third sentences of section 222(a) and, with regard to programs for Eastern Europe and programs for the benefit of South Africans disadvantaged by apartheid, section 223(j) of the Foreign Assistance Act of 1961: *Provided further,* That none of the funds appropriated under this heading shall be obligated except through the regular notification procedures of the Committees on Appropriations.

President.

DEBT RESTRUCTURING

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, of modifying direct loans and loan guarantees, as the President may determine, for which funds have been appropriated or otherwise made available for programs within the International Affairs Budget Function 150, $7,000,000, to remain available until expended.

ECONOMIC SUPPORT FUND

For necessary expenses to carry out the provisions of chapter 4 of part II, $2,364,562,000, to remain available until September 30, 1995: *Provided,* That of the funds appropriated under this heading, not less than $1,200,000,000 shall be available only for Israel, which sum shall be available on a grant basis as a cash transfer and shall be disbursed within thirty days of enactment of this Act or by October 31, 1993, whichever is later: *Provided further,* That not less than $815,000,000 shall be available only for Egypt, which sum shall be provided on a grant basis, and of which sum cash transfer assistance may be provided, with the understanding that Egypt will undertake significant economic reforms which are additional to those which were undertaken in previous fiscal years, and of which not less than $200,000,000 shall be provided as Commodity Import Program assistance: *Provided further,* That in exercising the authority to provide cash transfer assistance for Israel and Egypt, the President shall ensure that the level of such assistance does not cause an adverse impact on the total level of nonmilitary exports from the United States to each such country: *Provided further,* That it is the sense of the Congress that the recommended levels of assistance for Egypt and Israel are based in great measure upon their continued participation in the Camp David Accords and upon the Egyptian-Israeli peace treaty: *Provided further,* That not less than $15,000,000 of the funds appropriated under this heading shall be made available for Cyprus to be used only for scholarships, bicommunal projects, and measures aimed at the reunification of the island and designed

President.

to reduce tensions, and promote peace and cooperation between the two communities on Cyprus: *Provided further,* That none of the funds appropriated under this heading shall be made available for Zaire: *Provided further,* That not more than $50,000,000 of the funds appropriated under this heading may be made available to finance tied-aid credits, unless the President determines it is in the national interest to provide in excess of $50,000,000 and so notifies the Committees on Appropriations through the regular notification procedures of the Committees on Appropriations: *Provided further,* That none of the funds made available or limited by this Act may be used for tied-aid credits or tied-aid grants except through the regular notification procedures of the Committees on Appropriations: *Provided further,* That none of the funds appropriated by this Act to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961 may be used for tied-aid credits: *Provided further,* That as used in this heading the term "tied-aid credits" means any credit, within the meaning of section 15(h)(1) of the Export-Import Bank Act of 1945, which is used for blended or parallel financing, as those terms are defined by sections 15(h) (4) and (5), respectively, of such Act: *Provided further,* That funds appropriated under this heading shall remain available until September 30, 1995.

INTERNATIONAL FUND FOR IRELAND

For necessary expenses to carry out the provisions of part I of the Foreign Assistance Act of 1961, up to $19,600,000, which shall be available for the United States contribution to the International Fund for Ireland and shall be made available in accordance with the provisions of the Anglo-Irish Agreement Support Act of 1986 (Public Law 99–415): *Provided,* That such amount shall be expended at the minimum rate necessary to make timely payment for projects and activities: *Provided further,* That funds made available under this heading shall remain available until expended.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

(a) For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989, $390,000,000, to remain available until expended, which shall be available, notwithstanding any other provision of law, for economic assistance and for related programs for Eastern Europe and the Baltic States.

(b) Funds appropriated under this heading or in prior appropriations Acts that are or have been made available for an Enterprise Fund may be deposited by such Fund in interest-bearing accounts prior to the Fund's disbursement of such funds for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(c) Funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance.

ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

For necessary expenses to carry out the provisions of chapter 11 of part I of the Foreign Assistance Act of 1961 and the FREEDOM Support Act, for assistance for the new independent states of the former Soviet Union and for related programs, $603,820,000, to remain available until expended: *Provided,* That the provisions of 498B(j) of the Foreign Assistance Act of 1961 shall apply to funds appropriated by this paragraph.

INDEPENDENT AGENCIES

AFRICAN DEVELOPMENT FOUNDATION

For necessary expenses to carry out the provisions of title V of the International Security and Development Cooperation Act of 1980, Public Law 96–533, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 9104, title 31, United States Code, $16,905,000: *Provided,* That, when, with the permission of the President of the Foundation, funds made available to a grantee under this heading are invested pending disbursement, the resulting interest is not required to be deposited in the United States Treasury if the grantee uses the resulting interest for the purpose for which the grant was made: *Provided further,* That this provision applies with respect to both interest earned before and interest earned after the enactment of this provision: *Provided further,* That notwithstanding section 505(a)(2) of the African Development Foundation Act, in exceptional circumstances the board of directors of the Foundation may waive the dollar limitation contained in that section with respect to a project: *Provided further,* That the Foundation shall provide a report to the Committees on Appropriations after each time such waiver authority is exercised. Reports.

INTER-AMERICAN FOUNDATION

For expenses necessary to carry out the functions of the Inter-American Foundation in accordance with the provisions of section 401 of the Foreign Assistance Act of 1969, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 9104, title 31, United States Code, $30,960,000.

OVERSEAS PRIVATE INVESTMENT CORPORATION

PROGRAM ACCOUNT

For the subsidy cost as defined in section 13201 of the Budget Enforcement Act of 1990, of direct and guaranteed loans authorized by section 234 of the Foreign Assistance Act of 1961, as follows: cost of direct and guaranteed loans, $9,065,000. In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $7,518,000: *Provided,* That the funds provided in this paragraph shall be available for and apply to costs, direct loan obligations and loan guaranty commitments incurred or made during the period from October 1, 1993 through September 30, 1995: *Provided further,* That such sums are to remain available through fiscal year 2002 for the disbursement of direct and guaran-

teed loans obligated in fiscal year 1994, and through 2003 for the disbursement of direct and guaranteed loans obligated in fiscal year 1995.

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, such noncredit expenditures and commitments within the limits of funds available to it and in accordance with law (including an amount for official reception and representation expenses which shall not exceed $35,000) as may be necessary.

PEACE CORPS

For expenses necessary to carry out the provisions of the Peace Corps Act (75 Stat. 612), $219,745,000, including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States: *Provided,* That none of the funds appropriated under this heading shall be used to pay for abortions: *Provided further,* That funds appropriated under this heading shall remain available until September 30, 1995: *Provided further,* That not to exceed $3,000,000 from amounts appropriated under this heading may be transferred to the "Foreign Currency Fluctuations, Peace Corps, Account", as authorized by section 16 of the Peace Corps Act, as amended.

Abortion.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL

For necessary expenses to carry out the provisions of section 481 of the Foreign Assistance Act of 1961, $100,000,000: *Provided,* That during fiscal year 1994, the Bureau of International Narcotics Matters of the Department of State may also use the authority of section 608 of the Foreign Assistance Act of 1961, without regard to its restrictions, to receive non-lethal excess property from an agency of the United States Government for the purpose of providing it to a foreign country under chapter 8 of part I of that Act subject to the regular notification procedures of the Committees on Appropriations.

MIGRATION AND REFUGEE ASSISTANCE

For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross and assistance to refugees, including contributions to the Intergovernmental Committee for Migration and the United Nations High Commissioner for Refugees; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code; $670,688,000: *Provided,* That not less than $80,000,000 shall be available for Soviet, Eastern European and other refugees resettling in Israel: *Provided further,* That not more than $11,500,000 of the funds appropriated under this heading shall be available for the administrative expenses of the Office of Refugee Programs of the Department of State.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 260(c)), $49,261,000, to remain available until expended: *Provided,* That the funds made available under this heading are appropriated notwithstanding the provisions contained in section 2(c)(2) of the Migration and Refugee Assistance Act of 1962 which would limit the amount of funds which could be appropriated for this purpose.

ANTI-TERRORISM ASSISTANCE

For necessary expenses to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961, $15,244,000.

TITLE III—MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, $21,250,000: *Provided,* That up to $300,000 of the funds appropriated under this heading may be made available for grant financed military education and training for any country whose annual per capita GNP exceeds $2,349 on the condition that that country agrees to fund from its own resources the transportation cost and living allowances of its students: *Provided further,* That the civilian personnel for whom military education and training may be provided under this heading may also include members of national legislatures who are responsible for the oversight and management of the military: *Provided further,* That none of the funds appropriated under this heading shall be available for Indonesia and Zaire.

FOREIGN MILITARY FINANCING PROGRAM

For expenses necessary for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, $3,149,279,000: *Provided,* That of the funds appropriated by this paragraph not less than $1,800,000,000 shall be available for grants only for Israel, and not less than $1,300,000,000 shall be available for grants only for Egypt: *Provided further,* That the funds appropriated by this paragraph for Israel shall be disbursed within thirty days of enactment of this Act or by October 31, 1993, whichever is later: *Provided further,* That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel by this paragraph shall, as agreed by Israel and the United States, be available for advanced fighter aircraft programs or for other advanced weapons systems, as follows: (1) up to $150,000,000 shall be available for research and development in the United States; and (2) not less than $475,000,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: *Provided further,* That funds made available under this paragraph shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act.

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, of direct loans authorized by section 23 of the Arms Export Control Act as follows: cost of direct loans, $46,530,000: *Provided,* That these funds are available to subsidize gross obligations for the principal amount of direct loans of not to exceed $769,500,000: *Provided further,* That the rate of interest charged on such loans shall be not less than the current average market yield on outstanding marketable obligations of the United States of comparable maturities: *Provided further,* That funds appropriated under this heading shall be made available for Greece, Portugal, and Turkey only on a loan basis, and the principal amount of direct loans for each country shall not exceed the following: $283,500,000 only for Greece, $81,000,000 only for Portugal, and $405,000,000 only for Turkey.

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurements has first signed an agreement with the United States Government specifying the conditions under which such procurements may be financed with such funds: *Provided,* That all country and funding level increases in allocations shall be submitted through the regular notification procedures of section 515 of this Act: *Provided further,* That funds made available under this heading shall be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a): *Provided further,* That none of the funds appropriated under this heading shall be available for Zaire, Sudan, Liberia, Guatemala, Peru, and Malawi: *Provided further,* That not more than $100,000,000 of the funds made available under this heading shall be available for use in financing the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act to countries other than Israel and Egypt: *Provided further,* That only those countries for which assistance was justified for the "Foreign Military Sales Financing Program" in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: *Provided further,* That, subject to the regular notification procedures of the Committees on Appropriations, funds made available under this heading for the cost of direct loans may also be used to supplement the funds available under this heading for necessary expenses for grants if countries specified under this heading as eligible for such direct loans decline to utilize such loans: *Provided further,* That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: *Provided further,* That the Department of Defense shall conduct during the current fiscal year nonreimbursable audits of private firms whose contracts are made directly with foreign governments and are financed with funds made available under this heading (as well as subcontractors thereunder) as requested by the Defense Security Assistance Agency: *Provided further,* That not more than $23,558,000 of the funds appropriated under this heading may be obligated for nec-

essary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales: *Provided further,* That not more than $290,000,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of Defense during the fiscal year 1994 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations: *Provided further,* That none of the funds appropriated under this heading, and no employee of the Defense Security Assistance Agency, may be used to facilitate the transport of aircraft to commercial arms sales shows.

SPECIAL DEFENSE ACQUISITION FUND

Notwithstanding section 51 of the Arms Export Control Act, collections in excess of obligational authority provided in prior appropriations Acts shall be deposited in the Treasury as miscellaneous receipts: *Provided,* That notwithstanding any provision of Public Law 102–391, not to exceed $160,000,000 of the obligational authority provided in that Act under the heading "Special Defense Acquisition Fund" may be obligated pursuant to section 51(c)(2) of the Arms Export Control Act.

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, $75,623,000.

NONPROLIFERATION AND DISARMAMENT FUND

For necessary expenses for a "Nonproliferation and Disarmament Fund", $10,000,000, to remain available until expended, to promote bilateral and multilateral activities: *Provided,* That such funds may be used pursuant to the authorities contained in section 504 of the FREEDOM Support Act: *Provided further,* That such funds may also be used for such countries other than the new independent states of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so: *Provided further,* That funds appropriated under this heading may be made available notwithstanding any other provision of law: *Provided further,* That funds appropriated under this heading shall be subject to the regular notification procedures of the Committees on Appropriations.

TITLE IV—EXPORT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: *Provided,* That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commit-

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ments for the export of nuclear equipment, fuel, or technology to any country other than a nuclear-weapon State as defined in article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act that has detonated a nuclear explosive after the date of enactment of this Act.

SUBSIDY APPROPRIATION

For the cost of direct loans, loan guarantees, insurance, and tied-aid grants as authorized by section 10 of the Export-Import Bank Act of 1945, as amended, $1,000,000,000 to remain available until September 30, 1995: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further,* That such sums shall remain available until 2009 for the disbursement of direct loans, loan guarantees, insurance and tied-aid grants obligated in fiscal years 1994 and 1995: *Provided further,* That up to $50,000,000 of funds appropriated by this paragraph shall remain available until expended and may be used for tied-aid grant purposes: *Provided further,* That none of the funds appropriated by this paragraph may be used for tied-aid credits or grants except through the regular notification procedures of the Committees on Appropriations: *Provided further,* That funds appropriated by this paragraph are made available notwithstanding section 2(b)(2) of the Export-Import Bank Act of 1945, in connection with the purchase or lease of any product by any East European country, any Baltic State, or any agency or national thereof.

ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs (to be computed on an accrual basis), including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $20,000 for official reception and representation expenses for members of the Board of Directors, $45,369,000: *Provided,* That necessary expenses (including special services performed on a contract or fee basis, but not including other personal services) in connection with the collection of moneys owed the Export-Import Bank, repossession or sale of pledged collateral or other assets acquired by the Export-Import Bank in satisfaction of moneys owed the Export-Import Bank, or the investigation or appraisal of any property, or the evaluation of the legal or technical aspects of any transaction for which an application for a loan, guarantee or insurance commitment has been made, shall be considered nonadministrative expenses for the purposes of this heading.

FUNDS APPROPRIATED TO THE PRESIDENT

TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, $40,000,000.

TITLE V—GENERAL PROVISIONS

OBLIGATIONS DURING LAST MONTH OF AVAILABILITY

SEC. 501. Except for the appropriations entitled "International Disaster Assistance", and "United States Emergency Refugee and Migration Assistance Fund", not more than 15 per centum of any appropriation item made available by this Act shall be obligated during the last month of availability.

PROHIBITION OF BILATERAL FUNDING FOR INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 502. None of the funds contained in title II of this Act may be used to carry out the provisions of section 209(d) of the Foreign Assistance Act of 1961.

LIMITATION ON RESIDENCE EXPENSES

SEC. 503. Of the funds appropriated or made available pursuant to this Act, not to exceed $126,500 shall be for official residence expenses of the Agency for International Development during the current fiscal year: *Provided,* That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

LIMITATION ON EXPENSES

SEC. 504. Of the funds appropriated or made available pursuant to this Act, not to exceed $5,000 shall be for entertainment expenses of the Agency for International Development during the current fiscal year.

LIMITATION ON REPRESENTATIONAL ALLOWANCES

SEC. 505. Of the funds appropriated or made available pursuant to this Act, not to exceed $95,000 shall be available for representation allowances for the Agency for International Development during the current fiscal year: *Provided,* That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars: *Provided further,* That of the funds made available by this Act for general costs of administering military assistance and sales under the heading "Foreign Military Financing Program", not to exceed $2,000 shall be available for entertainment expenses and not to exceed $50,000 shall be available for representation allowances: *Provided further,* That of the funds made available by this Act under the heading "International Military Education and Training", not to exceed $50,000 shall be available for entertainment allowances: *Provided further,* That of the funds made available by this Act for the Inter-American Foundation, not to exceed $2,000 shall be available for entertainment and representation allowances: *Provided further,* That of the funds made available by this Act for the Peace Corps, not to exceed a total of $4,000 shall be available for entertainment expenses: *Provided further,* That of the funds made available by this Act under the heading "Trade and Development Agency", not to exceed $2,000 shall be available for representation and entertainment allowances.

PROHIBITION ON FINANCING NUCLEAR GOODS

SEC. 506. None of the funds appropriated or made available (other than funds for "International Organizations and Programs") pursuant to this Act, for carrying out the Foreign Assistance Act of 1961, may be used, except for purposes of nuclear safety, to finance the export of nuclear equipment, fuel, or technology.

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 507. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance or reparations to Cuba, Iraq, Libya, the Socialist Republic of Vietnam, Iran, Serbia, Sudan, or Syria: *Provided,* That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents.

MILITARY COUPS

SEC. 508. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance to any country whose duly elected Head of Government is deposed by military coup or decree: *Provided,* That assistance may be resumed to such country if the President determines and reports to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office.

TRANSFERS BETWEEN ACCOUNTS

SEC. 509. None of the funds made available by this Act may be obligated under an appropriation account to which they were not appropriated, unless the President, prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations of the House of Representatives and the Senate: *Provided,* That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

DEOBLIGATION/REOBLIGATION AUTHORITY

SEC. 510. (a) Amounts certified pursuant to section 1311 of the Supplemental Appropriations Act, 1955, as having been obligated against appropriations heretofore made under the authority of the Foreign Assistance Act of 1961 for the same general purpose as any of the headings under the "Agency for International Development" are, if deobligated, hereby continued available for the same period as the respective appropriations under such headings or until September 30, 1994, whichever is later, and for the same general purpose, and for countries within the same region as originally obligated: *Provided,* That the Appropriations Committees of both Houses of the Congress are notified fifteen days in advance of the deobligation and reobligation of such funds in accordance with regular notification procedures of the Committees on Appropriations.

(b) Obligated balances of funds appropriated to carry out section 23 of the Arms Export Control Act as of the end of the fiscal

year immediately preceding the current fiscal year are, if deobligated, hereby continued available during the current fiscal year for the same purpose under any authority applicable to such appropriations under this Act.

AVAILABILITY OF FUNDS

SEC. 511. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: *Provided,* That funds appropriated for the purposes of chapters 1 and 8 of part I, section 667, and chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, shall remain available until expended if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: *Provided further,* That, notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available until expended: *Provided further,* That the report required by section 653(a) of the Foreign Assistance Act of 1961 shall designate for each country, to the extent known at the time of submission of such report, those funds allocated for cash disbursement for balance of payment and economic policy reform purposes.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 512. No part of any appropriation contained in this Act shall be used to furnish assistance to any country which is in default during a period in excess of one calendar year in payment to the United States of principal or interest on any loan made to such country by the United States pursuant to a program for which funds are appropriated under this Act: *Provided,* That this section and section 620(q) of the Foreign Assistance Act of 1961 shall not apply to funds made available in this Act or during the current fiscal year for Nicaragua, and for any narcotics-related assistance for Colombia, Bolivia, and Peru authorized by the Foreign Assistance Act of 1961 or the Arms Export Control Act.

COMMERCE AND TRADE

SEC. 513. (a) None of the funds appropriated or made available pursuant to this Act for direct assistance and none of the funds otherwise made available pursuant to this Act to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: *Provided,* That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States

are likely to outweigh the injury to United States producers of the same, similar, or competing commodity.

(b) None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: *Provided,* That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact in the export of agricultural commodities of the United States; or

(2) research activities intended primarily to benefit American producers.

(c) None of the funds provided in this Act to the Agency for International Development, other than funds made available to carry out Caribbean Basin Initiative programs under the Tariff Schedules of the United States, section 1202 of title 19, United States Code, schedule 8, part I, subpart B, item 807.00, shall be obligated or expended—

(1) to procure directly feasibility studies or prefeasibility studies for, or project profiles of potential investment in, the manufacture, for export to the United States or to third country markets in direct competition with United States exports, of import-sensitive articles as defined by section 503(c)(1) (A) and (E) of the Tariff Act of 1930 (19 U.S.C. 2463(c)(1) (A) and (E)); or

(2) to assist directly in the establishment of facilities specifically designed for the manufacture, for export to the United States or to third country markets in direct competition with United States exports, of import-sensitive articles as defined in section 503(c)(1) (A) and (E) of the Tariff Act of 1930 (19 U.S.C. 2463(c)(1) (A) and (E)).

SURPLUS COMMODITIES

22 USC 262h note.

SEC. 514. The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

NOTIFICATION REQUIREMENTS

SEC. 515. For the purposes of providing the Executive Branch with the necessary administrative flexibility, none of the funds made available under this Act for "Development Assistance Fund",

"Population, Development Assistance", "Development Fund for Africa", "International organizations and programs", "Trade and Development Agency", "International narcotics control", "Assistance for Eastern Europe and the Baltic States", "Assistance for the New Independent States of the Former Soviet Union", "Economic Support Fund", "Peacekeeping operations", "Operating expenses of the Agency for International Development", "Operating expenses of the Agency for International Development Office of Inspector General", "Anti-terrorism assistance", "Foreign Military Financing Program", "International military education and training", "Inter-American Foundation", "African Development Foundation", "Peace Corps", or "Migration and refugee assistance", shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operation not justified or in excess of the amount justified to the Appropriations Committees for obligation under any of these specific headings unless the Appropriations Committees of both Houses of Congress are previously notified fifteen days in advance: *Provided,* That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 per centum in excess of the quantities justified to Congress unless the Committees on Appropriations are notified fifteen days in advance of such commitment: *Provided further,* That this section shall not apply to any reprogramming for an activity, program, or project under chapter 1 of part I of the Foreign Assistance Act of 1961 of less than 20 per centum of the amount previously justified to the Congress for obligation for such activity, program, or project for the current fiscal year: *Provided further,* That the requirements of this section or any similar provision of this Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations may be waived if failure to do so would pose a substantial risk to human health or welfare: *Provided further,* That in case of any such waiver, notification to the Congress, or the appropriate congressional committees, shall be provided as early as practicable, but in no event later than three days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: *Provided further,* That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances. President.

Drawdowns made pursuant to section 506(a)(2) of the Foreign Assistance Act of 1961 shall be subject to the regular notification procedures of the Committees on Appropriations.

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 516. (a) Notwithstanding any other provision of law or of this Act, none of the funds provided for "International Organizations and Programs" shall be available for the United States proportionate share for any programs for the Palestine Liberation Organization (or for projects whose purpose is to provide benefits to the Palestine Liberation Organization or entities associated with it), Libya, Iran, or, at the discretion of the President, Communist countries listed in section 620(f) of the Foreign Assistance Act

of 1961, as amended: *Provided,* That, subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under this Act or any previously enacted Act making appropriations for foreign operations, export financing, and related programs, which are returned or not made available for organizations and programs because of the implementation of this section or any similar provision of law, shall remain available for obligation through September 30, 1995.

(b) The United States shall not make any voluntary or assessed contribution—

(1) to any affiliated organization of the United Nations which grants full membership as a state to any organization or group that does not have the internationally recognized attributes of statehood, or

(2) to the United Nations, if the United Nations grants full membership as a state in the United Nations to any organization or group that does not have the internationally recognized attributes of statehood,

during any period in which such membership is effective.

(c) Subsection (a) shall cease to have effect during fiscal year 1994 with respect to the Palestine Liberation Organization (P.L.O.), programs for the P.L.O., and programs for the benefit of entities associated with it which accept the commitments made by the P.L.O. on September 9, 1993 if the President determines and notifies Congress that to do so is in the national interest: *Provided,* That subsection (a) shall resume full force and effect if at any time during fiscal 1994 the President determines and so notifies Congress that the P.L.O. has ceased to comply with the commitments it made on September 9, 1993, or the Congress, by joint resolution, determines that the P.L.O. has ceased to comply with the commitments it made on September 9, 1993.

ECONOMIC SUPPORT FUND ASSISTANCE FOR ISRAEL

SEC. 517. The Congress finds that progress on the peace process in the Middle East is vitally important to United States security interests in the region. The Congress recognizes that, in fulfilling its obligations under the Treaty of Peace Between the Arab Republic of Egypt and the State of Israel, done at Washington on March 26, 1979, Israel incurred severe economic burdens. Furthermore, the Congress recognizes that an economically and militarily secure Israel serves the security interests of the United States, for a secure Israel is an Israel which has the incentive and confidence to continue pursuing the peace process. Therefore, the Congress declares that it is the policy and the intention of the United States that the funds provided in annual appropriations for the Economic Support Fund which are allocated to Israel shall not be less than the annual debt repayment (interest and principal) from Israel to the United States Government in recognition that such a principle serves United States interests in the region.

PROHIBITION CONCERNING ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 518. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions.

None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations. The Congress reaffirms its commitments to Population, Development Assistance and to the need for informed voluntary family planning.

REPORTING REQUIREMENT

SEC. 519. The President shall submit to the Committees on Appropriations the reports required by section 25(a)(1) of the Arms Export Control Act.

SPECIAL NOTIFICATION REQUIREMENTS

SEC. 520. None of the funds appropriated in this Act shall be obligated or expended for Afghanistan, Cambodia, Colombia, El Salvador, Guatemala, Haiti, Indonesia, Jordan, Liberia, Malawi, Nicaragua, Peru, Sudan, Togo, or Zaire except as provided through the regular notification procedures of the Committees on Appropriations: *Provided,* That this section shall not apply to funds appropriated by this Act to carry out the provisions of chapter 1 of part I of the Foreign Assistance Act of 1961 that are made available for El Salvador and Nicaragua.

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 521. For the purpose of this Act, "program, project, and activity" shall be defined at the Appropriations Act account level and shall include all Appropriations and Authorizations Acts earmarks, ceilings, and limitations with the exception that for the following accounts: Economic Support Fund and Foreign Military Financing Program, "program, project, and activity" shall also be considered to include country, regional, and central program level funding within each such account; for the development assistance accounts of the Agency for International Development "program, project, and activity" shall also be considered to include central program level funding, either as (1) justified to the Congress, or (2) allocated by the executive branch in accordance with a report, to be provided to the Committees on Appropriations within thirty days of enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961. Reports.

FAMILY PLANNING, CHILD SURVIVAL AND AIDS ACTIVITIES

SEC. 522. Up to $8,000,000 of the funds made available by this Act for assistance for family planning, health, child survival, and AIDS, may be used to reimburse United States Government

agencies, agencies of State governments, institutions of higher learning, and private and voluntary organizations for the full cost of individuals (including for the personal services of such individuals) detailed or assigned to, or contracted by, as the case may be, the Agency for International Development for the purpose of carrying out family planning activities, child survival activities and activities relating to research on, and the treatment and control of, acquired immune deficiency syndrome in developing countries: *Provided,* That such individuals shall not be included within any personnel ceiling applicable to any United States Government agency during the period of detail or assignment: *Provided further,* That funds appropriated by this Act that are made available for child survival activities or activities relating to research on, and the treatment and control of, acquired immune deficiency syndrome may be made available notwithstanding any provision of law that restricts assistance to foreign countries: *Provided further,* That funds appropriated by this Act that are made available for family planning activities may be made available notwithstanding section 512 of this Act and section 620(q) of the Foreign Assistance Act of 1961.

PROHIBITION AGAINST INDIRECT FUNDING TO CERTAIN COUNTRIES

SEC. 523. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated to finance indirectly any assistance or reparations to Cuba, Iraq, Libya, the Socialist Republic of Vietnam, Iran, Syria, North Korea, People's Republic of China, or Laos unless the President of the United States certifies that the withholding of these funds is contrary to the national interest of the United States.

RECIPROCAL LEASING

22 USC 2796.

SEC. 524. Section 61(a) of the Arms Export Control Act is amended by striking out "1993" and inserting in lieu thereof "1994".

NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 525. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as are other committees pursuant to subsection (c) of that section: *Provided,* That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees: *Provided further,* That such Committees shall also be informed of the original acquisition cost of such defense articles.

AUTHORIZATION REQUIREMENT

SEC. 526. Funds appropriated by Title I through V of this Act may be obligated and expended notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956: *Provided,* That the Secretary of the Treasury is authorized to agree on behalf of the United States to participate in the tenth replenishment of the resources of the International Development Association, the fifth replenishment of

the Asian Development Fund, and the replenishment of the permanent Global Environment Facility, subject to obtaining the necessary appropriations: *Provided further,* That pursuant to the tenth replenishment of the resources of the International Development Association, $2,500,000,000 is authorized to be appropriated.

DEPLETED URANIUM

SEC. 527. None of the funds provided in this or any other Act may be made available to facilitate in any way the sale of M–833 antitank shells or any comparable antitank shells containing a depleted uranium penetrating component to any country other than (1) countries which are members of NATO, (2) countries which have been designated as a major non-NATO ally for purposes of section 1105 of the National Defense Authorization Act for Fiscal Year 1987 or, (3) Taiwan: *Provided,* That funds may be made available to facilitate the sale of such shells notwithstanding the limitations of this section if the President determines that to do so is in the national security interest of the United States.

OPPOSITION TO ASSISTANCE TO TERRORIST COUNTRIES BY INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 528. (a) INSTRUCTIONS FOR UNITED STATES EXECUTIVE DIRECTORS.—The Secretary of the Treasury shall instruct the United States Executive Director of each international financial institution designated in subsection (b), and the Administrator of the Agency for International Development shall instruct the United States Executive Director of the International Fund for Agriculture Development, to use the voice and vote of the United States to oppose any loan or other use of the funds of the respective institution to or for a country for which the Secretary of State has made a determination under section 6(j) of the Export Administration Act of 1979.

(b) DEFINITION.—For purposes of this section, the term "international financial institution" includes—

(1) the International Bank for Reconstruction and Development, the International Development Association, and the International Monetary Fund; and

(2) wherever applicable, the Inter-American Development Bank, the Asian Development Bank, the African Development Bank, the African Development Fund, and the European Bank for Reconstruction and Development.

PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST COUNTRIES

SEC. 529. (a) Notwithstanding any other provision of law, funds appropriated for bilateral assistance under any heading of this Act and funds appropriated under any such heading in a provision of law enacted prior to enactment of this Act, shall not be made available to any country which the President determines—

(1) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism, or

(2) otherwise supports international terrorism.

(b) The President may waive the application of subsection (a) to a country if the President determines that national security or humanitarian reasons justify such waiver. The President shall

President. Federal Register, publication.

publish each waiver in the Federal Register and, at least fifteen days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

COMMERCIAL LEASING OF DEFENSE ARTICLES

22 USC 2763 note.

SEC. 530. Notwithstanding any other provision of law, and subject to the regular notification requirements of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to Israel and Egypt and NATO and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

COMPETITIVE INSURANCE

SEC. 531. All Agency for International Development contracts and solicitations, and subcontracts entered into under such contracts, shall include a clause requiring that United States marine insurance companies have a fair opportunity to bid for marine insurance when such insurance is necessary or appropriate.

STINGERS IN THE PERSIAN GULF REGION

SEC. 532. Except as provided in section 581 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, the United States may not sell or otherwise make available any Stingers to any country bordering the Persian Gulf under the Arms Export Control Act or chapter 2 of part II of the Foreign Assistance Act of 1961.

PROHIBITION ON LEVERAGING AND DIVERSION OF UNITED STATES ASSISTANCE

SEC. 533. (a) None of the funds appropriated by this Act may be provided to any foreign government (including any instrumentality or agency thereof), foreign person, or United States person in exchange for that foreign government or person undertaking any action which is, if carried out by the United States Government, a United States official or employee, expressly prohibited by a provision of United States law.

(b) For the purposes of this section the term "funds appropriated by this Act" includes only (1) assistance of any kind under the Foreign Assistance Act of 1961; and (2) credits, and guaranties under the Arms Export Control Act.

(c) Nothing in this section shall be construed to limit—

(1) the ability of the President, the Vice President, or any official or employee of the United States to make statements or otherwise express their views to any party on any subject;

(2) the ability of an official or employee of the United States to express the policies of the President; or

(3) the ability of an official or employee of the United States to communicate with any foreign country government, group or individual, either directly or through a third party, with respect to the prohibitions of this section including the reasons for such prohibitions, and the actions, terms, or conditions which might lead to the removal of the prohibitions of this section.

DEBT-FOR-DEVELOPMENT

SEC. 534. In order to enhance the continued participation of nongovernmental organizations in economic assistance activities under the Foreign Assistance Act of 1961, including endowments, debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the Agency for International Development may place in interest bearing accounts funds made available under this Act or prior Acts or local currencies which accrue to that organization as a result of economic assistance provided under the heading "Agency for International Development" and any interest earned on such investment may be for the purpose for which the assistance was provided to that organization.

LOCATION OF STOCKPILES

SEC. 535. Section 514(b)(2) of the Foreign Assistance Act of 1961 is amended by striking out "$389,000,000 for fiscal year 1993, of which amount not less than $200,000,000 shall be available for stockpiles in Israel, and up to $189,000,000 may be available for stockpiles in the Republic of Korea" and inserting in lieu thereof "$200,000,000 for stockpiles in Israel for fiscal year 1994", up to $72,000,000 may be made available for stockpiles in the Republic of Korea, and up to $20,000,000 may be made available for stockpiles in Thailand. 22 USC 2321h.

ASSISTANCE FOR PAKISTAN

SEC. 536. (a) The date specified in section 620E(d) of the Foreign Assistance Act of 1961 is amended to read as follows: "September 30, 1994". 22 USC 2375.

(b) None of the funds appropriated in this Act shall be obligated or expended for Pakistan except as provided through the regular notification procedures of the Committees on Appropriations.

SEPARATE ACCOUNTS

SEC. 537. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.— 22 USC 2359 note.
(1) If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I (including the Philippines Multilateral Assistance Initiative) or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the Agency for International Development shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated, and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of the Agency for International Development and that government to monitor and account for deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapters 1 or 10 of part I or chapter 4 of part II (as the case may be), for such purposes as:

(i) project and sector assistance activities, or

(ii) debt and deficit financing; or

(B) for the administrative requirements of the United States Government.

(3) PROGRAMMING ACCOUNTABILITY.—The Agency for International Development shall take all appropriate steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapters 1 or 10 of part I or chapter 4 of part II (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(5) CONFORMING AMENDMENTS.—The provisions of this subsection shall supersede the tenth and eleventh provisos contained under the heading "Sub-Saharan Africa, Development Assistance" as included in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 and sections 531(d) and 609 of the Foreign Assistance Act of 1961.

102 Stat. 2268-7.

22 USC 2346, 2359.

(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—(1) If assistance is made available to the government of a foreign country, under chapters 1 or 10 of part I (including the Philippines Multilateral Assistance Initiative) or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle them with any other funds.

(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (H. Report No. 98-1159).

President.

(3) NOTIFICATION.—At least fifteen days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made avail-

able will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) EXEMPTION.—Nonproject sector assistance funds may be exempt from the requirements of subsection (b)(1) only through the notification procedures of the Committees on Appropriations.

COMPENSATION FOR UNITED STATES EXECUTIVE DIRECTORS TO INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 538. (a) No funds appropriated by this Act may be made as payment to any international financial institution while the United States Executive Director to such institution is compensated by the institution at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) For purposes of this section, "international financial institutions" are: the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, the Asian Development Fund, the African Development Bank, the African Development Fund, the International Monetary Fund, and the European Bank for Reconstruction and Development.

COMPLIANCE WITH UNITED NATIONS SANCTIONS AGAINST IRAQ

SEC. 539. (a) DENIAL OF ASSISTANCE.—None of the funds appropriated or otherwise made available pursuant to this Act to carry out the Foreign Assistance Act of 1961 (including title IV of chapter 2 of part I, relating to the Overseas Private Investment Corporation) or the Arms Export Control Act may be used to provide assistance to any country that is not in compliance with the United Nations Security Council sanctions against Iraq unless the President determines and so certifies to the Congress that— 50 USC 1701 note.

(1) such assistance is in the national interest of the United States;

(2) such assistance will directly benefit the needy people in that country; or

(3) the assistance to be provided will be humanitarian assistance for foreign nationals who have fled Iraq and Kuwait.

(b) IMPORT SANCTIONS.—If the President considers that the taking of such action would promote the effectiveness of the economic sanctions of the United Nations and the United States imposed with respect to Iraq, and is consistent with the national interest, the President may prohibit, for such a period of time as he considers appropriate, the importation into the United States of any or all products of any foreign country that has not prohibited—

(1) the importation of products of Iraq into its customs territory, and

(2) the export of its products to Iraq.

POW/MIA MILITARY DRAWDOWN

SEC. 540. (a) Notwithstanding any other provision of law, the President may direct the drawdown, without reimbursement by the recipient, of defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training, of an aggregate value not to exceed $15,000,000 in fiscal year 1994, as may be necessary to carry out subsection (b).

(b) Such defense articles, services and training may be provided to Cambodia and Laos, under subsection (a) as the President determines are necessary to support efforts to locate and repatriate members of the United States Armed Forces and civilians employed directly or indirectly by the United States Government who remain unaccounted for from the Vietnam War, and to ensure the safety of United States Government personnel engaged in such cooperative efforts and to support United States Department of Defense-sponsored humanitarian projects associated with the POW/MIA efforts. Any aircraft shall be provided under this section only to Laos and only on a lease or loan basis, but may be provided at no cost notwithstanding section 61 of the Arms Export Control Act and may be maintained with defense articles, services and training provided under this section.

President. Reports.

(c) The President shall, within sixty days of the end of any fiscal year in which the authority of subsection (a) is exercised, submit a report to the Congress which identifies the articles, services, and training drawn down under this section.

(d) There are authorized to be appropriated to the President such sums as may be necessary to reimburse the applicable appropriation, fund, or account for defense articles, defense services, and military education and training provided under this section.

MEDITERRANEAN EXCESS DEFENSE ARTICLES

SEC. 541. During fiscal year 1994, the provisions of section 573(e) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, shall be applicable, for the period specified therein, to excess defense articles made available under sections 516 and 519 of the Foreign Assistance Act of 1961.

PRIORITY DELIVERY OF EQUIPMENT

SEC. 542. Notwithstanding any other provision of law, the delivery of excess defense articles that are to be transferred on a grant basis under section 516 of the Foreign Assistance Act to NATO allies and to major non-NATO allies on the southern and southeastern flank of NATO shall be given priority to the maximum extent feasible over the delivery of such excess defense articles to other countries.

ISRAEL DRAWDOWN

SEC. 543. Section 599B(a) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991 (as amended by Public Law 102–145, as amended, and Public Law 102–391), is further amended—

104 Stat. 2064.

(a) by striking out "fiscal year 1993" and inserting in lieu thereof "fiscal year 1994"; and

(b) by striking out "Appropriations Act, 1993" and inserting in lieu thereof "Appropriations Act, 1994".

CASH FLOW FINANCING

SEC. 544. For each country that has been approved for cash flow financing (as defined in section 25(d) of the Arms Export Control Act, as added by section 112(b) of Public Law 99–83) under the Foreign Military Financing Program, any Letter of Offer and Acceptance or other purchase agreement, or any amendment thereto, for a procurement in excess of $100,000,000 that is to be financed in whole or in part with funds made available under this Act shall be submitted through the regular notification procedures to the Committees on Appropriations.

RESCISSIONS

SEC. 545. (a) Of the unexpended balances of funds (including earmarked funds) made available for fiscal years 1987 through 1993 to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, $203,000,000 are rescinded.

(b) Of the unexpended balances of funds (including earmarked funds) appropriated for fiscal year 1993 and prior fiscal years to carry out the provisions of sections 103 through 106 of the Foreign Assistance Act of 1961, $5,100,000 are rescinded.

AUTHORITIES FOR THE PEACE CORPS, THE INTER-AMERICAN FOUNDATION AND THE AFRICAN DEVELOPMENT FOUNDATION

SEC. 546. Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for foreign operations, export financing, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Inter-American Foundation Act, or the African Development Foundation Act. The appropriate agency shall promptly report to the Committees on Appropriations whenever it is conducting activities or is proposing to conduct activities in a country for which assistance is prohibited.

IMPACT ON JOBS IN THE UNITED STATES

SEC. 547. None of the funds appropriated by this Act may be obligated or expended to provide—

(a) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States;

(b) assistance for the purpose of establishing or developing in a foreign country any export processing zone or designated area in which the tax, tariff, labor, environment, and safety laws of that country do not apply, in part or in whole, to activities carried out within that zone or area, unless the President determines and certifies that such assistance is not likely to cause a loss of jobs within the United States; or

(c) assistance for any project or activity that contributes to the violation of internationally recognized workers rights, as defined in section 502(a)(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: *Provided,* That in recognition that the application of this subsection should be commensurate with the level of development of the recipient country and sector, the provisions of this subsection shall not preclude assistance for the informal sector in such country, micro and small-scale enterprise, and smallholder agriculture.

AUTHORITY TO ASSIST BOSNIA-HERCEGOVINA

SEC. 548. (a) Congress finds as follows:

(1) the United Nations has imposed an embargo on the transfer of arms to any country on the territory of the former Yugoslavia;

(2) the federated states of Serbia and Montenegro have a large supply of military equipment and ammunition and the Serbian forces fighting the government of Bosnia-Hercegovina have more than one thousand battle tanks, armored vehicles, and artillery pieces; and

(3) because the United Nations arms embargo is serving to sustain the military advantage of the aggressor, the United Nations should exempt the government of Bosnia-Hercegovina from its embargo.

(b) Pursuant to a lifting of the United Nations arms embargo against Bosnia-Hercegovina, the President is authorized to transfer to the government of that nation, without reimbursement, defense articles from the stocks of the Department of Defense of an aggregate value not to exceed $50,000,000 in fiscal year 1994: *Provided,* That the President certifies in a timely fashion to the Congress that—

(1) the transfer of such articles would assist that nation in self-defense and thereby promote the security and stability of the region; and

(2) United States allies are prepared to join in such a military assistance effort.

President. Reports.

(c) Within 60 days of any transfer under the authority provided in subsection (b), and every 60 days thereafter, the President shall report in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate concerning the articles transferred and the disposition thereof.

(d) There are authorized to be appropriated to the President such sums as may be necessary to reimburse the applicable appropriation, fund, or account for defense articles provided under this section.

(e) If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international law in the former Yugoslavia, the authority of section 552(c) of the Foreign Assistance Act of 1961, as amended, may be used to provide up to $25,000,000 of commodities and services to the United Nations War Crimes Tribunal, without regard to the ceiling limitation contained in paragraph (2) thereof: *Provided,* That the determination required under this subsection shall be in lieu of any determinations otherwise required under section 552(c).

SPECIAL AUTHORITIES

SEC. 549. (a) Funds appropriated in title II of this Act that are made available for Haiti, Afghanistan, Lebanon, and Cambodia, and for victims of war, displaced children, displaced Burmese, humanitarian assistance for Romania, and humanitarian assistance for the peoples of Bosnia-Hercegovina, Croatia, and Kosova, may be made available notwithstanding any other provision of law: *Provided,* That any such funds that are made available for Cambodia shall be subject to the provisions of section 531(e) of the Foreign Assistance Act of 1961 and section 906 of the International Security and Development Cooperation Act of 1985: *Provided further,* That the President shall terminate assistance to any Cambodian organization that he determines is cooperating, tactically or strategically, with the Khmer Rouge in their military operations. President.

(b) Funds appropriated by this Act to carry out the provisions of sections 103 through 106 of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law, for the purpose of supporting tropical forestry and energy programs aimed at reducing emissions of greenhouse gases with regard to the key countries in which deforestation and energy policy would make a significant contribution to global warming: *Provided,* That such assistance shall be subject to sections 116, 502B, and 620A of the Foreign Assistance Act of 1961. Global warming.

(c) During fiscal year 1994, the President may use up to $50,000,000 under the authority of section 451 of the Foreign Assistance Act of 1961, notwithstanding the funding ceiling contained in subsection (a) of that section.

POLICY ON TERMINATING THE ARAB LEAGUE BOYCOTT OF ISRAEL

SEC. 550. (a) FINDINGS.—The Congress finds that—

(1) since 1948 the Arab countries have maintained a primary boycott against Israel, refusing to do business with Israel;

(2) since the early 1950s the Arab League has maintained a secondary and tertiary boycott against American and other companies that have commercial ties with Israel;

(3) the boycott seeks to coerce American firms by blacklisting those that do business with Israel and harm America's competitiveness;

(4) the United States has a longstanding policy opposing the Arab League boycott and United States law prohibits American firms from providing information to Arab countries to demonstrate compliance with the boycott;

(5) with real progress being made in the Middle East peace process and the serious confidence-building measures taken by the State of Israel an end to the Arab boycott of Israel and of American companies that have commercial ties with Israel is long overdue and would represent a significant confidence-building measure; and

(6) in the interest of Middle East peace and free commerce, the President must take more concrete steps to press the Arab states to end their practice of blacklisting and boycotting American companies that have trade ties with Israel.

(b) POLICY.—It is the sense of the Congress that—

(1) the Arab League countries should immediately and publicly renounce the primary boycott of Israel and the second-

ary and tertiary boycott of American firms that have commercial ties with Israel and

(2) the President should—

(A) take more concrete steps to encourage vigorously Arab League countries to renounce publicly the primary boycotts of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel as a confidence-building measure;

(B) take into consideration the participation of any recipient country in the primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel when determining whether to sell weapons to said country;

(C) report to Congress on the specific steps being taken by the President to bring about a public renunciation of the Arab primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel; and

(D) encourage the allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

ANTI-NARCOTICS ACTIVITIES

SEC. 551. (a) Of the funds appropriated by this Act under the heading "Economic Support Fund", assistance may be provided as follows:

(1) To strengthen the administration of justice in countries in Latin America and the Caribbean in accordance with the provisions of section 534 of the Foreign Assistance Act of 1961, except that programs to enhance protection of participants in judicial cases may be conducted notwithstanding section 660 of that Act.

(2) Notwithstanding section 660 of the Foreign Assistance Act of 1961, up to $6,000,000 may be made available for technical assistance, training, and commodities with the objective of creating a professional civilian police force for Panama, and for programs to improve penal institutions and the rehabilitation of offenders in Panama (which programs may be conducted other than through multilateral or regional institutions), except that such technical assistance shall not include more than $3,000,000 for the procurement of equipment for law enforcement purposes, and shall not include lethal equipment.

(b) Funds made available pursuant to this section may be made available notwithstanding the third sentence of section 534(e) of the Foreign Assistance Act of 1961. Funds made available pursuant to subsection (a)(1) for Bolivia, Colombia and Peru and subsection (a)(2) may be made available notwithstanding section 534(c) and the second sentence of section 534(e) of the Foreign Assistance Act of 1961.

ELIGIBILITY FOR ASSISTANCE

SEC. 552. (a) ASSISTANCE THROUGH NONGOVERNMENTAL ORGANIZATIONS.—Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from funds appropriated by this Act to carry out

the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961: *Provided,* That the President shall take into consideration, in any case in which a restriction on assistance would be applicable but for this subsection, whether assistance in support of programs of nongovernmental organizations is in the national interest of the United States: *Provided further,* That before using the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the Committees on Appropriations under the regular notification procedures of those committees, including a description of the program to be assisted, the assistance to be provided, and the reasons for furnishing such assistance: *Provided further,* That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilizations contained in this or any other Act.

President.

President.

Abortion.
Sterilization.

(b) PUBLIC LAW 480.—During fiscal year 1994, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under titles I and II of the Agricultural Trade Development and Assistance Act of 1954: *Provided,* That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

(c) EXCEPTION.—This section shall not apply—

(1) with respect to section 529 of this Act or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

Terrorism.

(2) with respect to section 116 of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that violate internationally recognized human rights.

Human rights.

EARMARKS

SEC. 553. (a) Funds appropriated by this Act which are earmarked may be reprogrammed for other programs within the same account notwithstanding the earmark if compliance with the earmark is made impossible by operation of any provision of this or any other Act or, with respect to a country with which the United States has an agreement providing the United States with base rights or base access in that country, if the President determines that the recipient for which funds are earmarked has significantly reduced its military or economic cooperation with the United States since enactment of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991; however, before exercising the authority of this subsection with regard to a base rights or base access country which has significantly reduced its military or economic cooperation with the United States, the President shall consult with, and shall provide a written policy justification to the Committees on Appropriations: *Provided,* That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further,* That assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided.

President.

(b) In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this

Act and administered by the Agency for International Development that are earmarked for particular programs or activities by this or any other Act shall be extended for an additional fiscal year if the Administrator of such agency determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such earmarked funds can be obligated during the original period of availability: *Provided,* That such earmarked funds that are continued available for an additional fiscal year shall be obligated only for the purpose of such earmark.

CEILINGS AND EARMARKS

SEC. 554. Ceilings and earmarks contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs.

EXCESS DEFENSE ARTICLES

SEC. 555. The authority of section 519 of the Foreign Assistance Act of 1961, as amended, may be used in fiscal year 1994 to provide nonlethal excess defense articles to countries for which United States foreign assistance has been requested and for which receipt of such articles was separately justified for the fiscal year, without regard to the restrictions in subsection (a) of section 519.

REAL PROPERTY MANAGEMENT

SEC. 556. Any funds remaining in the Acquisition of Property Revolving Fund administered by the Agency for International Development may be transferred to, and consolidated and merged with, funds in the Property Management Fund established pursuant to section 585 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991 (Public Law 101–513).

PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 557. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of enactment of this Act by the Congress.

DISADVANTAGED ENTERPRISES

Minorities.

SEC. 558. (a) Except to the extent that the Administrator of the Agency for International Development determines otherwise, not less than 10 percent of the aggregate amount made available for the current fiscal year for the "Development Assistance Fund", "Population, Development Assistance", and the "Development Fund for Africa" shall be made available only for activities of United States organizations and individuals that are—

(1) business concerns owned and controlled by socially and economically disadvantaged individuals,

(2) historically black colleges and universities,

(3) colleges and universities having a student body in which more than 40 per centum of the students are Hispanic American, and

(4) private voluntary organizations which are controlled by individuals who are socially and economically disadvantaged.

(b)(1) In addition to other actions taken to carry out this section, the actions described in paragraphs (2) through (5) shall be taken with respect to development assistance and assistance for sub-Saharan Africa for the current fiscal year.

(2) Notwithstanding any other provision of law, in order to achieve the goals of this section, the Administrator—

(A) to the maximum extent practicable, shall utilize the authority of section 8(a) of the Small Business Act (15 U.S.C. 637(a));

(B) to the maximum extent practicable, shall enter into contracts with small business concerns owned and controlled by socially and economically disadvantaged individuals, and organizations contained in paragraphs (2) through (4) of subsection (a)— Contracts. Small business.

(i) using less than full and open competitive procedures under such terms and conditions as the Administrator deems appropriate, and

(ii) using an administrative system for justifications and approvals that, in the Administrator's discretion, may best achieve the purpose of this section; and

(C) shall issue regulations to require that any contract in excess of $500,000 contain a provision requiring that no less than 10 per centum of the dollar value of the contract be subcontracted to entities described in subsection (a), except— Regulations.

(i) to the extent the Administrator determines otherwise on a case-by-case or category-of-contract basis; and

(ii) this subparagraph does not apply to any prime contractor that is an entity described in subsection (a).

(3) Each person with contracting authority who is attached to the Agency's headquarters in Washington, as well as all Agency missions and regional offices, shall notify the Agency's Office of Small and Disadvantaged Business Utilization at least seven business days before advertising a contract in excess of $100,000, except to the extent that the Administrator determines otherwise on a case-by-case or category-of-contract basis.

(4) The Administrator shall include, as part of the performance evaluation of any mission director of the agency, the mission director's efforts to carry out this section.

(5) The Administrator shall submit to the Congress annual reports on the implementation of this section. Each such report shall specify the number and dollar value or amount (as the case may be) of prime contracts, subcontracts, grants, and cooperative agreements awarded to entities described in subsection (a) during the preceding fiscal year. Reports.

(c) As used in this section, the term "socially and economically disadvantaged individuals" has the same meaning that term is given for purposes of section 8(d) of the Small Business Act, except that the term includes women.

USE OF AMERICAN RESOURCES

SEC. 559. To the maximum extent possible, assistance provided under this Act and title VI should make full use of American resources, including commodities, products, and services.

ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

SEC. 560. (a) Funds appropriated by this Act under the heading "Assistance for the New Independent States of the Former Soviet Union", and funds appropriated by the Supplemental Appropriations for the New Independent States of the Former Soviet Union Act, 1993, should be allocated for economic assistance and for related programs as follows:

(1) $893,820,000 for the purpose of private sector development, including through the support of bilateral and multilateral enterprise funds, technical assistance and training, agribusiness programs and agricultural credit, financing and technical assistance for small and medium private enterprises, and privatization efforts.

(2) $125,000,000 for the purpose of a special privatization and restructuring fund: *Provided,* That the United States contribution for such fund shall not exceed one-quarter of the aggregate amount being made available for such fund by all countries.

(3) $185,000,000 for the purpose of enhancing trade with and investment in the New Independent States of the former Soviet Union, including through energy and environment commodity import assistance, costs of loans and loan guarantees and the provision of trade and investment technical assistance.

(4) $295,000,000 for the purpose of enhancing democratic initiatives, including through the support of a comprehensive program of exchanges and training, assistance designed to foster the rule of law, and encouragement of independent media.

(5) $190,000,000 for the purpose of supporting troop withdrawal, including through the support of an officer resettlement program, and technical assistance for the housing sector.

(6) $285,000,000 for the purpose of supporting the energy and environment sectors, including such programs as nuclear reactor safety, and technical assistance to foster the efficiency and privatization of the energy sector and making that sector more environmentally responsible.

(7) $239,000,000 for humanitarian assistance purposes, including to provide vaccines and medicines for vulnerable populations, to assist in the establishment of a sustainable pharmaceutical industry, to provide food assistance, and to meet other urgent humanitarian needs.

(b) With respect to funds allocated under subsection (a) of this section, notifications provided under section 515 of this Act shall reflect the categories listed in subsection (a): *Provided,* That the Committees on Appropriations shall be consulted with respect to the submission of notifications which would cause any category to exceed the allocation reflected in subsection (a).

(c) Funds made available in this Act for assistance to the New Independent States of the former Soviet Union shall be provided to the maximum extent feasible through the private sector, including private voluntary organizations and nongovernmental organizations functioning in the New Independent States.

(d) Of the funds appropriated by this or any other Act, not less than $300,000,000 should be made available for Ukraine.

(e) None of the funds appropriated by this Act shall be transferred to the Government of Russia—

(1) unless that Government is making progress in implementing comprehensive economic reforms based on market principles, private ownership, negotiating repayment of commercial debt, respect for commercial contracts, and equitable treatment of foreign private investment; and

(2) if that Government applies or transfers United States assistance to any entity for the purpose of expropriating or seizing ownership or control of assets, investments, or ventures.

(f) Funds may be furnished without regard to subsection (e) if the President determines that to do so is in the national interest.

(g) None of the funds appropriated by this Act shall be made available to any government of the New Independent States of the former Soviet Union if that government directs any action in violation of the territorial integrity or national sovereignty of any other New Independent State, such as those violations included in Principle Six of the Helsinki Final Act: *Provided,* That such funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national interest of the United States: *Provided further,* That the restriction of this subsection shall not apply to the use of such funds for the provision of assistance for purposes of humanitarian, disaster and refugee relief: *Provided further,* That thirty days after the date of enactment of this Act, and then annually thereafter, the Secretary of State shall report to the Committees on Appropriations on steps taken by the governments of the New Independent States concerning violations referred to in this subsection: *Provided further,* That in preparing this report the Secretary shall consult with the United States Representative to the Conference on Security and Cooperation in Europe.

22 USC 5814 note.

Reports.

(h) None of the funds appropriated by this Act for the New Independent States of the former Soviet Union shall be made available for any state to enhance its military capability: *Provided,* That this restriction does not apply to demilitarization, defense conversion or non-proliferation programs, or programs conducted under subsection (a)(5) of this section.

ANDEAN NARCOTICS INITIATIVE

SEC. 561. None of the funds appropriated by this Act under the headings "Economic Support Fund" and "Foreign Military Financing Program" may be made available for the Andean Narcotics Initiative until the Secretary of State consults with, and provides a new Andean counter-narcotics strategy (including budget estimates) to, the Committees on Appropriations.

LIMITATIONS ON ASSISTANCE FOR NICARAGUA

SEC. 562. (a) None of the funds appropriated by this Act under the heading "Economic Support Fund" may be made available to the Government of Nicaragua until the Secretary of State determines and reports in writing to the appropriate committees that—

Terrorism.

(1) there has been a full and independent investigation conducted relating to issues raised by the discovery, after the May 23 explosion in Managua, of weapons caches, false passports, identity papers and other documents, suggesting the existence of a terrorist/kidnapping ring; and

(2) any individuals identified by the investigation cited in paragraph (1) as being part of such ring, including all govern-

ment officials (including any members of the armed forces or security forces) are being prosecuted.

(b) In addition to subsection (a), funds appropriated by this Act under the heading "Economic Support Fund" may only be made available to the Government of Nicaragua upon the notification, in writing, by the Secretary of State to the appropriate committees that he has determined that significant and tangible progress is being made by the Government of Nicaragua toward—

(1) the resolution of expropriation claims and the effective compensation of legitimate claims;

Human rights.

(2) the timely implementation of recommendations made by the Tripartite Commission as it undertakes to review and identify those responsible for gross human rights violations, including the expeditious prosecution of individuals identified by the commission in connection with such violations;

(3) the enactment into law of legislation to reform the Nicaraguan military and security forces in order to guarantee civilian control over the armed forces;

(4) the establishment of civilian control over the police, and the independence of the police from the military; and

(5) the effective reform of the Nicaraguan judicial system.

(c) The notification pursuant to subsection (b) shall include a detailed listing of the tangible evidence that forms the basis for such determination.

(d) For purposes of this section, the term "appropriate committees" means the Committees on Foreign Relations and Appropriations of the Senate and the Committees on Foreign Affairs and Appropriations of the House of Representatives.

LIMITATIONS ON ASSISTANCE FOR HAITI

SEC. 563. (a) Notwithstanding any provision of this or any other Act, none of the funds appropriated by this Act may be obligated or expended for the purpose of military-related civic action programs, police training, or military training for Haiti—

(1) prior to October 30, 1993, unless such programs or training constitutes an integral part of a United Nations-sponsored, multilateral initiative in furtherance of the implementation of the Governor's Island Accords, signed on July 3, 1993; and

(2) on or after October 30, 1993, in order to strengthen civilian control over the military and to establish an independent civilian police force, without the concurrence of the duly-elected President of Haiti.

(b) Notwithstanding any provision of this or any other Act, none of the funds appropriated by this Act may be used to provide military assistance or military training to any member of the Haitian Armed Forces who the Secretary of State knows or has reason to believe, based on all credible information available to him—

Drug trafficking.

(1) is or has been an illicit trafficker in any narcotic or psychotropic drug or other controlled substance, or is or has been a knowing assistor, abettor, conspirator, or colluder with others in the illicit trafficking in any such substance; or

Human rights.

(2) is or has participated in gross violations of internationally recognized human rights.

AGRICULTURAL AID TO THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

SEC. 564. Of the funds appropriated by titles II and VI of this Act under the headings "Assistance for the New Independent States of the Former Soviet Union" and "Operations and Maintenance, Defense Agencies", up to $50,000,000 should be made available only for provision of United States agricultural commodities to address the food and nutrition needs of the people of the new independent states of the former Soviet Union: *Provided,* That in providing assistance under this section, primary emphasis shall be given to meeting the food and nutrition needs of children and pregnant and post-partum women: *Provided further,* That funds made available for the purposes of this section may be used for transportation of United States agricultural commodities provided under this section: *Provided further,* That the President may enter into agreements with the governments of the new independent states and nongovernmental organizations to provide for the sale of any part of the United States agricultural commodities in the new independent states for local currencies: *Provided further,* That any such local currencies shall be used in the new independent states to process, transport, store, distribute or otherwise enhance the effectiveness of the use of United States agricultural commodities provided under this section, and to support agricultural and rural development activities.

Children and youth.
Women.

HUMANITARIAN ASSISTANCE FOR ARMENIA

SEC. 565. Of the funds appropriated by titles II and VI of this Act (1) to carry out the provisions of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, and (2) under the headings "Assistance for the New Independent States of the Former Soviet Union" and "Operations and Maintenance, Defense Agencies", $18,000,000 should be made available for urgent humanitarian assistance for Armenia.

PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

SEC. 566. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations.

CONSULTING SERVICES

SEC. 567. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order pursuant to existing law.

PRIVATE VOLUNTARY ORGANIZATIONS—DOCUMENTATION

SEC. 568. None of the funds appropriated or made available pursuant to this Act shall be available to a private voluntary organization which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of

the Agency for International Development, nor shall any of the funds appropriated by this Act be made available to any private voluntary organization which is not registered with the Agency for International Development.

CHEMICAL WEAPONS PROLIFERATION

SEC. 569. None of the funds appropriated by this Act may be used to finance the procurement of chemicals, dual use chemicals, or chemical agents that may be used for chemical weapons production: *Provided,* That the provisions of this section shall not apply to any such procurement if the President determines that such chemicals, dual use chemicals, or chemical agents are not intended to be used by the recipient for chemical weapons production.

SPECIAL DEBT RELIEF FOR THE POOREST

SEC. 570. (a)(1) AUTHORITY TO REDUCE DEBT.—The President may reduce amounts owed to the United States (or any agency of the United States) by an eligible country as a result of—

(A) guarantees issued under sections 221 and 222 of the Foreign Assistance Act of 1961; or

(B) credits extended or guarantees issued under the Arms Export Control Act.

(2) LIMITATIONS.—

(A) The authority provided by paragraph (1) may be exercised only to implement multilateral official debt relief and referendum agreements, commonly referred to as "Paris Club Agreed Minutes".

(B) The authority provided by paragraph (1) may be exercised only in such amounts or to such extent as is provided in advance by appropriations Acts.

(C) The authority provided by paragraph (1) may be exercised only with respect to countries with heavy debt burdens that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as "IDA-only" countries.

(3) CONDITIONS.—The authority provided by paragraph (1) may be exercised only with respect to a country whose government—

(A) does not have an excessive level of military expenditures;

(B) has not repeatedly provided support for acts of international terrorism;

(C) is not failing to cooperate on international narcotics control matters; and

(D) (including its military or other security forces) does not engage in a consistent pattern of gross violations of internationally recognized human rights.

(4) AVAILABILITY OF FUNDS.—The authority provided by paragraph (1) may be used only with regard to funds appropriated by this Act under the heading "Debt Restructuring".

(5) CERTAIN PROHIBITIONS INAPPLICABLE.—A reduction of debt pursuant to paragraph (1) shall not be considered assistance for purposes of any provision of law limiting assistance to a country.

(b) SPECIAL DEBT RELIEF FOR THE POOREST, MOST HEAVILY INDEBTED COUNTRIES.—The Export-Import Bank Act of 1945 (12 U.S.C. 635–635i–3) is amended by adding at the end the following:

12 USC 635i-8.

"SEC. 11. SPECIAL DEBT RELIEF FOR THE POOREST, MOST HEAVILY INDEBTED COUNTRIES.

"(a) DEBT REDUCTION AUTHORITY.—The President may reduce amounts of principle and interest owed by any eligible country to the Bank as a result of loans or guarantees made under this Act.

"(b) LIMITATIONS.—

"(1) TYPES OF DEBT REDUCTION.—The authority provided by subsection (a) may be exercised only to implement multilateral agreements to reduce the burden of official bilateral debt as set forth in the minutes of the so-called 'Paris Club' (also known as 'Paris Club Agreed Minutes').

"(2) ELIGIBLE COUNTRIES.—

"(A) DEFINITION.—As used in subsection (a), the term 'eligible country' means any country that—

"(i) has excessively burdensome external debt;

"(ii) is eligible to borrow from the International Development Association; and

"(iii) is not eligible to borrow from the International Bank for Reconstruction and Development.

"(B) DETERMINATIONS.—Subject to subparagraph (A), the President may determine whether a country is an eligible country for purposes of subsection (a).

"(c) CONDITIONS.—The authority provided by this section may be exercised only with respect to a country whose government—

"(1) does not have an excessive level of military expenditures;

"(2) has not repeatedly provided support for acts of international terrorism;

"(3) is not failing to cooperate on international narcotics control matters; and

"(4) (including its military or other security forces) does not engage in a consistent pattern of gross violations of internationally recognized human rights.

"(d) APPROPRIATIONS.—The authority provided by subsection (a) may be exercised only in such amounts or to such extent as is provided in advance in appropriations Acts.".

(c) SENSE OF CONGRESS.—It is the sense of Congress that the President should seriously consider requesting debt reduction funds sufficient to provide debt reduction to eligible countries in accordance with the so-called "Trinidad Terms".

GUARANTEES

SEC. 571. Section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by inserting after subparagraph (2)(F) the following new subparagraph: 2 USC 901.

"(G) NET GUARANTEE COSTS.—The net costs for fiscal year 1994 of the appropriation made under section 601 of Public Law 102–391 are not subject to the discretionary spending limits or the Appropriations Committee's Foreign Operations Subcommittee's 602(b) allocation in fiscal year 1994.".

FOREIGN MILITARY FINANCING DIRECT COMMERCIAL SALES POLICY

SEC. 572. The Secretary of Defense shall not implement changes in longstanding policy allowing use of Foreign Military Financing for direct commercial sales unless and until all parties affected

by any such changes have been fully consulted and given opportunity for input into any such policy changes.

In this process the Secretary of Defense shall also consult with the Committees on Appropriations, the House Committee on Foreign Affairs, the Senate Committee on Foreign Relations, the Committees on Armed Services, and the relevant agencies or departments of the Executive Branch.

PROHIBITION ON ASSISTANCE TO FOREIGN GOVERNMENTS THAT EXPORT LETHAL MILITARY EQUIPMENT TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM

SEC. 573. (a) None of the funds appropriated or otherwise made available by this Act may be available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined is a terrorist government for purposes of section 40(d) of the Arms Export Control Act. The prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment. This section applies with respect to lethal military equipment provided under a contract entered into after the date of enactment of this Act.

Termination date.

(b) Assistance restricted by subsection (a) or any other similar provision of law, may be furnished if the President determines that furnishing such assistance is important to the national interests of the United States.

President. Reports.

(c) Whenever the waiver of subsection (b) is exercised, the President shall submit to the appropriate congressional committees a report with respect to the furnishing of such assistance. Any such report shall include a detailed explanation of the assistance to be provided, including the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interests.

WITHHOLDING OF ASSISTANCE FOR PARKING FINES OWED BY FOREIGN COUNTRIES

Reports.

SEC. 574. (a) IN GENERAL.—Of the funds made available for a foreign country under part I of the Foreign Assistance Act of 1961, an amount equivalent to 110 percent of the total unpaid fully adjudicated parking fines and penalties owed to the District of Columbia by such country as of the date of enactment of this Act shall be withheld from obligation for such country until the Secretary of State certifies and reports in writing to the appropriate congressional committees that such fines and penalties are fully paid to the government of the District of Columbia.

(b) DEFINITION.—For purposes of this section, the term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

UKRAINE/RUSSIA STABILIZATION PARTNERSHIPS

SEC. 575. Of the funds appropriated by this Act under the headings "Assistance for the New Independent States of the Former Soviet Union" and "Operations and Maintenance, Defense Agencies", and allocated under section 560(a) paragraphs (1) and (6),

$35,000,000 should be made available for a program of cooperation between scientific and engineering institutes in the New Independent States of the former Soviet Union and national laboratories and other qualified academic institutions in the United States designed to stabilize the technology base in the cooperating states as each strives to convert defense industries to civilian applications: *Provided,* That priority be assigned to programs in support of international agreements that prevent and reduce proliferation of weapons of mass destruction: *Provided further,* That the President may enter into agreements involving private United States industry that include cost share arrangements where feasible: *Provided further,* That the President may participate in programs that enhance the safety of power reactors: *Provided further,* That the intellectual property rights of all parties to a program of cooperation be protected: *Provided further,* That funds made available by this section may be reallocated in accordance with the authority of section 560(b) of this Act.

RUSSIAN ASSISTANCE TO CUBA

SEC. 576. Of the funds appropriated by this Act under the headings "Assistance for the New Independent States of the Former Soviet Union" and "Operations and Maintenance, Defense Agencies", $380,000,000 shall not be available for obligation for Russia unless the President certifies on April 1, 1994, that the Government of Russia has not provided assistance to Cuba during the preceding eighteen months: *Provided,* That funds may be furnished without regard to the provisions of this section if the President determines that to do so is in the national interest.

RESTRICTION ON ASSISTANCE FOR RUSSIA

SEC. 577. (a) PROHIBITION.—None of the funds appropriated or otherwise made available by this Act (other than funds to carry out humanitarian assistance) may be available in any fiscal year for Russia unless the President has certified to the Congress not more than 6 months in advance of the obligation or expenditure of such funds that—

(1) the Government of Russia and the Governments of Latvia and Estonia have established a timetable for the withdrawal of the armed forces of Russia and the Commonwealth of Independent States, and all parties are complying with such timetable; or

(2) Russia and the Commonwealth of Independent States continue to make substantial progress toward the withdrawal of their armed forces from Latvia and Estonia.

(b) TERMINATION OF CERTIFICATION REQUIREMENT.—Subsection (a) shall remain in force until the President certifies to the Congress that all of the armed forces of Russia and the Commonwealth of Independent States have withdrawn from Latvia and Estonia or that the status of those armed forces has been otherwise resolved by mutual agreement of the parties.

MIDDLE EAST PEACE FACILITATION ACT

SEC. 578. (a) Until February 15, 1994, the President shall have the authority to waive section 307 of the Foreign Assistance Act, as amended, with respect to the Palestine Liberation Organization (PLO), programs for the PLO, and programs for the benefit

President.

of entities associated with it, which accept the commitments made by the PLO on September 9, 1993: *Provided,* That before exercising this authority, the President shall consult with the relevant committees of the Senate and the House of Representatives: *Provided further,* That the President determines, and notifies Congress that to do so is in the national interest.

(b) Subsection (a) shall cease to have effect if at any time prior to February 15, 1994, the President determines and so notifies Congress that the PLO has ceased to comply with the commitments it made on September 9, 1993, or the Congress, by joint resolution, determines that the PLO has ceased to comply with the commitments it made on September 9, 1993.

RUSSIAN REFORM

SEC. 579. (a) FINDINGS.—The Congress finds that—

(1) President Yeltsin has consistently tried to push forward economic and political reform;

(2) President Yeltsin was given a mandate by the Russian people to hold elections and continue the process of economic reform;

(3) Boris Yeltsin is the first and only popularly elected president of Russia, and the parliament of Russia is a holdover from the Soviet regime;

(4) the conservative parliament has consistently impeded political and economic progress in Russia;

(5) slow progress on economic reform has prompted the IMF to review its disbursement of Russia's second tranche from the Systemic Transformation Facility;

(6) political and economic reform has been impeded by the actions of the hardline parliament; and

(7) corruption is rampant and is impeding economic and political reform and must be vigorously and effectively combated.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) the Congress supports President Yeltsin in his effort to continue the reform process in Russia, including his call for new parliamentary elections consistent with the results of the April 25, 1993 referendum; and

(2) further United States Government economic assistance should be provided in accordance with President Yeltsin's call for the holding of free, fair, and democratic parliamentary elections.

Titles I through V of this Act may be cited as the "Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1994".

Supplemental Appropriations for the New Independent States of the Former Soviet Union Act, 1993.

TITLE VI—FISCAL YEAR 1993 SUPPLEMENTAL APPROPRIATIONS

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1993, and for other purposes, namely:

FUNDS APPROPRIATED TO THE PRESIDENT

ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

For an additional amount for the "Assistance for the new independent states of the former Soviet Union" and for related programs, $630,000,000, to be available upon enactment and to remain available until expended, of which not to exceed $500,000,000 may be made available for a special privatization and restructuring fund: *Provided,* That the United States contribution for such fund shall not exceed one-quarter of the aggregate amount being made available for such fund by all countries: *Provided further,* That the provisions of section 498B(j) of the Foreign Assistance Act of 1961 shall apply to funds appropriated by this paragraph.

DEPARTMENT OF DEFENSE

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

For an additional amount for "Operation and maintenance, Defense Agencies", $979,000,000, to be available upon enactment and to remain available until September 30, 1994: *Provided,* That the Secretary of Defense may transfer such funds to other appropriations available to the Department of Defense for the purposes of providing assistance to the new independent states of the former Soviet Union: *Provided further,* That the Secretary of Defense may transfer such funds to appropriations available to the Department of State and other agencies of the United States Government for the purposes of providing assistance and related programs for the new independent states of the former Soviet Union for programs that the President determines will increase the national security of the United States: *Provided further,* That the amounts transferred shall be available subject to the same terms and conditions as the appropriations to which transferred: *Provided further,* That the authority to make transfers pursuant to this provision is in addition to any other transfer authority of the Department of Defense.

This title may be cited as the "Supplemental Appropriations for the New Independent States of the Former Soviet Union Act, 1993".

Approved September 30, 1993.

LEGISLATIVE HISTORY—H.R. 2295:

HOUSE REPORTS: Nos. 103-125 (Comm. on Appropriations) and 103-267 (Comm. of Conference).
SENATE REPORTS: No. 103-142 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 139 (1993):
June 17, considered and passed House.
Sept. 22, 23, considered and passed Senate, amended.
Sept. 29, House agreed to conference report.
Sept. 30, Senate agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 29 (1993):
Sept. 30, Presidential statement.

Public Law 103-88
103d Congress

Joint Resolution

Making continuing appropriations for the fiscal year 1994, and for other purposes.

Sept. 30, 1993
[H.J. Res. 267]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for the fiscal year 1994, and for other purposes, namely:

SEC. 101. (a) Such amounts as may be necessary under the authority and conditions provided in applicable appropriations Acts for the fiscal year 1993 for continuing projects or activities including the costs of direct loans and loan guarantees (not otherwise specifically provided for in this joint resolution) which were conducted in the fiscal year 1993 and for which appropriations, funds, or other authority would be available in the following appropriations Acts:

The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1994;

The Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1994, notwithstanding section 15 of the State Department Basic Authorities Act of 1956 and section 701 of the United States Information and Educational Exchange Act of 1948;

The Department of Defense Appropriations Act, 1994, notwithstanding section 504(a)(1) of the National Security Act of 1947;

The District of Columbia Appropriations Act, 1994;

The Energy and Water Development Appropriations Act, 1994;

The Department of the Interior and Related Agencies Appropriations Act, 1994;

The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1994;

The Military Construction Appropriations Act, 1994;

The Department of Transportation and Related Agencies Appropriations Act, 1994;

The Treasury, Postal Service, and General Government Appropriations Act, 1994; and

The Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1994:

Provided, That whenever the amount which would be made available or the authority which would be granted in these Acts is

greater than that which would be available or granted under current operations, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate.

(b) Whenever the amount which would be made available or the authority which would be granted under an Act listed in this section as passed by the House as of October 1, 1993, is different from that which would be available or granted under such Act as passed by the Senate as of October 1, 1993, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate or the rate permitted by the action of the House or the Senate, whichever is lower, and under the authority and conditions provided in applicable appropriations Acts for the fiscal year 1993: *Provided*, That where an item is included in only one version of an Act as passed by both Houses as of October 1, 1993, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the one House, but at a rate for operations not exceeding the current rate or the rate permitted by the action of the one House, whichever is lower, and under the authority and conditions provided in applicable appropriations Acts for the fiscal year 1993.

(c) Whenever an Act listed in this section has been passed by only the House as of October 1, 1993, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the House, at a rate for operations not exceeding the current rate or the rate permitted by the action of the House, whichever is lower, and under the authority and conditions provided in applicable appropriations Acts for the fiscal year 1993: *Provided*, That where an item is funded in applicable appropriations Acts for the fiscal year 1993 and not included in the version passed by the House as of October 1, 1993, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by applicable appropriations Acts for the fiscal year 1993 at a rate for operations not exceeding the current rate and under the authority and conditions provided in applicable appropriations Acts for the fiscal year 1993.

(d) Notwithstanding any other provision of this section, the amount which would otherwise be made available or the authority which would otherwise be granted under subsection (a), (b), or (c) for civilian personnel compensation and benefits in each department and agency shall be no higher than the amount or authority necessary to support the personnel level resulting from an overall fiscal year 1993 personnel reduction of 1 percent from each department or agency's base level of full-time equivalent employment consistent with 1993 enacted appropriations, pursuant to Executive Order 12839, issued February 10, 1993.

SEC. 102. No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used for new production of items not funded for production in fiscal year 1993 or prior years, for the increase in production rates above those sustained with fiscal year 1993 funds, or to initiate, resume, or continue any project, activity, operation, or organization which are defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element and for investment items are further defined as a P–1 line item in a budget activity within an appropriation account and an R–1 line item which includes a program element and subprogram element within an appropriation account, for which

appropriations, funds, or other authority were not available during the fiscal year 1993: *Provided*, That no appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used to initiate multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later.

SEC. 103. Appropriations made by section 101 shall be available to the extent and in the manner which would be provided by the pertinent appropriations Act.

SEC. 104. No appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during the fiscal year 1993.

SEC. 105. No provision which is included in an appropriations Act enumerated in section 101 but which was not included in the applicable appropriations Act for fiscal year 1993 and which by its terms is applicable to more than one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in this joint resolution.

SEC. 106. Unless otherwise provided for in this joint resolution or in the applicable appropriations Act, appropriations and funds made available and authority granted pursuant to this joint resolution shall be available until (a) enactment into law of an appropriation for any project or activity provided for in this joint resolution, or (b) the enactment of the applicable appropriations Act by both Houses without any provision for such project or activity, or (c) October 21, 1993, whichever first occurs.

SEC. 107. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any program, project, or activity during the period for which funds or authority for such project or activity are available under this joint resolution.

SEC. 108. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 109. No provision in any appropriations Act for the fiscal year 1994 referred to in section 101 of this joint resolution that makes the availability of any appropriation provided therein dependent upon the enactment of additional authorizing or other legislation shall be effective before the date set forth in section 106(c) of this joint resolution.

SEC. 110. Appropriations and funds made available by or authority granted pursuant to this joint resolution may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds.

SEC. 111. Notwithstanding any other provision of this joint resolution, except section 106, activities funded in the Council on Environmental Quality and Office of Environmental Quality account shall be maintained at the current rate of operations.

SEC. 112. Notwithstanding any other provision of this joint resolution, except section 106, activities funded in the Selective Service System, Salaries and expenses account shall be maintained at the current rate of operations.

Approved September 30, 1993.

LEGISLATIVE HISTORY—H.J. Res. 267:

CONGRESSIONAL RECORD, Vol. 139 (1993):
Sept. 29, considered and passed House and Senate.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 29 (1993):
Sept. 30, Presidential statement.

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PUBLIC LAWS

(CONTINUED)

Public Law 103-89
103d Congress

An Act

To amend title 5, United States Code, to provide for a temporary extension and the orderly termination of the performance management and recognition system, and for other purposes.

Sept. 30, 1993
[H.R. 3019]

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

Performance Management and Recognition System Termination Act.
Government employees.
5 USC 5301 note.
5 USC 5410 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Performance Management and Recognition System Termination Act".

SEC. 2. TEMPORARY EXTENSION.

Effective as of September 30, 1993, section 5410 of title 5, United States Code, is amended by striking "September 30, 1993" and inserting "October 31, 1993".

SEC. 3. TERMINATION PROVISIONS.

(a) IN GENERAL.—

(1) REPEAL.—Chapter 54 of title 5, United States Code, is repealed. 5 USC 5401–5410.

(2) ANALYSIS.—The analysis for part III of title 5, United States Code, is amended by striking the item relating to chapter 54.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TITLE 5, UNITED STATES CODE.—Title 5, United States Code, is amended—

(A) in section 3372(d) by striking "additional step-increases, merit pay, and cash awards, as defined in chapters 53 and 54" and inserting "and additional step-increases, as defined in chapter 53";

(B)(i) by striking section 4302a; and

(ii) in the analysis for chapter 43 by striking the item relating to section 4302a;

(C) by amending subparagraph (A) of section 4501(2) to read as follows:

"(A) an employee as defined by section 2105; and";

(D) in section 4502(e) by striking paragraph (1) and by striking "(2)";

(E) in section 5302—

(i) in paragraph (8)—

(I) in subparagraph (A) by inserting "and" after the semicolon; and

(II) by striking subparagraph (B) and redesignating subparagraph (C) as subparagraph (B); and

(ii) in paragraph (9) by striking "applies (including any position under the performance management and recognition system)." and inserting "applies.";

(F) in section 5332(a)(1) by striking ", except an employee covered by the performance management and recognition system established under chapter 54,";

(G) in section 5334—

(i) in subsection (c)(2) by striking "step," and all that follows through "any dollar amount," and inserting "step"; and

(ii) by striking subsection (f) and redesignating subsection (g) as subsection (f);

(H) in section 5335—

(i) in subsection (e) by striking "covered by the performance management and recognition system established under chapter 54 of this title, or,"; and

(ii) by striking subsection (f) and redesignating subsection (g) as subsection (f);

(I) in section 5336(c) by striking "covered by the performance management and recognition system established under chapter 54 of this title, or,";

(J) in section 5361(5) by striking all that follows "of this chapter," and inserting "or a special occupational pay system under subchapter IX;";

(K) in section 5362(c)—

(i) in the matter before paragraph (1) by striking "chapters 54 and 55 of this title, retirement and life insurance under chapters 83 and 87" and inserting "chapter 55 of this title, retirement and life insurance under chapters 83, 84, and 87";

(ii) by inserting "or" at the end of paragraph (2); and

(iii) by striking paragraph (3) and redesignating paragraph (4) as paragraph (3);

(L) in section 5363(c)(2) by striking "chapter 51, 53, or 54" and inserting "chapter 51 or 53";

(M) in section 5948(g)(1) by striking subparagraph (C) and redesignating subparagraphs (D) through (L) as subparagraphs (C) through (K), respectively; and

(N) in section 8473(b)(8) by striking "individuals subject to the Performance Management and Recognition System under chapter 54 of this title;" and inserting "supervisors and management officials (as defined by section 7103(a));".

(2) FEPCA.—Section 302(b)(1) of the Federal Employees Pay Comparability Act of 1990 (5 U.S.C. 5304 note) is amended by striking "(including an employee covered by the performance management and recognition system)".

(3) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended—

(A) in section 1602 by inserting ", as in effect on October 31, 1993" after "section 5401 of title 5";

(B) in section 1732(b)(1)(A) by striking "Schedule (including any employee covered by chapter 54 of title 5)." and inserting "Schedule."; and

(C) in section 1733(b)(1)(A)(i) by striking "Schedule (including an employee covered by chapter 54 of title 5)," and inserting "Schedule,".

(4) TITLE 31, UNITED STATES CODE.—Section 731(b) of title 31, United States Code, is amended by inserting ", as in effect on October 31, 1993" after "section 5401 of title 5".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as of November 1, 1993. 5 USC 3372 note.

SEC. 4. TREATMENT OF EMPLOYEES COVERED BY THE SYSTEM AS OF ITS TERMINATION DATE. Pay scales. 5 USC 5401 note.

(a) DEFINITIONS.—For purposes of this section—

(1) the term "employee" means an individual employed by an agency (within the meaning of section 7103(a)(3) of title 5, United States Code);

(2) the term "performance management and recognition system" means the performance management and recognition system under chapter 54 of title 5, United States Code;

(3) the term "basic pay" does not include any amount payable under section 302 or title IV of FEPCA or section 5304 or 5304a of title 5, United States Code;

(4) the term "pay rate", as used in clauses (iii) through (v) of subsection (c)(2)(B), is used in the same way as such term is used under section 5335(a) of title 5, United States Code; and

(5) the term "FEPCA" means the Federal Employees Pay Comparability Act of 1990 (contained in the Treasury, Postal Service and General Government Appropriations Act, 1991 (Public Law 101–509; 104 Stat. 1427)).

(b) APPLICABILITY.—Notwithstanding section 5332(a)(1) of title 5, United States Code (as amended by section 3(b)(1)(F)), or any other provision of law, the rate of basic pay for an employee covered by the performance management and recognition system on October 31, 1993, shall be determined in accordance with this section so long as such employee continues, without a break in service of more than 3 days, to occupy any position—

(1) which is in the same grade of the General Schedule, and the same agency, as the position which such employee occupied on October 31, 1993; and

(2) to which the provisions of chapter 54 of title 5, United States Code (as in effect on October 31, 1993) would apply if such provisions had remained in effect.

(c) SPECIAL RULES.—

(1) IN GENERAL.—The rate of basic pay for an employee who is subject to this section shall be the rate payable to such employee on October 31, 1993, subject to paragraph (2).

(2) ADJUSTMENTS.—Adjustments in the rate of basic pay for an employee who is subject to this section shall be made in accordance with the relevant provisions of title 5, United States Code, or otherwise applicable provisions of law, subject to the following:

(A) DEEM RATES AND POSITIONS TO BE UNDER THE GENERAL SCHEDULE.—For purposes of applying subchapters I and III of chapter 53 of such title (and the provisions of section 302 and title IV of FEPCA with respect to any payment under any of those provisions)—

(i) the rate of basic pay determined under this section for an employee shall be treated as a rate of basic pay described in section 5302(8) of such title;

(ii) the position then currently occupied by an employee who is subject to this section shall be deemed to be a "General Schedule position" within the meaning of section 5302(9) of such title; and

(iii) any employee who is subject to this section shall be considered to be a "General Schedule employee" (as referred to in section 302(b) of FEPCA).

(B) SPECIAL RULES RELATING TO PROVISIONS GOVERNING STEP-INCREASES.—For purposes of applying the provisions of sections 5335 and 5336 of title 5, United States Code, with respect to any employee who is subject to this section—

(i) any reference in such provisions to a "step-increase" shall be considered to mean an increase equal to one-ninth of the difference between the minimum and maximum rates of pay for the applicable grade of the General Schedule;

(ii) any reference in such provisions to the "next higher rate within the grade" shall be considered to mean the rate of basic pay which exceeds such employee's then current rate of basic pay by the amount of a step-increase;

(iii) if the employee's rate of basic pay is less than the rate for pay rate 4 of the applicable grade, such employee's rate of basic pay shall be governed by paragraph (1) of section 5335(a) of such title;

(iv) if the employee's rate of basic pay is equal to or greater than the rate for pay rate 4 but less than the rate for pay rate 7 of the applicable grade, such employee's rate of basic pay shall be governed by paragraph (2) of section 5335(a) of such title; and

(v) if the employee's rate of basic pay is equal to or greater than the rate for pay rate 7 but less than the maximum rate of the applicable grade, such employee's rate of basic pay shall be governed by paragraph (3) of section 5335(a) of such title.

No rate of basic pay for an employee may be increased, as a result of this subparagraph (or any provision of law to which any clause of this subparagraph relates), if or to the extent that the resulting rate would exceed the maximum rate for the grade of the position occupied by such employee.

(d) REGULATIONS.—The Office of Personnel Management shall prescribe any regulations which may be necessary for the administration of this section.

SEC. 5. MISCELLANEOUS PROVISIONS.

5 USC 5335 note.

(a) COORDINATION RULE.—Notwithstanding the amendment made by section 3(b)(1)(H)(ii), an increase in pay granted under section 5404 of title 5, United States Code, before November 1, 1993, shall be deemed to be an equivalent increase in pay within the meaning of section 5335(a) of such title.

5 USC 5401 note.

(b) PERFORMANCE AWARDS.—Notwithstanding section 2, for purposes of applying section 5406 of title 5, United States Code, the

amount under subsection (c)(1)(A)(ii) of such section 5406 with respect to awards for work performed during fiscal year 1994 shall, for each agency subject to such section 5406, be deemed to be zero.

Approved September 30, 1993.

LEGISLATIVE HISTORY—H.R. 3019:

HOUSE REPORTS: No. 103-247 (Comm. on Post Office and Civil Service).
CONGRESSIONAL RECORD, Vol. 139 (1993):
Sept. 21, considered and passed House.
Sept. 22, considered and passed Senate.

69-194 O - 94 - 2 : QL. 3 Part 2

Public Law 103-90
103d Congress

An Act

Oct. 1, 1993
[H.R. 168]

To designate the Federal building to be constructed between Gay and Market Streets and Cumberland and Church Avenues in Knoxville, Tennessee, as the "Howard H. Baker, Jr. United States Courthouse".

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

SECTION 1. DESIGNATION.

The Federal building to be constructed between Gay and Market Streets and Cumberland and Church Avenues in Knoxville, Tennessee, shall be known and designated as the "Howard H. Baker, Jr. United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Howard H. Baker, Jr. United States Courthouse".

Approved October 1, 1993.

LEGISLATIVE HISTORY—H.R. 168:

HOUSE REPORTS: No. 103-139 (Comm. on Public Works and Transportation).
CONGRESSIONAL RECORD, Vol. 139 (1993):
June 28, considered and passed House.
Sept. 15, considered and passed Senate.

Public Law 103-91
103d Congress

An Act

To provide for the consolidation and protection of the Gallatin Range.

Oct. 1, 1993
[H.R. 873]

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

Gallatin Range Consolidation and Protection Act of 1993. National Forest System.

SECTION 1. SHORT TITLE.

This Act may be referred to as the "Gallatin Range Consolidation and Protection Act of 1993".

SEC. 2. FINDINGS.

Congress finds that—

(1) the lands north of Yellowstone National Park possess outstanding natural characteristics and wildlife habitats that give the lands high value as lands added to the National Forest System; and

(2) it is in the interest of the United States for the Secretary, acting through the Forest Service, to enter into an option agreement with Big Sky Lumber Company and Louisiana Pacific Corporation to fulfill the purposes of this Act.

SEC. 3. BIG SKY LUMBER LAND EXCHANGE—GALLATIN AREA.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Agriculture (referred to in this Act as the "Secretary", unless the context otherwise requires) shall acquire by exchange certain lands and interests in lands of the Big Sky Lumber Company (referred to in this Act as the "Company"), in and adjacent to the Hyalite-Porcupine-Buffalo Horn Wilderness Study Area, the Scapegoat Wilderness Area, and other lands in the Gallatin National Forest in accordance with this section.

(b) DESCRIPTION OF LANDS.—

(1) OFFER AND ACCEPTANCE OF LAND.—If the Company offers to the United States acceptable fee title, including mineral interests, to approximately 37,752 acres of land owned by the Company and available for exchange, as depicted on two maps entitled "Proposed BSL Land Acquisitions", East Half and West Half Gallatin National Forest, dated February 1993 the Secretary shall accept a warranty deed to the land.

(2) EXCHANGE.—In exchange for the lands described in paragraph (1) and subject to valid existing rights, the Secretary of the Interior shall convey, by patent, the fee title to approximately 16,278 acres of National Forest System lands available for exchange as depicted on the maps referred to in paragraph (1), and the five maps entitled "H.R. 873, the Gallatin Range Consolidation and Protection Act of 1993", Lolo and Flathead National Forest, subject to—

(A) the reservation of ditches and canals required by the first section of the Act entitled "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-one, and for other purposes", approved August 30, 1890 (26 Stat. 371, chapter 837; 43 U.S.C. 945);

(B) the reservation of rights under Federal Oil and Gas Lease numbers 49739, 55610, 40389, 53670, 40215, 33385, 53736, and 38684; and

(C) such other terms, conditions, reservations, and exceptions as may be agreed upon by the Secretary and the Company.

(3) TERMINATION OF LEASES.—

(A) VESTING OF RIGHTS AND INTERESTS.—Upon termination or relinquishment of the leases referred to in paragraph (2)(B), all the rights and interests in such leases reserved under paragraph (2)(B) shall immediately vest in the Company and its successors and assigns.

(B) NOTICE.—The Secretary shall provide notice of the termination or relinquishment of the leases referred to in paragraph (2)(B) by a document suitable for recording in the county in which the leased lands are located.

(c) EASEMENTS.—

(1) IN GENERAL.—Reciprocal easements in accordance with this subsection shall be conveyed at the time of the exchange authorized by this section.

(2) CONVEYANCE BY THE SECRETARY.—The Secretary shall, in consideration of the easements conveyed by the Company under paragraph (3), and under the authority of section 2 of Public Law 88–257 (commonly known as the "National Forest Roads and Trails Act") (16 U.S.C. 533), or the Federal Lands Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), execute and deliver to the Company such easements or other rights-of-way over federally owned lands as may be agreed to by the Secretary and the Company.

(3) CONVEYANCE BY THE COMPANY.—The Company shall, in consideration of the easements conveyed by the Secretary under paragraph (2), execute and deliver to the United States such easements or other rights-of-way across Company-owned lands included in this exchange as may be agreed to by the Secretary and the Company.

(d) NORTH BRIDGER RANGE.—

(1) COVENANTS AND OTHER RESTRICTIONS.—As a condition of the exchange, with respect to such lands depicted on the map entitled "North Bridger Range", dated May 1993, the Company shall agree that—

(A) the holders, or their successors or assigns, of grazing leases on such lands on the date of enactment of this Act shall be permitted to continue to use such lands for grazing under terms acceptable to the Company and the permittees for so long as the Company owns such lands and for two years after the Company has sold or disposed of such lands; and

(B) the timber harvest practices used on such lands shall be conducted in accordance with Montana Forestry Best Management Practices, the Montana Streamside Zone

Management Law (Mont. Code Ann. sec. 77–5–301 et seq.), and all other applicable laws of the State of Montana.

(2) FUTURE ACQUISITION.—The Secretary shall consider the desirability of possible acquisition, through exchange under existing law, of any of the lands described in paragraph (1), and shall, not later than one year after the date of enactment of this Act, report to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives concerning the desirability of an exchange. Reports.

(e) TIMING OF TRANSACTION.—

(1) DETERMINATION.—The Secretary shall review the title for the non-Federal lands described in subsection (b), and the appraisal and titles for the non-Federal lands described in sections 4 and 5, and, within sixty days after receipt of all applicable appraisal and title documents from the Company, determine whether—

(A) the applicable title standards for Federal land acquisition have been satisfied or the quality of title is otherwise acceptable to the Secretary;

(B) all draft conveyances and closing documents have been received and approved;

(C) a current title commitment verifying compliance with applicable title standards has been issued to the Secretary;

(D) the appraisals comply with applicable Forest Service standards; and

(E) except as provided in section (8)(b), the title includes both the surface and subsurface estates without reservation or exception (except by the United States or the State of Montana, by patent), including—

(i) minerals or mineral rights;

(ii) timber or timber rights; and

(iii) any other interest in the property.

(2) CONVEYANCE OF TITLE.—In the event the appraisal and/or quality of title do not meet Federal standards or are otherwise determined unacceptable to the Secretary, the Secretary shall advise the Company regarding corrective actions necessary to make an affirmative determination under paragraph (1). The Secretary, acting through the Chief of the Forest Service, shall effect the conveyance of lands described in subsection (b)(2) not later than sixty days after the Secretary has made an affirmative determination under paragraph (1).

(f) COMPLIANCE WITH OPTION.—Notwithstanding section (3)(e)(2), the Secretary shall not consummate the conveyance of lands described in subsection (b)(2) until the Secretary has determined that title to the lands described in sections 4 and 5 have been escrowed as required by the document entitled "Option Agreement for the Exchange and/or Purchase of Real Property Pursuant to the Gallatin Range Consolidation and Protection Act of 1993" (referred to in this Act as "the Option"), executed by the Company, as seller.

(g) REFERENCES.—References in this Act to the Company shall include references to the successors and assigns of the Company.

SEC. 4. LAND CONSOLIDATION—PORCUPINE AREA.

(a) ACQUISITION OF PORCUPINE PROPERTY.—The Secretary is authorized and directed to acquire, by purchase or exchange, lands and interests in lands listed as "Exhibit A, Porcupine Area", in the Option, in accordance with the terms and conditions of the Option for the fair market value of such lands and interests, determined at the time of acquisition, in accordance with the appraisal standards specified in the Option.

(b) REPORTS TO CONGRESS.—The Secretary shall report annually to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives, on the status of the acquisition authorized by this section.

SEC. 5. LAND CONSOLIDATION—TAYLOR FORK AREA.

(a) ACQUISITION OF TAYLOR FORK PROPERTY.—The Secretary is authorized and directed to acquire, by purchase or exchange, lands and interests in lands as listed as "Exhibit A, Taylor Fork Area", in the Option, in accordance with the terms and conditions of the Option for the fair market value of such lands and interests, determined at the time of acquisition, in accordance with the appraisal standards specified in the Option.

(b) REPORTS TO CONGRESS.—The Secretary shall report annually to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives, on the status of the pending acquisition authorized by this section.

SEC. 6. LAND CONSOLIDATION—GALLATIN ROADED AREA.

(a) ACQUISITION OF GALLATIN ROADED PROPERTY.—The Secretary is authorized and directed to acquire, by purchase or exchange, lands and interests in lands as listed as "Exhibit A, Gallatin Roaded", in the Option, in accordance with the terms and conditions of the Option not otherwise acquired, purchased, or exchanged under section 3, 4, or 5.

(b) REPORTS TO CONGRESS.—The Secretary shall report annually to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives, on the status of the acquisition authorized by this section.

Montana.

SEC. 7. SEVERED MINERAL EXCHANGE.

(a) FINDINGS.—Congress finds that—

(1) underlying certain areas in Montana described in subsection (b) are mineral rights owned by subsidiaries of Burlington Resources, Incorporated and its successors and assigns (referred to in this Act as "Burlington");

(2) there are federally owned minerals underlying lands of Burlington lying outside those areas;

(3) Burlington has agreed in principle with the Secretary to an exchange of mineral rights to consolidate surface and subsurface ownerships and to avoid potential conflicts with the surface management of the areas; and

(4) it is desirable that an exchange of lands be completed not later than two years after the date of enactment of this Act.

(b) MINERAL INTERESTS.—

(1) ACQUISITION.—Pursuant to an exchange agreement between the Secretary and Burlington, the Secretary may acquire mineral interests owned by Burlington or an affiliate of Burlington underlying surface lands owned by the United States located in the areas depicted on the maps entitled "Severed Minerals Exchange, Clearwater-Monture Area", dated September 1988, and "Severed Mineral Exchanges, Gallatin Area", dated September 1988, or in fractional sections adjacent to the areas depicted on the maps.

(2) EXCHANGE.—In exchange for the mineral interests conveyed to the Secretary pursuant to paragraph (1), the Secretary of the Interior shall convey, subject to valid existing rights, such federally owned mineral interests as the Secretary and Burlington may agree upon.

(c) EQUAL VALUE.—

(1) IN GENERAL.—The value of the mineral interests exchanged under subsection (b) shall be approximately equal in value based upon available information.

(2) APPRAISAL.—To ensure that the wilderness or other natural values of the area are not affected by the exchange, a formal appraisal based upon drilling or other surface disturbing activities shall not be required for any mineral interest proposed for exchange, except that the Secretary and Burlington shall fully share all available information on the quality and quantity of mineral interests proposed for exchange.

(3) INADEQUATE INFORMATION.—In the absence of adequate information regarding values of minerals proposed for exchange, the Secretary and Burlington may agree to an exchange on the basis of mineral interests of similar development potential, geologic character, and similar factors.

(d) IDENTIFICATION OF FEDERALLY OWNED MINERAL INTERESTS.—

(1) IN GENERAL.—Subject to paragraph (2), mineral interests conveyed by the United States pursuant to this section shall underlie lands the surface of which are owned by Burlington.

(2) OTHER INTERESTS.—If there are not sufficient federally owned mineral interests of approximately equal value underlying lands owned by Burlington, the Secretary and the Secretary of the Interior may identify for exchange other federally owned mineral interests in lands in the State of Montana of which the surface estate is in private ownership.

(e) CONSULTATION WITH THE DEPARTMENT OF THE INTERIOR.—

(1) IN GENERAL.—The Secretary shall consult with the Secretary of the Interior in the negotiation of the exchange agreement authorized by subsection (b), particularly with respect to the inclusion in the agreement of a provision authorizing the exchange of federally owned mineral interests lying outside the boundaries of units of the National Forest System.

(2) CONVEYANCE.—Notwithstanding any other law, the Secretary of the Interior shall convey the federally owned mineral interests identified in a final exchange agreement between the Secretary of Agriculture and Burlington and affiliates of Burlington.

(f) MINERAL INTEREST DEFINED.—For purposes of this section, the term "mineral interests" includes all locatable and leasable

minerals, including oil and gas, geothermal resources, and other subsurface rights.

SEC. 8. GENERAL PROVISIONS.

(a) MAPS.—The maps referred to in sections 3, 4, 5, 6, and 7 are subject to such minor corrections as may be agreed upon by the Secretary and the Company. The Secretary shall notify the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives of any corrections made pursuant to the subsection. The maps shall be on file and available for public inspection in the office of Chief, Forest Service, USDA.

(b) TITLE OF LANDS CONVEYED TO THE UNITED STATES.—

(1) QUALITY OF TITLE AND RIGHTS.—Subject to paragraph (2), the rights, title, and interests to lands conveyed to the United States under sections 4, 5, and 6 shall, at a minimum, consist of the surface estate and the subsurface rights owned by the Company or Burlington where applicable.

(2) EXCEPTION.—The Secretary may accept title subject to outstanding or reserved oil and gas and geothermal rights, except that there shall be no surface occupancy permitted on the lands acquired by the United States under sections 4, 5, and 6 for access to reserved or outstanding rights or exploration or development of such lands.

(3) ACCESS.—No portion of lands acquired by the United States under this Act shall be available for access to, or exploration or development of, any reserved or outstanding oil, gas, geothermal, or other non-Federal property interest.

(c) NATIONAL FOREST LANDS.—

(1) IN GENERAL.—All lands conveyed to the United States under this Act shall be added to and administered as part of the Gallatin National Forest of the National Forest System by the Secretary in accordance with the laws and regulations pertaining to the National Forest System.

(2) HYALITE-PORCUPINE-BUFFALO HORN WILDERNESS STUDY AREA.—Lands acquired within the Hyalite-Porcupine-Buffalo Horn Wilderness Study Area shall be managed to maintain their presently existing wilderness character and potential for inclusion in the National Wilderness Preservation System in accordance with the Montana Wilderness Study Act of 1977 (16 U.S.C. 1132 note).

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

Approved October 1, 1993.

LEGISLATIVE HISTORY—H.R. 873:

HOUSE REPORTS: No. 103-82, Pt. 1 (Comm. on Natural Resources).
SENATE REPORTS: No. 103-122 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 139 (1993):
May 11, considered and rejected in House.
May 20, considered and passed House.
Aug. 4, considered and passed Senate, amended.
Sept. 13, House concurred in Senate amendment.

Public Law 103-92
103d Congress

Joint Resolution

Oct. 1, 1993
[H.J. Res. 220]

To designate the month of August as "National Scleroderma Awareness Month", and for other purposes.

Whereas scleroderma is a disease caused by the excess production of collagen, the main fibrous component of connective tissue, causing hardening of the skin or internal organs, or both, such as the esophagus, lungs, kidney, and heart;

Whereas approximately 300,000 people in the United States suffer from scleroderma, with women of childbearing age outnumbering men 4 to 1;

Whereas scleroderma, a painful, crippling, and disfiguring disease, is most often progressive and can result in premature death;

Whereas the symptoms of scleroderma are variable which can complicate and confuse diagnosis;

Whereas the cause and cure of scleroderma are unknown; and

Whereas scleroderma is an orphan disease that requires intensive research to improve treatment as well as find the cause and cure: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the months of August 1993 and August 1994 are designated as "National Scleroderma Awareness Month". The President is authorized and requested to issue a proclamation calling on the people of the United States to observe each such month with appropriate activities that will enhance awareness of the disease and the need for a cure.

Approved October 1, 1993.

LEGISLATIVE HISTORY—H.J. Res. 220:

CONGRESSIONAL RECORD, Vol. 139 (1993):
Aug. 5, considered and passed House.
Sept. 10, considered and passed Senate.

Public Law 103-93
103d Congress

An Act

To provide for the exchange of certain lands within the State of Utah, and for other purposes.

Oct. 1, 1993
[S. 184]

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

Utah Schools and Lands Improvement Act of 1993.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Utah Schools and Lands Improvement Act of 1993".

SEC. 2. UTAH-NAVAJO LAND EXCHANGE.

(a) ADDITIONS TO RESERVATION.—For the purpose of securing in trust for the Navajo Nation certain lands belonging to the State of Utah, which comprise approximately thirty-eight thousand five hundred acres of surface and subsurface estate, and approximately an additional nine thousand five hundred acres of subsurface estate, as generally depicted on the map entitled "Utah-Navajo Land Exchange", dated May 18, 1992, such lands are hereby declared to be part of the Navajo Indian Reservation in the State of Utah effective upon the completion of conveyance from the State of Utah and acceptance of title by the United States.

(b) AUTHORIZATION.—The Secretary of the Interior is authorized to acquire through exchange those lands and interests in land described in subsection (a) which are owned by the State of Utah, subject to valid existing rights.

SEC. 3. STATE LANDS WITHIN THE GOSHUTE INDIAN RESERVATION.

(a) ADDITIONS TO RESERVATION.—For the purpose of securing in trust for the Goshute Indian Tribe certain lands belonging to the State of Utah, which comprise approximately nine hundred eighty acres of surface and subsurface estate, and an additional four hundred and eighty acres of subsurface estate, as generally depicted on the map entitled "Utah-Goshute Land Exchange", dated May 18, 1992, such lands are hereby declared to be part of the Goshute Indian Reservation in the State of Utah effective upon the completion of conveyance from the State of Utah and acceptance of title by the United States.

(b) AUTHORIZATION.—The Secretary of the Interior is authorized to acquire through exchange those lands and interests in land described in subsection (a) which are owned by the State of Utah, subject to valid existing rights.

(c) OTHER LAND.—(1) The following tract of Federal land located in the State of Nevada, comprising approximately five acres more or less, together with all improvements thereon, is hereby declared

to be part of the Goshute Indian Reservation, and shall be held in trust for the Goshute Indian Tribe: Township 30 North, Range 69 East, lots 5, 6, 7, 9, 11, and 14 of section 34.

(2) No part of the lands referred to in paragraph (1) shall be used for gaming or any related purpose.

SEC. 4. IMPLEMENTATION.

The exchanges authorized by sections 2 and 3 of this Act shall be conducted without cost to the Navajo Nation and the Goshute Indian Tribe.

SEC. 5. STATE LANDS WITHIN THE NATIONAL FOREST SYSTEM.

(a) AUTHORIZATION.—The Secretary of Agriculture is authorized to accept on behalf of the United States title to the school and institutional trust lands by the State of Utah within units of the National Forest System, comprising approximately seventy-six thousand acres as depicted on a map entitled "Utah Forest Land Exchange", dated May 18, 1992.

(b) STATUS.—Any lands acquired by the United States pursuant to this section shall become a part of the national forest within which such lands are located and shall be subject to all the laws and regulations applicable to the National Forest System.

SEC. 6. STATE LANDS WITHIN THE NATIONAL PARK SYSTEM.

(a) AUTHORIZATION.—The Secretary of the Interior is hereby authorized to accept on behalf of the United States title to all school and institutional trust lands owned by the State of Utah located within all units of the National Park System, comprising approximately eighty thousand acres, located within the State of Utah on the date of enactment of this Act.

(b) STATUS.—(1) Notwithstanding any other provision of law, all lands of the State of Utah within units of the National Park System that are conveyed to the United States pursuant to this section shall become a part of the appropriate unit of the National Park System, and shall be subject to all laws and regulations applicable to that unit of the National Park System.

(2) The Secretary of the Interior shall, as a part of the exchange process of this Act, compensate the State of Utah for the fair market value of five hundred eighty and sixty-four one-hundredths acres within Capitol Reef National Park that were conveyed by the State of Utah to the United States on July 2, 1971, for which the State has never been compensated. The fair market value of these lands shall be established pursuant to section 8 of this Act.

SEC. 7. OFFER TO STATE.

(a) SPECIFIC OFFERS.—Within thirty days after enactment of this Act, the Secretary of the Interior shall transmit to the State of Utah a list of lands, or interests in lands, within the State of Utah for transfer to the State of Utah in exchange for the State lands and interests described in sections 2, 3, 5, and 6 of this Act. Such list shall include only the following Federal lands, or interests therein:

(1) Blue Mountain Telecommunications Site, fee estate, approximately six hundred and forty acres.

(2) Beaver Mountain Ski Resort site, fee estate, approximately three thousand acres, as generally depicted on the map

entitled "Beaver Mountain Ski Resort" dated September 16, 1992.

(3) The unleased coal located in the Winter Quarters Tract.

(4) The unleased coal located in the Crandall Canyon Tract.

(5) All royalties receivable by the United States with respect to coal leases in the Quitchupah (Convulsion Canyon) Tract.

(6) The unleased coal located in the Cottonwood Canyon Tract.

(7) The unleased coal located in the Soldier Creek Tract.

(b) ADDITIONAL OFFERS.—(1) In addition to the lands and interests specified in subsection (a), the Secretary of the Interior shall offer to the State of Utah a portion of the royalties receivable by the United States with respect to Federal geothermal, oil, gas, or other mineral interests in Utah which on December 31, 1992, were under lease and covered by an approved permit to drill or plan of development and plan of reclamation, were in production, and were not under administrative or judicial appeal. Minerals and mining.

(2) No offer under this subsection shall be for royalties aggregating more than 50 per centum of the total appraised value of the State lands described in sections 2, 3, 5, and 6.

(3) The Secretary shall make no offer under this subsection which would enable the State of Utah to receive royalties under this section exceeding $50,000,000.

(4) If the total value of lands and interests therein and royalties offered to the State pursuant to subsections (a) and (b) is less than the total value of the State lands described in sections 2, 3, 5, and 6, the Secretary shall provide the State a list of all public lands in Utah that as of December 31, 1992, the Secretary, in resource management plans prepared pursuant to the Federal Land Policy and Management Act of 1976, had identified as suitable for disposal by exchange or otherwise, and shall offer to transfer to the State any or all of such lands, as selected by the State, in partial exchange for such State lands, to the extent consistent with other applicable laws and regulations.

SEC. 8. APPRAISAL OF LANDS TO BE EXCHANGED.

(a) EQUAL VALUE.—All exchanges authorized under this Act shall be for equal value. No later than ninety days after enactment of this Act, the Secretary of the Interior, the Secretary of Agriculture, and the Governor of the State of Utah shall provide for an appraisal of the lands or interests therein involved in the exchanges authorized by this Act. A detailed appraisal report shall utilize nationally recognized appraisal standards including, to the extent appropriate, the uniform appraisal standards for Federal land acquisition.

(b) DEADLINE AND DISPUTE RESOLUTION.—(1) If after two years from the date of enactment of this Act, the parties have not agreed upon the final terms of some or all of the exchanges authorized by this Act, including the value of the lands involved in some or all of such exchanges, notwithstanding any other provisions of law, any appropriate United States District Court, including but not limited to the United States District Court for the District of Utah, Central Division, shall have jurisdiction to hear, determine, and render judgment on the value of any and all lands, or interests therein, involved in the exchange.

(2) No action provided for in this subsection may be filed with the Court sooner than two years and later than five years after the date of enactment of this Act. Any decision of a District Court under this Act may be appealed in accordance with the applicable laws and rules.

(c) ADJUSTMENT.—If the State shares revenue from the selected Federal properties, the value of such properties shall be the value otherwise established under this section, less the percentage which represents the Federal revenue sharing obligation, but such adjustment shall not be considered as reflecting a property right of the State of Utah.

(d) INTEREST.—Any royalty offer by the Secretary pursuant to subsection 7(b) shall be adjusted to reflect net present value as of the effective date of the exchange. The State shall be entitled to receive a reasonable rate of interest at a rate equivalent to a five-year Treasury note on the balance of the value owed by the United States from the effective date of the exchange until full value is received by the State and mineral rights revert to the United States as prescribed by subsection 9(a)(3).

SEC. 9. TRANSFER OF TITLE.

(a) TERMS.—(1) The State of Utah shall be entitled to receive so much of those lands or interests in lands and additional royalties described in section 7 that are offered by the Secretary of the Interior and accepted by the State as are equal in value to the State lands and interests described in sections 2, 3, 5, and 6.

(2) For those properties where fee simple title is to be conveyed to the State of Utah, the Secretary of the Interior shall convey, subject to valid existing rights, all right, title, and interest, subject to the provisions of subsection (b). For those properties where less than fee simple is to be conveyed to the State of Utah, the Secretary shall reserve to the United States all remaining right, title, and interest of the United States.

Minerals and mining.

(3) All right, title, and interest in any mineral rights described in section 7 that are conveyed to the State of Utah pursuant to this Act shall revert to the United States upon removal of minerals equal in value to the value attributed to such rights in connection with an exchange under this Act.

(4) If the State of Utah accepts the offers provided for in this Act, the State shall convey to the United States, subject to valid existing rights, all right, title, and interest of the State to all school and institutional trust lands described in sections 2, 3, 5, and 6 of this Act. Except as provided in section 7(b), conveyance of all lands or interests in lands shall take place within sixty days following agreement by the Secretary of the Interior and the Governor of the State of Utah, or entry of an appropriate order of judgment by the District Court.

(b) INSPECTIONS.—Both parties shall inspect all pertinent records and shall conduct a physical inspection of the lands to be exchanged pursuant to this Act for the presence of any hazardous materials as presently defined by applicable law. The results of those inspections shall be made available to the parties. Responsibility for costs of remedial action related to materials identified by such inspections shall be borne by those entities responsible under existing law.

(c) CONDITIONS.—(1) With respect to the lands and interests described in section 7(a), enactment of this Act shall be construed

as satisfying the provisions of section 206(a) of the Federal Land Policy and Management Act of 1976 requiring that exchanges of lands be in the public interest.

Minerals and mining.

(2) Development of any mineral interest transferred to the State of Utah pursuant to this Act shall be subject to all laws, rules, and regulations applicable to development of non-Federal mineral interests, including, where appropriate, laws, rules, and regulations applicable to such development within National Forests. Extraction of any coal resources described in section 7(a) shall occur only through underground coal mining operations.

(3) Transfer of any mineral interests to the State of Utah shall be subject to such conditions as the Secretary shall prescribe to ensure due diligence on the part of the State of Utah to achieve the timely development of such resources.

SEC. 10. LEGAL DESCRIPTIONS.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, a map and legal description of the lands added to the Navajo and Goshute Indian Reservations and all lands exchanged under this Act shall be filed by the appropriate Secretary with the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, and each such map and description shall have the same force and effect as if included in this Act, except that the appropriate Secretary may correct clerical and typographical errors in each such legal description and map. Each such map and legal description shall be on file and available for public inspection in the offices of the Secretary of Agriculture and the Secretary of the Interior and the Utah offices of the appropriate agencies of the Department of the Interior and Department of Agriculture.

(b) PILT.—Section 6902(b) of title 31, United States Code, is amended by striking "acquisition." and inserting in lieu thereof "acquisition, nor does this subsection apply to payments for lands in Utah acquired by the United States if at the time of such acquisition units, under applicable State law, were entitled to receive payments from the State for such lands, but in such case no payment under this chapter with respect to such acquired lands shall exceed the payment that would have been made under State law if such lands had not been acquired.".

(c) INTENT.—The lands and interests described in section 7 are an offer related only to the State lands and interests described in this Act, and nothing in this Act shall be construed as precluding conveyance of other lands or interests to the State of Utah pursuant to other exchanges under applicable existing law or subsequent act of Congress. It is the intent of Congress that the State should establish a funding mechanism, or some other mechanism, to assure that counties within the State are treated equitably as a result of this exchange.

(d) COSTS.—The United States and the State of Utah shall each bear its own respective costs incurred in the implementation of this Act.

(e) DEFINITION.—As used in this Act, the term (1) "School and Institutional Trust Lands" means those properties granted by the United States in the Utah Enabling Act to the State of Utah in trust and other lands which under State law must be managed for the benefit of the public school system or the institu-

tions of the State which are designated by the Utah Enabling Act; and (2) "Secretary" means the Secretary of the Interior; unless specifically defined otherwise.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

Approved October 1, 1993.

LEGISLATIVE HISTORY—S. 184:

HOUSE REPORTS: No. 103-207 (Comm. on Natural Resources).
SENATE REPORTS: No. 103-56 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 139 (1993):
June 24, considered and passed Senate.
Aug. 2, considered and passed House, amended.
Aug. 6, Senate concurred in House amendments with amendments.
Sept. 13, House concurred in Senate amendments.

Public Law 103-94
103d Congress

An Act

To amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes.

Oct. 6, 1993
[H.R. 20]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Hatch Act Reform Amendments of 1993".

Hatch Act Reform Amendments of 1993.
5 USC 7301 note.

SEC. 2. POLITICAL ACTIVITIES.

(a) Subchapter III of chapter 73 of title 5, United States Code, is amended to read as follows:

"SUBCHAPTER III—POLITICAL ACTIVITIES

"§ 7321. Political participation

"It is the policy of the Congress that employees should be encouraged to exercise fully, freely, and without fear of penalty or reprisal, and to the extent not expressly prohibited by law, their right to participate or to refrain from participating in the political processes of the Nation.

"§ 7322. Definitions

"For the purpose of this subchapter—

"(1) 'employee' means any individual, other than the President and the Vice President, employed or holding office in—

"(A) an Executive agency other than the General Accounting Office;

"(B) a position within the competitive service which is not in an Executive agency; or

"(C) the government of the District of Columbia, other than the Mayor or a member of the City Council or the Recorder of Deeds;

but does not include a member of the uniformed services;

"(2) 'partisan political office' means any office for which any candidate is nominated or elected as representing a party any of whose candidates for Presidential elector received votes in the last preceding election at which Presidential electors were selected, but shall exclude any office or position within a political party or affiliated organization; and

"(3) 'political contribution'—

"(A) means any gift, subscription, loan, advance, or deposit of money or anything of value, made for any political purpose;

"(B) includes any contract, promise, or agreement, express or implied, whether or not legally enforceable, to make a contribution for any political purpose;

"(C) includes any payment by any person, other than a candidate or a political party or affiliated organization, of compensation for the personal services of another person which are rendered to any candidate or political party or affiliated organization without charge for any political purpose; and

"(D) includes the provision of personal services for any political purpose.

"§ 7323. Political activity authorized; prohibitions

"(a) Subject to the provisions of subsection (b), an employee may take an active part in political management or in political campaigns, except an employee may not—

"(1) use his official authority or influence for the purpose of interfering with or affecting the result of an election;

"(2) knowingly solicit, accept, or receive a political contribution from any person, unless such person is—

"(A) a member of the same Federal labor organization as defined under section 7103(4) of this title or a Federal employee organization which as of the date of enactment of the Hatch Act Reform Amendments of 1993 had a multicandidate political committee (as defined under section 315(a)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(4)));

"(B) not a subordinate employee; and

"(C) the solicitation is for a contribution to the multicandidate political committee (as defined under section 315(a)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(4))) of such Federal labor organization as defined under section 7103(4) of this title or a Federal employee organization which as of the date of the enactment of the Hatch Act Reform Amendments of 1993 had a multicandidate political committee (as defined under section 315(a)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(4))); or

"(3) run for the nomination or as a candidate for election to a partisan political office; or

"(4) knowingly solicit or discourage the participation in any political activity of any person who—

"(A) has an application for any compensation, grant, contract, ruling, license, permit, or certificate pending before the employing office of such employee; or

"(B) is the subject of or a participant in an ongoing audit, investigation, or enforcement action being carried out by the employing office of such employee.

"(b)(1) An employee of the Federal Election Commission (except one appointed by the President, by and with the advice and consent of the Senate), may not request or receive from, or give to, an employee, a Member of Congress, or an officer of a uniformed service a political contribution.

"(2)(A) No employee described under subparagraph (B) (except one appointed by the President, by and with the advice and consent of the Senate), may take an active part in political management or political campaigns.

"(B) The provisions of subparagraph (A) shall apply to—

"(i) an employee of—

"(I) the Federal Election Commission;

"(II) the Federal Bureau of Investigation;

"(III) the Secret Service;

"(IV) the Central Intelligence Agency;

"(V) the National Security Council;

"(VI) the National Security Agency;

"(VII) the Defense Intelligence Agency;

"(VIII) the Merit Systems Protection Board;

"(IX) the Office of Special Counsel;

"(X) the Office of Criminal Investigation of the Internal Revenue Service;

"(XI) the Office of Investigative Programs of the United States Customs Service; or

"(XII) the Office of Law Enforcement of the Bureau of Alcohol, Tobacco, and Firearms; or

"(ii) a person employed in a position described under section 3132(a)(4), 5372, or 5372a of title 5, United States Code.

"(3) No employee of the Criminal Division of the Department of Justice (except one appointed by the President, by and with the advice and consent of the Senate), may take an active part in political management or political campaigns.

"(4) For purposes of this subsection, the term 'active part in political management or in a political campaign' means those acts of political management or political campaigning which were prohibited for employees of the competitive service before July 19, 1940, by determinations of the Civil Service Commission under the rules prescribed by the President.

"(c) An employee retains the right to vote as he chooses and to express his opinion on political subjects and candidates.

"§ 7324. Political activities on duty; prohibition

"(a) An employee may not engage in political activity—

"(1) while the employee is on duty;

"(2) in any room or building occupied in the discharge of official duties by an individual employed or holding office in the Government of the United States or any agency or instrumentality thereof;

"(3) while wearing a uniform or official insignia identifying the office or position of the employee; or

"(4) using any vehicle owned or leased by the Government of the United States or any agency or instrumentality thereof.

"(b)(1) An employee described in paragraph (2) of this subsection may engage in political activity otherwise prohibited by subsection (a) if the costs associated with that political activity are not paid for by money derived from the Treasury of the United States.

"(2) Paragraph (1) applies to an employee—

"(A) the duties and responsibilities of whose position continue outside normal duty hours and while away from the normal duty post; and

"(B) who is—

"(i) an employee paid from an appropriation for the Executive Office of the President; or

"(ii) an employee appointed by the President, by and with the advice and consent of the Senate, whose position is located within the United States, who determines policies

to be pursued by the United States in relations with foreign powers or in the nationwide administration of Federal laws.

"§ 7325. Political activity permitted; employees residing in certain municipalities

"The Office of Personnel Management may prescribe regulations permitting employees, without regard to the prohibitions in paragraphs (2) and (3) of section 7323(a) of this title, to take an active part in political management and political campaigns involving the municipality or other political subdivision in which they reside, to the extent the Office considers it to be in their domestic interest, when—

"(1) the municipality or political subdivision is in Maryland or Virginia and in the immediate vicinity of the District of Columbia, or is a municipality in which the majority of voters are employed by the Government of the United States; and

"(2) the Office determines that because of special or unusual circumstances which exist in the municipality or political subdivision it is in the domestic interest of the employees and individuals to permit that political participation.

"§ 7326. Penalties

"An employee or individual who violates section 7323 or 7324 of this title shall be removed from his position, and funds appropriated for the position from which removed thereafter may not be used to pay the employee or individual. However, if the Merit System Protection Board finds by unanimous vote that the violation does not warrant removal, a penalty of not less than 30 days' suspension without pay shall be imposed by direction of the Board.".

(b)(1) Section 3302(2) of title 5, United States Code, is amended by striking out "7203, 7321, and 7322" and inserting in lieu thereof "and 7203".

(2) The table of sections for subchapter III of chapter 73 of title 5, United States Code, is amended to read as follows:

"SUBCHAPTER III—POLITICAL ACTIVITIES

"7321. Political participation.
"7322. Definitions.
"7323. Political activity authorized; prohibitions.
"7324. Political activities on duty; prohibition.
"7325. Political activity permitted; employees residing in certain municipalities.
"7326. Penalties.".

SEC. 3. AMENDMENT TO CHAPTER 12 OF TITLE 5, UNITED STATES CODE.

Section 1216(c) of title 5, United States Code, is amended to read as follows:

"(c) If the Special Counsel receives an allegation concerning any matter under paragraph (1), (3), (4), or (5) of subsection (a), the Special Counsel may investigate and seek corrective action under section 1214 and disciplinary action under section 1215 in the same way as if a prohibited personnel practice were involved.".

SEC. 4. AMENDMENTS TO TITLE 18, UNITED STATES CODE.

(a) Section 602 of title 18, United States Code, relating to solicitation of political contributions, is amended—

(1) by inserting "(a)" before "It";

(2) in paragraph (4) by striking out all that follows "Treasury of the United States" and inserting in lieu thereof a semi-

colon and "to knowingly solicit any contribution within the meaning of section 301(8) of the Federal Election Campaign Act of 1971 from any other such officer, employee, or person. Any person who violates this section shall be fined under this title or imprisoned not more than 3 years, or both."; and

(3) by adding at the end thereof the following new subsection:

"(b) The prohibition in subsection (a) shall not apply to any activity of an employee (as defined in section 7322(1) of title 5) or any individual employed in or under the United States Postal Service or the Postal Rate Commission, unless that activity is prohibited by section 7323 or 7324 of such title.".

(b) Section 603 of title 18, United States Code, relating to making political contributions, is amended by adding at the end thereof the following new subsection:

"(c) The prohibition in subsection (a) shall not apply to any activity of an employee (as defined in section 7322(1) of title 5) or any individual employed in or under the United States Postal Service or the Postal Rate Commission, unless that activity is prohibited by section 7323 or 7324 of such title.".

(c)(1) Chapter 29 of title 18, United States Code, relating to elections and political activities is amended by adding at the end thereof the following new section:

"§ 610. Coercion of political activity

"It shall be unlawful for any person to intimidate, threaten, command, or coerce, or attempt to intimidate, threaten, command, or coerce, any employee of the Federal Government as defined in section 7322(1) of title 5, United States Code, to engage in, or not to engage in, any political activity, including, but not limited to, voting or refusing to vote for any candidate or measure in any election, making or refusing to make any political contribution, or working or refusing to work on behalf of any candidate. Any person who violates this section shall be fined not more than $5,000 or imprisoned not more than three years, or both.".

(2) The table of sections for chapter 29 of title 18, United States Code, is amended by adding at the end thereof the following:

"610. Coercion of political activity.".

SEC. 5. AMENDMENTS TO THE VOTING RIGHTS ACT OF 1965.

Section 6 of the Voting Rights Act of 1965 (42 U.S.C. 1973d) is amended by striking out "the provisions of section 9 of the Act of August 2, 1939, as amended (5 U.S.C. 118i), prohibiting partisan political activity" and by inserting in lieu thereof "the provisions of subchapter III of chapter 73 of title 5, United States Code, relating to political activities".

SEC. 6. AMENDMENTS RELATING TO APPLICATION OF CHAPTER 15 OF TITLE 5, UNITED STATES CODE.

Section 675(e) of the Community Services Block Grant Act (42 U.S.C. 9904(e)) is repealed.

SEC. 7. APPLICABILITY TO POSTAL EMPLOYEES. 39 USC 410 note.

The amendments made by this Act (except for the amendments made by section 8), and any regulations thereunder, shall apply with respect to employees of the United States Postal Service and the Postal Rate Commission, pursuant to sections 410(b) and 3604(e) of title 39, United States Code.

SEC. 8. POLITICAL RECOMMENDATIONS.

(a) Section 3303 of title 5, United States Code, is amended to read as follows:

"§ 3303. Political recommendations

"(a) For the purposes of this section—

"(1) 'agency' means—

"(A) an Executive agency; and

"(B) an agency in the legislative branch with positions in the competitive service;

"(2) 'applicant' means an individual who has applied for appointment to be an employee;

"(3) 'employee' means an employee of an agency who is—

"(A) in the competitive service;

"(B) a career appointee in the Senior Executive Service or an employee under a similar appointment in a similar executive service; or

"(C) in the excepted service other than—

"(i) an employee who is appointed by the President; or

"(ii) an employee whose position has been determined to be of a confidential, policy-determining, policy-making, or policy-advocating character; and

"(4) 'personnel action' means any action described under clauses (i) through (x) of section 2302(a)(2)(A).

"(b) Except as provided under subsection (f), each personnel action with respect to an employee or applicant shall be taken without regard to any recommendation or statement, oral or written, with respect to any employee or applicant who requests or is under consideration for such personnel action, made by—

"(1) any Member of Congress or congressional employee;

"(2) any elected official of the government of any State (including the District of Columbia and the Commonwealth of Puerto Rico), county, city, or other subdivision thereof;

"(3) any official of a political party; or

"(4) any other individual or organization making such recommendation or statement on the basis of the party affiliation of the employee or applicant.

"(c) Except as provided under subsection (f), a person or organization referred to under subsection (b) (1) through (4) is prohibited from making or transmitting to any officer or employee of an agency, any recommendation or statement, oral or written, with respect to any employee or applicant who requests or is under consideration for any personnel action in such agency. Except as provided under subsection (f), the agency, or any officer or employee of the agency—

"(1) shall not solicit, request, consider, or accept any such recommendation or statement; and

"(2) shall return any such written recommendation or statement, appropriately marked as in violation of this section, to the person or organization transmitting the same.

"(d) Except as provided under subsection (f), an employee or applicant who requests or is under consideration for a personnel action in an agency is prohibited from requesting or soliciting from a person or organization referred to under subsection (b) (1) through (4) a recommendation or statement.

"(e) Under regulations prescribed by the Office of Personnel Management, the head of each agency shall ensure that employees and applicants are given notice of the provisions of this section. Regulations.

"(f) An agency, or any authorized officer or employee of an agency, may solicit, accept, and consider, and any other individual or organization may furnish or transmit to the agency or such authorized officer or employee, any statement with respect to an employee or applicant who requests or is under consideration for a personnel action, if—

"(1) the statement is furnished pursuant to a request or requirement of the agency and consists solely of an evaluation of the work performance, ability, aptitude, and general qualifications of the employee or applicant;

"(2) the statement relates solely to the character and residence of the employee or applicant;

"(3) the statement is furnished pursuant to a request made by an authorized representative of the Government of the United States solely in order to determine whether the employee or applicant meets suitability or security standards;

"(4) the statement is furnished by a former employer of the employee or applicant pursuant to a request of an agency, and consists solely of an evaluation of the work performance, ability, aptitude, and general qualifications of such employee or applicant during employment with such former employer; or

"(5) the statement is furnished pursuant to a provision of law or regulation authorizing consideration of such statement with respect to a specific position or category of positions.

"(g) An agency shall take any action it determines necessary and proper under subchapter I or II of chapter 75 to enforce the provisions of this section.

"(h) The provisions of this section shall not affect the right of any employee to petition Congress as authorized by section 7211.".

(b) The table of sections for chapter 33 of title 5, United States Code, is amended by amending the item relating to section 3303 to read as follows:

"3303. Political recommendations.".

(c) Section 2302(b)(2) of title 5, United States Code, is amended to read as follows:

"(2) solicit or consider any recommendation or statement, oral or written, with respect to any individual who requests or is under consideration for any personnel action except as provided under section 3303(f);".

SEC. 9. GARNISHMENT OF FEDERAL EMPLOYEES' PAY.

(a) Subchapter II of chapter 55 of title 5, United States Code, is amended by adding at the end thereof the following new section:

"§ 5520a. Garnishment of pay

"(a) For purposes of this section—

"(1) 'agency' means each agency of the Federal Government, including—

"(A) an executive agency, except for the General Accounting Office;

"(B) the United States Postal Service and the Postal Rate Commission;

"(C) any agency of the judicial branch of the Government; and

"(D) any agency of the legislative branch of the Government, including the General Accounting Office, each office of a Member of Congress, a committee of the Congress, or other office of the Congress;

"(2) 'employee' means an employee of an agency (including a Member of Congress as defined under section 2106);

"(3) 'legal process' means any writ, order, summons, or other similar process in the nature of garnishment, that—

"(A) is issued by a court of competent jurisdiction within any State, territory, or possession of the United States, or an authorized official pursuant to an order of such a court or pursuant to State or local law; and

"(B) orders the employing agency of such employee to withhold an amount from the pay of such employee, and make a payment of such withholding to another person, for a specifically described satisfaction of a legal debt of the employee, or recovery of attorney's fees, interest, or court costs; and

"(4) 'pay' means—

"(A) basic pay, premium pay paid under subchapter V, any payment received under subchapter VI, VII, or VIII, severance and back pay paid under subchapter IX, sick pay, incentive pay, and any other compensation paid or payable for personal services, whether such compensation is denominated as wages, salary, commission, bonus pay or otherwise; and

"(B) does not include awards for making suggestions.

"(b) Subject to the provisions of this section and the provisions of section 303 of the Consumer Credit Protection Act (15 U.S.C. 1673) pay from an agency to an employee is subject to legal process in the same manner and to the same extent as if the agency were a private person.

"(c)(1) Service of legal process to which an agency is subject under this section may be accomplished by certified or registered mail, return receipt requested, or by personal service, upon—

"(A) the appropriate agent designated for receipt of such service of process pursuant to the regulations issued under this section; or

"(B) the head of such agency, if no agent has been so designated.

"(2) Such legal process shall be accompanied by sufficient information to permit prompt identification of the employee and the payments involved.

"(d) Whenever any person, who is designated by law or regulation to accept service of process to which an agency is subject under this section, is effectively served with any such process or with interrogatories, such person shall respond thereto within thirty days (or within such longer period as may be prescribed by applicable State law) after the date effective service thereof is made, and shall, as soon as possible but not later than fifteen days after the date effective service is made, send written notice that such process has been so served (together with a copy thereof) to the affected employee at his or her duty station or last-known home address.

"(e) No employee whose duties include responding to interrogatories pursuant to requirements imposed by this section shall be subject to any disciplinary action or civil or criminal liability or penalty for, or on account of, any disclosure of information made by such employee in connection with the carrying out of any of such employee's duties which pertain directly or indirectly to the answering of any such interrogatory.

"(f) Agencies affected by legal process under this section shall not be required to vary their normal pay and disbursement cycles in order to comply with any such legal process.

"(g) Neither the United States, an agency, nor any disbursing officer shall be liable with respect to any payment made from payments due or payable to an employee pursuant to legal process regular on its face, provided such payment is made in accordance with this section and the regulations issued to carry out this section. In determining the amount of any payment due from, or payable by, an agency to an employee, there shall be excluded those amounts which would be excluded under section 462(g) of the Social Security Act (42 U.S.C. 662(g)).

"(h)(1) Subject to the provisions of paragraph (2), if an agency is served under this section with more than one legal process with respect to the same payments due or payable to an employee, then such payments shall be available, subject to section 303 of the Consumer Credit Protection Act (15 U.S.C. 1673), to satisfy such processes in priority based on the time of service, with any such process being satisfied out of such amounts as remain after satisfaction of all such processes which have been previously served.

"(2) A legal process to which an agency is subject under sections 459, 461, and 462 of the Social Security Act (42 U.S.C. 659, 661, and 662) for the enforcement of the employee's legal obligation to provide child support or make alimony payments, shall have priority over any legal process to which an agency is subject under this section.

"(i) The provisions of this section shall not modify or supersede the provisions of sections 459, 461, and 462 of the Social Security Act (42 U.S.C. 659, 661, and 662) concerning legal process brought for the enforcement of an individual's legal obligations to provide child support or make alimony payments.

"(j)(1) Regulations implementing the provisions of this section shall be promulgated— Regulations.

"(A) by the President or his designee for each executive agency, except with regard to employees of the United States Postal Service, the President or, at his discretion, the Postmaster General shall promulgate such regulations; President.

"(B) jointly by the President pro tempore of the Senate and the Speaker of the House of Representatives, or their designee, for the legislative branch of the Government; and

"(C) by the Chief Justice of the United States or his designee for the judicial branch of the Government.

"(2) Such regulations shall provide that an agency's administrative costs in executing a garnishment action may be added to the garnishment, and that the agency may retain costs recovered as offsetting collections.

"(k)(1) No later than 180 days after the date of the enactment of this Act, the Secretaries of the Executive departments concerned shall promulgate regulations to carry out the purposes of this section with regard to members of the uniformed services. Regulations.

"(2) Such regulations shall include provisions for—

"(A) the involuntary allotment of the pay of a member of the uniformed services for indebtedness owed a third party as determined by the final judgment of a court of competent jurisdiction, and as further determined by competent military or executive authority, as appropriate, to be in compliance with the procedural requirements of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 App. U.S.C. 501 et seq.); and

"(B) consideration for the absence of a member of the uniformed service from an appearance in a judicial proceeding resulting from the exigencies of military duty.

"(3) The Secretaries of the Executive departments concerned shall promulgate regulations under this subsection that are, as far as practicable, uniform for all of the uniformed services. The Secretary of Defense shall consult with the Secretary of Transportation with regard to the promulgation of such regulations that might affect members of the Coast Guard when the Coast Guard is operating as a service in the Navy.".

(b)(1) The table of chapters for chapter 55 of title 5, United States Code, is amended by inserting after the item relating to section 5520 the following:

"5520a. Garnishment of pay.".

(2) Section 410(b) of title 39, United States Code, is amended—

(A) by redesignating the second paragraph (9) (relating to the Inspector General Act of 1978) as paragraph (10); and

(B) by adding at the end thereof the following new paragraph:

"(11) section 5520a of title 5.".

SEC. 10. SENSE OF THE SENATE RELATING TO FEDERAL EMPLOYEE SOLICITATION OF FUNDS AND CANDIDACIES.

It is the sense of the Senate that Federal employees should not be authorized to—

(1) solicit political contributions from the general public; or

(2) run for the nomination or as a candidate for a local partisan political office, except as expressly provided under current law.

SEC. 11. SENSE OF THE SENATE RELATING TO ASSISTANCE TO NICARAGUA.

(a) FINDINGS.—The Senate finds the following:

(1) On May 23, 1993, an explosion in Managua, Nicaragua exposed a cache of weapons, including 19 surface-to-air missiles, hundreds of AK–47 assault rifles, machine guns, rocket propelled grenades, tons of ammunition and explosives.

(2) Investigations of the explosions have uncovered 310 passports from 21 different countries, including seven United States passports.

(3) Documents in the possession of those apprehended in connection with the February 26, 1993, bombing of the World Trade Center have been traced to Nicaragua.

(4) The acquisition and storage of these weapons and documents could not have been accomplished without the knowledge and cooperation of the Sandinista National Liberation Front and ministries of the Government of Nicaragua under its control.

(5) The Sandinista National Liberation Front has a history of subversion and links to international terrorism.

(6) The recent discovery demonstrates the inability of the legitimate Government of Nicaragua to control all of its ministries.

(7) This lack of authority makes uncertain the ability of the Government of Nicaragua to prevent the export of terrorism by the Sandinista National Liberation Front.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) no further United States foreign assistance to Nicaragua should be obligated pending investigation by an appropriate international body, with the participation of United States Federal agencies, of the Sandinista National Liberation Front; and

(2) such investigation should focus on the relationship of the Sandinista National Liberation Front to acts of terrorism which threaten to undermine the security of the United States and the political stability and economic prosperity of the Western Hemisphere.

SEC. 12. EFFECTIVE DATE.

5 USC 1216 note.

(a) The amendments made by this Act shall take effect 120 days after the date of the enactment of this Act, except that the authority to prescribe regulations granted under section 7325 of title 5, United States Code (as added by section 2 of this Act), shall take effect on the date of the enactment of this Act.

(b) Any repeal or amendment made by this Act of any provision of law shall not release or extinguish any penalty, forfeiture, or liability incurred under that provision, and that provision shall be treated as remaining in force for the purpose of sustaining any proper proceeding or action for the enforcement of that penalty, forfeiture, or liability.

(c) No provision of this Act shall affect any proceedings with respect to which the charges were filed on or before the effective date of the amendments made by this Act. Orders shall be issued in such proceedings and appeals shall be taken therefrom as if this Act had not been enacted.

Approved October 6, 1993.

LEGISLATIVE HISTORY—H.R. 20 (S. 185):

HOUSE REPORTS: No. 103-16 (Comm. on Post Office and Civil Service).
SENATE REPORTS: No. 103-57 accompanying S. 185 (Comm. on Governmental Affairs).
CONGRESSIONAL RECORD, Vol. 139 (1993):
Feb. 23, 24, considered and rejected in House.
Mar. 3, considered and passed House.
July 13-15, 20, considered and passed Senate, amended, in lieu of S. 185.
Sept. 21, House concurred in Senate amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 29 (1993):
Oct. 6, Presidential remarks and statement.

Public Law 103-95
103d Congress

An Act

Oct. 6, 1993
[H.R. 1513]

To designate the United States courthouse located at 10th and Main Streets in Richmond, Virginia, as the "Lewis F. Powell, Jr. United States Courthouse".

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

SECTION 1. DESIGNATION OF LEWIS F. POWELL, JR. UNITED STATES COURTHOUSE.

The United States courthouse located at 10th and Main Streets in Richmond, Virginia, is designated as the "Lewis F. Powell, Jr. United States Courthouse".

SEC. 2. LEGAL REFERENCES.

Any references in any law, regulation, document, record, map, or other paper of the United States to the courthouse referred to in section 1 is deemed to be a reference to the "Lewis F. Powell, Jr. United States Courthouse".

Approved October 6, 1993.

LEGISLATIVE HISTORY—H.R. 1513 (S. 597):

HOUSE REPORTS: No. 103-74 (Comm. on Public Works and Transportation).
CONGRESSIONAL RECORD, Vol. 139 (1993):
May 4, considered and passed House.
Sept. 15, S. 597 considered and passed Senate.
Sept. 20, H.R. 1513 considered and passed Senate.

Public Law 103-96
103d Congress

An Act

To designate the Federal building in Jacksonville, Florida, as the "Charles E. Bennett Federal Building".

Oct. 6, 1993
[H.R. 2431]

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

SECTION 1. DESIGNATION.

The Federal building at 400 Bay Street in Jacksonville, Florida, is designated as the "Charles E. Bennett Federal Building". If a new Federal building is built in Jacksonville, Florida, to replace the building at 400 Bay Street, the new Federal building shall be designated as the "Charles E. Bennett Federal Building".

SEC. 2. LEGAL REFERENCES.

Any reference in any law, regulation, document, record, map, or other paper of the United States to the Federal building referred to in section 1 is deemed to be a reference to the "Charles E. Bennett Federal Building".

Approved October 6, 1993.

LEGISLATIVE HISTORY—H.R. 2431:

HOUSE REPORTS: No. 103-227 (Comm. on Public Works and Transportation).
CONGRESSIONAL RECORD, Vol. 139 (1993):
Sept. 13, considered and passed House.
Sept. 15, considered and passed Senate.

Public Law 103-97
103d Congress

An Act

Oct. 6, 1993
[S. 464]

To redesignate the Pulaski Post Office located at 111 West College Street in Pulaski, Tennessee, as the "Ross Bass Post Office".

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

SECTION 1. REDESIGNATION OF PULASKI POST OFFICE AS ROSS BASS POST OFFICE.

The building in Pulaski, Tennessee that houses the primary operations of the United States Postal Service (as determined by the Postmaster General) shall be known and designated as the "Ross Bass Post Office Building". Any reference in a law, map, regulation, document, paper, or other record of the United States to the building shall be deemed to be a reference to the "Ross Bass Post Office Building".

Approved October 6, 1993.

LEGISLATIVE HISTORY—S. 464:

CONGRESSIONAL RECORD, Vol. 139 (1993):
July 1, considered and passed Senate.
Sept. 21, considered and passed House.

Public Law 103-98
103d Congress

An Act

To continue the authorization of appropriations for the East Court of the National Museum of Natural History, and for other purposes.

Oct. 6, 1993
[S. 779]

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

SECTION 1. NATIONAL MUSEUM OF NATURAL HISTORY.

(a) IN GENERAL.—Section 2 of the Act entitled "An Act to authorize the Board of Regents of the Smithsonian Institution to plan, design, construct, and equip space in the East Court of the National Museum of Natural History building, and for other purposes", approved October 24, 1990 (20 U.S.C. 50 note), is amended by inserting "and succeeding fiscal years" after "1991".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as of October 24, 1990.

20 USC 50 note.

Approved October 6, 1993.

LEGISLATIVE HISTORY—S. 779:

HOUSE REPORTS: No. 103-232, Pt. 1 (Comm. on Public Works and Transportation).
SENATE REPORTS: No. 103-48 (Comm. on Rules and Administration).
CONGRESSIONAL RECORD, Vol. 139 (1993):
May 28, considered and passed Senate.
Sept. 21, considered and passed House.

Public Law 103-99
103d Congress

Joint Resolution

Oct. 6, 1993
[S.J. Res. 61]

To designate the week of October 3, 1993, through October 9, 1993, as "Mental Illness Awareness Week".

Whereas mental illness is a problem of grave concern and consequence in the United States and it is widely, but unnecessarily, feared and misunderstood;

Whereas on an annual basis 40,000,000 adults in the United States suffer from clearly diagnosable mental disorders, including mental illness, alcohol abuse, and drug abuse, which create significant disabilities with respect to employment, school attendance, and independent living;

Whereas more than 11,200,000 United States citizens are diagnosed with schizophrenia, manic depressive disorder, and major depression, and these individuals are often disabled for long periods of time;

Whereas 33 percent of homeless persons suffer serious, chronic forms of mental illness;

Whereas mental illness, alcohol abuse, and drug abuse affect almost 22 percent of adults in the United States in any 1-year period;

Whereas mental illness interferes with the development and maturation of at least 12,000,000 of our children;

Whereas a majority of the 30,000 American citizens who commit suicide each year suffer from a mental or an addictive disorder;

Whereas our growing population of elderly persons faces many obstacles to care for mental disorders;

Whereas 20 to 25 percent of persons with AIDS will develop AIDS-related cognitive dysfunction and as many as two-thirds of persons with AIDS will show neuropsychiatric symptoms before they die;

Whereas mental illness, alcohol abuse, and drug abuse result in staggering costs to society, estimated to be in excess of $273,000,000 each year in direct treatment and support and indirect costs to society, including lost productivity;

Whereas the Federal research budget committed to the National Institute of Mental Health, the National Institute of Alcoholism and Alcohol Abuse, and the National Institute of Drug Abuse represents only about 1 percent of the direct treatment and support costs of caring for persons with mental disorders, alcohol addiction, and drug addiction;

Whereas mental illnesses are increasingly treatable disorders with excellent prospects for amelioration when properly recognized;

Whereas persons with mental illness and their families have begun to join self-help groups seeking to combat the unfair stigma of mental illness, to support greater national investment in

research, and to advocate an adequate continuum of care from hospital to community;

Whereas in recent years there have been unprecedented major research developments bringing new methods and technology to the sophisticated and objective study of the functioning of the brain and its linkages to both normal and abnormal behavior;

Whereas research in recent decades has led to a wide array of new and more effective modalities of treatment (somatic, psychosocial, and service delivery) for some of the most incapacitating forms of mental illness, including schizophrenia, major affective disorders, phobias, and phobic disorders;

Whereas appropriate treatment of mental illness has been demonstrated to be cost-effective in terms of restored productivity, reduced use of other health services, and lessened social dependence; and

Whereas recent and unparalleled growth in scientific knowledge about mental illness has generated the current emergence of a new threshold of opportunity for future research advances and fruitful application to specific clinical problems: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of October 3, 1993, through October 9, 1993, is designated as "Mental Illness Awareness Week". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate programs, ceremonies, and activities.

Approved October 6, 1993.

LEGISLATIVE HISTORY—S.J. Res. 61:

CONGRESSIONAL RECORD, Vol. 139 (1993):
May 27, considered and passed Senate.
Sept. 28, considered and passed House.

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Public Law 103-100
103d Congress

Joint Resolution

Oct. 6, 1993
[S.J. Res. 121]

To designate October 6, 1993 and 1994, as "German-American Day".

Whereas German immigrants first arrived in America at Jamestown, Virginia, in October 1608, and the 400th anniversary of the arrival of these first Germans will be celebrated in 2008;

Whereas the first German settlement in America was founded on October 6, 1683 at Germantown, Pennsylvania, and October 6, 1983, was designated as the German-American Tricentennial Celebration by Congressional Resolution and Presidential Proclamation;

Whereas the number of American citizens of German ancestry has grown to over 50 million since the first German immigrants arrived in this country;

Whereas German-Americans are proud of the existing friendship and cooperation between the Federal Republic of Germany and the United States;

Whereas the German-American Friendship Garden in Washington, D.C., is evidence of this cooperation;

Whereas German-Americans support expansion of the existing friendship between Germany and the United States, and will continue to contribute to the culture of the United States, support its government and democratic principles, and help ensure the freedom of all people;

Whereas German unification stands as a symbol of greater international cooperation and has reemphasized the prominent position of Germany in the European community and between the East and the West;

Whereas Congress unanimously passed joint resolutions designating October 6th of 1987, 1988, 1989, 1990, 1991, and 1992, each as "German-American Day": Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 6, 1993 and 1994, are each designated as "German-American Day",

and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe the days with appropriate ceremonies and activities.

Approved October 6, 1993.

LEGISLATIVE HISTORY—S.J. Res. 121:

CONGRESSIONAL RECORD, Vol. 139 (1993):
Aug. 4, considered and passed Senate.
Sept. 28, considered and passed House.

Public Law 103-101
103d Congress

An Act

Oct. 8, 1993
[H.R. 2074]

To authorize appropriations for the American Folklife Center for fiscal years 1994 and 1995.

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

SECTION 1. AUTHORIZATION OF APPROPRIATIONS FOR THE AMERICAN FOLKLIFE CENTER.

Section 8 of the American Folklife Preservation Act (20 U.S.C. 2107) is amended—

(1) by striking out "and" after "September 30, 1992,"; and

(2) by inserting after "September 30, 1993" the following: ", $1,120,000 for the fiscal year ending September 30, 1994, and $1,120,000 for the fiscal year ending September 30, 1995".

Approved October 8, 1993.

LEGISLATIVE HISTORY—H.R. 2074:

CONGRESSIONAL RECORD, Vol. 139 (1993):
Sept. 21, considered and passed House.
Sept. 23, considered and passed Senate.

Public Law 103-102
103d Congress

An Act

To provide that certain property located in the State of Oklahoma owned by an Indian housing authority for the purpose of providing low-income housing shall be treated as Federal property under the Act of September 30, 1950 (Public Law 874, 81st Congress).

Oct. 8, 1993
[H.R. 3051]

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

SECTION 1. CERTAIN PROPERTY IN THE STATE OF OKLAHOMA OWNED BY INDIAN HOUSING AUTHORITY FOR PURPOSE OF PROVIDING LOW-INCOME HOUSING TREATED AS FEDERAL PROPERTY UNDER PUBLIC LAW 874, 81ST CONGRESS.

(a) IN GENERAL.—Any real property located in the State of Oklahoma that—

(1) is owned by an Indian housing authority and used for low-income housing (including housing assisted under the mutual help homeownership opportunity program under section 202 of the United States Housing Act of 1937), and

(2) at any time prior to the date of the enactment of this Act—

(A) was designated by treaty as tribal land, or

(B) satisfied the definition of Federal property under section 403(1)(A) of the Act of September 30, 1950 (Public Law 874, 81st Congress),

shall be treated as Federal property under such section.

(b) APPLICABILITY.—Subsection (a) shall apply only with respect to payments made under the Act of September 30, 1950 (Public Law 874, 81st Congress) for fiscal year 1994.

Approved October 8, 1993.

LEGISLATIVE HISTORY—H.R. 3051:

CONGRESSIONAL RECORD, Vol. 139 (1993):
Sept. 21, considered and passed House.
Sept. 23, considered and passed Senate.

Public Law 103-103
103d Congress

An Act

Oct. 8, 1993
[S. 1130]

To provide for continuing authorization of Federal employee leave transfer and leave bank programs, and for other purposes.

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

Federal Employees Leave Sharing Amendments Act of 1993.
5 USC 6301 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Employees Leave Sharing Amendments Act of 1993".

SEC. 2. REPEAL OF TERMINATION PROVISION.

Section 2(d) of the Federal Employees Leave Sharing Act of 1988 (5 U.S.C. 6331 note) is repealed, effective as of October 30, 1993.

SEC. 3. ADVANCED LEAVE NOT TO BE CONSIDERED IN DETERMINING WHETHER ANY PAID LEAVE IS AVAILABLE.

(a) IN GENERAL.—Sections 6331(4) and 6361(6) of title 5, United States Code, are each amended by striking "leave." and inserting "leave (disregarding any advanced leave).".

(b) TECHNICAL CORRECTION.—Section 6331(4) of title 5, United States Code, is amended by inserting "the term" after "(4)".

SEC. 4. ACCRUAL OF LEAVE.

Section 6337(c) of title 5, United States Code, is amended to read as follows:

"(c)(1) Any annual or sick leave accrued by an employee under this section shall be transferred to the appropriate leave account of such employee under subchapter I, and shall be available for use—

"(A) as of the beginning of the first applicable pay period beginning after the date on which the employee's medical emergency terminates as described in paragraph (1) or (2) of section 6335(a); or

"(B) if the employee's medical emergency has not yet terminated, once the employee has exhausted all transferred leave made available to such employee under this subchapter.

"(2) In the event that the employee's medical emergency terminates as described in section 6335(a)(3)—

"(A) any leave accrued but not yet transferred under this section shall not be credited to such employee; or

"(B) if there remains, as of the date the emergency so terminates, any leave which became available to such employee under paragraph (1)(B), such leave shall cease to be available for any purpose.

"(d) Nothing in this section shall be considered to prevent, with respect to a continuing medical emergency, further transfers of leave for use after leave accrued under this section has been exhausted by the employee.".

SEC. 5. EMPLOYEE PARTICIPATION IN LEAVE BANK AND LEAVE TRANSFER PROGRAMS.

(a) AUTHORITY TO PARTICIPATE IN BOTH PROGRAMS.—

(1) IN GENERAL.—Section 6373 of title 5, United States Code, is amended to read as follows:

"§ 6373. Authority to participate in both programs

"(a) The Office of Personnel Management shall prescribe regulations under which an employee participating in a leave bank program under this subchapter may, subject to such terms or conditions as the Office may establish, also make or receive donations of leave under subchapter III. Regulations.

"(b) Notwithstanding any provision of section 6337 or 6371, if an employee uses leave transferred to such employee under subchapter III and leave made available to such employee under this subchapter in connection with the same medical emergency, the maximum number of days of annual leave and sick leave, respectively, which may accrue to such employee in connection with such medical emergency shall be the same as if all of that leave had been made available to such employee under this subchapter.".

(2) TECHNICAL AMENDMENT.—The table of sections for chapter 63 of title 5, United States Code, is amended by striking the item relating to section 6373 and inserting the following:

"6373. Authority to participate in both programs.".

(b) ELIMINATION OF PROVISION TREATING LEAVE BANK PROGRAM AS A DEMONSTRATION PROJECT.—Section 6362 of title 5, United States Code, is amended—

(1) by striking subsection (b); and

(2) in subsection (a) by striking "(a)".

5 USC 6331 note.

SEC. 6. EFFECTIVE DATE.

Except as provided in section 2, this Act and the amendments made by this Act shall take effect as of the 120th day after the date of the enactment of this Act or such earlier date as the Office of Personnel Management may by regulation prescribe.

Approved October 8, 1993.

LEGISLATIVE HISTORY—S. 1130:

HOUSE REPORTS: No. 103-246 (Comm. on Post Office and Civil Service).
CONGRESSIONAL RECORD, Vol. 139 (1993):
July 14, considered and passed Senate.
Sept. 21, considered and passed House, amended.
Sept. 23, Senate concurred in House amendment.

Public Law 103-104
103d Congress

An Act

To establish the Jemez National Recreation Area in the State of New Mexico, and for other purposes.

Oct. 12, 1993
[H.R. 38]

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

Conservation.
Environmental protection.
16 USC 460jjj.

SECTION 1. ESTABLISHMENT.

(a) PURPOSE AND ESTABLISHMENT.—In order to conserve, protect, and restore the recreational, ecological, cultural, religious, and wildlife resource values of the Jemez Mountains, there is hereby established the Jemez National Recreational Area (hereinafter in this Act referred to as the "recreation area"), to be administered by the Secretary of Agriculture (hereinafter in this Act referred to as the "Secretary").

(b) AREA INCLUDED.—The recreation area shall be comprised of approximately 57,000 acres of lands and interests in lands within the Santa Fe National Forest as generally depicted on the map entitled "Jemez National Recreation Area—Proposed" and dated September 1992. The map shall be on file and available for public inspection in the offices of the Chief of the Forest Service, Department of Agriculture, Washington, District of Columbia. The Secretary may from time to time, in consultation with local tribal leaders, make minor revisions in the boundary of the recreation area to promote management effectiveness and efficiency in furtherance of the purposes of this Act.

(c) MAP AND DESCRIPTION.—As soon as practicable after enactment of this Act, the Secretary shall file a map and legal description of the recreation area with the Committee on Natural Resources of the House of Representatives and with the Committee on Energy and Natural Resources and the Select Committee on Indian Affairs of the Senate. Such map and legal description shall have the same force and effect as if included in this Act, except that correction of clerical and typographical errors in such legal description and map may be made. Such map and legal description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture.

(d) NO ADDITIONAL LANDS.—No lands or interests therein outside of the boundaries of the recreation area may be added to the recreation area without specific authorization by Congress.

SEC. 2. ADMINISTRATION.

16 USC 460jjj-1.

(a) IN GENERAL.—The Secretary shall administer the recreation area in accordance with this Act and the laws, rules, and regulations applicable to National Forest System lands in a manner that will further the purposes of the recreation area. Management of the

natural resources within the recreation area shall be permitted only to the extent that such management is compatible with and does not impair the purposes for which the recreation area is established. Recreational activities within the recreation area shall include (but not be limited to) hiking, camping, hunting, fishing, skiing, backpacking, rock climbing, and swimming.

(b) MANAGEMENT PLAN.—The Secretary shall, no later than 5 years after the enactment of this Act, develop a management plan for the recreation area, as an amendment to the Santa Fe National Forest Land and Resource Management Plan, to reflect the establishment of the recreation area and to conform to the provisions of this Act. Nothing in this Act shall require the Secretary to revise the Santa Fe Forest Land and Resource Management Plan pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974. During development of the management plan for the recreation area, the Secretary shall study newly designated land within the recreation area, and adjacent national forest land.

(c) CULTURAL RESOURCES.—In administering the recreation area, the Secretary shall give particular emphasis to the preservation, stabilization, and protection of cultural resources located within the recreation area in furtherance of the Archaeological Resources Protection Act of 1979, the National Historic Preservation Act, and the Act of August 11, 1978 (42 U.S.C. 1991) (commonly referred to as the "American Indian Religious Freedom Act").

(d) NATIVE AMERICANS.—(1) In recognition of the historic use of portions of the recreation area by Indian peoples for traditional cultural and customary uses, the Secretary shall, subject to the provisions of section 2(n) in consultation with local tribal leaders, ensure the protection of religious and cultural sites and provide access from time to time to those sites by Indian peoples for traditional cultural and customary uses. Such access shall be consistent with the purpose and intent of the Act of August 11, 1978 (42 U.S.C. 1991) (commonly referred to as the "American Indian Religious Freedom Act"). The Secretary, in accordance with such Act, upon request of an Indian tribe or pueblo, may from time to time temporarily close to general public use one or more specific portions of the recreational area in order to protect traditional and customary uses in such portions by Indian peoples.

(2) In preparing and implementing management plans for the recreation area, the Secretary shall request that the Governor of the Pueblo of Jemez and the chief executive officers of other appropriate Indian tribes and pueblos make recommendations on methods of—

(A) assuring access to religious and cultural sites;

(B) enhancing the privacy and continuity of traditional cultural and religious activities in the recreation area; and

(C) protecting traditional cultural and religious sites in the recreation area.

(e) WILDLIFE RESOURCES.—In administering the recreation area, the Secretary shall give particular emphasis to the conservation and protection of wildlife resources, including species listed as sensitive by the Forest Service, within the recreation area and shall comply with applicable Federal and State laws relating to wildlife, including the Endangered Species Act of 1973.

(f) HUNTING.—The Secretary shall permit hunting and fishing on lands and waters under the jurisdiction of the Secretary within

the recreation area in accordance with applicable Federal and State law.

(g) TIMBER HARVESTING.—The Secretary may permit timber harvesting in the recreation area for commercial purposes, including (but not limited to) vigas, latillas, the gathering of fuelwood, and for purposes of public safety, recreation, wildlife, and administration, insofar as the harvesting is compatible with the purposes of the recreation area. Trees damaged or downed due to fire, disease, or insect infestation may be utilized, salvaged, or removed from the recreation area as authorized by the Secretary in furtherance of the purposes of this Act. Nothing in this Act shall be construed to affect the timber sales under contract on the date of enactment of this Act. Nothing in this Act shall be construed to effect the Los Griegos timber sale in the Los Griegos Diversity Unit number 0322 as shown on the West Half Diversity Unit map of the Santa Fe National Forest dated November 1991; except that the Secretary shall manage such sale using uneven aged management including the individual tree selection method.

(h) GRAZING.—The Secretary may permit grazing within the recreation area in accordance with regulations prescribed by the Secretary. Riparian areas shall be managed in such a manner as to protect their important resource values.

(i) TRANSPORTATION PLAN.—(1) Within 1 year after the date of enactment of this Act, the Secretary shall prepare a transportation plan that provides for the most efficient use of roads and trails to accomplish the purposes of this Act. The plan shall provide for a comprehensive trails system that provides for dispersed recreation while minimizing impact on significant archaeological and religious sites.

(2) The Secretary shall construct, maintain, and close roads within the recreation area after consultation with local tribal leaders and only in accordance with such plan.

(j) RECREATIONAL FACILITIES.—The Secretary shall provide for recreational facilities within the recreation area. Such facilities shall be constructed so as to minimize impacts on the scenic beauty, the natural character, and the archaeological and religious sites of the recreation area.

(k) VISITOR FACILITIES.—The Secretary shall establish a visitor center and interpretive facilities in or near the recreation area for the purpose of providing for education relating to the interpretation of cultural and natural resources of the recreation area.

(l) POWER TRANSMISSION LINES.—In accordance with Federal and State laws and regulations, the Secretary may permit a utility corridor for high power electric transmission lines within the recreation area only when the Secretary determines that—

(1) there is not a feasible alternative for the location of such corridor;

(2) damage to the recreational and scenic quality and to the archaeological and religious sites of the recreation area will not be significant;

(3) it is in the public interest that such corridor be located in the recreation area; and

(4) a plan to minimize harm to the resources of the recreation area has been developed.

(m) SCIENTIFIC INVESTIGATIONS.—The Secretary may permit scientific investigations within the recreation area upon the Sec-

retary's determination that such investigations are in the public interest and are compatible with the purposes of this Act.

(n) RESOURCE PROTECTION.—The Secretary may designate zones where, and establish periods when, any activity otherwise permitted in the recreation area will not be permitted for reasons of public safety, administration, fish and wildlife management, protection of archaeological or cultural resources, or public use and enjoyment. Except in emergencies such designations by the Secretary shall be put into effect only after consultation with the appropriate State agencies, appropriate tribal leaders, and other affected parties.

16 USC 460jjj-2.

SEC. 3. MINERALS AND MINING.

(a) LIMITATION ON PATENT ISSUANCE.—(1) Notwithstanding any other provision of law, no patents shall be issued after May 30, 1991, for any location or claim made in the recreation area under the mining laws of the United States.

(2) Notwithstanding any statute of limitations or similar restriction otherwise applicable, any party claiming to have been deprived of any property right by enactment of paragraph (1) may file in the United States Claims Court a claim against the United States within 1 year after the date of enactment of this Act seeking compensation for such property right. The United States Claims Court shall have jurisdiction to render judgment upon any such claim in accordance with section 1491 of title 28, United States Code.

(b) WITHDRAWAL.—Subject to valid existing rights, after the date of enactment of this Act, lands within the recreation area withdrawn from location under the general mining laws and from the operation of the mineral leasing, geothermal leasing, and mineral material disposal laws.

(c) RECLAMATION.—No mining activity involving any surface disturbance of lands or waters within such area, including disturbance through subsidence, shall be permitted except in accordance with requirements imposed by the Secretary, including requirements for reasonable reclamation of disturbed lands to a visual and hydrological condition as close as practical to their premining condition.

(d) MINING CLAIM VALIDITY REVIEW.—The Secretary of Agriculture shall undertake and complete within 3 years after the date of enactment of this Act an expedited program to examine all unpatented mining claims, including those for which a patent application has been filed, within the recreation area. Upon determination by the Secretary of Agriculture that the elements of a contest are present, the Secretary of the Interior shall immediately determine the validity of such claims. If a claim is determined to be invalid, the Secretary shall promptly declare the claim to be null and void.

(e) PUBLIC PURPOSES.—The Secretary may utilize mineral materials from within the recreation area for public purposes such as maintenance and construction of roads, trails, and facilities as long as such use is compatible with the purposes of the recreation area.

16 USC 460jjj-3.

SEC. 4. ADJOINING LANDS.

The Secretary may evaluate lands adjoining the recreation area for possible inclusion in the recreation area and make recommendations to Congress, including (but not limited to) that area

authorized for study by section 5 of Public Law 101–556 (104 Stat. 2764), known as the Baca Location Number 1. The Secretary, in consultation with local tribal leaders and the National Park Service, shall, no later than 2 years after enactment of this Act, submit recommendations with respect to future boundaries for the recreation area.

SEC. 5. ACQUISITION OF LAND. 16 USC 460jjj–4.

(a) STATE LAND.—Land and interests in land within the boundaries of the recreation area that are owned by the State of New Mexico, or a political subdivision of New Mexico, may be acquired only by donation or exchange.

(b) OFFERS TO SELL.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary may acquire land and interests in land within the boundaries of the recreation area by donation, purchase with donated or appropriated funds, or exchange.

(2) LIMITATION.—The Secretary may not acquire lands within the recreation area without the consent of the owner thereof unless the Secretary has determined that such lands will be put to a use different from their use as of the date of enactment of this Act and that such new use would be incompatible with the protection of the natural and cultural resources of the recreation area.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS. 16 USC 460jjj–5.

There is authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

Approved October 12, 1993.

LEGISLATIVE HISTORY—H.R. 38:

HOUSE REPORTS: No. 103–58 (Comm. on Natural Resources).
SENATE REPORTS: No. 103–139 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 139 (1993):
Apr. 20, 21, considered and passed House.
Sept. 22, considered and passed Senate, amended.
Sept. 29, House concurred in Senate amendments.

Public Law 103-105
103d Congress

An Act

Oct. 12, 1993
[H.R. 2608]

To provide for the reauthorization of the collection and publication of quarterly financial statistics by the Secretary of Commerce through fiscal year 1998, and for other purposes.

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

SECTION 1. REAUTHORIZATION OF COLLECTION AND PUBLICATION OF QUARTERLY FINANCIAL STATISTICS BY THE SECRETARY OF COMMERCE.

(a) IN GENERAL.—Section 4(b) of the Act entitled "An Act to amend title 13, United States Code, to transfer responsibility for the quarterly financial report from the Federal Trade Commission to the Secretary of Commerce, and for other purposes", approved January 12, 1983 (Public Law 97-454; 96 Stat. 2494; 13 U.S.C. 91 note) is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1998".

13 USC 91 note.

(b) EFFECTIVE DATE.—The amendment made under subsection (a) shall take effect on September 30, 1993.

Approved October 12, 1993.

LEGISLATIVE HISTORY—H.R. 2608:

HOUSE REPORTS: No. 103-241 (Comm. on Post Office and Civil Service).
CONGRESSIONAL RECORD, Vol. 139 (1993):
Sept. 21, considered and passed House.
Sept. 22, considered and passed Senate, amended.
Sept. 29, House concurred in Senate amendments.

Public Law 103-106
103d Congress

An Act

To improve administrative services and support provided to the National Forest Foundation, and for other purposes.

Oct. 12, 1993
[S. 1381]

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

SECTION 1. SHORT TITLE.

National Forest Foundation Act Amendment Act of 1993.
16 USC 583j note.

This Act may be cited as the "National Forest Foundation Act Amendment Act of 1993".

SEC. 2. PURPOSE.

16 USC 583j-3 note.

It is the purpose of this Act—

(1) to provide for start-up and matching funds for project expenses to carry out the National Forest Foundation Act; and

(2) to extend the funding authorization for start-up expenses for 1 year.

SEC. 3. ADMINISTRATIVE SERVICES AND SUPPORT.

(a) IN GENERAL.—Section 405 of the National Forest Foundation Act (16 U.S.C. 583j–3) is amended—

(1) in subsection (a)—

(A) by inserting ", project," after "administrative"; and

(B) by striking "following the date of enactment of this title" and inserting "beginning October 1, 1992"; and

(2) in subsection (b)—

(A) by striking "from the date of enactment of this title" and inserting "beginning October 1, 1992"; and

(B) by inserting "and project" after "administrative".

(b) TECHNICAL AMENDMENT.—Section 410(b) of such Act (16 U.S.C. 583j–8(b)) is amended by striking "following the date of enactment of this title," and inserting "beginning October 1, 1992,".

Approved October 12, 1993.

LEGISLATIVE HISTORY—S. 1381 (H.R. 3085):

HOUSE REPORTS: No. 103-266 accompanying H.R. 3085 (Comm. on Agriculture).
CONGRESSIONAL RECORD, Vol. 139 (1993):
Sept. 15, considered and passed Senate.
Sept. 28, considered and passed House.

Public Law 103-107
103d Congress

Joint Resolution

To designate the months of October 1993 and October 1994 as "Country Music Month".

Oct. 12, 1993
[S.J. Res. 102]

Whereas country music derives its roots from the folk songs of our Nation's workers, captures the spirit of our religions hymns, reflects the sorrow and joy of our traditional ballads, and echoes the drive and soulfulness of rhythm and blues;

Whereas country music has played an integral part in our Nation's history, accompanying the growth of our Nation and reflecting the ethnic and cultural diversity of our people;

Whereas country music embodies a spirit of the American people and the deep and genuine feelings individuals experience throughout life;

Whereas the distinctively American refrains of country music have been performed for audiences throughout the world, striking a chord deep within the hearts and souls of fans everywhere; and

Whereas October 1993 and October 1994 mark, respectively, the twenty-ninth and thirtieth annual observances of Country Music Month: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the months of October 1993 and October 1994 are designated as "Country Music Month", and that the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such months with appropriate ceremonies and activities.

Approved October 12, 1993.

LEGISLATIVE HISTORY—S.J. Res. 102:

CONGRESSIONAL RECORD, Vol. 139 (1993):
July 23, considered and passed Senate.
Oct. 5, considered and passed House.

Public Law 103-108
103d Congress

Joint Resolution

Oct. 18, 1993
[H.J. Res. 218]

Designating October 16, 1993, and October 16, 1994, each as World Food Day.

Whereas hunger and malnutrition remain daily facts of life for hundreds of millions of people in the world;

Whereas the children of the world suffer the most serious effects of hunger and malnutrition, with millions of children dying each year from hunger-related illness and disease, and many others suffering permanent physical or mental impairment because of vitamin or protein deficiencies;

Whereas the United States has a long tradition of demonstrating humanitarian concern for the hungry and malnourished people of the world;

Whereas there is growing concern in the United States and in other countries for environmental protection and the dangers posed to future food supply from misuse and overuse of land and water, loss of biological diversity and erosion of genetic resources on a global scale;

Whereas the world community increasingly calls upon the United States to resolve food problems stemming from local conflicts and civil unrest—such as in Somalia and the former Yugoslavia—calling for the use of peacekeeping forces as well as the provision of emergency food supplies;

Whereas the United States plays a major role in the development and implementation of interregional food and agricultural trade standards and practices, and recognizes the positive role that food trade can play in enhancing human nutrition and in the alleviation of hunger;

Whereas although progress has been made in reducing the incidence of hunger and malnutrition in the United States, certain groups, notably Native Americans, migrant workers, the elderly, the homeless, and children, remain vulnerable to malnutrition and related diseases;

Whereas our Government is now preparing a National Plan of Action for nutrition wellbeing in accordance with the commitment made at the recent International Conference on Nutrition;

Whereas the conservation of natural resources, the preservation of biological diversity and strong public and private programs of agricultural research are required for the United States to remain the largest surplus food producer in the world and to continue to aid the hungry and malnourished people of the world;

Whereas the United States is and must remain the world leader in the development of biotechnology aimed at enhancing the improved production, safety and quality of the world food supply;

Whereas the Congress of the United States is aware of and strongly supports plans and preparations for the International Conference on Plant Genetic Resources planned for 1995;

Whereas participation by private voluntary organizations and businesses, working with national governments and the international community, is essential in the search for ways to increase food production in developing countries and improve food distribution to hungry and malnourished people;

Whereas the member nations of the Food and Agriculture Organization of the United Nations unanimously designated October 16 of each year as World Food Day because of the need to increase public awareness of world hunger problems;

Whereas past observances of World Food Day have been supported by proclamations by the Congress, the President, the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States, and by programs of the Department of Agriculture, other Federal departments and agencies, and the governments and peoples of more than 150 other nations;

Whereas 450 private voluntary organizations and thousands of community leaders are participating in the planning of World Food Day observances in 1993, and a growing number of these organizations and leaders are using this day as a focal point for year-round programs; and

Whereas the people of the United States can express their concern for the plight of the hungry and malnourished people throughout the world by study and action and by fasting and donating food and money: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 16, 1993, and October 16, 1994, are each designated as "World Food Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe World Food Day with appropriate ceremonies and activities, including worship services, fasting, education endeavors, and the establishment of year-around food and health programs and policies.

Approved October 18, 1993.

LEGISLATIVE HISTORY—H.J. Res. 218:

CONGRESSIONAL RECORD, Vol. 139 (1993):
Oct. 13, considered and passed House.
Oct. 14, considered and passed Senate.

Public Law 103-109
103d Congress

Joint Resolution

Oct. 18, 1993
[H.J. Res. 265]

To designate October 19, 1993, as "National Mammography Day".

Whereas, according to the American Cancer Society, one hundred eighty-two thousand women will be diagnosed with breast cancer in 1993, and forty-six thousand women will die from this disease;

Whereas, in the decade of the 1990's, it is estimated that about two million women will be diagnosed with breast cancer, resulting in nearly five hundred thousand deaths;

Whereas the risk of breast cancer increases with age, with a woman at age seventy having twice as much of a chance of developing the disease than a woman at age fifty;

Whereas 80 percent of women who get breast cancer have no family history of the disease;

Whereas mammograms, when operated professionally at an accredited facility, can provide a safe and quick diagnosis;

Whereas experts agree that mammography is the best method of early detection of breast cancer, and early detection is the key to saving lives; and

Whereas mammograms can reveal the presence of small cancers up to two years before regular clinical breast examinations or breast self-examinations (BSE), saving as many as a third more lives: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 19, 1993, be designated as "National Mammography Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate programs and activities.

Approved October 18, 1993.

LEGISLATIVE HISTORY—H.J. Res. 265:

CONGRESSIONAL RECORD, Vol. 139 (1993):
Oct. 13, considered and passed House.
Oct. 14, considered and passed Senate.

Public Law 103-110
103d Congress

An Act

Making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1994, and for other purposes.

Oct. 21, 1993
[H.R. 2446]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1994, for military construction functions administered by the Department of Defense, and for other purposes, namely:

Military Construction Appropriations Act, 1994.

MILITARY CONSTRUCTION, ARMY

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, $906,676,000, to remain available until September 30, 1998: *Provided,* That of this amount, not to exceed $109,441,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: *Provided further,* That of the funds appropriated for "Military Construction, Army" under Public Law 102–136, $4,700,000 is hereby rescinded: *Provided further,* That of the funds appropriated for "Military Construction, Army" under Public Law 102–380, $9,200,000 is hereby rescinded.

MILITARY CONSTRUCTION, NAVY

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, $681,373,000, to remain available until September 30, 1998: *Provided,* That of this amount, not to exceed $64,373,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: *Provided*

further, That of the funds appropriated for "Military Construction, Navy" under Public Law 101–148, $7,662,000 is hereby rescinded: *Provided further,* That of the funds appropriated for "Military Construction, Navy" under Public Law 101–519, $14,406,000 is hereby rescinded: *Provided further,* That of the funds appropriated for "Military Construction, Navy" under Public Law 102–136, $62,899,000 is hereby rescinded: *Provided further,* That of the funds appropriated for "Military Construction, Navy" under Public Law 102–380, $37,660,000 is hereby rescinded.

MILITARY CONSTRUCTION, AIR FORCE

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, $1,021,567,000, to remain available until September 30, 1998: *Provided,* That of this amount, not to exceed $63,882,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: *Provided further,* That of the funds appropriated for "Military Construction, Air Force" under Public Law 101–148, $8,315,000 is hereby rescinded: *Provided further,* That of the funds appropriated for "Military Construction, Air Force" under Public Law 101–519, $6,550,000 is hereby rescinded: *Provided further,* That of the funds appropriated for "Military Construction, Air Force" under Public Law 102–136, $12,980,000 is hereby rescinded: *Provided further,* That of the funds appropriated for "Military Construction, Air Force" under Public Law 102–380, $2,250,000 is hereby rescinded.

MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, $562,008,000, to remain available until September 30, 1998: *Provided,* That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction as he may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided further,* That of the amount appropriated, not to exceed $44,405,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: *Provided further,* That of the funds appropriated for "Military Construction, Defense Agencies" under Public Law 102–136, $15,500,000 is hereby rescinded.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, $302,719,000, to remain available until September 30, 1998.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, $247,491,000, to remain available until September 30, 1998.

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, $102,040,000, to remain available until September 30, 1998.

MILITARY CONSTRUCTION, NAVAL RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, $25,029,000, to remain available until September 30, 1998.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, $74,486,000, to remain available until September 30, 1998.

NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

For the United States share of the cost of North Atlantic Treaty Organization Infrastructure programs for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized in military construction Acts and section 2806 of title 10, United States Code, $140,000,000, to remain available until expended.

FAMILY HOUSING, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest

charges, and insurance premiums, as authorized by law, as follows: for Construction, $228,885,000, to remain available until September 30, 1998; for Operation and maintenance, and for debt payment, $1,069,601,000; in all $1,298,486,000.

FAMILY HOUSING, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, $370,208,000, to remain available until September 30, 1998; for Operation and maintenance, and for debt payment, $772,055,000; in all $1,142,263,000: *Provided,* That of the funds appropriated for "Family Housing, Navy and Marine Corps" under Public Law 101–148, $14,100,000 is hereby rescinded: *Provided further,* That of the funds appropriated for "Family Housing, Navy and Marine Corps" under Public Law 101–519, $25,018,000 is hereby rescinded: *Provided further,* That of the funds appropriated for "Family Housing, Navy and Marine Corps" under Public Law 102–380, $1,253,000 is hereby rescinded.

FAMILY HOUSING, AIR FORCE

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, $187,035,000, to remain available until September 30, 1998; for Operation and maintenance, and for debt payment, $790,912,000; in all $977,947,000: *Provided,* That of the funds appropriated for "Family Housing, Air Force" under Public Law 102–136, $6,400,000 is hereby rescinded: *Provided further,* That of the funds appropriated for "Family Housing, Air Force" under Public Law 102–380, $48,702,000 is hereby rescinded.

FAMILY HOUSING, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for construction, including acquisition, replacement, addition, expansion, extension and alteration, and for operation and maintenance, leasing, and minor construction, as authorized by law, as follows: for Construction, $159,000, to remain available for obligation until September 30, 1998; for Operation and maintenance, $26,337,000; in all $26,496,000.

HOMEOWNERS ASSISTANCE FUND, DEFENSE

For use in the Homeowners Assistance Fund established pursuant to section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966, as amended (42 U.S.C. 3374), $151,400,000, to remain available until expended.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART I

For deposit into the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526), $12,830,000, to remain available for obligation until September 30, 1995: *Provided,* That none of these funds may be obligated for base realignment and closure activities under Public Law 100–526 which would cause the Department's $1,800,000,000 cost estimate for military construction and family housing related to the Base Realignment and Closure Program to be exceeded.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART II

For deposit into the Department of Defense Base Closure Account 1990 established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991 (Public Law 101–510), $1,526,310,000, to remain available until expended: *Provided,* That not less than $262,300,000 of the funds appropriated herein shall be available solely for environmental restoration.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART III

For deposit into the Department of Defense Base Closure Account 1990 established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991 (Public Law 101–510), $1,144,000,000, to remain available until expended: *Provided,* That such funds will be available only to the extent an official budget request is transmitted to the Congress: *Provided further,* That not less than $300,000,000 of the funds appropriated herein shall be available solely for environmental restoration.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in Military Construction Appropriations Acts shall be expended for payments under a cost-plus-a-fixed-fee contract for work, where cost estimates exceed $25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 102. Funds appropriated to the Department of Defense for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds appropriated to the Department of Defense for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds appropriated in this Act may be used to begin construction of new bases inside the continental United States for which specific appropriations have not been made.

SEC. 105. No part of the funds provided in Military Construction Appropriations Acts shall be used for purchase of land or land easements in excess of 100 per centum of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except (a) where there is a determination of value by a Federal court, or (b) purchases negotiated by the Attorney General

or his designee, or (c) where the estimated value is less than $25,000, or (d) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds appropriated in Military Construction Appropriations Acts shall be used to (1) acquire land, (2) provide for site preparation, or (3) install utilities for any family housing, except housing for which funds have been made available in annual Military Construction Appropriations Acts.

SEC. 107. None of the funds appropriated in Military Construction Appropriations Acts for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations.

SEC. 108. No part of the funds appropriated in Military Construction Appropriations Acts may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds appropriated in Military Construction Appropriations Acts may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations.

SEC. 111. None of the funds appropriated in Military Construction Appropriations Acts may be obligated for architect and engineer contracts estimated by the Government to exceed $500,000 for projects to be accomplished in Japan or in any NATO member country, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds appropriated in Military Construction Appropriations Acts for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll may be used to award any contract estimated by the Government to exceed $1,000,000 to a foreign contractor: *Provided,* That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 per centum.

SEC. 113. The Secretary of Defense is to inform the Committees on Appropriations and the Committees on Armed Services of the plans and scope of any proposed military exercise involving United States personnel thirty days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed $100,000.

(TRANSFER OF FUNDS)

SEC. 114. Unexpended balances in the Military Family Housing Management Account established pursuant to section 2831 of title 10, United States Code, as well as any additional amounts which would otherwise be transferred to the Military Family Housing Management Account, shall be transferred to the appropriations for Family Housing, as determined by the Secretary of Defense, based on the sources from which the funds were derived, and

shall be available for the same purposes, and for the same time period, as the appropriation to which they have been transferred.

SEC. 115. Not more than 20 per centum of the appropriations in Military Construction Appropriations Acts which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year.

(TRANSFER OF FUNDS)

SEC. 116. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 117. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 118. Notwithstanding any other provision of law, any funds appropriated to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were appropriated if the funds obligated for such project (1) are obligated from funds available for military construction projects, and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law. 10 USC 2860 note.

SEC. 119. Of the funds appropriated in this Act for Operation and maintenance of Family Housing, no more than $13,000,000 may be obligated for contract cleaning of family housing units.

(TRANSFER OF FUNDS)

SEC. 120. During the five-year period after appropriations available to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation "Foreign Currency Fluctuations, Construction, Defense" to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred. 10 USC 2860 note.

SEC. 121. The Secretary of Defense is to provide the Committees on Appropriations of the Senate and the House of Representatives with an annual report by February 15, containing details of the specific actions proposed to be taken by the Department of Defense during the current fiscal year to encourage other member nations of the North Atlantic Treaty Organization and Japan and Korea to assume a greater share of the common defense burden of such nations and the United States. Reports.

SEC. 122. (a) Notwithstanding any other provision of law, the Secretary of the Army shall transfer, no later than September 30, 1994, without reimbursement or transfer of funds, to the Real property. Maryland. 2 USC 141 note.

Architect of the Capitol, a portion of the real property, including improvements thereon, consisting of not more than 100 acres located at Fort George G. Meade in Anne Arundel County, Maryland, as determined under subsection (c).

(b) The Architect of the Capitol shall, upon completion of the survey performed pursuant to subsection (c) and the transfer effected pursuant to subsection (a), utilize the transferred property to provide facilities to accommodate the varied long term storage and service needs of the Library of Congress and other Legislative Branch agencies.

(c) The exact acreage and legal description of the property to be transferred under this section shall be determined by a survey satisfactory to the Architect of the Capitol and the Secretary of the Army, and in consultation with officials of Anne Arundel County, Maryland.

(d) Any real property and improvements thereon transferred pursuant to this section shall be under the jurisdiction of the Architect of the Capitol, subject to the rules and regulations providing for the use of such property as may be approved by the House Office Building Commission and the Senate Committee on Rules and Administration: *Provided,* That any existing improvements made available by the Architect to the Librarian of Congress, under the direction of the Joint Committee on the Library, or hereafter erected upon such real property pursuant to law for the purposes of providing for the long term storage and service needs of the Library of Congress shall be subject to the provisions of sections 136, 141 and 167 to 167j of title 2, United States Code.

(e) Portions of the real property and any improvements thereon transferred pursuant to this section that are not determined to be immediately required for storage or service needs by the Architect are authorized to be leased temporarily to the Secretary of the Army: *Provided,* That nominal lease payments made by the Secretary of the Army shall be credited to the appropriation "Architect of the Capitol, Library Buildings and Grounds, Structural and Mechanical Care, No Year".

(f) There are authorized to be appropriated to the Architect of the Capitol such sums as may be necessary to carry out the provisions of this section.

SEC. 123. Proceeds received by the Secretary of the Navy pursuant to section 2840 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190) are appropriated and shall be available for the purposes authorized in that section.

SEC. 124. None of the funds appropriated in this Act or any other Act may be used for the purposes of establishing any criminal detention or rehabilitation facility or program at Fort George Meade, Maryland.

SEC. 125. COMPLIANCE WITH BUY AMERICAN ACT.

No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act").

SEC. 126. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be

authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary of the Treasury shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 127. PROHIBITION OF CONTRACTS.

If it has been finally determined by a court or Federal agency that any person intentionally affixed a fraudulent label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that was not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.

This Act may be cited as the "Military Construction Appropriations Act, 1994".

Approved October 21, 1993.

LEGISLATIVE HISTORY—H.R. 2446:

HOUSE REPORTS: Nos. 103-136 (Comm. on Appropriations) and 103-278 (Comm. of Conference).
SENATE REPORTS: No. 103-148 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 139 (1993):
June 23, considered and passed House.
Sept. 30, considered and passed Senate, amended.
Oct. 13, House agreed to conference report; receded and concurred in certain Senate amendments, in others with amendments.
Oct. 19, Senate agreed to conference report; concurred in House amendments.

Public Law 103-111
103d Congress

An Act

Oct. 21, 1993
[H.R. 2493]

Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1994, and for other purposes.

Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1994.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1994, and for other purposes, namely:

TITLE I—AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING, AND MARKETING

OFFICE OF THE SECRETARY

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of the Secretary of Agriculture, and not to exceed $50,000 for employment under 5 U.S.C. 3109, $2,308,000: *Provided,* That not to exceed $8,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary: *Provided further,* That the Secretary may transfer salaries and expenses funds in this Act sufficient to finance a total of not to exceed 35 staff years between agencies of the Department of Agriculture to meet workload requirements.

OFFICE OF THE DEPUTY SECRETARY

For necessary expenses of the Office of the Deputy Secretary of Agriculture, including not to exceed $25,000 for employment under 5 U.S.C. 3109, $550,000: *Provided,* That not to exceed $3,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Deputy Secretary.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $5,000 is for employment under 5 U.S.C. 3109, $5,881,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary expenses of the Office of the Assistant Secretary for Administration to carry out the programs funded in this Act, $803,000.

RENTAL PAYMENTS (USDA)

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92–313 for programs and activities of the Department of Agriculture which are included in this Act, $135,503,000, of which $30,804,000 shall be retained by the Department of Agriculture for the operation, maintenance, and repair of Agriculture buildings and for non-recurring repairs as determined by the Department of Agriculture, and an additional $19,700,000 shall be retained by the Department of Agriculture for renovation and repair of facilities at the Beltsville Agricultural Research Center: *Provided,* That in the event an agency within the Department of Agriculture should require modification of space needs, the Secretary of Agriculture may transfer a share of that agency's appropriation made available by this Act to this appropriation, or may transfer a share of this appropriation to that agency's appropriation, but such transfers shall not exceed 5 per centum of the funds made available for space rental and related costs to or from this account.

ADVISORY COMMITTEES (USDA)

For necessary expenses for activities of advisory committees of the Department of Agriculture which are included in this Act, $940,000: *Provided,* That no other funds appropriated to the Department of Agriculture in this Act shall be available to the Department of Agriculture for support of activities of advisory committees.

HAZARDOUS WASTE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the requirement of section 107g of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. 9607g, and section 6001 of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6961, $15,802,000, to remain available until expended: *Provided,* That appropriations and funds available herein to the Department of Agriculture for hazardous waste management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

For Personnel, Finance and Management, Operations, Information Resources Management, Advocacy and Enterprise, Administrative Law Judges and Judicial Officer, and Emergency Programs, $26,301,000, for Departmental Administration to provide for necessary expenses for management support services to offices of the

Department of Agriculture and for general administration and emergency preparedness of the Department of Agriculture, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department of Agriculture, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 is for employment under 5 U.S.C. 3109: *Provided,* That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551–558.

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS

For necessary expenses of the Office of the Assistant Secretary for Congressional Relations to carry out the programs funded in this Act, $1,325,000.

OFFICE OF PUBLIC AFFAIRS

For necessary expenses to carry on services relating to the coordination of programs involving public affairs, and for the dissemination of agricultural information and the coordination of information, work and programs authorized by Congress in the Department, $8,570,000, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 shall be available for employment under 5 U.S.C. 3109, and not to exceed $2,000,000 may be used for farmers' bulletins: *Provided,* That hereafter, none of the funds available to the Department of Agriculture may be used to produce part 2 of the annual report of the Secretary (known as the Yearbook of Agriculture).

7 USC 2207 note.

INTERGOVERNMENTAL AFFAIRS

For necessary expenses for programs involving intergovernmental affairs and liaison within the executive branch, $475,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and the Inspector General Act of 1978, as amended, $65,530,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(8) of the Inspector General Act of 1978, as amended, and including a sum not to exceed $50,000 for employment under 5 U.S.C. 3109; and including a sum not to exceed $95,000 for certain confidential operational expenses including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95–452 and section 1337 of Public Law 97–98.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, $25,992,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ECONOMICS

For necessary expenses of the Office of the Assistant Secretary for Economics to carry out the programs funded in this Act, $586,000.

ECONOMIC RESEARCH SERVICE

For necessary expenses of the Economic Research Service in conducting economic research and service relating to agricultural production, marketing, and distribution, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627) and other laws, including economics of marketing; analyses relating to farm prices, income and population, and demand for farm products, use of resources in agriculture, adjustments, costs and returns in farming, and farm finance; research relating to the economic and marketing aspects of farmer cooperatives; and for analysis of supply and demand for farm products in foreign countries and their effect on prospects for United States exports, progress in economic development and its relation to sales of farm products, assembly and analysis of agricultural trade statistics and analysis of international financial and monetary programs and policies as they affect the competitive position of United States farm products, $55,219,000; of which $500,000 shall be available for investigation, determination, and finding as to the effect upon the production of food and upon the agricultural economy of any proposed action affecting such subject matter pending before the Administrator of the Environmental Protection Agency for presentation, in the public interest, before said Administrator, other agencies or before the courts: *Provided,* That this appropriation shall be available to continue to gather statistics and conduct a special study on the price spread between the farmer and the consumer: *Provided further,* That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225): *Provided further,* That this appropriation shall be available for analysis of statistics and related facts on foreign production and full and complete information on methods used by other countries to move farm commodities in world trade on a competitive basis.

NATIONAL AGRICULTURAL STATISTICS SERVICE

For necessary expenses of the National Agricultural Statistics Service in conducting statistical reporting and service work, including crop and livestock estimates, statistical coordination and improvements, and marketing surveys, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627) and other laws, $81,764,000: *Provided,* That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $40,000 shall be available for employment under 5 U.S.C. 3109.

WORLD AGRICULTURAL OUTLOOK BOARD

For necessary expenses of the World Agricultural Outlook Board to coordinate and review all commodity and aggregate agricultural and food data used to develop outlook and situation material within the Department of Agriculture, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1622g), $2,566,000: *Provided,* That

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this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225).

OFFICE OF THE ASSISTANT SECRETARY FOR SCIENCE AND EDUCATION

For necessary salaries and expenses of the Office of the Assistant Secretary for Science and Education to administer the laws enacted by the Congress for the Agricultural Research Service, Cooperative State Research Service, Extension Service, and National Agricultural Library, $566,000.

ALTERNATIVE AGRICULTURAL RESEARCH AND COMMERCIALIZATION

For necessary expenses to carry out the Alternative Agricultural Research and Commercialization Act of 1990 (7 U.S.C. 5901–5908), $9,000,000 is appropriated to the Alternative Agricultural Research and Commercialization Revolving Fund.

AGRICULTURAL RESEARCH SERVICE

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to enable the Agricultural Research Service to perform agricultural research and demonstration relating to production, utilization, marketing, and distribution (not otherwise provided for), home economics or nutrition and consumer use, and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100, $692,469,000: *Provided,* That appropriations hereunder shall be available for temporary employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $115,000 shall be available for employment under 5 U.S.C. 3109: *Provided further,* That hereafter, appropriations available to the Department of Agriculture can be used to provide financial assistance to the organizers of national and international conferences, if such conferences are in support of agency programs: *Provided further,* That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: *Provided further,* That appropriations hereunder shall be available to conduct marketing research: *Provided further,* That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided the cost of constructing any one building shall not exceed $250,000, except for headhouses or greenhouses which shall each be limited to $1,000,000, and except for ten buildings to be constructed or improved at a cost not to exceed $500,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building or $250,000, whichever is greater: *Provided further,* That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: *Provided further,* That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): *Provided further,* That the foregoing limitations shall not apply to the purchase of land or the construction of facilities as may be necessary for the reloca-

7 USC 2255a.

7 USC 2254.

7 USC 2254.

tion of the United States Horticultural Crops Research Laboratory at Fresno to Parlier, California, and the relocation of the laboratories at Behoust, France and Rome, Italy to Montpelier, France, including the sale or exchange at fair market value of existing land and facilities at Fresno, California and Behoust, France; and the Agricultural Research Service may lease such existing land and facilities from the purchasers until completion of the replacement facilities and the foregoing limitations shall not apply to the purchase of land at Weslaco, Texas: *Provided further,* That not to exceed $190,000 of this appropriation may be transferred to and merged with the appropriation for the Office of the Assistant Secretary for Science and Education for the scientific review of international issues involving agricultural chemicals and food additives: *Provided further,* That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law.

Special fund: To provide for additional labor, subprofessional, and junior scientific help to be employed under contracts and cooperative agreements to strengthen the work at Federal research installations in the field, $2,500,000.

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, $32,743,000, to remain available until expended (7 U.S.C. 2209b): *Provided,* That hereafter, facilities to house bonsai collections at the National Arboretum may be constructed with funds accepted under the provisions of Public Law 94–129 (20 U.S.C. 195) and the limitation on construction contained in the Act of August 24, 1912 (40 U.S.C. 68) shall not apply to the construction of such facilities: *Provided further,* That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing any research facility of the Agricultural Research Service, as authorized by law. 20 USC 191 note.

COOPERATIVE STATE RESEARCH SERVICE

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, including $171,304,000 to carry into effect the provisions of the Hatch Act approved March 2, 1887, as amended, including administration by the United States Department of Agriculture, penalty mail costs of agricultural experiment stations under section 6 of the Hatch Act of 1887, as amended, and payments under section 1361(c) of the Act of October 3, 1980 (7 U.S.C. 301n.); $20,809,000 for grants for cooperative forestry research under the Act approved October 10, 1962 (16 U.S.C. 582a–582–a7), as amended, including administrative expenses, and payments under section 1361(c) of the Act of October 3, 1980 (7 U.S.C. 301n.); $28,157,000 for payments to the 1890 land-grant colleges, including Tuskegee University, for research under section 1445 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222), as amended, including administration by the United States Department of Agriculture, and penalty mail

costs of the 1890 land-grant colleges, including Tuskegee University; $72,917,000 for contracts and grants for agricultural research under the Act of August 4, 1965, as amended (7 U.S.C. 450i); $112,150,000 for competitive research grants under section 2(b) of the Act of August 4, 1965, as amended (7 U.S.C. 450i(b)), including administrative expenses; $5,551,000 for the support of animal health and disease programs authorized by section 1433 of Public Law 95–113, including administrative expenses; $1,818,000 for supplemental and alternative crops and products as authorized by the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319d); $500,000 for grants for research pursuant to the Critical Agricultural Materials Act of 1984 (7 U.S.C. 178) and section 1472 of the Food and Agriculture Act of 1977, as amended (7 U.S.C. 3318), to remain available until expended; $475,000 for rangeland research grants as authorized by subtitle M of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended; $3,500,000 for higher education graduate fellowships grants under section 1417(b)(6) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3152(b)(6)), including administrative expenses; $1,500,000 for higher education challenge grants under section 1417(b)(1) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3152(b)(1)), including administrative expenses; $1,000,000 for a higher education minority scholar program under section 1417(b)(5) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3152(b)(5)), including administrative expenses; $4,000,000 for grants as authorized by section 1475 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 and other Acts; $7,400,000 for sustainable agriculture research and education, as authorized by section 1621 of Public Law 101–624 (7 U.S.C. 5811), including administrative expenses; and $22,655,000 for necessary expenses of Cooperative State Research Service activities, including coordination and program leadership for higher education work of the Department, administration of payments to State agricultural experiment stations, funds for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which $10,550,000 shall be for a program of capacity building grants to colleges eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321–326 and 328), including Tuskegee University, of which not to exceed $100,000 shall be for employment under 5 U.S.C. 3109; in all, $453,736,000: *Provided,* That none of the funds appropriated or otherwise made available by this Act shall be used to support the price of wool or mohair by means of loans, purchases, payments, or other operations, except for marketing year 1993.

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities and for grants to States and other eligible recipients for such purposes, as necessary to carry out the agricultural research, extension, and teaching programs of the Department of Agriculture, where not otherwise provided, $56,874,000, to remain available until expended (7 U.S.C. 2209b).

EXTENSION SERVICE

Payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, Northern Marianas, and

American Samoa: For payments for cooperative agricultural extension work under the Smith-Lever Act, as amended, to be distributed under sections 3(b) and 3(c) of said Act, and under section 208(c) of Public Law 93–471, for retirement and employees' compensation costs for extension agents and for costs of penalty mail for cooperative extension agents and State extension directors, $272,582,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, $61,431,000; payments for the pest management program under section 3(d) of the Act, $8,459,000; payments for the farm safety and rural health programs under section 3(d) of the Act, $2,988,000; payments for the pesticide impact assessment program under section 3(d) of the Act, $3,363,000; payments to upgrade 1890 land-grant college research and extension facilities as authorized by section 1447 of Public Law 95–113, as amended (7 U.S.C. 3222b), $7,901,000, to remain available until expended; payments for the rural development centers under section 3(d) of the Act, $950,000; payments for a groundwater quality program under section 3(d) of the Act, $11,234,000; payments for the Agricultural Telecommunications Program, as authorized by Public Law 101–624 (7 U.S.C. 5926), $1,221,000; payments for youth-at-risk programs under section 3(d) of the Act, $10,000,000; payments for a Nutrition Education Initiative under section 3(d) of the Act, $4,265,000; payments for a food safety program under section 3(d) of the Act, $1,975,000; payments for carrying out the provisions of the Renewable Resources Extension Act of 1978, $3,341,000; payments for Indian reservation agents under section 3(d) of the Act, $1,750,000; payments to establish and operate centers of rural technology development as authorized by section 2347 of Public Law 101–624 (7 U.S.C. 1932), $1,500,000; payments for sustainable agriculture programs under section 3(d) of the Act, $2,963,000; payments for rural health and safety education as authorized by section 2390 of Public Law 101–624 (7 U.S.C. 2661 note, 2662), $2,000,000; and payments for extension work by the colleges receiving the benefits of the second Morrill Act (7 U.S.C. 321–326, 328) and Tuskegee University, $25,472,000; in all, $423,395,000: *Provided,* That funds hereby appropriated pursuant to section 3(c) of the Act of June 26, 1953, and section 506 of the Act of June 23, 1972, as amended, shall not be paid to any State, the District of Columbia, Puerto Rico, Guam, or the Virgin Islands, Micronesia, Northern Marianas, and American Samoa prior to availability of an equal sum from non-Federal sources for expenditure during the current fiscal year.

Federal administration and coordination: For administration of the Smith-Lever Act, as amended, and the Act of September 29, 1977 (7 U.S.C. 341–349), as amended, and section 1361(c) of the Act of October 3, 1980 (7 U.S.C. 301n.), and to coordinate and provide program leadership for the extension work of the Department and the several States and insular possessions, $11,187,000.

NATIONAL AGRICULTURAL LIBRARY

For necessary expenses of the National Agricultural Library, $18,155,000: *Provided,* That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $35,000 shall be available for employment under 5 U.S.C. 3109: *Provided further,* That not to exceed $900,000 shall be available

pursuant to 7 U.S.C. 2250 for the alteration and repair of buildings and improvements: *Provided further,* That $462,000 shall be available for a grant pursuant to section 1472 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3818), in addition to other funds available in this appropriation for grants under this section.

OFFICE OF THE ASSISTANT SECRETARY FOR MARKETING AND INSPECTION SERVICES

For necessary salaries and expenses of the Office of the Assistant Secretary for Marketing and Inspection Services to administer programs under the laws enacted by the Congress for the Animal and Plant Health Inspection Service, Food Safety and Inspection Service, Federal Grain Inspection Service, Agricultural Marketing Service, and Packers and Stockyards Administration, $687,000.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For expenses, not otherwise provided for, including those pursuant to the Act of February 28, 1947, as amended (21 U.S.C. 114b–c), necessary to prevent, control, and eradicate pests and plant and animal diseases; to carry out inspection, quarantine, and regulatory activities; to discharge the authorities of the Secretary of Agriculture under the Act of March 2, 1931 (46 Stat. 1468; 7 U.S.C. 426–426b); and to protect the environment, as authorized by law, $439,564,000, of which $91,460,000 shall be derived from user fees deposited in the Agricultural Quarantine Inspection User Fee Account, and of which $4,938,000 shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds to the extent necessary to meet emergency conditions: *Provided,* That if the demand for Agricultural Quarantine Inspection (AQI) user fee financed services is greater than expected and/or other uncontrollable events occur, the Agency may exceed the AQI User Fee limitation by up to 10 per centum, provided such funds are available in the Agricultural Quarantine Inspection User Fee Account, and with notification to the Appropriations Committees: *Provided further,* That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 per centum: *Provided further,* That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $40,000 shall be available for employment under 5 U.S.C. 3109: *Provided further,* That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement only: *Provided further,* That, in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as he may deem necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of ani-

21 USC 129.

mals, poultry, or plants, and for expenses in accordance with the Act of February 28, 1947, as amended, and section 102 of the Act of September 21, 1944, as amended, and any unexpended balances of funds transferred for such emergency purposes in the next preceding fiscal year shall be merged with such transferred amounts: *Provided further,* That appropriations hereunder shall be available pursuant to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building.

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, $10,145,000, to remain available until expended (7 U.S.C. 2209b).

FOOD SAFETY AND INSPECTION SERVICE

For necessary expenses to carry on services authorized by the Federal Meat Inspection Act, as amended, and the Poultry Products Inspection Act, as amended, $516,738,000, and in addition, $1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 1017 of Public Law 102–237: *Provided,* That this appropriation shall be available for field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $75,000 shall be available for employment under 5 U.S.C. 3109: *Provided further,* That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building.

FEDERAL GRAIN INSPECTION SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the United States Grain Standards Act, as amended, and the standardization activities related to grain under the Agricultural Marketing Act of 1946, as amended, including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $20,000 for employment under 5 U.S.C. 3109, $11,532,000: *Provided,* That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building: *Provided further,* That hereafter, none of the funds available to the Federal Grain Inspection Service may be used to pay the salaries of any person or persons who require, or who authorize payments from fee-supported funds to any person or persons who require nonexport, nonterminal interior elevators to maintain records not involving official inspection or official weighing in the United States under Public Law 94–582 other than those necessary to fulfill the purposes of such Act. 7 USC 87a note.

INSPECTION AND WEIGHING SERVICES

LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

Not to exceed $42,784,000 (from fees collected) shall be obligated during the current fiscal year for Inspection and Weighing Services: *Provided,* That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 per centum with notification to the Appropriations Committees.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For necessary expenses to carry on services related to consumer protection, agricultural marketing and distribution, transportation, agricultural cooperatives, and regulatory programs, as authorized by law, and for administration and coordination of payments to States; including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $90,000 for employment under 5 U.S.C. 3109, $61,614,000; including $2,346,000 for the Wholesale Market Development Program for the design and development of wholesale and farmer market facilities for the major metropolitan areas of the country: *Provided,* That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building.

Fees may be collected for the cost of standardization activities, as established by regulation pursuant to law (31 U.S.C. 9701).

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $55,953,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: *Provided,* That if crop size is understated and/or other uncontrollable events occur, the agency may exceed this limitation by up to 10 per centum with notification to the Appropriations Committees.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than $10,309,000 for formulation and administration of Marketing Agreements and Orders pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and the Agricultural Act of 1961.

In fiscal years 1994 and 1995, section 32 funds shall be used to promote sunflower and cottonseed oil exports to the full extent

authorized by section 1541 of Public Law 101–624 (7 U.S.C. 1464 note), and such funds shall be used to facilitate additional sales of such oils in world markets.

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), $1,735,000.

PACKERS AND STOCKYARDS ADMINISTRATION

For necessary expenses for administration of the Packers and Stockyards Act, as authorized by law, and for certifying procedures used to protect purchasers of farm products, including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $5,000 for employment under 5 U.S.C. 3109, $12,123,000.

FARM INCOME STABILIZATION

OFFICE OF THE UNDER SECRETARY FOR INTERNATIONAL AFFAIRS AND COMMODITY PROGRAMS

For necessary salaries and expenses of the Office of the Under Secretary for International Affairs and Commodity Programs to administer the laws enacted by Congress for the Agricultural Stabilization and Conservation Service, Foreign Agricultural Service, and the Commodity Credit Corporation, $560,000.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary administrative expenses of the Agricultural Stabilization and Conservation Service, including expenses to formulate and carry out programs authorized by title III of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301–1393); the Agricultural Act of 1949, as amended (7 U.S.C. 1421 et seq.); sections 7 to 15, 16(a), 16(f), and 17 of the Soil Conservation and Domestic Allotment Act, as amended (16 U.S.C. 590g–590o, 590p(a), 590p(f), and 590q); sections 1001 to 1004, 1006 to 1008, and 1010 of the Agricultural Act of 1970, as amended (16 U.S.C. 1501 to 1504, 1506 to 1508, and 1510); the Water Bank Act, as amended (16 U.S.C. 1301–1311); the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101); sections 202(c) and 205 of title II of the Colorado River Basin Salinity Control Act of 1974, as amended (43 U.S.C. 1592(c), 1595); sections 401, 402, and 404 to 406 of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 to 2205); the United States Warehouse Act, as amended (7 U.S.C. 241–273); title XII of the Food Security Act of 1985, as amended (16 U.S.C. 3811 et seq.); and laws pertaining to the Commodity Credit Corporation, $732,467,000; of which $730,842,000 is hereby appropriated, and $1,036,000 is transferred from the Public Law 480 Program Account in this Act and $589,000 is transferred from the Commodity Credit Corporation Program Account in this Act:

Provided, That other funds made available to the Agricultural Stabilization and Conservation Service for authorized activities may be advanced to and merged with this account: *Provided further,* That these funds shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $100,000 shall be available for employment under 5 U.S.C. 3109: *Provided further,* That no part of the funds made available under this Act shall be used (1) to influence the vote in any referendum; (2) to influence agricultural legislation, except as permitted in 18 U.S.C. 1913; or (3) for salaries or other expenses of members of county and community committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended, for engaging in any activities other than advisory and supervisory duties and delegated program functions prescribed in administrative regulations.

CORPORATIONS

The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided:

FEDERAL CROP INSURANCE CORPORATION

ADMINISTRATIVE AND OPERATING EXPENSES

For administrative and operating expenses, as authorized by the Federal Crop Insurance Act, as amended (7 U.S.C. 1516), $290,116,000: *Provided,* That not to exceed $700 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i): *Provided further,* That none of the funds in this Act may be used to offer a Federal crop insurance policy in counties on crops where a loss ratio, that has already been recalculated pursuant to law to reflect the premium rates issued by the Corporation for the 1993 crop year, is in excess of 1.10 more than 70 percent of the years that a policy has been offered since 1980: *Provided further,* That none of the funds in this Act may be used to pay operating and administrative costs that exceed 31 per centum of premium to insurers of policies on which the Corporation provides reinsurance, except to reimburse said insurers for excess loss adjustment expenses as provided for in the Standard Reinsurance Agreement issued by the Corporation: *Provided further,* That the second proviso shall not apply in any county affected if the Corporation has implemented a nonstandard classification system in such county for those individual farms that have experienced excessive losses since 1980 under which the premium rates, notwithstanding the provision of section 508(d) of the Federal Crop Insurance Act, are increased over comparable rates effective for the 1993 crop, or the insured yields are decreased from comparable yields for the 1993 crop, or a combination of both, by an amount or amounts sufficient to ensure that an estimated loss ratio will

not exceed 1.1 for the crop produced on such farms during the 1994 crop year.

FEDERAL CROP INSURANCE CORPORATION FUND

For payments as authorized by section 508(b) of the Federal Crop Insurance Act, as amended, $235,794,000, to remain available until expended (7 U.S.C. 2209b); of which $47,072,000 is to reimburse the Federal Crop Insurance Corporation Fund for agents' commissions and loss adjustment obligations incurred during prior years, but not previously reimbursed, as authorized by section 516(a) of the Act, as amended.

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

For fiscal year 1994, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed (estimated to be $20,896,614,000 in the President's fiscal year 1994 Budget Request (H. Doc. 103–3)), but not to exceed $18,000,000,000, pursuant to section 2 of the Act of August 17, 1961, as amended (15 U.S.C. 713a–11).

OPERATIONS AND MAINTENANCE FOR HAZARDOUS WASTE MANAGEMENT

For fiscal year 1994, the Commodity Credit Corporation shall not expend more than $4,000,000 for expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. 9607(g), and section 6001 of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6961: *Provided,* That expenses shall be for operations and maintenance costs only and that other hazardous waste management costs shall be paid for by the USDA Hazardous Waste Management appropriation in this Act.

TITLE II—CONSERVATION PROGRAMS

OFFICE OF THE ASSISTANT SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

For necessary salaries and expenses of the Office of the Assistant Secretary for Natural Resources and Environment to administer the laws enacted by the Congress for the Forest Service and the Soil Conservation Service, $575,000.

SOIL CONSERVATION SERVICE

CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–590f) including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation

plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100; purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, $591,049,000, to remain available until expended (7 U.S.C. 2209b); of which not less than $5,820,000 is for snow survey and water forecasting and not less than $8,214,000 is for operation and establishment of the plant materials centers: *Provided,* That except for $2,399,000 for improvements of the plant materials centers, the cost of any permanent building purchased, erected, or as improved, exclusive of the cost of constructing a water supply or sanitary system and connecting the same to any such building and with the exception of buildings acquired in conjunction with land being purchased for other purposes, shall not exceed $10,000, except for one building to be constructed at a cost not to exceed $100,000 and eight buildings to be constructed or improved at a cost not to exceed $50,000 per building and except that alterations or improvements to other existing permanent buildings costing $5,000 or more may be made in any fiscal year in an amount not to exceed $2,000 per building: *Provided further,* That when buildings or other structures are erected on non-Federal land that the right to use such land is obtained as provided in 7 U.S.C. 2250a: *Provided further,* That no part of this appropriation may be expended for soil and water conservation operations under the Act of April 27, 1935 (16 U.S.C. 590a–590f) in demonstration projects: *Provided further,* That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225) and not to exceed $25,000 shall be available for employment under 5 U.S.C. 3109: *Provided further,* That qualified local engineers may be temporarily employed at per diem rates to perform the technical planning work of the Service (16 U.S.C. 590e–2).

16 USC 590e–1.

16 USC 590e–2.

RIVER BASIN SURVEYS AND INVESTIGATIONS

For necessary expenses to conduct research, investigation, and surveys of watersheds of rivers and other waterways, in accordance with section 6 of the Watershed Protection and Flood Prevention Act approved August 4, 1954, as amended (16 U.S.C. 1006–1009), $13,482,000: *Provided,* That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $60,000 shall be available for employment under 5 U.S.C. 3109.

WATERSHED PLANNING

For necessary expenses for small watershed investigations and planning, in accordance with the Watershed Protection and Flood Prevention Act, as amended (16 U.S.C. 1001–1008), $10,921,000: *Provided,* That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $50,000 shall be available for employment under 5 U.S.C. 3109.

WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, meth-

ods of cultivation, the growing of vegetation, rehabilitation of existing works and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act approved August 4, 1954, as amended (16 U.S.C. 1001–1005, 1007–1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), and in accordance with the provisions of laws relating to the activities of the Department, $241,965,000 to remain available until expended (7 U.S.C. 2209b), of which $40,786,000 shall be available for the watersheds authorized under the Flood Control Act approved June 22, 1936 (33 U.S.C. 701, 16 U.S.C. 1006a), as amended and supplemented: *Provided,* That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $28,631,000 shall be available for emergency measures as provided by sections 403–405 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203–2205), and not to exceed $200,000 shall be available for employment under 5 U.S.C. 3109: *Provided further,* That $4,000,000 in loans may be insured, or made to be sold and insured, under the Agricultural Credit Insurance Fund of the Farmers Home Administration (7 U.S.C. 1931): *Provided further,* That not to exceed $1,000,000 of this appropriation is available to carry out the purposes of the Endangered Species Act of 1973 (Public Law 93–205), as amended, including cooperative efforts as contemplated by that Act to relocate endangered or threatened species to other suitable habitats as may be necessary to expedite project construction.

RESOURCE CONSERVATION AND DEVELOPMENT

For necessary expenses in planning and carrying out projects for resource conservation and development and for sound land use pursuant to the provisions of section 32(e) of title III of the Bankhead-Jones Farm Tenant Act, as amended (7 U.S.C. 1010–1011; 76 Stat. 607), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), and the provisions of the Agriculture and Food Act of 1981 (16 U.S.C. 3451–3461), $32,945,000, to remain available until expended (7 U.S.C. 2209b): *Provided,* That $600,000 in loans may be insured, or made to be sold and insured, under the Agricultural Credit Insurance Fund of the Farmers Home Administration (7 U.S.C. 1931): *Provided further,* That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $50,000 shall be available for employment under 5 U.S.C. 3109.

GREAT PLAINS CONSERVATION PROGRAM

For necessary expenses to carry into effect a program of conservation in the Great Plains area, pursuant to section 16(b) of the Soil Conservation and Domestic Allotment Act, as added by the Act of August 7, 1956, as amended (16 U.S.C. 590p(b)), $25,658,000, to remain available until expended (16 U.S.C. 590p(b)(7)).

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

AGRICULTURAL CONSERVATION PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry into effect the program authorized in sections 7 to 15, 16(a), 16(f), and 17 of the Soil Conservation and Domestic Allotment Act approved February 29, 1936, as amended and supplemented (16 U.S.C. 590g–590o, 590p(a), 590p(f), and 590q), and sections 1001–1004, 1006–1008, and 1010 of the Agricultural Act of 1970, as added by the Agriculture and Consumer Protection Act of 1973 (16 U.S.C. 1501–1504, 1506–1508, and 1510), and including not to exceed $15,000 for the preparation and display of exhibits, including such displays at State, interstate, and international fairs within the United States, $194,650,000, to remain available until expended (16 U.S.C. 590o), for agreements, excluding administration but including technical assistance and related expenses (16 U.S.C. 590o), except that no participant in the Agricultural Conservation Program shall receive more than $3,500 per year, except where the participants from two or more farms or ranches join to carry out approved practices designed to conserve or improve the agricultural resources of the community, or where a participant has a long-term agreement, in which case the total payment shall not exceed the annual payment limitation multiplied by the number of years of the agreement: *Provided,* That no portion of the funds for the current year's program may be utilized to provide financial or technical assistance for drainage on wetlands now designated as Wetlands Types 3 (III) through 20 (XX) in United States Department of the Interior, Fish and Wildlife Circular 39, Wetlands of the United States, 1956: *Provided further,* That such amounts shall be available for the purchase of seeds, fertilizers, lime, trees, or any other conservation materials, or any soil-terracing services, and making grants thereof to agricultural producers to aid them in carrying out approved farming practices as authorized by the Soil Conservation and Domestic Allotment Act, as amended, as determined and recommended by the county committees, approved by the State committees and the Secretary, under programs provided for herein: *Provided further,* That such assistance will not be used for carrying out measures and practices that are primarily production-oriented or that have little or no conservation or pollution abatement benefits: *Provided further,* That not to exceed 5 per centum of the allocation for the current year's program for any county may, on the recommendation of such county committee and approval of the State committee, be withheld and allotted to the Soil Conservation Service for services of its technicians in formulating and carrying out the Agricultural Conservation Program in the participating counties, and shall not be utilized by the Soil Conservation Service for any purpose other than technical and other assistance in such counties, and in addition, on the recommendation of such county committee and approval of the State committee, not to exceed 1 per centum may be made available to any other Federal, State, or local public agency for the same purpose and under the same conditions: *Provided further,* That for the current year's program $2,500,000 shall be available for technical assistance in formulating and carrying out rural environmental practices: *Provided further,* That no part of any funds available to the Department, or any bureau, office, corpora-

tion, or other agency constituting a part of such Department, shall be used in the current fiscal year for the payment of salary or travel expenses of any person who has been convicted of violating the Act entitled "An Act to prevent pernicious political activities" approved August 2, 1939, as amended, or who has been found in accordance with the provisions of title 18 U.S.C. 1913 to have violated or attempted to violate such section which prohibits the use of Federal appropriations for the payment of personal services or other expenses designed to influence in any manner a Member of Congress to favor or oppose any legislation or appropriation by Congress except upon request of any Member or through the proper official channels: *Provided further,* That not to exceed $18,500,000 of the amount appropriated shall be used for water quality payments and practices in the same manner as permitted under the program for water quality authorized in chapter 2 of subtitle D of title XII of the Food Security Act of 1985, as amended (16 U.S.C. 3838 et seq.).

FORESTRY INCENTIVES PROGRAM

For necessary expenses, not otherwise provided for, to carry out the program of forestry incentives, as authorized in the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101), including technical assistance and related expenses, $12,820,000, to remain available until expended, as authorized by that Act.

WATER BANK PROGRAM

For necessary expenses to carry into effect the provisions of the Water Bank Act (16 U.S.C. 1301–1311), $8,000,000, to remain available until expended.

COLORADO RIVER BASIN SALINITY CONTROL PROGRAM

For necessary expenses for carrying out a voluntary cooperative salinity control program pursuant to section 202(c) of title II of the Colorado River Basin Salinity Control Act, as amended (43 U.S.C. 1592(c)), to be used to reduce salinity in the Colorado River and to enhance the supply and quality of water available for use in the United States and the Republic of Mexico, $13,783,000, to remain available until expended (7 U.S.C. 2209b), to be used for investigations and surveys, for technical assistance in developing conservation practices and in the preparation of salinity control plans, for the establishment of on-farm irrigation management systems, including related lateral improvement measures, for making cost-share payments to agricultural landowners and operators, Indian tribes, irrigation districts and associations, local governmental and nongovernmental entities, and other landowners to aid them in carrying out approved conservation practices as determined and recommended by the county ASC committees, approved by the State ASC committees and the Secretary, and for associated costs of program planning, information and education, and program monitoring and evaluation: *Provided,* That the Soil Conservation Service shall provide technical assistance and the Agricultural Stabilization and Conservation Service shall provide administrative services for the program, including but not limited to, the negotiation and administration of agreements and the disbursement of payments: *Provided further,* That such program shall be coordinated

with the regular Agricultural Conservation Program and with research programs of other agencies.

CONSERVATION RESERVE PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the conservation reserve program pursuant to the Food Security Act of 1985 (16 U.S.C. 3831–3845), $1,743,274,000, to remain available until expended, to be used for Commodity Credit Corporation expenditures for cost-share assistance for the establishment of conservation practices provided for in approved conservation reserve program contracts, for annual rental payments provided in such contracts, and for technical assistance.

WETLANDS RESERVE PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Wetlands Reserve Program pursuant to subchapter C of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3837), $66,675,000, to remain available until expended: *Provided,* That the Secretary is authorized to use the services, facilities, and authorities of the Commodity Credit Corporation for the purpose of carrying out the Wetlands Reserve Program.

TITLE III—FARMERS HOME AND RURAL DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR SMALL COMMUNITY AND RURAL DEVELOPMENT

For necessary salaries and expenses of the Office of the Under Secretary for Small Community and Rural Development to administer programs under the laws enacted by the Congress for the Farmers Home Administration, Rural Electrification Administration, Federal Crop Insurance Corporation, and rural development activities of the Department of Agriculture, $580,000.

RURAL DEVELOPMENT ADMINISTRATION

Notwithstanding any other provision of this Act, except section 722, the Secretary may transfer funds from the Farmers Home Administration in this Act to fund the Rural Development Administration, as authorized by law.

RURAL DEVELOPMENT ADMINISTRATION AND FARMERS HOME ADMINISTRATION

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, as amended, to be available from funds in the Rural Housing Insurance Fund, as follows: $2,550,000,000 for loans to section 502 borrowers, as determined by the Secretary, of which $750,000,000 shall be for unsubsidized guaranteed loans;

$35,000,000 for section 504 housing repair loans; $16,300,000 for section 514 farm labor housing; $540,107,000 for section 515 rental housing; $600,000 for site loans; and $133,000,000 for credit sales of acquired property: *Provided,* That up to $50,664,000 of these funds shall be made available for section 502(g), Deferral Mortgage Demonstration.

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: low-income housing section 502 loans, $366,360,000, of which $12,225,000 shall be for unsubsidized guaranteed loans; section 504 housing repair loans, $13,671,000; section 514 farm labor housing, $8,394,000; section 515 rental housing, $309,967,000; and credit sales of acquired property, $20,242,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $396,161,000.

RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) or agreements entered into in lieu of forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, as amended, $446,694,000; and in addition such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the Rental Assistance Program under section 521(a)(2) of the Act: *Provided,* That of this amount not more than $5,840,000 shall be available for debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Act, and not to exceed $10,000 per project for advances to nonprofit organizations or public agencies to cover direct costs (other than purchase price) incurred in purchasing projects pursuant to section 502(c)(5)(C) of the Act: *Provided further,* That agreements entered into or renewed during fiscal year 1994 shall be funded for a five-year period, although the life of any such agreement may be extended to fully utilize amounts obligated.

RURAL HOUSING VOUCHER PROGRAM

For necessary expenses to operate a rural housing voucher program as authorized by section 542 of title V of the Housing Act of 1949, as amended, $25,000,000, to be administered by the Secretary of Agriculture.

SELF-HELP HOUSING LAND DEVELOPMENT FUND PROGRAM ACCOUNT

For direct loans pursuant to section 523(b)(1)(B) of the Housing Act of 1949, as amended (42 U.S.C. 1490c), $622,000.

For the cost of direct loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, $23,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $14,000.

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

For gross obligations for the principal amount of direct and guaranteed loans as authorized by 7 U.S.C. 1928–1929, to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, $634,624,000, of which $556,543,000 shall be for guaranteed loans; operating loans, $2,750,000,000, of which $1,800,000,000 shall be for unsubsidized guaranteed loans and $250,000,000 shall be for subsidized guaranteed loans; $4,312,000 for water development, use, and conservation loans, of which $1,415,000 shall be for guaranteed loans; Indian tribe land acquisition loans as authorized by 25 U.S.C. 488, $1,000,000; for emergency insured loans, $100,000,000 to meet the needs resulting from natural disasters; and for credit sales of acquired property, $123,783,000.

For the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: farm ownership loans, $34,080,000, of which $20,870,000 shall be for guaranteed loans; operating loans, $119,985,000, of which $9,360,000 shall be for unsubsidized guaranteed loans and $29,425,000 shall be for subsidized guaranteed loans; $494,000 for water development, use, and conservation loans, of which $31,000 shall be for guaranteed loans; Indian tribe land acquisition loans as authorized by 25 U.S.C. 488, $197,000; for emergency insured loans, $26,060,000 to meet the needs resulting from natural disasters; and for credit sales of acquired property, $18,903,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $275,392,000.

RURAL DEVELOPMENT INSURANCE FUND PROGRAM ACCOUNT

For gross obligations for the principal amount of direct and guaranteed loans as authorized by 7 U.S.C. 1928 and 86 Stat. 661–664, as amended, to be available from funds in the Rural Development Insurance Fund, as follows: water and sewer facility loans, $869,443,000, of which $35,250,000 shall be for guaranteed loans; community facility loans, $300,000,000, of which $75,000,000 shall be for guaranteed loans; and guaranteed industrial development loans, $249,381,000: *Provided,* That none of the funds made available in this Act may be used to make transfers between the above limitations.

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: direct water and sewer facility loans, $115,786,000; direct community facility loans, $21,723,000; guaranteed community facility loans, $3,803,000; and guaranteed industrial development loans, $2,319,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $58,194,000.

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

For the cost of direct loans $56,000,000, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)): *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further,* That these funds are available to subsidize gross

obligations for the principal amount of direct loans of not to exceed $100,000,000.

In addition, for administrative expenses necessary to carry out the direct loan programs, $1,481,000.

AGRICULTURAL RESOURCE CONSERVATION DEMONSTRATION PROGRAM ACCOUNT

For loan guarantees authorized under sections 1465–1469 of Public Law 101–624, for the Agricultural Resource Conservation Demonstration Program, $6,799,000 to any State defined as eligible under section 1465(c)(3)(A) of that Act. For the cost, as defined in section 502 of the Congressional Budget Act of 1974, $3,599,000.

STATE MEDIATION GRANTS

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987, as amended (7 U.S.C. 5101–5106), $3,000,000.

RURAL WATER AND WASTE DISPOSAL GRANTS

For grants pursuant to section 306(a)(2) of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1926), $500,000,000, to remain available until expended, pursuant to section 306(d) of the above Act: *Provided,* That of this amount, $25,000,000 shall be available for water and waste disposal systems to benefit the Colonias along the United States/Mexico border, including grants pursuant to section 306C: *Provided further,* That of this amount, up to $15,000,000 shall be available for project grants to remedy the dire sanitation conditions in rural Alaska villages in which the median household income does not exceed 110 percent of the statewide nonmetropolitan household income and that notwithstanding the consolidated Farm and Rural Development Act, Public Law 87–128, such grants shall be for 50 percent of the development cost of the project upon a State or local contribution of 50 percent of the development cost of the project: *Provided further,* That, with the exception of the foregoing $25,000,000, and the foregoing $15,000,000, these funds shall not be used for any purpose not specified in section 306(a) of the Consolidated Farm and Rural Development Act.

VERY LOW-INCOME HOUSING REPAIR GRANTS

For grants to the very low-income elderly for essential repairs to dwellings pursuant to section 504 of the Housing Act of 1949, as amended, $25,000,000, to remain available until expended.

RURAL HOUSING FOR DOMESTIC FARM LABOR

For financial assistance to eligible nonprofit organizations for housing for domestic farm labor, pursuant to section 516 of the Housing Act of 1949, as amended (42 U.S.C. 1486), $11,000,000, to remain available until expended.

MUTUAL AND SELF-HELP HOUSING

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), $12,750,000, to remain available until expended (7 U.S.C. 2209b).

SUPERVISORY AND TECHNICAL ASSISTANCE GRANTS

For grants pursuant to sections 509(g)(6) and 525 of the Housing Act of 1949, $2,500,000, to remain available until expended.

RURAL COMMUNITY FIRE PROTECTION GRANTS

For grants pursuant to section 7 of the Cooperative Forestry Assistance Act of 1978 (Public Law 95–313), $3,500,000 to fund up to 50 per centum of the cost of organizing, training, and equipping rural volunteer fire departments.

COMPENSATION FOR CONSTRUCTION DEFECTS

For compensation for construction defects as authorized by section 509(c) of the Housing Act of 1949, as amended, $500,000, to remain available until expended.

RURAL HOUSING PRESERVATION GRANTS

For grants for rural housing preservation as authorized by section 552 of the Housing and Urban-Rural Recovery Act of 1983 (Public Law 98–181), $23,000,000.

RURAL DEVELOPMENT GRANTS

For grants authorized under sections 310B(c) and 310B(j) (7 U.S.C. 1932) of the Consolidated Farm and Rural Development Act to any qualified public or private nonprofit organization, $42,500,000: *Provided,* That $500,000 shall be available for grants to qualified nonprofit organizations to provide technical assistance and training for rural communities needing improved passenger transportation systems or facilities in order to promote economic development.

SOLID WASTE MANAGEMENT GRANTS

For grants for pollution abatement and control projects authorized under section 310B(b) (7 U.S.C. 1932) of the Consolidated Farm and Rural Development Act, $3,000,000: *Provided,* That such assistance shall include regional technical assistance for improvement of solid waste management.

EMERGENCY COMMUNITY WATER ASSISTANCE GRANTS

For emergency community water assistance grants as authorized under section 306B (7 U.S.C. 1926b) of the Consolidated Farm and Rural Development Act, $10,000,000.

OUTREACH FOR SOCIALLY DISADVANTAGED FARMERS

For grants and contracts pursuant to section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279), $3,000,000, to remain available until expended.

OFFICE OF THE ADMINISTRATOR

For necessary salaries and expenses of the Office of the Administrator of the Farmers Home Administration, $600,000: *Provided,* That no other funds in this Act shall be available for this Office.

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Farmers Home Administration, not otherwise provided for, in administering the programs authorized by the Consolidated Farm and Rural Development Act (7 U.S.C. 1921–2000), as amended; title V of the Housing Act of 1949, as amended (42 U.S.C. 1471–1490o); the Rural Rehabilitation Corporation Trust Liquidation Act, approved May 3, 1950 (40 U.S.C. 440–444), for administering the loan program authorized by title III–A of the Economic Opportunity Act of 1964 (Public Law 88–452 approved August 20, 1964), as amended, and such other programs which the Farmers Home Administration has the responsibility for administering, $729,749,000; of which $35,552,000 is hereby appropriated, $374,255,000 shall be derived by transfer from the Rural Housing Insurance Fund Program Account in this Act and merged with this account, $261,158,000 shall be derived by transfer from the Agricultural Credit Insurance Fund Program Account in this Act and merged with this account, $57,294,000 shall be derived by transfer from the Rural Development Insurance Fund Program Account in this Act and merged with this account, $1,476,000 shall be derived by transfer from the Rural Development Loan Fund Program Account in this Act and merged with this account, and $14,000 shall be derived by transfer from the Self-Help Housing Land Development Fund Program Account in this Act and merged with this account: *Provided,* That not to exceed $500,000 of this appropriation may be used for employment under 5 U.S.C. 3109: *Provided further,* That not to exceed $4,368,000 of this appropriation shall be available for contracting with the National Rural Water Association or other equally qualified national organization for a circuit rider program to provide technical assistance for rural water systems.

RURAL ELECTRIFICATION ADMINISTRATION

To carry into effect the provisions of the Rural Electrification Act of 1936, as amended (7 U.S.C. 901–950(b)), as follows:

RURAL ELECTRIFICATION AND TELEPHONE LOANS PROGRAM ACCOUNT

Insured loans pursuant to the authority of section 305 of the Rural Electrification Act of 1936, as amended (7 U.S.C. 935), shall be made as follows: 5 percent rural electrification loans, $125,000,000; 5 percent rural telephone loans, $100,000,000; cost of money rural telephone loans, $198,000,000; municipal rate rural electric loans, $600,000,000; and loans made pursuant to section 306 of that Act, $933,000,000; to remain available until expended.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct and guaranteed loans authorized by the Rural Electrification Act of 1936, as amended (7 U.S.C. 935), as follows: cost of direct loans, $33,266,000; cost of municipal rate loans, $46,020,000; cost of money rural telephone loans, $40,000; cost of loans guaranteed pursuant to section 306, $3,090,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $29,982,000.

RURAL TELEPHONE BANK PROGRAM ACCOUNT

The Rural Telephone Bank is hereby authorized to make such expenditures, within the limits of funds available to such corporation in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out its authorized programs for the current fiscal year. During fiscal year 1994 and within the resources and authority available, gross obligations for the principal amount of direct loans shall be $199,847,000.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct loans authorized by the Rural Electrification Act of 1936, as amended (7 U.S.C. 935), $3,118,000.

In addition, for administrative expenses necessary to carry out the loan programs, $8,794,000.

DISTANCE LEARNING AND MEDICAL LINK PROGRAMS

For necessary expenses to carry into effect the programs authorized in sections 2331–2335 of Public Law 101–624, $10,000,000, to remain available until expended.

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

For loans authorized under section 313 of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, $13,025,000.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of direct loans, $3,423,000.

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the provisions of the Rural Electrification Act of 1936, as amended (7 U.S.C. 901–950(b)), and to administer the loan and loan guarantee programs for Community Antenna Television facilities as authorized by the Consolidated Farm and Rural Development Act (7 U.S.C. 1921–1995), and for which commitments were made prior to fiscal year 1994, including not to exceed $7,000 for financial and credit reports, funds for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $103,000 for employment under 5 U.S.C. 3109, $38,776,000; of which $29,982,000 shall be derived by transfer from the Rural Electrification and Telephone Loans Program Account in this Act and $8,794,000 shall be derived by transfer from the Rural Telephone Bank Program Account in this Act: *Provided,* That none of the funds in this Act may be used to authorize the transfer of additional funds to this account from the Rural Telephone Bank: *Provided further,* That none of the salaries and expenses provided to the Rural Electrification Administration, and none of the responsibilities assigned by law to the Administrator of the Rural Electrification Administration may be reassigned or transferred to any other agency or office.

TITLE IV—DOMESTIC FOOD PROGRAMS

OFFICE OF THE ASSISTANT SECRETARY FOR FOOD AND CONSUMER SERVICES

For necessary salaries and expenses of the Office of the Assistant Secretary for Food and Consumer Services to administer the laws enacted by the Congress for the Food and Nutrition Service, $551,000.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the National School Lunch Act (42 U.S.C. 1751–1769b), and the applicable provisions other than sections 3 and 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1773–1785, and 1788–1789); $7,497,131,000, to remain available through September 30, 1995, of which $2,727,022,000 is hereby appropriated and $4,770,109,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c): *Provided,* That funds appropriated for the purpose of section 7 of the Child Nutrition Act of 1966 shall be allocated among the States but the distribution of such funds to an individual State is contingent upon that State's agreement to participate in studies and surveys of programs authorized under the National School Lunch Act and the Child Nutrition Act of 1966, when such studies and surveys have been directed by the Congress and requested by the Secretary of Agriculture: *Provided further,* That if the Secretary of Agriculture determines that a State's administration of any program under the National School Lunch Act or the Child Nutrition Act of 1966 (other than section 17), or the regulations issued pursuant to these Acts, is seriously deficient, and the State fails to correct the deficiency within a specified period of time, the Secretary may withhold from the State some or all of the funds allocated to the State under section 7 of the Child Nutrition Act of 1966 and under section 13(k)(1) of the National School Lunch Act; upon a subsequent determination by the Secretary that the programs are operated in an acceptable manner some or all of the funds withheld may be allocated: *Provided further,* That only final reimbursement claims for service of meals, supplements, and milk submitted to State agencies by eligible schools, summer camps, institutions, and service institutions within sixty days following the month for which the reimbursement is claimed shall be eligible for reimbursement from funds appropriated under this Act. States may receive program funds appropriated under this Act for meals, supplements, and milk served during any month only if the final program operations report for such month is submitted to the Department within ninety days following that month. Exceptions to these claims or reports submission requirements may be made at the discretion of the Secretary: *Provided further,* That up to $3,849,000 shall be available for independent verification of school food service claims: *Provided further,* That $1,853,000 shall be available to provide financial and other assistance to operate the Food Service Management Institute.

42 USC 1776a.

42 USC 1776b.

SPECIAL MILK PROGRAM

For necessary expenses to carry out the special milk program, as authorized by section 3 of the Child Nutrition Act of 1966 (42 U.S.C. 1772), $20,277,000, to remain available through September 30, 1995. Only final reimbursement claims for milk submitted to State agencies within sixty days following the month for which the reimbursement is claimed shall be eligible for reimbursement from funds appropriated under this Act. States may receive program funds appropriated under this Act only if the final program operations report for such month is submitted to the Department within ninety days following that month. Exceptions to these claims or reports submission requirements may be made at the discretion of the Secretary.

SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For necessary expenses to carry out the special supplemental food program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), $3,210,000,000, to remain available through September 30, 1995, of which up to $5,500,000 may be used to carry out the farmer's market coupon program: *Provided,* That none of the funds in this Act shall be available to pay administrative expenses of WIC clinics except those that have an announced policy of prohibiting smoking within the space used to carry out the program: *Provided further,* That until revised allocation regulations have been issued, the Secretary may waive the 15 percent cap regulation to ensure that all funds are allocated to States most in need: *Provided further,* That no State will incur an interest liability to the Federal Government on WIC rebate funds provided that all interest earned by the State on these funds is used for program purposes.

COMMODITY SUPPLEMENTAL FOOD PROGRAM

For necessary expenses to carry out the commodity supplemental food program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c (note)), including not less than $8,000,000 for the projects in Detroit, New Orleans, and Des Moines, $104,500,000 to remain available through September 30, 1995: *Provided,* That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program.

FOOD STAMP PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Food Stamp Act (7 U.S.C. 2011–2029), $28,136,655,000: *Provided,* That funds provided herein shall remain available through September 30, 1994, in accordance with section 18(a) of the Food Stamp Act: *Provided further,* That $2,500,000,000 of the foregoing amount shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: *Provided further,* That funds provided herein shall be expended in accordance with section 16 of the Food Stamp Act: *Provided further,* That this appropriation shall be subject to any work registration or

work fare requirements as may be required by law: *Provided further,* That $345,000,000 of the funds provided herein shall be available after the Secretary has employed the regulatory and administrative methods available to him under the law to curtail fraud, waste, and abuse in the program: *Provided further,* That $1,091,000,000 of the foregoing amount shall be available for Nutrition Assistance for Puerto Rico as authorized by 7 U.S.C. 2028, of which $12,472,000 shall be transferred to the Animal and Plant Health Inspection Service for the Cattle Tick Eradication Project.

FOOD DONATIONS PROGRAMS FOR SELECTED GROUPS

For necessary expenses to carry out section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c (note)), section 4(b) of the Food Stamp Act (7 U.S.C. 2013(b)), and section 311 of the Older Americans Act of 1965, as amended (42 U.S.C. 3030a), $218,641,000, to remain available through September 30, 1995: *Provided,* That notwithstanding any other provision of law, for meals provided pursuant to the Older Americans Act of 1965, a maximum rate of reimbursement to States will be established by the Secretary, subject to reduction if obligations would exceed the amount of available funds, with any unobligated funds to remain available only for obligation in the fiscal year beginning October 1, 1994.

For necessary expenses to carry out section 110 of the Hunger Prevention Act of 1988, $40,000,000.

THE EMERGENCY FOOD ASSISTANCE PROGRAM

For necessary expenses to carry out the Emergency Food Assistance Act of 1983, as amended, $40,000,000: *Provided,* That, in accordance with section 202 of Public Law 98–92, these funds shall be available only if the Secretary determines the existence of excess commodities.

For purchases of commodities to carry out the Emergency Food Assistance Act of 1983, as amended, $80,000,000.

FOOD PROGRAM ADMINISTRATION

For necessary administrative expenses of the domestic food programs funded under this Act, $107,767,000; of which $5,000,000 shall be available only for simplifying procedures, reducing overhead costs, tightening regulations, improving food stamp coupon handling, and assistance in the prevention, identification, and prosecution of fraud and other violations of law: *Provided,* That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $150,000 shall be available for employment under 5 U.S.C. 3109.

TITLE V—FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954,

as amended (7 U.S.C. 1761–1768), market development activities abroad, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed $128,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $118,027,000: *Provided,* That this appropriation shall be available to obtain statistics and related facts on foreign production and full and complete information on methods used by other countries to move farm commodities in world trade on a competitive basis: *Provided further,* That in addition, funds available to the Department of Agriculture shall be available to assist an international organization in meeting the costs, including salaries, fringe benefits and other associated costs, related to the employment by the organization of Federal personnel that may transfer to the organization under the provisions of 5 U.S.C. 3581–3584, or of other well-qualified United States citizens, for the performance of activities that contribute to increased understanding of international agricultural issues, with transfer of funds for this purpose from one appropriation to another or to a single account authorized, such funds remaining available until expended: *Provided further,* That the Office may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1736) and the foreign assistance programs of the International Development Cooperation Administration (22 U.S.C. 2392).

None of the funds in the foregoing paragraph shall be available to promote the sale or export of tobacco or tobacco products.

GENERAL SALES MANAGER

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of the General Sales Manager, $9,158,000, of which $4,866,000 may be transferred from Commodity Credit Corporation funds, $2,792,000 may be transferred from the Commodity Credit Corporation Program Account in this Act, and $1,500,000 may be transferred from the Public Law 480 Program Account in this Act. The General Sales Manager shall obtain, assimilate, and analyze all available information on developments related to private sales, as well as those funded by the Corporation, including grade and quality as sold and as delivered, including information relating to the effectiveness of greater reliance by the General Sales Manager upon loan guarantees as contrasted to direct loans for financing commercial export sales of agricultural commodities out of private stocks on credit terms, as provided in titles I and II of the Agricultural Trade Act of 1978, Public Law 95–501, and shall submit quarterly reports to the appropriate committees of Congress concerning such developments.

None of the funds in the foregoing paragraph shall be available to promote the sale or export of tobacco or tobacco products.

PUBLIC LAW 480 PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1691, 1701–1715, 1721–1726, 1727–1727f, 1731–1736g), as follows: (1) $450,446,000 for Public Law 480 title I credit, including Food for Progress credit; (2) $45,927,000 is hereby appropriated for ocean freight differential costs for the shipment of agricultural commodities pursuant to title I of said Act and the Food for Progress Act of 1985, as amended; (3) $821,570,000 is hereby appropriated for commodities supplied in connection with dispositions abroad pursuant to title II of said Act; and (4) $280,083,000 is hereby appropriated for commodities supplied in connection with dispositions abroad pursuant to title III of said Act: *Provided,* That not to exceed 10 per centum of the funds made available to carry out any title of said Act may be used to carry out any other title of said Act: *Provided further,* That such sums shall remain available until expended (7 U.S.C. 2209b).

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of direct credit agreements as authorized by the Agricultural Trade Development and Assistance Act of 1954, as amended, and the Food for Progress Act of 1985, as amended, including the cost of modifying credit agreements under said Act, $346,889,000.

In addition, for administrative expenses to carry out the Public Law 480 title I credit program, and the Food for Progress Act of 1985, as amended, to the extent funds appropriated for Public Law 480 are utilized, $2,536,000.

SHORT-TERM EXPORT CREDIT

The Commodity Credit Corporation shall make available not less than $5,000,000,000 in credit guarantees under its export credit guarantee program for short-term credit extended to finance the export sales of United States agricultural commodities and the products thereof, as authorized by section 211(b)(1) of the Agricultural Trade Act of 1978 (7 U.S.C. 5641).

INTERMEDIATE EXPORT CREDIT

The Commodity Credit Corporation shall make available not less than $500,000,000 in credit guarantees under its export guarantee program for intermediate-term credit extended to finance the export sales of United States agricultural commodities and the products thereof, as authorized by section 211(b)(2) of the Agricultural Trade Act of 1978 (7 U.S.C. 5641).

EMERGING DEMOCRACIES EXPORT CREDIT

The Commodity Credit Corporation shall make available not less than $200,000,000 in credit guarantees under its Export Guarantee Program for credit expended to finance the export sales of United States agricultural commodities and the products thereof to emerging democracies, as authorized by section 1542 of Public Law 101–624 (7 U.S.C. 5622 note).

COMMODITY CREDIT CORPORATION EXPORT LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out CCC's Export Guarantee Program, GSM 102 and GSM 103, $3,381,000; to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which not to exceed $2,792,000 may be transferred to and merged with the appropriation for the salaries and expenses of the General Sales Manager, and of which not to exceed $589,000 may be transferred to and merged with the appropriation for the salaries and expenses of the Agricultural Stabilization and Conservation Service.

SCIENTIFIC ACTIVITIES OVERSEAS (FOREIGN CURRENCY PROGRAM)

LIMITATION ON EXPENSES

For payments in foreign currencies owed to or owned by the United States for research activities authorized by section 104(c)(7) of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704(c)(7)), not to exceed $1,062,000: *Provided,* That not to exceed $25,000 of these funds shall be available for payments in foreign currencies for expenses of employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), as amended by 5 U.S.C. 3109.

TITLE VI—RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for rental of special purpose space in the District of Columbia or elsewhere; and for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $25,000; $867,339,000, of which not to exceed $54,000,000 in fees pursuant to section 736 of the Federal Food, Drug, and Cosmetic Act may be credited to this appropriation and remain available until expended: *Provided,* That fees derived from applications received during fiscal year 1994 shall be subject to the fiscal year 1994 limitation: *Provided further,* That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: *Provided further,* That none of the funds in this Act may be used to pay for expenses of the Board of Experts on Tea.

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise pro-

vided, $8,350,000, to remain available until expended (7 U.S.C. 2209b): *Provided,* That the Food and Drug Administration may accept donated land in Montgomery and/or Prince George's Counties, Maryland.

RENTAL PAYMENTS (FDA)

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92–313 for programs and activities of the Food and Drug Administration which are included in this Act, $48,575,000, of which $15,000,000 shall be retained by the Food and Drug Administration for repairs, improvements, and non-recurring repairs as determined by the Food and Drug Administration: *Provided,* That in the event the Food and Drug Administration should require modification of space needs, a share of the salaries and expenses appropriation may be transferred to this appropriation, or a share of this appropriation may be transferred to the salaries and expenses appropriation, but such transfers shall not exceed 5 per centum of the funds made available for rental payments (FDA) to or from this account.

DEPARTMENT OF THE TREASURY

FINANCIAL MANAGEMENT SERVICE

PAYMENTS TO THE FARM CREDIT SYSTEM FINANCIAL ASSISTANCE CORPORATION

For necessary payments to the Farm Credit System Financial Assistance Corporation by the Secretary of the Treasury, as authorized by section 6.28(c) of the Farm Credit Act of 1971, as amended, for reimbursement of interest expenses incurred by the Financial Assistance Corporation on obligations issued through 1993, as authorized, $62,696,000.

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

For necessary expenses to carry out the provisions of the Commodity Exchange Act, as amended (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles; the rental of space (to include multiple year leases) in the District of Columbia and elsewhere; and not to exceed $25,000 for employment under 5 U.S.C. 3109; $47,485,000, including not to exceed $700 for official reception and representation expenses.

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $40,426,000 (from assessments collected from farm credit institutions and from the Federal Agricultural Mortgage Corporation) shall be obligated during the current fiscal year for administrative expenses as authorized under 12 U.S.C. 2249.

TITLE VII—GENERAL PROVISIONS

SEC. 701. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for the fiscal year 1994 under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 657 passenger motor vehicles, of which 653 shall be for replacement only, and for the hire of such vehicles.

SEC. 702. Funds in this Act available to the Department of Agriculture shall be available for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901–5902).

7 USC 1623a.

SEC. 703. Not less than $1,500,000 of the appropriations of the Department of Agriculture in this Act for research and service work authorized by the Acts of August 14, 1946, and July 28, 1954, and (7 U.S.C. 427, 1621–1629), and by chapter 63 of title 31, United States Code, shall be available for contracting in accordance with said Acts and chapter.

7 USC 2209e.

SEC. 704. Hereafter, none of the funds available to the Department of Agriculture may be used to make production or other payments to a person, persons, or corporations upon a final finding by court of competent jurisdiction that such party is guilty of growing, cultivating, harvesting, processing or storing marijuana, or other such prohibited drug-producing plants on any part of lands owned or controlled by such persons or corporations.

SEC. 705. The cumulative total of transfers to the Working Capital Fund for the purpose of accumulating growth capital for data services and National Finance Center operations shall not exceed $2,000,000: *Provided,* That no funds in this Act appropriated to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency administrator.

7 USC 2209b.

SEC. 706. New obligational authority provided for the following appropriation items in this Act shall remain available until expended (7 U.S.C. 2209b): Animal and Plant Health Inspection Service, the contingency fund to meet emergency conditions, and Integrated Systems Acquisition Project; Agricultural Stabilization and Conservation Service, salaries and expenses funds made available to county committees; Foreign Agricultural Service, Middle-Income Country Training Program; higher education graduate fellowships grants under section 1417(b)(6) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3152(b)(6)); and capacity building grants to colleges eligible to receive funds under the Act of August 30, 1890, including Tuskegee University.

New obligational authority for the Boll Weevil Program; up to 10 per centum of the Screwworm Program of the Animal and Plant Health Inspection Service; funds appropriated for Rental Payments; and higher education minority scholars programs under section 1417(b)(5) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3152(b)(5)) shall remain available until expended.

SEC. 707. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 708. Not to exceed $50,000 of the appropriations available to the Department of Agriculture in this Act shall be available to provide appropriate orientation and language training pursuant to Public Law 94–449.

SEC. 709. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 per centum of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 710. Notwithstanding any other provision of this Act, commodities acquired by the Department in connection with Commodity Credit Corporation and section 32 price support operations may be used, as authorized by law (15 U.S.C. 714c and 7 U.S.C. 612c), to provide commodities to individuals in cases of hardship as determined by the Secretary of Agriculture. 7 USC 612c note.

SEC. 711. None of the funds in this Act shall be available to reimburse the General Services Administration for payment of space rental and related costs in excess of the amounts specified in this Act; nor shall this or any other provision of law require a reduction in the level of rental space or services below that of fiscal year 1993 or prohibit an expansion of rental space or services with the use of funds otherwise appropriated in this Act. Further, no agency of the Department of Agriculture, from funds otherwise available, shall reimburse the General Services Administration for payment of space rental and related costs provided to such agency at a percentage rate which is greater than is available in the case of funds appropriated in this Act.

SEC. 712. None of the funds provided in this Act may be used to reduce programs by establishing an end-of-year employment ceiling on full-time equivalent staff years below the level set herein for the following agencies: Food and Drug Administration, 9,824; Farmers Home Administration, 12,225; Agricultural Stabilization and Conservation Service, 2,550; Rural Electrification Administration, 550; and Soil Conservation Service, 14,177.

SEC. 713. Funds appropriated by this Act shall be applied only to the objects for which appropriations were made except as otherwise provided by law, as required by 31 U.S.C. 1301.

SEC. 714. None of the funds in this Act shall be available to restrict the authority of the Commodity Credit Corporation to lease space for its own use or to lease space on behalf of other agencies of the Department of Agriculture when such space will be jointly occupied.

SEC. 715. Hereafter, none of the funds available to the Department of Agriculture may be expended to release information acquired from any handler under the Agricultural Marketing Agreement Act of 1937, as amended: *Provided,* That this provision shall not prohibit the release of information to other Federal agencies for enforcement purposes: *Provided further,* That this provision shall not prohibit the release of aggregate statistical data used in formulating regulations pursuant to the Agricultural Marketing Agreement Act of 1937, as amended: *Provided further,* That this provision shall not prohibit the release of information submitted by milk handlers. 7 USC 608d note.

SEC. 716. Unless otherwise provided in this Act, none of the funds appropriated or otherwise made available in this Act may be used by the Farmers Home Administration to employ or other-

wise contract with private debt collection agencies to collect delinquent payments from Farmers Home Administration borrowers.

SEC. 717. None of the funds in this Act, or otherwise made available by this Act, shall be used to sell loans made by the Agricultural Credit Insurance Fund. Further, Rural Development Insurance Fund loans offered for sale in fiscal year 1994 shall be first offered to the borrowers for prepayment.

SEC. 718. None of the funds in this Act may be used to establish any new office, organization, or center for which funds have not been provided in advance in Appropriations Acts, except the Department may carry out planning activities.

SEC. 719. None of the funds in this Act shall be available to pay indirect costs on research grants awarded competitively by the Cooperative State Research Service that exceed 14 per centum of total Federal funds provided under each award.

SEC. 720. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in fiscal years 1992, 1993, and 1994 shall remain available until expended to cover obligations made in fiscal years 1992, 1993, and 1994 for the following accounts: Rural Development Insurance Fund Program Account; Rural Development Loan Fund Program Account; the Rural Telephone Bank Program Account; the Rural Electrification and Telephone Loans Program Account; and the Rural Economic Development Loans Program Account: *Provided*, That hereafter, such appropriations are authorized to remain available until expended.

SEC. 721. Notwithstanding any other provisions of this Act, all loan levels provided in this Act shall be considered estimates, not limitations.

7 USC 2006f note.

SEC. 722. Notwithstanding any other provision of this Act, none of the funds in this Act may be used to operate the seven regional offices of the Rural Development Administration after April 1, 1994.

SEC. 723. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries of personnel who carry out a Market Promotion Program pursuant to section 203 (7 U.S.C. 5623) of the Agricultural Trade Act of 1978, with respect to tobacco or if the aggregate amount of funds and/or commodities under such program exceeds $100,000,000.

SEC. 724. None of the funds appropriated or otherwise made available by this Act shall be used to enroll in excess of 75,000 acres in the fiscal year 1994 Wetlands Reserve Program, as authorized by 16 U.S.C. 3837.

SEC. 725. None of the funds appropriated or otherwise made available by this Act shall be used to enroll additional acres in the Conservation Reserve Program authorized by 16 U.S.C. 3831–3845.

SEC. 726. Such sums as may be necessary for fiscal year 1994 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 727. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c; popularly known as the "Buy American Act").

(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 728. (a) None of the funds appropriated or otherwise made available by this Act shall be used by the Secretary of Agriculture to provide a total amount of payments to a person to support the price of honey under section 207 of the Agricultural Act of 1949 (7 U.S.C. 1446h) and section 405A of such Act (7 U.S.C. 1425a) in excess of $0 in the 1994 crop year. 7 USC 1446h note.

(b) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act shall be used by the Secretary of Agriculture to provide for a total amount of payments and/or total amount of loan forfeitures to a person to support the price of honey under section 207 of the Agricultural Act of 1949 (7 U.S.C. 1446h) and section 405A of such Act (7 U.S.C. 1425a) in excess of zero dollars in the 1994 crop year.

SEC. 729. Section 712 of this Act shall have no effect.

This Act may be cited as the "Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1994".

Approved October 21, 1993.

LEGISLATIVE HISTORY—H.R. 2493:

HOUSE REPORTS: Nos. 103-153 (Comm. on Appropriations) and 103-212 (Comm. of Conference).
SENATE REPORTS: No. 103-102 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 139 (1993):
June 29, considered and passed House.
July 26, 27, considered and passed Senate, amended.
Aug. 6, House agreed to conference report; receded and concurred in certain Senate amendments, in others with amendments.
Sept. 23, Senate agreed to conference report; receded and concurred in certain House amendments, in others with amendments.
Sept. 30, House concurred in certain Senate amendment, in another with an amendment.
Oct. 14, Senate concurred in House amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 29 (1993):
Oct. 21, Presidential statement.

Public Law 103-112
103d Congress

An Act

Oct. 21, 1993
[H.R. 2518]

Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1994, and for other purposes.

Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1994.
Department of Labor Appropriations Act, 1994.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1994, and for other purposes, namely:

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs and for carrying out section 908 of the Social Security Act, $92,406,000, together with not to exceed $46,655,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

TRAINING AND EMPLOYMENT SERVICES

For expenses necessary to carry into effect the Job Training Partnership Act, as amended, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Job Training Partnership Act, $4,615,801,000 plus reimbursements, to be available for obligation for the period July 1, 1994, through June 30, 1995, of which $64,218,000 shall be for carrying out section 401, $85,576,000 shall be for carrying out section 402, $8,957,000 shall be for carrying out section 441, $1,473,000 shall be for the National Commission for Employment Policy, $5,579,000 shall be for all activities conducted by and through the National Occupational Information Coordinating Committee under the Job Training Partnership Act, and $3,861,000 shall be for service delivery areas under section 101(a)(4)(A)(iii) of the Job Training Partnership Act in addition to amounts otherwise provided under sections 202, 252 and 262 of the Act; and, in addition, $126,556,000 is appropriated for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers, including $20,000,000 for new centers, as authorized by the Job Training Partnership Act, in addition to amounts

otherwise provided herein for the Job Corps, to be available for obligation for the period July 1, 1994 through June 30, 1997; and, in addition, $206,000,000 is appropriated for carrying out part B of title II of the Job Training Partnership Act to be available for obligation for the period October 1, 1993 through June 30, 1994; and, in addition, $50,000,000 is appropriated for carrying out part D of title IV of the Job Training Partnership Act to be available for obligation for the period October 1, 1993 through June 30, 1995; and, in addition, $744,000 is appropriated for the Glass Ceiling Commission authorized by title II of the Civil Rights Act of 1991; and, in addition, $1,122,000 is appropriated for the National Center for the Workplace authorized by title XV, part A, of Public Law 102–325; and, in addition, $12,537,000 is appropriated for activities authorized by title VII, subtitle C of the Stewart B. McKinney Homeless Assistance Act and, in addition, $750,000 is appropriated for the Women in Apprenticeship and Nontraditional Occupations Act (Public Law 102–530): *Provided,* That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out the activities for national grants or contracts with public agencies and public or private nonprofit organizations under paragraph (1)(A) of section 506(a) of title V of the Older Americans Act of 1965, as amended, $320,190,000.

To carry out the activities for grants to States under paragraph (3) of section 506(a) of title V of the Older Americans Act of 1965, as amended, $90,310,000.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during the current fiscal year of benefits and payments as authorized by title II of Public Law 95–250, as amended, and of trade adjustment benefit payments and allowances under part I, and for training, for allowances for job search and relocation, and for related State administrative expenses under part II, subchapter B, chapter 2, title II of the Trade Act of 1974, as amended, $190,000,000 together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15 of the current year: *Provided,* That amounts received or recovered pursuant to section 208(e) of Public Law 95–250 shall be available for payments.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For activities authorized by the Act of June 6, 1933, as amended (29 U.S.C. 49–49l–1; 39 U.S.C. 3202(a)(1)(E)); title III of the Social Security Act, as amended (42 U.S.C. 502–504); necessary administrative expenses for carrying out 5 U.S.C. 8501–8523, and sections 225, 231–235 and 243–244, title II of the Trade Act of 1974, as amended; as authorized by section 7c of the Act of June 6, 1933, as amended, necessary administrative expenses under sections 101(a)(15)(H), 212(a)(5)(A), (m) (2) and (3), (n)(1), and 218(g) (1), (2), and (3), and 258(c) of the Immigration and Nationality Act, as amended (8 U.S.C. 1101 et seq.); necessary administrative expenses to carry out the Targeted Jobs Tax Credit Program under

section 51 of the Internal Revenue Code of 1986, and section 221(a) of the Immigration Act of 1990, $77,042,000 together with not to exceed $3,376,617,000 (including not to exceed $2,098,000 which may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980, and including not to exceed $1,000,000 which may be obligated in contracts with non-State entities for activities such as occupational and test research activities which benefit the Federal-State Employment Service System), which may be expended from the Employment Security Administration account in the Unemployment Trust Fund, and of which the sums available in the allocation for activities authorized by title III of the Social Security Act, as amended (42 U.S.C. 502–504), and the sums available in the allocation for necessary administrative expenses for carrying out 5 U.S.C. 8501–8523, shall be available for obligation by the States through December 31, 1994, except that funds used for automation acquisitions shall be available for obligation by States through September 30, 1996; and of which $74,986,000 together with not to exceed $807,870,000 of the amount which may be expended from said trust fund shall be available for obligation for the period July 1, 1994, through June 30, 1995, to fund activities under the Act of June 6, 1933, as amended, including the cost of penalty mail made available to States in lieu of allotments for such purpose, and of which $347,272,000 shall be available only to the extent necessary for additional State allocations to administer unemployment compensation laws to finance increases in the number of unemployment insurance claims filed and claims paid or changes in a State law: *Provided,* That to the extent that the Average Weekly Insured Unemployment (AWIU) for fiscal year 1994 is projected by the Department of Labor to exceed 3.28 million, an additional $27,000,000 shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) from the Employment Security Administration Account of the Unemployment Trust Fund.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, as amended, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954, as amended; and for nonrepayable advances to the Unemployment Trust Fund as authorized by section 8509 of title 5, United States Code, and section 104(d) of Public Law 102–164, and section 5 of Public Law 103–6, and to the "Federal unemployment benefits and allowances" account, to remain available until September 30, 1995, $2,556,000,000.

In addition, for making repayable advances to the Black Lung Disability Trust Fund in the current fiscal year after September 15, 1994, for costs incurred by the Black Lung Disability Trust Fund in the current fiscal year, such sums as may be necessary.

LABOR-MANAGEMENT STANDARDS

SALARIES AND EXPENSES

For necessary expenses for Labor-Management Standards, $27,309,000.

PENSION AND WELFARE BENEFITS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for Pension and Welfare Benefits Administration, $64,058,000.

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by section 104 of Public Law 96–364, within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program through September 30, 1994, for such Corporation: *Provided,* That not to exceed $34,194,000 shall be available for administrative expenses of the Corporation: *Provided further,* That expenses of such Corporation in connection with the termination of pension plans, for the acquisition, protection or management, and investment of trust assets, and for benefits administration services shall be considered as non-administrative expenses for the purposes hereof, and excluded from the above limitation.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $237,176,000 together with $989,000 which may be expended from the Special Fund in accordance with sections 39(c) and 44(j) of the Longshore and Harbor Workers' Compensation Act: *Provided,* That the Secretary of Labor is authorized to accept, retain and spend in the name of the Department of Labor all sums of money ordered to be paid to the Secretary of Labor, in accordance with the terms of the Consent Judgment in Civil Action No. 91–0027 of the United States District Court for the District of the Northern Mariana Islands (May 21, 1992).

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by title 5, chapter 81 of the United

States Code; continuation of benefits as provided for under the head "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; and sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); and 50 per centum of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, as amended, $279,000,000 together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: *Provided,* That such sums as are necessary may be used for a demonstration project under section 8104 of title 5, United States Code, in which the Secretary may reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a reemployed, disabled beneficiary: *Provided further,* That balances of reimbursements from Federal Government agencies unobligated on September 30, 1993, shall remain available until expended for the payment of compensation, benefits, and expenses: *Provided further,* That in addition there shall be transferred from the Postal Service fund to this appropriation such sums as the Secretary of Labor determines to be the cost of administration for Postal Service employees through September 30, 1994: *Provided further,* That the Secretary may require that any person filing a notice of injury or a claim for benefits under Subchapter 5, U.S.C., Chapter 81, or under Subchapter 33, U.S.C. 901, et seq. (the Longshore and Harbor Workers' Compensation Act, as amended), provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For payments from the Black Lung Disability Trust Fund, $1,002,175,000, of which $947,967,000, shall be available until September 30, 1995, for payment of all benefits as authorized by section 9501(d) (1), (2), (4), and (7), of the Internal Revenue Code of 1954, as amended, and interest on advances as authorized by section 9501(c)(2) of that Act, and of which $29,529,000 shall be available for transfer to Employment Standards Administration, Salaries and Expenses, and $24,384,000 for transfer to Departmental Management, Salaries and Expenses, and $295,000 for transfer to Departmental Management, Office of Inspector General, for expenses of operation and administration of the Black Lung Benefits program as authorized by section 9501(d)(5)(A) of that Act: *Provided,* That in addition, such amounts as may be necessary may be charged to the subsequent year appropriation for the payment of compensation, interest, or other benefits for any period subsequent to June 15 of the current year: *Provided further,* That in addition such amounts shall be paid from this fund into miscellaneous receipts as the Secretary of the Treasury determines to be the administrative expenses of the Department of the Treasury for administering the fund during the current fiscal year, as authorized by section 9501(d)(5)(B) of that Act.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, $297,244,000, including not to exceed $68,630,000, which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act, which grants shall be no less than fifty percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Occupational Safety and Health Act of 1970: *Provided,* That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs ten or fewer employees: *Provided further,* That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 with respect to any employer of ten or fewer employees who is included within a category having an occupational injury lost workday case rate, at the most precise Standard Industrial Classification Code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of that Act (29 U.S.C. 673), except—

(1) to provide, as authorized by such Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by such Act with respect to imminent dangers;

(4) to take any action authorized by such Act with respect to health hazards;

(5) to take any action authorized by such Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by such Act; and

(6) to take any action authorized by such Act with respect to complaints of discrimination against employees for exercising rights under such Act:

Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs ten or fewer employees.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, $195,002,000, of which $5,740,000 shall be for the State Grants Program, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles; the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; and any funds available to the Department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster: *Provided,* That none of the funds appropriated under this paragraph shall be obligated or expended to carry out section 115 of the Federal Mine Safety and Health Act of 1977 or to carry out that portion of section 104(g)(1) of such Act relating to the enforcement of any training requirements, with respect to shell dredging, or with respect to any sand, gravel, surface stone, surface clay, colloidal phosphate, or surface limestone mine.

30 USC 962.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, $282,018,000, together with not to exceed $51,927,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for Departmental Management, including the hire of five sedans, and including up to $4,320,000 for the President's Committee on Employment of People With Disabilities, $143,127,000, together with not to exceed $332,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

WORKING CAPITAL FUND

For expenses necessary during the fiscal year ending September 30, 1994, and each fiscal year thereafter, for the maintenance and operation of a comprehensive program of centralized services which the Secretary of Labor may prescribe and deem appropriate and advantageous to provide on a reimbursable basis under the provisions of the Economy Act (subject to prior notice to OMB) in the national office and field: *Provided,* That such fund shall be reimbursed in advance from funds available to agencies, bureaus,

29 USC 563a.

and offices for which such centralized services are performed at rates which will return in full cost of operations including services obtained through cooperative administrative services units under the Economy Act, including reserves for accrued annual leave, worker's compensation, depreciation of capitalized equipment, and amortization of ADP software and systems (either acquired or donated): *Provided further*, That funds received for services rendered to any entity or person for use of Departmental facilities, including associated utilities and security services, shall be credited to and merged with this fund.

ASSISTANT SECRETARY FOR VETERANS EMPLOYMENT AND TRAINING

Not to exceed $186,648,000 may be derived from the Employment Security Administration account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 2001–10 and 2021–26.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $47,215,000, together with not to exceed $3,990,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

GENERAL PROVISIONS

SEC. 101. The Secretary of Labor is authorized to accept, in the name of the Department of Labor, and employ or dispose of in furtherance of authorized activities of the Department of Labor, any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise.

SEC. 102. None of the funds in the Employees' Compensation Fund under 5 U.S.C. 8147 shall be expended for payment of compensation, benefits, and expenses to any individual convicted of a violation of 18 U.S.C. 1920, or of any felony fraud related to the application for or receipt of benefits under subchapters I or III of chapter 81 of title 5, United States Code. 5 USC 8147 note.

SEC. 103. None of the funds appropriated under this Act shall be expended by the Secretary of Labor to implement or administer either the final or proposed regulations referred to in section 303 of Public Law 102–27.

This title may be cited as the "Department of Labor Appropriations Act, 1994".

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

Department of Health and Human Services Appropriations Act, 1994.

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For carrying out titles II, III, VII, VIII, X, XII, XIX, and XXVI of the Public Health Service Act, section 427(a) of the Federal Coal Mine Health and Safety Act, title V of the Social Security Act, the Health Care Quality Improvement Act of 1986, as amended, Public Law 101–527, and the Native Hawaiian Health Care Act of 1988, as amended, $2,926,381,000, of which $415,000 shall

remain available until expended for interest subsidies on loan guarantees made prior to fiscal year 1981 under part B of title VII of the Public Health Service Act: *Provided,* That when the Department of Health and Human Services administers or operates an employee health program for any Federal department or agency, payment for the full estimated cost shall be made by way of reimbursement or in advance to this appropriation: *Provided further,* That of the funds made available under this heading, $942,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: *Provided further,* That no more than $5,000,000 is available for carrying out the provisions of Public Law 102–501: *Provided further,* That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act.

MEDICAL FACILITIES GUARANTEE AND LOAN FUND

FEDERAL INTEREST SUBSIDIES FOR MEDICAL FACILITIES

For carrying out subsections (d) and (e) of section 1602 of the Public Health Service Act, $9,000,000, together with any amounts received by the Secretary in connection with loans and loan guarantees under title VI of the Public Health Service Act, to be available without fiscal year limitation for the payment of interest subsidies. During the fiscal year, no commitments for direct loans or loan guarantees shall be made.

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM

For the cost of guaranteed loans, such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the Public Health Service Act, as amended: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further,* That these funds are available to subsidize gross obligations for the total loan principal any part of which is to be guaranteed at not to exceed $375,000,000. In addition, for administrative expenses to carry out the guaranteed loan program, $2,946,000.

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund, such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act, to remain available until expended: *Provided,* That for necessary administrative expenses, not to exceed $3,000,000 shall be available from the Trust Fund to the Secretary of Health and Human Services.

VACCINE INJURY COMPENSATION

For payment of claims resolved by the United States Court of Federal Claims related to the administration of vaccines before October 1, 1988, $110,000,000, to remain available until expended.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

To carry out titles II, III, VII, XI, XV, XVII, and XIX of the Public Health Service Act, sections 101, 102, 103, 201, 202, and 203 of the Federal Mine Safety and Health Act of 1977, and sections 20, 21, and 22 of the Occupational Safety and Health Act of 1970; including insurance of official motor vehicles in foreign countries; and hire, maintenance, and operation of aircraft, $2,051,132,000, of which $16,648,000 shall remain available until expended for equipment and construction and renovation of facilities, and in addition, such sums as may be derived from authorized user fees, which shall be credited to this account: *Provided,* That training of private persons shall be made subject to reimbursement or advances to this appropriation for not in excess of the full cost of such training: *Provided further,* That funds appropriated under this heading shall be available for payment of the costs of medical care, related expenses, and burial expenses hereafter incurred by or on behalf of any person who had participated in the study of untreated syphilis initiated in Tuskegee, Alabama, in 1932, in such amounts and subject to such terms and conditions as prescribed by the Secretary of Health and Human Services and for payment, in such amounts and subject to such terms and conditions, of such costs and expenses hereafter incurred by or on behalf of such person's wife or offspring determined by the Secretary to have suffered injury or disease from syphilis contracted from such person: *Provided further,* That amounts received by the National Center for Health Statistics from reimbursements and interagency agreements and the sale of data tapes may be credited to this appropriation and shall remain available until expended: *Provided further,* That in addition to amounts provided herein, up to $28,873,000 shall be available from amounts available under section 241 of the Public Health Service Act, to carry out the National Center for Health Statistics surveys.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, $2,082,267,000.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out sections 301 and 1105 and title IV of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, $1,277,880,000.

NATIONAL INSTITUTE OF DENTAL RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to dental disease, $169,520,000.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney diseases, $716,054,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, $630,650,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, $1,065,583,000.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, $875,511,000.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, $555,195,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, $290,260,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out sections 301 and 311, and title IV of the Public Health Service Act with respect to environmental health sciences, $264,249,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, $420,303,000.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis, and musculoskeletal and skin diseases, $223,280,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the Public Health Service Act with respect to deafness and other communication disorders, $162,823,000.

NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, $51,018,000.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

For carrying out section 301 and title IV of the Public Health Service Act with respect to alcohol abuse, and alcoholism, $185,617,000.

NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, $425,201,000.

NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, $613,444,000.

NATIONAL CENTER FOR RESEARCH RESOURCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to research resources and general research support grants, $331,915,000: *Provided,* That none of these funds shall be used to pay recipients of the general research support grants program any amount for indirect expenses in connection with such grants: *Provided further,* That $7,000,000 shall be for extramural facilities construction grants to be awarded on a competitive basis and in accordance with the criteria of section 481A(c)(2) of subpart 1 of part E of title IV.

NATIONAL CENTER FOR HUMAN GENOME RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to human genome research, $128,701,000.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities at the John E. Fogarty International Center, $21,677,000.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to health information communications, $119,981,000.

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For carrying out the responsibilities of the Office of the Director, National Institutes of Health, $233,605,000: *Provided,* That funding shall be available for the purchase of not to exceed five passenger motor vehicles for replacement only: *Provided further,* That the Director may direct up to 1 percent of the total amount made available in this Act to all National Institutes of Health appropriations to emergency activities the Director may so designate: *Provided further,* That no such appropriation shall be increased or

decreased by more than 1 percent by any such transfers and that the Congress is promptly notified of the transfer.

BUILDINGS AND FACILITIES

For construction of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, including the acquisition of real property, $111,039,000, to remain available until expended.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

For carrying out the Public Health Service Act with respect to substance abuse and mental health services, section 612 of Public Law 100–77, as amended, and the Protection and Advocacy for Mentally Ill Individuals Act of 1986, $2,125,178,000, of which $952,000, together with unobligated balances for facilities renovation, shall be available for maintenance and repair of Federally-owned facilities at Saint Elizabeths Hospital and shall remain available until expended: *Provided,* That no portion of amounts appropriated for the programs of the Department of Health and Human Services shall be available for obligation pursuant to section 571 of the Public Health Service Act, other than an amount of $3,750,000 from amounts appropriated to carry out section 510 of that Act.

ASSISTANT SECRETARY FOR HEALTH

OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH

For the expenses necessary for the Office of the Assistant Secretary for Health and for carrying out titles III, XVII, XX, and XXI of the Public Health Service Act, $69,917,000, and, in addition, amounts received by the Public Health Service from Freedom of Information Act fees, reimbursable and interagency agreements and the sale of data tapes shall be credited to this appropriation and shall remain available until expended.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, and for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan and for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C. ch. 55), and for payments pursuant to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), such amounts as may be required during the current fiscal year.

AGENCY FOR HEALTH CARE POLICY AND RESEARCH

HEALTH CARE POLICY AND RESEARCH

For carrying out titles III and IX of the Public Health Service Act, and part A of title XI of the Social Security Act, $135,409,000, together with not to exceed $4,792,000 to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical

Insurance Trust Funds, as authorized by section 1142 of the Social Security Act and not to exceed $994,000 to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as authorized by section 201(g) of the Social Security Act; and, in addition, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data tapes shall be credited to this appropriation and shall remain available until expended: *Provided,* That the amount made available pursuant to section 926(b) of the Public Health Service Act shall not exceed $13,204,000.

HEALTH CARE FINANCING ADMINISTRATION

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, $64,477,413,000, to remain available until expended.

For making, after May 31, 1994, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 1994 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States under title XIX of the Social Security Act for the first quarter of fiscal year 1995, $26,600,000,000 to remain available until expended.

Payment under title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under sections 217(g) and 1844 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d) of Public Law 97-248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, $45,731,440,000.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, and XIX of the Social Security Act, title XIII of the Public Health Service Act, the Clinical Laboratory Improvement Amendments of 1988, section 4360 of Public Law 101-508, and section 4005(e) of Public Law 100-203, not to exceed $2,189,960,000, together with all funds collected in accordance with section 353 of the Public Health Service Act, the latter funds to remain available until expended; the $2,189,960,000 to be transferred to this appropriation as authorized by section 201(g) of the Social Security Act, from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds: *Provided,* That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the Public Health Service Act are to be credited to this appropriation.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance Trust Funds, as provided under sections 201(m), 228(g), and 1131(b)(2) of the Social Security Act, $28,178,000.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, $575,181,000, to remain available until expended.

For making, after July 31 of the current fiscal year, benefit payments to individuals under title IV of the Federal Mine Safety and Health Act of 1977, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV of the Federal Mine Safety and Health Act of 1977 for the first quarter of fiscal year 1995, $190,000,000, to remain available until expended.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92–603, section 212 of Public Law 93–66, as amended, and section 405 of Public Law 95–216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, $20,183,775,000, to remain available until expended: *Provided,* That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.

For making, after June 15 of the current fiscal year benefit payments to individuals under title XVI of the Social Security Act for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For carrying out title XVI of the Social Security Act for the first quarter of fiscal year 1995, $6,770,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, not more than $4,876,085,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act or as necessary to carry out sections 9704 and 9706 of the Internal Revenue Code of 1986 as such sections were in effect on January 1, 1993, from any one or all of the trust funds referred to therein: *Provided,* That reimbursement to the Trust Funds under this heading for administrative expenses to carry out sections 9704 and 9706 of the Internal Revenue Code of 1986 shall be made, with interest, not later than September 30, 1996: *Provided further,* That not more than $1,800,000 is available until September 30, 1995 for expenses necessary for the Commission on the Social Security "Notch" Issue, established by section 635 of Public Law 102–393 as amended.

In addition to funding already available under this heading, and subject to the same terms and conditions, $320,000,000, of

which $260,000,000 shall be derived from the Federal Disability Insurance Trust Fund, for disability caseload processing.

In addition to funding already available under this heading, and subject to the same terms and conditions, $300,000,000, which shall remain available until expended, to invest in a state-of-the-art computing network, including related equipment and administrative expenses associated solely with this network, for the Social Security Administration and the State Disability Determination Services, may be expended from any or all of the trust funds as authorized by section 201(g)(1) of the Social Security Act.

ADMINISTRATION FOR CHILDREN AND FAMILIES

FAMILY SUPPORT PAYMENTS TO STATES

For making payments to States or other non-Federal entities, except as otherwise provided, under titles I, IV–A (other than section 402(g)(6)) and D, X, XI, XIV, and XVI of the Social Security Act, and the Act of July 5, 1960 (24 U.S.C. ch. 9), $11,915,966,000, to remain available until expended.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV–A and D, X, XI, XIV, and XVI of the Social Security Act, for the last three months of the current year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or other non-Federal entities under titles I, IV–A (other than section 402(g)(6)) and D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9) for the first quarter of fiscal year 1995, $4,200,000,000 to remain available until expended.

PAYMENTS TO STATES FOR AFDC WORK PROGRAMS

For carrying out aid to families with dependent children work programs, as authorized by part F of title IV of the Social Security Act, $1,100,000,000.

LOW INCOME HOME ENERGY ASSISTANCE

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, $1,475,000,000 to be available for obligation in the period October 1, 1994 through June 30, 1995.

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, an additional $600,000,000: *Provided,* That all of the funds available under this paragraph are hereby designated by Congress to be emergency requirements pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further,* That these funds shall be made available only after submission to Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985.

REFUGEE AND ENTRANT ASSISTANCE

For making payments for refugee and entrant assistance activities authorized by title IV of the Immigration and Nationality

Act and section 501 of the Refugee Education Assistance Act of 1980 (Public Law 96–422), $400,000,000.

COMMUNITY SERVICES BLOCK GRANT

For making payments under the Community Services Block Grant Act, section 408 of Public Law 99–425, and the Stewart B. McKinney Homeless Assistance Act, $464,224,000, of which $42,940,000 shall be for carrying out section 681(a) of the Community Services Block Grant Act, including $12,000,000 which shall be for carrying out the National Youth Sports Program: *Provided,* That payments from such amount to the grantee and subgrantee administering the National Youth Sports Program may not exceed the aggregate amount contributed in cash or in kind by the grantee and subgrantee: *Provided further,* That amounts in excess of $9,400,000 of such amount may not be made available to the grantee and subgrantees administering the National Youth Sports Program unless the grantee agrees to provide contributions in cash over and above the preceding year's cash contribution to such program in an amount that equals 29 percent of such excess amount.

PAYMENTS TO STATES FOR CHILD CARE ASSISTANCE

For carrying out sections 658A through 658R of the Omnibus Budget Reconciliation Act of 1981, $892,711,000, which shall be available for obligation under the same statutory terms and conditions applicable in the prior fiscal year.

SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, $2,800,000,000. For carrying out section 2007 of the Social Security Act, an additional $1,000,000,000, which shall remain available until expended.

CHILDREN AND FAMILIES SERVICES PROGRAMS

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the State Dependent Care Development Grants Act, the Head Start Act, the Child Development Associate Scholarship Assistance Act of 1985, the Child Abuse Prevention and Treatment Act, chapters 1 and 2 of subtitle B of title III of the Anti-Drug Abuse Act of 1988, the Family Violence Prevention and Services Act, the Native American Programs Act of 1974, title II of Public Law 95–266 (adoption opportunities), the Temporary Child Care for Children with Disabilities and Crisis Nurseries Act of 1986, the Comprehensive Child Development Act, the Abandoned Infants Assistance Act of 1988, chapter 2 of subtitle A of title IX of Public Law 101–501, subtitle F of title VII of the Stewart B. McKinney Homeless Assistance Act, and part B of title IV and section 1110 of the Social Security Act, and for necessary administrative expenses to carry out said Acts and titles I, IV, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960 (24 U.S.C. ch. 9), the Omnibus Budget Reconciliation Act of 1981, section 204 of the Immigration Reform and Control Act of 1986, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980,

Public Law 100–77, the Commission on Child and Family Welfare established under Public Law 102–521, and section 126 and titles IV and V of Public Law 100–485, $4,237,050,000.

FAMILY SUPPORT AND PRESERVATION

For carrying out section 430 of the Social Security Act, $60,000,000.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

For making payments to States or other non-Federal entities, under title IV–E of the Social Security Act, $2,992,900,000.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965, as amended, and section 10404 of Public Law 101–239 (volunteer senior aides demonstration), $871,282,000.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six medium sedans, $94,431,000, together with $31,261,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from any one or all of the trust funds referred to therein.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $63,590,000, together with not to exceed $36,617,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from any one or all of the trust funds referred to therein.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $18,308,000, together with not to exceed $3,874,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from any one or all of the trust funds referred to therein.

POLICY RESEARCH

For carrying out, to the extent not otherwise provided, research studies under section 1110 of the Social Security Act, $12,000,000.

GENERAL PROVISIONS

SEC. 201. None of the funds made available by this Act for the National Institutes of Health, except for those appropriated to the "Office of the Director", may be used to provide forward funding or multiyear funding of research project grants except

in those cases where the Director of the National Institutes of Health has determined that such funding is specifically required because of the scientific requirements of a particular research project grant.

SEC. 202. Funds appropriated in this title shall be available for not to exceed $37,000 for official reception and representation expenses when specifically approved by the Secretary.

AIDS. Children and youth. Government employees.

SEC. 203. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 204. None of the funds appropriated in this title for the National Institutes of Health and the Substance Abuse and Mental Health Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of $125,000 per year.

SEC. 205. Notwithstanding any other provision of this Act, amounts available in this Act for administrative costs for each agency of the Public Health Service funded in this Act shall not exceed the amount set forth therefor for each such agency in the budget estimates and accompanying justification of estimates submitted for the appropriations.

SEC. 206. None of the funds appropriated under this Act may be used to implement the provisions of section 706(e) of the ADAMHA Reorganization Act, Public Law 102–321, or section 399L(b) of the Public Health Service Act or section 1911(d) and section 1503 of the National Institutes of Health Revitalization Act of 1993, Public Law 103–43.

SEC. 207. For the purpose of carrying out subparts II and III of part B of title XIX of the Public Health Service Act (42 U.S.C. 300x–21 et seq.) for fiscal year 1994, the Secretary of Health and Human Services shall obligate $7,532,065 from the amounts made available pursuant to section 1935(b) of that Act for fiscal year 1994 to those States and Indian tribes or tribal organizations for which the amounts specified in the award statement issued by the Substance Abuse and Mental Health Services Administration under those subparts on November 2, 1992, was greater than the amount specified in the award statement issued on August 6, 1993, in the amounts equal to those differentials.

SEC. 208. Not to exceed $190,400,000 may be obligated in fiscal year 1994 for contracts with Utilization and Quality Control Peer Review Organizations pursuant to part B of title XI of the Social Security Act.

This title may be cited as the "Department of Health and Human Services Appropriations Act, 1994".

Department of Education Appropriations Act, 1994.

TITLE III—DEPARTMENT OF EDUCATION

EDUCATION REFORM

(INCLUDING TRANSFER OF FUNDS)

For carrying out education reform activities authorized in law including activities authorized by the Carl D. Perkins Vocational and Applied Technology Education Act, $155,000,000, of which $5,000,000, under section 402 of the Perkins Act, shall be used

by the Secretary for activities, including peer review of applications, related to school-to-work transition, and $45,000,000 shall be used under section 420A of the Perkins Act for State grants and subgrants to initiate activities in States and localities related to school-to-work transition: *Provided,* That $105,000,000 of the funds provided shall be for carrying out activities authorized by the Goals 2000: Educate America Act, or similar legislation, if enacted into law by April 1, 1994, of which $5,000,000 shall be used for "State Planning for Improving Student Achievement Through Integration of Technology Into the Curriculum"; and that if such legislation is not enacted by that date, the $105,000,000 shall be transferred to "Student Financial Assistance" to be used to alleviate the funding shortfall in the Pell Grant program under subpart 1 of part A of title IV of the Higher Education Act of 1965, as amended: *Provided further,* That funds appropriated in this account shall become available on July 1, 1994 and remain available through September 30, 1995.

COMPENSATORY EDUCATION FOR THE DISADVANTAGED

For carrying out the activities authorized by chapter 1 of title I of the Elementary and Secondary Education Act of 1965, as amended, and by section 418A of the Higher Education Act, $6,924,497,000, of which $6,896,052,000 shall become available on July 1, 1994 and shall remain available through September 30, 1995: *Provided,* That $5,642,000,000 shall be available for basic grants under section 1005, $694,000,000 shall be available for concentration grants under section 1006, $41,434,000 shall be available for capital expenses under section 1017, $91,373,000 shall be available for the Even Start program under part B, $305,193,000 shall be available for migrant education activities under subpart 1 of part D, $35,407,000 shall be available for delinquent and neglected education activities under subpart 3 of part D, $60,712,000 shall be for State administration under section 1404, $25,933,000 shall be for program improvement activities under section 1405, $13,100,000 shall be for evaluation and technical assistance under sections 1437 and 1463, and $4,960,000 shall be for rural technical assistance under section 1459: *Provided further,* That no State shall receive less than $340,000 from the amounts made available under this appropriation for concentration grants under section 1006: *Provided further,* That no State shall receive less than $375,000 from the amounts made available under this appropriation for State administration grants under section 1404.

IMPACT AID

For carrying out programs of financial assistance to federally affected schools as authorized by Public Laws 81–815 and 81–874, as amended, $798,208,000: *Provided,* That $613,445,000 shall be for payments under section 3(a), $123,129,000 shall be for payments under section 3(b), $33,437,000, to remain available until expended, shall be for payments under section 3(d)(2)(B), $16,293,000 shall be for payments under section 2, and $11,904,000, to remain available until expended, shall be for construction and renovation of school facilities, including $4,563,000 for awards under section 10, $3,770,000 for awards under sections 14(a) and 14(b), and $3,571,000 for awards under sections 5 and 14(c): *Provided further,* That all payments under section 3 shall be based on the

Children and youth.

number of children who, during the prior fiscal year, were in average daily attendance at the schools of a local educational agency and for whom such agency provided free public education, except that (1) any local educational agency that did not exist in the prior fiscal year and that would be eligible under this proviso for payments under section 3 for the current fiscal year had it been an operating local educational agency in the prior fiscal year, shall be paid on the basis of the number of children who, during the current fiscal year, are in average daily attendance at the schools of such agency and for whom such agency provides free public education; and (2) any local educational agency with an increase of 5 percent or more from the prior fiscal year to the current fiscal year in the number of children described in section 3 of the Act, as a direct result of activities of the United States, and that submits a written request to the Secretary, shall be paid on the basis of the number of children who, during the current fiscal year, are in average daily attendance at the schools of such agency and for whom such agency provides free public education: *Provided further,* That notwithstanding the provisions of section 3(d)(3)(A), aggregate current expenditure and average daily attendance data for the third preceding fiscal year shall be used to compute local contribution rates: *Provided further,* That notwithstanding the provisions of section 3(d)(2)(B), 3(d)(3)(B)(ii), and 3(h)(2), eligibility and entitlement determinations for those sections shall be computed on the basis of data from the fiscal year preceding each fiscal year described in those respective sections as they were in effect for fiscal year 1991.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out the activities authorized by chapter 2 of title I and titles II, III, IV, V, without regard to sections 5112(a) and 5112(c)(2)(A), and VI of the Elementary and Secondary Education Act of 1965; the Stewart B. McKinney Homeless Assistance Act; the Civil Rights Act of 1964; title V of the Higher Education Act; title IV of Public Law 100–297; and the Follow Through Act; $1,376,659,000, of which $1,050,603,000 shall become available on July 1, 1994, and remain available through September 30, 1995: *Provided,* That of the amount appropriated, $25,196,000 shall be for national programs under part B of chapter 2 of title I, and $250,998,000 shall be for State grants for mathematics and science education under part A of title II of the Elementary and Secondary Education Act of 1965: *Provided further,* That of the amount provided, $20,000,000 shall be used for Department of Education activities authorized under the Safe Schools Act, or similar legislation, if such legislation is enacted by April 1, 1994, except that if such legislation is not enacted by that date, this amount shall be transferred to "Student Financial Assistance" to be used to alleviate the funding shortfall in the Pell Grant program under subpart 1 of part A of title IV of the Higher Education Act of 1965, as amended.

BILINGUAL AND IMMIGRANT EDUCATION

For carrying out, to the extent not otherwise provided, title VII and part D of title IV of the Elementary and Secondary Education Act, $240,155,000, of which $36,431,000 shall be for training activities under part C of title VII, and $38,992,000, which shall become available on July 1, 1994 and remain available until

September 30, 1995, shall be for immigrant education activities authorized by part D of title IV.

SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act and title I, chapter 1, part D, subpart 2 of the Elementary and Secondary Education Act of 1965, $3,108,702,000, of which $2,149,686,000 for section 611, $339,257,000 for section 619, $253,152,000 for section 686 and $116,878,000 for title I, chapter 1, part D, subpart 2 shall become available for obligation on July 1, 1994, and shall remain available through September 30, 1995: *Provided*, That any State agency eligible to receive funds under such subpart shall, at a State's discretion, be deemed to be a local educational agency for the purposes of part B of the Individuals with Disabilities Education Act: *Provided further*, That no State shall receive more per child under such subpart than it received for fiscal year 1993: *Provided further*, That any funds for such subpart that are not allocated because of the preceding proviso shall be available for carrying out section 611 of the Individuals with Disabilities Education Act.

REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Technology-Related Assistance for Individuals with Disabilities Act, and the Helen Keller National Center Act, as amended, $2,296,936,000.

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101 et seq.), $6,463,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $41,836,000, of which $336,000 shall be for the endowment program as authorized under section 207 and shall be available until expended and $193,000 shall be for construction and shall be available until expended.

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $78,435,000, of which $1,000,000 shall be for the endowment program as authorized under section 207 and shall be available until expended, and $1,000,000 shall be for construction and shall be available until expended.

VOCATIONAL AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Vocational and Applied Technology Education Act,

the Adult Education Act, and the Stewart B. McKinney Homeless Assistance Act, $1,481,183,000, of which $300,000 for the national assessment of vocational education shall become available October 1, 1993 and remain available until expended; $2,946,000 for tribally controlled postsecondary vocational institutions shall become available on October 1, 1993 and remain available until September 30, 1994; and the remainder shall become available on July 1, 1994 and shall remain available through September 30, 1995: *Provided,* That of the amounts made available under the Carl D. Perkins Vocational and Applied Technology Education Act, $436,000 of the amount available for Tech-Prep shall be for evaluation of the program and $38,077,000 shall be for national programs under title IV, including $9,662,000 for research, of which $6,000,000 shall be for the National Center for Research on Vocational Education; $23,455,000 for demonstrations, notwithstanding section 411(b), including $3,000,000 for model community education and employment centers; and $4,960,000 for data systems: *Provided further,* That of the amounts made available under the Adult Education Act, $3,928,000 shall be for national programs under section 383, and $4,909,000 shall be for the National Institute for Literacy under section 384.

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1, 3, and 4 of part A, and parts C, E, and H of title IV of the Higher Education Act of 1965, as amended, $8,020,160,000, which shall remain available through September 30, 1995: *Provided,* That the maximum Pell Grant for which a student shall be eligible during award year 1994–1995 shall be $2,300: *Provided further,* That notwithstanding section 401(g) of the Act, as amended, if the Secretary determines, prior to publication of the payment schedule for award year 1994–1995, that the $6,303,566,000 included within this appropriation for Pell Grant awards for award year 1994–1995 is insufficient to satisfy fully all such awards for which students are eligible, as calculated under section 401(b) of the Act, the amount paid for each such award shall be reduced by either a fixed or variable percentage, or by a fixed dollar amount, as determined in accordance with a schedule of reductions established by the Secretary for this purpose: *Provided further,* That notwithstanding section 484(f) of such Act, the Secretary may, without limitation, require an institution of higher education to verify the accuracy of data used to determine student eligibility for assistance under title IV of that Act.

20 USC 1070a note.

FEDERAL FAMILY EDUCATION LOAN PROGRAM ACCOUNT

For the cost of Federal Family Education loans, including administrative costs other than Federal administrative costs, as authorized by title IV, part B, of the Higher Education Act, as amended, such sums as may be necessary to carry out the purposes of the program: *Provided,* That such costs, including costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended. In addition, for Federal administrative expenses to carry out guaranteed student loans authorized by title IV, part B, of the Higher Education Act, as amended, $72,466,000.

FEDERAL DIRECT STUDENT LOAN PROGRAM ACCOUNT

For the cost of direct loans authorized by title IV, part D, of the Higher Education Act, as amended, such sums as may be necessary to carry out the purposes of the program, including such sums as may be derived from negative subsidy receipts: *Provided,* That such costs, including costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, titles I, III, IV, V, VI, VII, VIII, IX, part A, subpart 1 of part B and part D of title X, XI, without regard to section 1151, and XII and section 1410 of the Higher Education Act of 1965, as amended; the Mutual Educational and Cultural Exchange Act of 1961; and title VI of the Excellence in Mathematics, Science and Engineering Education Act of 1990; $893,688,000, of which $7,565,000 for endowment activities under section 331 of part C of title III and $18,029,000 for interest subsidies under title VII of the Higher Education Act, as amended, shall remain available until expended, and $397,000 shall be available for section 1204(c).

HOWARD UNIVERSITY

For partial support of Howard University (20 U.S.C. 121 et seq.), $192,686,000, of which $3,441,000, to remain available until expended, shall be for a matching endowment grant to be administered in accordance with the Howard University Endowment Act (Public Law 98–480).

HIGHER EDUCATION FACILITIES LOANS

The Secretary is hereby authorized to make such expenditures, within the limits of funds available under this heading and in accord with law, and to make such contracts and commitments without regard to fiscal year limitation, as provided by section 104 of the Government Corporation Control Act (31 U.S.C. 9104), as may be necessary in carrying out the program for the current fiscal year.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For administrative expenses to carry out the existing direct loan program of college housing and academic facilities loans entered into pursuant to title VII, part C, of the Higher Education Act, as amended, $730,000.

COLLEGE HOUSING LOANS

Pursuant to title VII, part C of the Higher Education Act, as amended, for necessary expenses of the college housing loans program, previously carried out under title IV of the Housing Act of 1950, the Secretary shall make expenditures and enter into contracts without regard to fiscal year limitation using loan repayments and other resources available to this account. Any unobligated balances becoming available from fixed fees paid into this account pursuant to 12 U.S.C. 1749d, relating to payment of costs

Contracts.

for inspections and site visits, shall be available for the operating expenses of this account.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING, PROGRAM ACCOUNT

To carry out the purposes of title VII, part B of the Higher Education Act, as amended, and subject to the limitations of section 724 of such part, the Secretary is authorized to enter into insurance agreements to provide financial insurance to guarantee for full payment of principal and interest on qualified bonds upon the conditions set forth in subsections (b), (c) and (d) of section 723 of such part: *Provided,* That bonds insured pursuant to such part shall not exceed $357,000,000, and the cost, as defined in section 502 of the Congressional Budget Act of 1974, of such bonds shall not exceed zero.

For administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to title VII, part B of the Higher Education Act, as amended, $200,000.

EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

For carrying out the activities authorized by section 405 and section 406 of the General Education Provisions Act, as amended (or any successor authority); section 1562, section 1566, section 2012, subpart 2 of part A of title II, and parts B, E, and F of title IV of the Elementary and Secondary Education Act of 1965, as amended; part B of title III of Public Law 100–297; title IX of the Education for Economic Security Act; title II of Public Law 102–62; and section 551 of the Higher Education Act, $292,592,000: *Provided,* That $31,000,000 shall be for research centers, including funds to extend the existing award for a research center on the education of disadvantaged students for up to one year; $38,032,000 shall be for regional laboratories, including $9,508,000 for rural initiatives; $32,500,000 shall be for activities under the Fund for Innovation in Education; $4,463,000 shall be for civic education activities under section 4609; $5,396,000 shall be for Grants for Schools and Teachers under subpart 1 and $3,687,000 shall be for Family School Partnerships under subpart 2 of part B of title III of Public Law 100–297; $16,072,000 shall be for national programs under section 2012, including not less than $5,472,000 for the National Clearinghouse for Science and Mathematics under section 2012(d); and $13,871,000 shall be for regional consortia under subpart 2 of part A of title II; $25,944,000 shall be for star schools, of which $4,000,000 shall be awarded competitively for a demonstration of a statewide, two-way interactive fiber optic telecommunications network, carrying voice, video, and data transmissions, and housing a point of presence in every county; and $3,212,000 shall be for the National Writing Project.

LIBRARIES

For carrying out, to the extent not otherwise provided, titles I, II, III, IV, and VI of the Library Services and Construction Act (20 U.S.C. ch. 16), and title II of the Higher Education Act, $146,309,000, of which $17,792,000 shall be used to carry out the provisions of title II of the Library Services and Construction Act

and shall remain available until expended, and $4,960,000 shall be for section 222 and $2,802,000 shall be for section 223 of the Higher Education Act, of which $2,500,000 shall be for demonstration of on-line and dial-in access to a statewide, multitype library bibliographic data base through a statewide fiber optic network housing a point of presence in every county, connecting library services in every municipality, to be awarded competitively.

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of two passenger motor vehicles, $352,008,000: *Provided,* That the Secretary may use funds appropriated to carry out any Department of Education programs under which awards are made on a competitive basis to reimburse this account for the direct expenses of non-Federal experts to review applications and proposals for such awards.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $56,570,000.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, $28,840,000.

GENERAL PROVISIONS

SEC. 301. No part of the funds contained in this title may be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88–352, to take any action to force the busing of students; to force on account of race, creed or color the abolishment of any school so desegregated; or to force the transfer or assignment of any student attending any elementary or secondary school so desegregated to or from a particular school over the protest of his or her parents or parent.

Desegregation.

SEC. 302. (a) No part of the funds contained in this title shall be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88–352, to take any action to force the busing of students; to require the abolishment of any school so desegregated; or to force on account of race, creed or color the transfer of students to or from a particular school so desegregated as a condition precedent to obtaining Federal funds otherwise available to any State, school district or school.

(b) No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transpor-

tation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 303. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

School prayer.

SEC. 304. No funds appropriated under this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

This title may be cited as the "Department of Education Appropriations Act, 1994".

TITLE IV—RELATED AGENCIES

ACTION

OPERATING EXPENSES

For expenses necessary for Action to carry out the provisions of the Domestic Volunteer Service Act of 1973, as amended, $205,097,000.

CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 1996, $312,000,000, of which $7,000,000 shall be for Ready to Learn activities consistent with the purposes outlined in Public Law 102–545: *Provided,* That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: *Provided further,* That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor-Management Relations Act, 1947 (29 U.S.C. 171–180, 182–183), including hire of passenger motor vehicles; and for expenses necessary for the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a); and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95–454 (5 U.S.C. chapter 71), $30,241,000.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission (30 U.S.C. 801 et seq.), $5,842,000.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

SALARIES AND EXPENSES

For necessary expenses for the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91–345, as amended by Public Law 102–95), $904,000.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, as amended, $1,690,000.

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141–167), and other laws, $171,274,000: *Provided,* That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 per centum of the water stored or supplied thereby is used for farming purposes.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151–188), including emergency boards appointed by the President, $8,657,000.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For the expenses necessary for the Occupational Safety and Health Review Commission (29 U.S.C. 661), $7,362,000.

PHYSICIAN PAYMENT REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1845(a) of the Social Security Act, $4,171,000, to be transferred to this appropriation from the Federal Supplementary Medical Insurance Trust Fund.

PROSPECTIVE PAYMENT ASSESSMENT COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1886(e) of the Social Security Act, $4,500,000, to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $277,000,000, which shall include amounts becoming available in fiscal year 1994 pursuant to section 224(c)(1)(B) of Public Law 98–76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds $277,000,000: *Provided,* That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, $300,000, to remain available through September 30, 1995, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98–76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board, $73,791,000, to be derived from the railroad retirement accounts: *Provided*, That $200,000 of the foregoing amount shall be available only to the extent necessary to process workloads not anticipated in the budget estimates and after maximum absorption of the costs of such workloads within the remainder of the existing limitation has been achieved: *Provided further,* That notwithstanding any other provision of law, no portion of this limitation shall be available for payments of standard level user charges pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(j); 45 U.S.C. 231–231u).

LIMITATION ON RAILROAD UNEMPLOYMENT INSURANCE ADMINISTRATION FUND

For further expenses necessary for the Railroad Retirement Board, for administration of the Railroad Unemployment Insurance Act, not less than $17,010,000 shall be apportioned for fiscal year 1994 from moneys credited to the railroad unemployment insurance administration fund.

SPECIAL MANAGEMENT IMPROVEMENT FUND

To effect management improvements, including the reduction of backlogs, accuracy of taxation accounting, and debt collection, $3,300,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account: *Provided,* That these funds shall supplement, not supplant, existing resources devoted to such operations and improvements.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, as amended, not more than $6,742,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account.

SOLDIERS' AND AIRMEN'S HOME

OPERATION AND MAINTENANCE

For operation and maintenance of the United States Soldiers' and Airmen's Home, to be paid from funds available to the Soldiers' Home in the Armed Forces Retirement Home Trust Fund, $43,139,000: *Provided,* That this appropriation shall not be available for the payment of hospitalization of members of the Home in United States Army hospitals at rates in excess of those prescribed by the Secretary of the Army upon recommendation of the Board of Commissioners and the Surgeon General of the Army.

CAPITAL OUTLAY

For construction and renovation of the physical plant, to be paid from funds available to the Soldier's Home in the Armed Forces Retirement Home Trust Fund, $4,930,000, to remain available until expended.

UNITED STATES INSTITUTE OF PEACE

OPERATING EXPENSES

For necessary expenses of the United States Institute of Peace as authorized in the United States Institute of Peace Act, $10,912,000.

UNITED STATES NAVAL HOME

OPERATION AND MAINTENANCE

For operation and maintenance of the United States Naval Home, to be paid from funds available to the Naval Home in the Armed Forces Retirement Home Trust Fund, $10,775,000.

CAPITAL PROGRAM

For construction and renovation of the physical plant to be paid from funds available to the Naval Home in the Armed Forces Retirement Home Trust Fund, $473,000, to remain available until expended.

TITLE V—GENERAL PROVISIONS

SEC. 501. No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan, a grant, the salary of or any remuneration whatever to any individual applying for admission, attending, employed by, teaching at, or doing research at an institution of higher education who has engaged in conduct on or after August 1, 1969, which involves the use of (or the assistance to others in the use of) force or the threat of force or the seizure of property under the control of an institution of higher education, to require or prevent the availability of certain curricula, or to prevent the faculty, administrative officials, or students in such institution from engaging in their duties or pursuing their studies at such institution.

SEC. 502. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: *Provided,* That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 503. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 504. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress.

SEC. 505. The Secretaries of Labor and Education are each authorized to make available not to exceed $7,500 from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $2,500 from the funds available for "Salaries and expenses, Federal Mediation and Conciliation Service"; and the

Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $2,500 from funds available for "Salaries and expenses, National Mediation Board".

AIDS.

SEC. 506. Notwithstanding any other provision of this Act, no funds appropriated under this Act shall be used to carry out any program of distributing sterile needles for the hypodermic injection of any illegal drug unless the Surgeon General of the United States determines that such programs are effective in preventing the spread of HIV and do not encourage the use of illegal drugs, except that such funds may be used for such purposes in furtherance of demonstrations or studies authorized in the ADAMHA Reorganization Act (Public Law 102–321).

SEC. 507. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act").

30 USC 922 note.

SEC. 508. (a) Notwithstanding any other provision of law, monthly benefit payments under part B or part C of the Black Lung Benefits Act for months after December 1993 and before October 1994 shall be calculated as though the provisions of Federal law prescribing pay rates for Federal employees continued in effect, without amendment to or limitation of such provisions, after January 1993.

(b) Of the amounts provided under title XII of Public Law 102–368, Additional Assistance to Distressed Communities, under the heading "Community Investment Program", $225,000,000 are rescinded.

Abortion.

SEC. 509. None of the funds appropriated under this Act shall be expended for any abortion except when it is made known to the Federal entity or official to which funds are appropriated under this Act that such procedure is necessary to save the life of the mother or that the pregnancy is the result of an act of rape or incest.

This Act may be cited as the "Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1994".

Approved October 21, 1993.

LEGISLATIVE HISTORY—H.R. 2518:

HOUSE REPORTS: Nos. 103-156 (Comm. on Appropriations) and 103-275 (Comm. of Conference).
SENATE REPORTS: No. 103-143 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 139 (1993):
June 30, considered and passed House.
Sept. 23, 24, 27-29, considered and passed Senate, amended.
Oct. 7, House agreed to conference report; receded and concurred in certain Senate amendments, in others with amendments.
Oct. 18, Senate agreed to conference report; concurred in House amendments.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 29 (1993):
Oct. 21, Presidential statement.

69-194 O - 94 - 6 : QL. 3 Part 2

Public Law 103-113
103d Congress

Joint Resolution

Oct. 21, 1993
[H.J. Res. 281]

Making further continuing appropriations for the fiscal year 1994, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 106(c) of Public Law 103-88 is amended by striking out "October 21, 1993" and inserting in lieu thereof "October 28, 1993".

Ante, p. 979.

Approved October 21, 1993.

LEGISLATIVE HISTORY—H.J. Res. 281:

CONGRESSIONAL RECORD, Vol. 139 (1993):
Oct. 21, considered and passed House and Senate.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 29 (1993):
Oct. 22, Presidential statement.

Public Law 103-114
103d Congress

An Act

To amend title 5, United States Code, to extend the Federal Physicians Comparability Allowance Act of 1978, and for other purposes.

Oct. 26, 1993
[H.R. 2685]

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

Government employees.

SECTION 1. EXTENSIONS.

(a) EXTENSION OF AUTHORITY.—

(1) AMENDMENT TO TITLE 5, UNITED STATES CODE.—The second sentence of section 5948(d) of title 5, United States Code, is amended to read as follows: "No agreement shall be entered into under this section later than September 30, 1997, nor shall any agreement cover a period of service extending beyond September 30, 1999.".

(2) EXTENSION OF REPEALER.—Section 3 of the Federal Physicians Comparability Allowance Act of 1978 (5 U.S.C. 5948 note) is amended by striking "September 30, 1995" and inserting "September 30, 1999".

(3) ADVANCE APPROPRIATIONS REQUIRED.—Any service agreement entered into on or after the date of the enactment of this Act pursuant to section 5948 of title 5, United States Code, as amended by paragraph (1), shall be effective only to such extent or in such amounts as are provided in advance in appropriation Acts. 5 USC 5948 note.

(4) RULE OF CONSTRUCTION.—The amendments made by this subsection shall not be construed to authorize additional or supplemental appropriations for the fiscal year ending September 30, 1993. 5 USC 5948 note.

(b) TECHNICAL AMENDMENTS.—

(1) AMENDMENT TO PUBLIC LAW 100-140.—Effective as of October 27, 1987, section 1 of Public Law 100-140 (101 Stat. 830) is amended by adding at the end the following: Effective date. 5 USC 5948 note.

"(c) EXTENSION OF REPEALER.—Section 3 of the Federal Physicians Comparability Allowance Act of 1978 (5 U.S.C. 5948 note) is amended by striking 'September 30, 1989' and inserting 'September 30, 1992'.".

(2) AMENDMENT TO PUBLIC LAW 101-420.—Effective as of October 13, 1990, Public Law 101-420 (104 Stat. 908) is amended— Effective date.

(A) by inserting "(a)" after "That"; and 5 USC 5948.

(B) by adding at the end the following: 5 USC 5948 note.

"(b) Section 3 of the Federal Physicians Comparability Allowance Act of 1978 (5 U.S.C. 5948 note) is amended by striking 'September 30, 1992' and inserting 'September 30, 1995'.".

5 USC 5948 note.

(c) ORDER OF AMENDMENTS.—For purposes of applying the amendments made by this section—

(1) the provisions of subsection (b)(1) shall be treated as having been enacted immediately before the provisions of subsection (b)(2); and

(2) the provisions of subsection (b)(2) shall be treated as having been enacted immediately before the provisions of subsection (a).

SEC. 2. REPORTING REQUIREMENT.

(a) IN GENERAL.—Section 5948 of title 5, United States Code, is amended by adding at the end the following:

President.

"(j)(1) Not later than June 30 of each year, the President shall submit to each House of Congress a written report on the operation of this section. Each report shall include, with respect to the year covered by such report, information as to—

"(A) which agencies entered into agreements under this section;

"(B) the nature and extent of the recruitment or retention problems justifying the use of authority by each agency under this section;

"(C) the number of physicians with whom agreements were entered into by each agency;

"(D) the size of the allowances and the duration of the agreements entered into; and

"(E) the degree to which the recruitment or retention problems referred to in subparagraph (B) were alleviated under this section.

"(2) In addition to the information required under paragraph (1), the last report due under this subsection before the expiration of the authority to enter into agreements under this section shall include—

"(A) recommendations as to whether or not such authority should be continued beyond September 30, 1997, and, if so, by what period of time; and

"(B) the reasons for those recommendations.".

5 USC 5948 note.

(b) EFFECTIVE DATE.—The first report under section 5948(j) of title 5, United States Code, as amended by subsection (a), shall be due not later than June 30, 1994.

Approved October 26, 1993.

LEGISLATIVE HISTORY—H.R. 2685:

HOUSE REPORTS: No. 103-242 (Comm. on Post Office and Civil Service).
CONGRESSIONAL RECORD, Vol. 139 (1993):
Sept. 21, considered and passed House.
Oct. 5, considered and passed Senate.

Public Law 103-115
103d Congress

An Act

To amend the definition of a rural community for eligibility for economic recovery funds, and for other purposes.

Oct. 26, 1993
[S. 1508]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2374(3) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 6612(3)) is amended to read as follows:

"(3) The term 'rural community' means—

"(A) any town, township, municipality, or other similar unit of general purpose local government, or any area represented by a not-for-profit corporation or institution organized under State or Federal law to promote broad based economic development, or unit of general purpose local government, as approved by the Secretary, that has a population of not more than 10,000 individuals, is located within a county in which at least 15 percent of the total primary and secondary labor and proprietor income is derived from forestry, wood products, and forest-related industries such as recreation, forage production, and tourism and that is located within the boundary, or within 100 miles of the boundary, of a national forest; or

"(B) any county that is not contained within a Metropolitan Statistical Area as defined by the United States Office of Management and Budget, in which at least 15 percent of the total primary and secondary labor and proprietor income is derived from forestry, wood products, and forest-related industries such as recreation, forage production, and tourism and that is located within the boundary, or within 100 miles of the boundary, of a national forest."

Approved October 26, 1993.

LEGISLATIVE HISTORY—S. 1508:

CONGRESSIONAL RECORD, Vol. 139 (1993):
Sept. 30, considered and passed Senate.
Oct. 6, considered and passed House.

Public Law 103-116
103d Congress

An Act

Oct. 27, 1993
[H.R. 2399]

To provide for the settlement of land claims of the Catawba Tribe of Indians in the State of South Carolina and the restoration of the Federal trust relationship with the Tribe, and for other purposes.

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

Catawba Indian Tribe of South Carolina Land Claims Settlement Act of 1993.
25 USC 941 note.
25 USC 941.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Catawba Indian Tribe of South Carolina Land Claims Settlement Act of 1993".

SEC. 2. DECLARATION OF POLICY, CONGRESSIONAL FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress declares and finds that:

(1) It is the policy of the United States to promote tribal self-determination and economic self-sufficiency and to support the resolution of disputes over historical claims through settlements mutually agreed to by Indian and non-Indian parties.

(2) There is pending before the United States District Court for the District of South Carolina a lawsuit disputing ownership of approximately 140,000 acres of land in the State of South Carolina and other rights of the Catawba Indian Tribe under Federal law.

(3) The Catawba Indian Tribe initiated a related lawsuit against the United States in the United States Court of Federal Claims seeking monetary damages.

(4) Some of the significant historical events which have led to the present situation include:

(A) In treaties with the Crown in 1760 and 1763, the Tribe ceded vast portions of its aboriginal territory in the present States of North and South Carolina in return for guarantees of being quietly settled on a 144,000-acre reservation.

(B) The Tribe's district court suit contended that in 1840 the Tribe and the State entered into an agreement without Federal approval or participation whereby the Tribe ceded its treaty reservation to the State, thereby giving rise to the Tribe's claim that it was dispossessed of its lands in violation of Federal law.

(C) In 1943, the United States entered into an agreement with the Tribe and the State to provide services to the Tribe and its members. The State purchased 3,434 acres of land and conveyed it to the Secretary in trust for the Tribe and the Tribe organized under the Indian Reorganization Act.

(D) In 1959, when Congress enacted the Catawba Tribe of South Carolina Division of Assets Act (25 U.S.C. 931–938), Federal agents assured the Tribe that if the Tribe would release the Government from its obligation under the 1943 agreement and agree to Federal legislation terminating the Federal trust relationship and liquidating the 1943 reservation, the status of the Tribe's land claim would not be jeopardized by termination.

(E) In 1980, the Tribe initiated Federal court litigation to regain possession of its treaty lands and in 1986, the United States Supreme Court ruled in South Carolina against Catawba Indian Tribe that the 1959 Act resulted in the application of State statutes of limitations to the Tribe's land claim. Two subsequent decisions of the United States Court of Appeals for the Fourth Circuit have held that some portion of the Tribe's claim is barred by State statutes of limitations and that some portion is not barred.

(5) The pendency of these lawsuits has led to substantial economic and social hardship for a large number of landowners, citizens and communities in the State of South Carolina, including the Catawba Indian Tribe. Congress recognizes that if these claims are not resolved, further litigation against tens of thousands of landowners would be likely; that any final resolution of pending disputes through a process of litigation would take many years and entail great expenses to all parties; continue economically and socially damaging controversies; prolong uncertainty as to the ownership of property; and seriously impair long-term economic planning and development for all parties.

(6) The 102d Congress has enacted legislation suspending until October 1, 1993, the running of any unexpired statute of limitation applicable to the Tribe's land claim in order to provide additional time to negotiate settlement of these claims.

(7) It is recognized that both Indian and non-Indian parties enter into this settlement to resolve the disputes raised in these lawsuits and to derive certain benefits. The parties' Settlement Agreement constitutes a good faith effort to resolve these lawsuits and other claims and requires implementing legislation by the Congress of the United States, the General Assembly of the State of South Carolina, and the governing bodies of the South Carolina counties of York and Lancaster.

(8) To advance the goals of the Federal policy of Indian self-determination and restoration of terminated Indian Tribes, and in recognition of the United States obligation to the Tribe and the Federal policy of settling historical Indian claims through comprehensive settlement agreements, it is appropriate that the United States participate in the funding and implementation of the Settlement Agreement.

(b) PURPOSE.—It is the purpose of this Act—

(1) to approve, ratify, and confirm the Settlement Agreement entered into by the non-Indian settlement parties and the Tribe, except as otherwise provided by this Act;

(2) to authorize and direct the Secretary to implement the terms of such Settlement Agreement;

(3) to authorize the actions and appropriations necessary to implement the provisions of the Settlement Agreement and this Act;

(4) to remove the cloud on titles in the State of South Carolina resulting from the Tribe's land claim; and

(5) to restore the trust relationship between the Tribe and the United States.

25 USC 941a.

SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) The term "Tribe" means the Catawba Indian Tribe of South Carolina as constituted in aboriginal times, which was party to the Treaty of Pine Tree Hill in 1760 as confirmed by the Treaty of Augusta in 1763, which was party also to the Treaty of Nation Ford in 1840, and which was the subject of the Termination Act, and all predecessors and successors in interest, including the Catawba Indian Tribe of South Carolina, Inc.

(2) The term "claim" or "claims" means any claim which was asserted by the Tribe in either Suit, and any other claim which could have been asserted by the Tribe or any Catawba Indian of a right, title or interest in property, to trespass or property damages, or of hunting, fishing or other rights to natural resources, if such claim is based upon aboriginal title, recognized title, or title by grant, patent, or treaty including the Treaty of Pine Tree Hill of 1760, the Treaty of Augusta of 1763, or the Treaty of Nation Ford of 1840.

(3) The term "Executive Committee" means the body of the Tribe composed of the Tribe's executive officers as selected by the Tribe in accordance with its constitution.

(4) The term "Existing Reservation" means that tract of approximately 630 acres conveyed to the State in trust for the Tribe by J.M. Doby on December 24, 1842, by deed recorded in York County Deed Book N, pp. 340–341.

(5) The term "General Council" means the membership of the Tribe convened as the Tribe's governing body for the purpose of conducting tribal business pursuant to the Tribe's constitution.

(6) The term "Member" means individuals who are currently members of the Tribe or who are enrolled in accordance with this Act.

(7) The term "Reservation" or "Expanded Reservation" means the Existing Reservation and the lands added to the Existing Reservation in accordance with section 12 of this Act, which are to be held in trust by the Secretary in accordance with this Act.

(8) The term "Secretary" means the Secretary of the Interior.

(9) The term "service area" means the area composed of the State of South Carolina and Cabarrus, Cleveland, Gaston, Mecklenburg, Rutherford, and Union counties in the State of North Carolina.

(10) The term "Settlement Agreement" means the document entitled "Agreement in Principle" between the Tribe and the State of South Carolina and attached to the copy of the State Act and filed with the Secretary of State of the State of South Carolina, as amended to conform to this Act and printed in the Congressional Record.

(11) The term "State" means, except for section 6 (a) through (f), the State of South Carolina.

(12) The term "State Act" means the Act enacted into law by the State of South Carolina on June 14, 1993, and codified as S.C. Code Ann., sections 27–16–10 through 27–16–140, to implement the Settlement Agreement.

(13) The term "Suit" or "Suits" means Catawba Indian Tribe of South Carolina v. State of South Carolina, et al., docketed as Civil Action No. 80–2050 and filed in the United States District Court for the District of South Carolina; and Catawba Indian Tribe of South Carolina v. The United States of America, docketed as Civil Action No. 90–553L and filed in the United States Court of Federal Claims.

(14) The term "Termination Act" means the Act entitled "An Act to provide for the division of the tribal assets of the Catawba Indian Tribe of South Carolina among the members of the Tribe and for other purposes", approved September 21, 1959 (73 Stat. 592; 25 U.S.C. 931–938).

(15) The term "transfer" includes (but is not limited to) any voluntary or involuntary sale, grant, lease, allotment, partition, or other conveyance; any transaction the purpose of which was to effect a sale, grant, lease, allotment, partition, or conveyance; and any act, event or circumstance that resulted in a change in title to, possession of, dominion over, or control of land, water, minerals, timber, or other natural resources.

(16) The term "Trust Funds" means the trust funds established by section 11 of this Act.

SEC. 4. RESTORATION OF FEDERAL TRUST RELATIONSHIP. 25 USC 941b.

(a) RESTORATION OF THE FEDERAL TRUST RELATIONSHIP AND APPROVAL, RATIFICATION, AND CONFIRMATION OF THE SETTLEMENT AGREEMENT.—On the effective date of this Act—

(1) the trust relationship between the Tribe and the United States is restored; and

(2) the Settlement Agreement and the State Act are approved, ratified, and confirmed by the United States to effectuate the purposes of this Act, and shall be complied with in the same manner and to the same extent as if they had been enacted into Federal law.

(b) ELIGIBILITY FOR FEDERAL BENEFITS AND SERVICES.—Notwithstanding any other provision of law, on the effective date of this Act, the Tribe and the Members shall be eligible for all benefits and services furnished to federally recognized Indian tribes and their members because of their status as Indians. On the effective date of this Act, the Secretary shall enter the Tribe on the list of federally recognized bands and tribes maintained by the Department of the Interior; and its members shall be eligible to special services, educational benefits, medical care, and welfare assistance provided by the United States to Indians because of their status as Indians, and the Tribe shall be eligible to the special services performed by the United States for tribes because of their status as Indian tribes. For the purpose of eligibility for Federal services made available to members of federally recognized Indian tribes because of their status as Indian tribal members, Members of the Tribe in the Tribe's service area shall be deemed to be residing on or near a reservation.

(c) REPEAL OF TERMINATION ACT.—The Termination Act is repealed. 25 USC 931–938.

(d) EFFECT ON PROPERTY RIGHTS AND OTHER OBLIGATIONS.—Except as otherwise specifically provided in this Act, this Act shall not affect any property right or obligation or any contractual right or obligation in existence before the effective date of this Act, or any obligation for taxes levied before that date.

(e) EXTENT OF JURISDICTION.—This Act shall not be construed to empower the Tribe with special jurisdiction or to deprive the State of jurisdiction other than as expressly provided by this Act or by the State Act. The jurisdiction and governmental powers of the Tribe shall be solely those set forth in this Act and the State Act.

25 USC 941c.

SEC. 5. SETTLEMENT FUNDS.

(a) AUTHORIZATION FOR APPROPRIATION.—There is hereby authorized to be appropriated $32,000,000 for the Federal share which shall be deposited in the trust funds established pursuant to section 11 of this Act or paid pursuant to section 6(g).

(b) DISBURSEMENT IN ACCORDANCE WITH SETTLEMENT AGREEMENT.—The Federal funds appropriated pursuant to this Act shall be disbursed in four equal annual installments of $8,000,000 beginning in the fiscal year following enactment of this Act. Funds transferred to the Secretary from other sources shall be deposited in the trust funds established pursuant to section 11 of this Act or paid pursuant to section 6(g) within 30 days of receipt by the Secretary.

(c) FEDERAL, STATE, LOCAL AND PRIVATE CONTRIBUTIONS HELD IN TRUST BY SECRETARY.—The Secretary shall, on behalf of the Tribe, collect those contributions toward settlement appropriated or received by the State pursuant to section 5.2 of the Settlement Agreement and shall either hold such funds totalling $18,000,000, together with the Federal funds appropriated pursuant to this Act, in trust for the Tribe pursuant to the provisions of section 11 of this Act or pay such funds pursuant to section 6(g) of this Act.

(d) NONPAYMENT OF STATE, LOCAL, OR PRIVATE CONTRIBUTIONS.—The Secretary shall not be accountable or incur any liability for the collection, deposit, or management of the non-Federal contributions made pursuant to section 5.2 of the Settlement Agreement, or payment of such funds pursuant to section 6(g) of this Act, until such time as such funds are received by the Secretary.

25 USC 941d.

SEC. 6. RATIFICATION OF PRIOR TRANSFERS; EXTINGUISHMENT OF ABORIGINAL TITLE, RIGHTS AND CLAIMS.

(a) RATIFICATION OF TRANSFERS.—Any transfer of land or natural resources located anywhere within the United States from, by, or on behalf of the Tribe, any one or more of its Members, or anyone purporting to be a Member, including but without limitation any transfer pursuant to any treaty, compact, or statute of any State, shall be deemed to have been made in accordance with the Constitution and all laws of the United States, and Congress hereby approves and ratifies any such transfer effective as of the date of such transfer. Nothing in this section shall be construed to affect, eliminate, or revive the personal claim of any individual Member (except for any Federal common law fraud claim) which is pursued under any law of general applicability that protects non-Indians as well as Indians.

(b) ABORIGINAL TITLE.—To the extent that any transfer of land or natural resources described in subsection (a) of this section

may involve land or natural resources to which the Tribe, any of its Members, or anyone purporting to be a Member, or any other Indian, Indian nation, or Tribe or band of Indians had aboriginal title, subsection (a) of this section shall be regarded as an extinguishment of aboriginal title as of the date of such transfer.

(c) EXTINGUISHMENT OF CLAIMS.—By virtue of the approval and ratification of any transfer of land or natural resources effected by this section, or the extinguishment of aboriginal title effected thereby, all claims against the United States, any State or subdivision thereof, or any other person or entity, by the Tribe, any of its Members, or anyone purporting to be a Member, or any predecessors or successors in interest thereof or any other Indian, Indian Nation, or tribe or band of Indians, arising at the time of or subsequent to the transfer and based on any interest in or right involving such land or natural resources, including without limitation claims for trespass damages or claims for use and occupancy, shall be deemed extinguished as of the date of the transfer.

(d) EXTINGUISHMENT OF TITLE.—(1) All claims and all right, title, and interest that the Tribe, its Members, or any person or group of persons purporting to be Catawba Indians may have to aboriginal title, recognized title, or title by grant, patent, or treaty to the lands located anywhere in the United States are hereby extinguished.

(2) This extinguishment of claims shall also extinguish title to any hunting, fishing, or water rights or rights to any other natural resource claimed by the Tribe or a Member based on aboriginal or treaty recognized title, and all trespass damages and other damages associated with use, occupancy or possession, or entry upon such lands.

(e) BAR TO FUTURE CLAIMS.—The United States is hereby barred from asserting by or on behalf of the Tribe or any of its Members, or anyone purporting to be a Member, any claim arising before the effective date of this Act from the transfer of any land or natural resources by deed or other grant, or by treaty, compact, or act of law, on the grounds that such transfer was not made in accordance with the laws of South Carolina or the Constitution or laws of the United States.

(f) NO DEROGATION OF FEE SIMPLE IN EXISTING RESERVATION, OR EFFECT ON MEMBERS' FEE INTERESTS.—Nothing in this Act shall be construed to diminish or derogate from the Tribe's estate in the Existing Reservation; or to divest or disturb title in any land conveyed to any person or entity as a result of the Termination Act and the liquidation and partition of tribal lands; or to divest or disturb the right, title and interest of any Member in any fee simple, leasehold or remainder estate or any equitable or beneficial right or interest any such Member may own individually and not as a Member of the Tribe.

(g) COSTS AND ATTORNEYS' FEES.—The parties to the Suits shall bear their own costs and attorneys' fees. As provided by section 6.4 of the Settlement Agreement, the Secretary shall pay to the Tribe's attorneys in the Suits attorneys' fees and expenses from, and not to exceed 10 percent of, the $50,000,000 obligated for payment to the Tribe by Federal, State, local, and private parties pursuant to section 5 of the Settlement Agreement.

(h) PERSONAL CLAIMS NOT AFFECTED.—Nothing in this section shall be deemed to affect, diminish, or eliminate the personal claim of any individual Indian which is pursued under any law of general

applicability (other than Federal common law fraud) that protects non-Indians as well as Indians.

(i) FEDERAL PAYMENT.—In the event any of the Federal payments are not paid as set forth in section 5, such failure to pay shall give rise to a cause of action by the Tribe against the United States for money damages for the amount authorized to be paid to the Tribe in section 5(a) in settlement of the Tribe's claim, and the Tribe is authorized to bring an action in the United States Court of Claims for such funds plus applicable interest. The United States hereby waives any affirmative defense to such action.

(j) STATE PAYMENT.—In the event any of the State payments are not paid as set forth in section 5 of this Act, such failure to pay shall give rise to a cause of action in the United States District Court for the District of South Carolina by the Tribe against the State of South Carolina for money damages for the amount authorized to be paid to the Tribe by the State in § 27–16–50 (A) of the State Act in settlement of the Tribe's claim. Pursuant to § 27–16–50 (E) of the State Act, the State of South Carolina waives any Eleventh Amendment immunity to such action.

25 USC 941e.

SEC. 7. BASE MEMBERSHIP ROLL.

(a) BASE MEMBERSHIP ROLL CRITERIA.—Within one year after enactment of this section, the Tribe shall submit to the Secretary, for approval, its base membership roll. An individual is eligible for inclusion on the base membership roll if that individual is living on the date of enactment of this Act and—

(1) is listed on the membership roll published by the Secretary in the Federal Register on February 25, 1961 (26 FR 1680–1688, "Notice of Final Membership Roll"), and is not excluded under the provisions of subsection (c);

(2) the Executive Committee determines, based on the criteria used to compile the roll referred to in paragraph (1), that the individual should have been included on the membership roll at that time, but was not; or

(3) is a lineal descendant of a Member whose name appeared or should have appeared on the membership roll referred to in paragraph (1).

Federal Register, publication.

(b) BASE MEMBERSHIP ROLL NOTICE.—Within 90 days after the enactment of this Act, the Secretary shall publish in the Federal Register, and in three newspapers of general circulation in the Tribe's service area, a notice stating—

(1) that a base membership roll is being prepared by the Tribe and that the current membership roll is open and will remain open for a period of 90 days;

(2) the requirements for inclusion on the base membership roll;

(3) the final membership roll published by the Secretary in the Federal Register on February 25, 1961;

(4) the current membership roll as prepared by the Executive Committee and approved by the General Council; and

(5) the name and address of the tribal or Federal official to whom inquiries should be made.

Federal Register, publication.

(c) COMPLETION OF BASE MEMBERSHIP ROLL.—Within 120 days after publication of notice under subsection (b), the Secretary, after consultation with the Tribe, shall prepare and publish in the Federal Register, and in three newspapers of general circulation in the Tribe's service area, a proposed final base membership roll

of the Tribe. Within 60 days from the date of publication of the proposed final base membership roll, an appeal may be filed with the Executive Committee under rules made by the Executive Committee in consultation with the Secretary. Such an appeal may be filed by a Member with respect to the inclusion of any name on the proposed final base membership roll and by any person with respect to the exclusion of his or her name from the final base membership roll. The Executive Committee shall review such appeals and render a decision, subject to the Secretary's approval. If the Executive Committee and the Secretary disagree, the Secretary's decision will be final. All such appeals shall be resolved within 90 days following publication of the proposed roll. The final base membership roll of the Tribe shall then be published in the Federal Register, and in three newspapers of general circulation in the Tribe's service area, and shall be final for purposes of the distribution of funds from the Per Capita Trust Fund established under section 11(h).

(d) FUTURE MEMBERSHIP IN THE TRIBE.—The Tribe shall have the right to determine future membership in the Tribe; however, in no event may an individual be enrolled as a tribal member unless the individual is a lineal descendant of a person on the final base membership roll and has continued to maintain political relations with the Tribe.

SEC. 8. TRANSITIONAL AND PROVISIONAL GOVERNMENT. 25 USC 941f.

(a) FUTURE TRIBAL GOVERNMENT.—The Tribe shall adopt a new constitution within 24 months after the effective date of this Act.

(b) EXECUTIVE COMMITTEE AS TRANSITIONAL BODY.—(1) Until the Tribe has adopted a constitution, the existing tribal constitution shall remain in effect and the Executive Committee is recognized as the provisional and transitional governing body of the Tribe. Until an election of tribal officers under the new constitution, the Executive Committee shall—

(A) represent the Tribe and its Members in the implementation of this Act; and

(B) during such period—

(i) have full authority to enter into contracts, grant agreements and other arrangements with any Federal department or agency; and

(ii) have full authority to administer or operate any program under such contracts or agreements.

(2) Until the initial election of tribal officers under a new constitution and bylaws, the Executive Committee shall—

(A) determine tribal membership in accordance with the provisions of section 7; and

(B) oversee and implement the revision and proposal to the Tribe of a new constitution and conduct such tribal meetings and elections as are required by this Act.

SEC. 9. TRIBAL CONSTITUTION AND GOVERNANCE. 25 USC 941g.

(a) INDIAN REORGANIZATION ACT.—If the Tribe so elects, it may organize under the Act of June 18, 1934 (25 U.S.C. 461 et seq.; commonly referred to as the "Indian Reorganization Act"). The Tribe shall be subject to such Act except to the extent such sections are inconsistent with this Act.

(b) ADOPTION OF NEW TRIBAL CONSTITUTION.—Within 180 days after the effective date of this Act, the Executive Committee shall

draft and distribute to each Member eligible to vote under the tribal constitution in effect on the effective date of this Act, a proposed constitution and bylaws for the Tribe together with a brief, impartial description of the proposed constitution and bylaws and a notice of the date, time and location of the election under this subsection. Not sooner than 30 days or later than 90 days after the distribution of the proposed constitution, the Executive Committee shall conduct a secret-ballot election to adopt a new constitution and bylaws.

(c) MAJORITY VOTE FOR ADOPTION; PROCEDURE IN EVENT OF FAILURE TO ADOPT PROPOSED CONSTITUTION.—(1) The tribal constitution and bylaws shall be ratified and adopted if—

(A) not less than 30 percent of those entitled to vote do vote; and

(B) approved by a majority of those actually voting.

(2) If in any such election such majority does not approve the adoption of the proposed constitution and bylaws, the Executive Committee shall prepare another proposed constitution and bylaws and present it to the Tribe in the same manner provided in this section for the first constitution and bylaws. Such new proposed constitution and bylaws shall be distributed to the eligible voters of the Tribe no later than 180 days after the date of the election in which the first proposed constitution and bylaws failed of adoption. An election on the question of the adoption of the new proposal of the Executive Committee shall be conducted in the same manner provided in subsection (b) for the election on the first proposed constitution and bylaws.

(d) ELECTION OF TRIBAL OFFICERS.—Within 120 days after the Tribe ratifies and adopts a constitution and bylaws, the Executive Committee shall conduct an election by secret ballot for the purpose of electing tribal officials as provided in the constitution and bylaws. Subsequent elections shall be held in accordance with the Tribe's constitution and bylaws.

(e) EXTENSION OF TIME.—Any time periods prescribed in subsections (b) and (c) may be altered by written agreement between the Executive Committee and the Secretary.

25 USC 941h.

SEC. 10. ADMINISTRATIVE PROVISIONS RELATING TO JURISDICTION, TAXATION, AND OTHER MATTERS.

In the administration of this Act:

(1) All matters involving tribal powers, immunities, and jurisdiction, whether criminal, civil, or regulatory, shall be governed by the terms and provisions of the Settlement Agreement and the State Act, unless otherwise provided in this Act.

(2) All matters pertaining to governance and regulation of the reservation (including environmental regulation and riparian rights) shall be governed by the terms and provisions of the Settlement Agreement and the State Act, including, but not limited to, section 17 of the Settlement Agreement and section 27–16–120 of the State Act, unless otherwise provided in this Act.

(3) The Indian Child Welfare Act of 1978 (25 U.S.C. 1901 et seq.) shall apply to Catawba Indian children except as provided in the Settlement Agreement.

(4) Whether or not the Tribe, under section 9(a), elects to organize under the Act of June 18, 1934, the Tribe, in any constitution adopted by the Tribe, may be authorized to

exercise such authority as is consistent with the Settlement Agreement and the State Act.

(5) In no event may the Tribe pledge or hypothecate the income or principal of the Catawba Education or Social Services and Elderly Trust Funds or otherwise use them as security or a source of payment for bonds the Tribe may issue.

(6) The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) shall apply to the Tribe except to the extent that such application may be inconsistent with this Act or the Settlement Agreement.

SEC. 11. TRIBAL TRUST FUNDS. 25 USC 941i.

(a) PURPOSES OF TRUST FUNDS.—All funds paid pursuant to section 5 of this Act, except for payments made pursuant to section 6(g), shall be deposited with the Secretary in trust for the benefit of the Tribe. Separate trust funds shall be established for the following purposes: economic development, land acquisition, education, social services and elderly assistance, and per capita payments. Except as provided in this section, the Tribe, in consultation with the Secretary, shall determine the share of settlement payments to be deposited in each Trust Fund, and define, consistently with the provisions of this section, the purposes of each Trust Fund and provisions for administering each, specifically including provisions for periodic distribution of current and accumulated income, and for invasion and restoration of principal.

(b) OUTSIDE MANAGEMENT OPTION.—(1) The Tribe, in consultation with and subject to the approval of the Secretary, as set forth in this section, is authorized to place any of the Trust Funds under professional management, outside the Department of the Interior.

(2) If the Tribe elects to place any of the Trust Funds under professional management outside the Department of the Interior, it may engage a consulting or advisory firm to assist in the selection of an independent professional investment management firm, and it shall engage, with the approval of the Secretary, an independent investment management firm of proven competence and experience established in the business of counseling large endowments, trusts, or pension funds.

(3) The Secretary shall have 45 days to approve or reject any independent investment management firm selected by the Tribe. If the Secretary fails to approve or reject the firm selected by the Tribe within 45 days, the investment management firm selected by the Tribe shall be deemed to have been approved by the Secretary.

(4) Secretarial approval of an investment management firm shall not be unreasonably withheld, and any Secretarial disapproval of an investment management firm shall be accompanied by a detailed explanation setting forth the Secretary's reasons for such disapproval.

(5)(A) For funds placed under professional management, the Tribe, in consultation with the Secretary and its investment manager, shall develop—

(i) current operating and long-term capital budgets; and

(ii) a plan for managing, investing, and distributing income and principal from the Trust Funds to match the requirements of the Tribe's operating and capital budgets.

(B) For each Trust Fund which the Tribe elects to place under outside professional management, the investment plan shall provide for investment of Trust Fund assets so as to serve the purposes described in this section and in the Trust Fund provisions which the Tribe shall establish in consultation with the Secretary and the independent investment management firm.

(C) Distributions from each Trust Fund shall not exceed the limits on the use of principal and income imposed by the applicable provisions of this Act for that particular Trust Fund.

(D)(i) The Tribe's investment management plan shall not become effective until approved by the Secretary.

(ii) Upon submission of the plan by the Tribe to the Secretary for approval, the Secretary shall have 45 days to approve or reject the plan. If the Secretary fails to approve or disapprove the plan within 45 days, the plan shall be deemed to have been approved by the Secretary and shall become effective immediately.

(iii) Secretarial approval of the plan shall not be unreasonably withheld and any secretarial rejection of the plan shall be accompanied by a detailed explanation setting forth the Secretary's reasons for rejecting the plan.

(E) Until the selection of an established investment management firm of proven competence and experience, the Tribe shall rely on the management, investment, and administration of the Trust Funds by the Secretary pursuant to the provisions of this section.

(c) TRANSFER OF TRUST FUNDS; EXCULPATION OF SECRETARY.—Upon the Secretary's approval of the Tribe's investment management firm and an investment management plan, all funds previously deposited in trust funds held by the Secretary and all funds subsequently paid into the trust funds, which are chosen for outside management, shall be transferred to the accounts established by an investment management firm in accordance with the approved investment management plan. The Secretary shall be exculpated by the Tribe from liability for any loss of principal or interest resulting from investment decisions made by the investment management firm. Any Trust Fund transferred to an investment management firm shall be returned to the Secretary upon written request of the Tribe, and the Secretary shall manage such funds for the benefit of the Tribe.

(d) LAND ACQUISITION TRUST.—(1) The Secretary shall establish and maintain a Catawba Land Acquisition Trust Fund, and until the Tribe engages an outside firm for investment management of this trust fund, the Secretary shall manage, invest, and administer this trust fund. The original principal amount of the Land Acquisition Trust Fund shall be determined by the Tribe in consultation with the Secretary.

(2) The principal and income of the Land Acquisition Trust Fund may be used for the purchase and development of Reservation and non-Reservation land pursuant to the Settlement Agreement, costs related to land acquisition, and costs of construction of infrastructure and development of the Reservation and non-Reservation land.

(3)(A) Upon acquisition of the maximum amount of land allowed for expansion of the Reservation, or upon request of the Tribe and approval of the Secretary pursuant to the Secretarial approval provisions set forth in subsection (b)(5)(D) of this section, all or part of the balance of this trust fund may be merged into one

or more of the Economic Development Trust Fund, the Education Trust Fund, or the Social Services and Elderly Assistance Trust Fund.

(B) Alternatively, at the Tribe's election, the Land Acquisition Trust Fund may remain in existence after all the Reservation land is purchased in order to pay for the purchase of non-Reservation land.

(4)(A) The Tribe may pledge or hypothecate the income and principal of the Land Acquisition Trust Fund to secure loans for the purchase of Reservation and non-Reservation lands.

(B) Following the effective date of this Act and before the final annual disbursement is made as provided in section 5 of this Act, the Tribe may pledge or hypothecate up to 50 percent of the unpaid annual installments required to be paid to this Trust Fund, the Economic Development Trust Fund and the Social Services and Elderly Assistance Trust Fund by section 5 of this Act and by section 5 of the Settlement Agreement, to secure loans to finance the acquisition of Reservation or non-Reservation land or infrastructure improvements on such lands.

(e) ECONOMIC DEVELOPMENT TRUST.—(1) The Secretary shall establish and maintain a Catawba Economic Development Trust Fund, and until the Tribe engages an outside firm for investment management of this Trust Fund, the Secretary shall manage, invest, and administer this Trust Fund. The original principal amount of the Economic Development Trust Fund shall be determined by the Tribe in consultation with the Secretary. The principal and income of this Trust Fund may be used to support tribal economic development activities, including but not limited to infrastructure improvements and tribal business ventures and commercial investments benefiting the Tribe.

(2) The Tribe, in consultation with the Secretary, may pledge or hypothecate future income and up to 50 percent of the principal of this Trust Fund to secure loans for economic development. In defining the provisions for administration of this Trust Fund, and before pledging or hypothecating future income or principal, the Tribe and the Secretary shall agree on rules and standards for the invasion of principal and for repayment or restoration of principal, which shall encourage preservation of principal, and provide that, if feasible, a portion of all profits derived from activities funded by principal be applied to repayment of the Trust Fund.

(3) Following the effective date of this Act and before the final annual disbursement is made as provided in section 5 of this Act, the Tribe may pledge or hypothecate up to 50 percent of the unpaid annual installments required to be paid by section 5 of this Act and by section 5 of the Settlement Agreement to secure loans to finance economic development activities of the Tribe, including (but not limited to) infrastructure improvements on Reservation and non-Reservation lands.

(4) If the Tribe develops sound lending guidelines approved by the Secretary, a portion of the income from this Trust Fund may also be used to fund a revolving credit account for loans to support tribal businesses or business enterprises of tribal members.

(f) EDUCATION TRUST.—The Secretary shall establish and maintain a Catawba Education Trust Fund, and until the Tribe engages an outside firm for investment management of this Trust Fund, the Secretary shall manage, invest, and administer this Trust Fund.

The original principal amount of this Trust Fund shall be determined by the Tribe in consultation with the Secretary; subject to the requirement that upon completion of all payments into the Trust Funds, an amount equal to at least ⅓ of all State, local, and private contributions made pursuant to the Settlement Agreement shall have been paid into the Education Trust Fund. Income from this Trust Fund shall be distributed in a manner consistent with the terms of the Settlement Agreement. The principal of this Trust Fund shall not be invaded or transferred to any other Trust Fund, nor shall it be pledged or encumbered as security.

(g) SOCIAL SERVICES AND ELDERLY ASSISTANCE TRUST.—(1) The Secretary shall establish and maintain a Catawba Social Services and Elderly Assistance Trust Fund and, until the Tribe engages an outside firm for investment management of this Trust Fund, the Secretary shall manage, invest, and administer the Social Services and Elderly Assistance Trust Fund. The original principal amount of this Trust Fund shall be determined by the Tribe in consultation with the Secretary.

(2) The income of this Trust Fund shall be periodically distributed to the Tribe to support social services programs, including (but not limited to) housing, care of elderly, or physically or mentally disabled Members, child care, supplemental health care, education, cultural preservation, burial and cemetery maintenance, and operation of tribal government.

(3) The Tribe, in consultation with the Secretary, shall establish eligibility criteria and procedures to carry out this subsection.

(h) PER CAPITA PAYMENT TRUST FUND.—(1) The Secretary shall establish and maintain a Catawba Per Capita Payment Trust Fund in an amount equal to 15 percent of the settlement funds paid pursuant to section 5 of the Settlement Agreement. Until the Tribe engages an outside firm for investment management of this Trust Fund, the Secretary shall manage, invest, and administer the Catawba Per Capita Payment Trust Fund.

(2) Each person (or their estate) whose name appears on the final base membership roll of the Tribe published by the Secretary pursuant to section 7(c) of this Act will receive a one-time, nonrecurring payment from this Trust Fund.

(3) The amount payable to each member shall be determined by dividing the trust principal and any accrued interest thereon by the number of Members on the final base membership roll.

(4)(A) Subject to the provisions of this paragraph, each enrolled member who has reached the age of 21 years on the date the final roll is published shall receive the payment on the date of distribution, which shall be as soon as practicable after date of publication of the final base membership roll. Adult Members shall be paid their pro rata share of this Trust Fund on the date of distribution unless they elect in writing to leave their pro rata share in the Trust Fund, in which case such share shall not be distributed.

(B) The pro rata share of adult Members who elect not to withdraw their payment from this Trust Fund shall be managed, invested and administered, together with the funds of Members who have not attained the age of 21 years on the date the final base membership roll is published, until such Member requests in writing that their pro rata share be distributed, at which time such Member's pro rata share shall be paid, together with the

net income of the Trust Fund allocable to such Member's share as of the date of distribution.

(C) No member may elect to have their pro rata share managed by this Trust Fund for a period of more than 21 years after the date of publication of the final base membership roll.

(5)(A) Subject to the provisions of this paragraph, the pro rata share of any Member who has not attained the age of 21 years on the date the final base membership roll is published shall be managed, invested and administered pursuant to the provisions of this section until such Member has attained the age of 21 years, at which time such Member's pro rata share shall be paid, together with the net income of the Trust Fund allocable to such Member's share as of the date of payment. Such Members shall be paid their pro rata share of this Trust Fund on the date they attain 21 years of age unless they elect in writing to leave their pro rata share in the Trust Fund, in which case such share shall not be distributed.

(B) The pro rata share of such Members who elect not to withdraw their payment from this Trust Fund shall be managed, invested and administered, together with the funds of members who have not attained the age of 21 years on the date the final base membership roll is published, until such Member requests in writing that their pro rata share be distributed, at which time such Member's pro rata share shall be paid, together with the net income of the Trust Fund allocable to such Member's share as of the date of distribution.

(C) No Member may elect to have their pro rata share retained and managed by this Trust Fund beyond the expiration of the period of 21 years after the date of publication of the final base membership roll.

(6) After payments have been made to all Members entitled to receive payments, this Trust Fund shall terminate, and any balance remaining in this Trust Fund shall be merged into the Economic Development Trust Fund, the Education Trust Fund, or the Social Services and Elderly Assistance Trust Fund, as the Tribe may determine.

(i) DURATION OF TRUST FUNDS.—Subject to the provisions of this section and with the exception of the Catawba Per Capita Payment Trust Fund, the Trust Funds established in accordance with this section shall continue in existence so long as the Tribe exists and is recognized by the United States. The principal of these Trust Funds shall not be invaded or distributed except as expressly authorized in this Act or in the Settlement Agreement.

(j) TRANSFER OF MONEY AMONG TRUST FUNDS.—The Tribe, in consultation with the Secretary, shall have the authority to transfer principal and accumulated income between Trust Funds only as follows:

(1) Funds may be transferred among the Catawba Economic Development Trust Fund, the Catawba Land Acquisition Trust Fund, and the Catawba Social Services and Elderly Assistance Trust Fund, and from any of those three Trust Funds into the Catawba Education Trust Fund; except, that the mandatory share of State, local, and private sector funds invested in the original corpus of the Catawba Education Trust Fund shall not be transferred to any other Trust Fund.

(2) Any Trust Fund, except for the Catawba Education Trust Fund, may be dissolved by a vote of two-thirds of those

Members eligible to vote, and the assets in such Trust Fund shall be transferred to the remaining Trust Funds; except, that (A) no assets shall be transferred from any of the Trust Funds into the Catawba Per Capita Payment Trust Fund, and (B) the mandatory share of State, local and private funds invested in the original corpus of the Catawba Education Trust Fund may not be transferred or used for any non-educational purposes.

(3) The dissolution of any Trust Fund shall require the approval of the Secretary pursuant to the Secretarial approval provisions set forth in subsection (b)(5)(D) of this section.

(k) TRUST FUND ACCOUNTING.—(1) The Secretary shall account to the Tribe periodically, and at least annually, for all Catawba Trust Funds being managed and administered by the Secretary. The accounting shall—

(A) identify the assets in which the Trust Funds have been invested during the relevant period;

(B) report income earned during the period, distinguishing current income and capital gains;

(C) indicate dates and amounts of distributions to the Tribe, separately distinguishing current income, accumulated income, and distributions of principal; and

(D) identify any invasions or repayments of principal during the relevant period and record provisions the Tribe has made for repayment or restoration of principal.

(2)(A) Any outside investment management firm engaged by the Tribe shall account to the Tribe and separately to the Secretary at periodic intervals, at least quarterly. Its accounting shall—

(i) identify the assets in which the Trust Funds have been invested during the relevant period;

(ii) report income earned during the period, separating current income and capital gains;

(iii) indicate dates and amounts of distributions to the Tribe, distinguishing current income, accumulated income, and distributions of principal; and

(iv) identify any invasions or repayments of principal during the relevant period and record provisions the Tribe has made for repayment or restoration of principal.

(B) Prior to distributing principal from any Trust Fund, the investment management firm shall notify the Secretary of the proposed distribution and the Tribe's proposed use of such funds, following procedures to be agreed upon by the investment management firm, the Secretary, and the Tribe. The Secretary shall have 15 days within which to object in writing to any such invasion of principal. Failure to object will be deemed approval of the distribution.

(C) All Trust Funds held and managed by any investment management firm shall be audited annually by a certified public accounting firm approved by the Secretary, and a copy of the annual audit shall be submitted to the Tribe and to the Secretary within four months following the close of the Trust Funds' fiscal year.

(l) REPLACEMENT OF INVESTMENT MANAGEMENT FIRM AND MODIFICATION OF INVESTMENT MANAGEMENT PLAN.—The Tribe shall not replace the investment management firm approved by the Secretary without prior written notification to the Secretary and approval by the Secretary of any investment management

firm chosen by the Tribe as a replacement. Such Secretarial approval shall be given or denied in accordance with the Secretarial approval provisions contained in subsection (b)(5)(D) of this section. The Tribe and its investment management firm shall also notify the Secretary in writing of any revisions in the investment management plan which materially increase investment risk or significantly change the investment management plan, or the agreement, made in consultation with the Secretary pursuant to which the outside management firm was retained.

(m) TRUST FUNDS NOT COUNTED FOR CERTAIN PURPOSES; USE AS MATCHING FUNDS.—None of the funds, assets, income, payments, or distributions from the Trust Funds established pursuant to this section shall at any time affect the eligibility of the Tribe or its Members for, or be used as a basis for denying or reducing funds to the Tribe or its Members under any Federal, State, or local program. Distributions from these Trust Funds may be used as matching funds, where appropriate, for Federal grants or loans.

SEC. 12. ESTABLISHMENT OF EXPANDED RESERVATION. 25 USC 941j.

(a) EXISTING RESERVATION.—The Secretary is authorized to receive from the State, by such transfer document as the Secretary and the State shall approve, all rights, title, and interests of the State in and to the Existing Reservation to be held by the United States as trustee for the Tribe, and, effective on the date of such transfer, the obligation of the State as trustee for the Tribe with respect to such land shall cease.

(b) EXPANDED RESERVATION.—(1) The Existing Reservation shall be expanded in the manner prescribed by the Settlement Agreement.

(2) Within 180 days following the date of the enactment of this Act, the Secretary, after consulting with the Tribe, shall ascertain the boundaries and area of the existing reservation. In addition, the Secretary, after consulting with the Tribe, shall engage a professional land planning firm as provided in the Settlement Agreement. The Secretary shall bear the cost of all services rendered pursuant to this section.

(3) The Tribe may identify, purchase and request that the Secretary place into reservation status, tracts of lands in the manner prescribed by the Settlement Agreement. The Tribe may not request that any land be placed in reservation status, unless those lands were acquired by the Tribe and qualify for reservation status in full compliance with the Settlement Agreement, including section 14 thereof.

(4) The Secretary shall bear the cost of all title examinations, preliminary subsurface soil investigations, and level one environmental audits to be performed on each parcel contemplated for purchase by the Tribe or the Secretary for the Expanded Reservation, and shall report the results to the Tribe. The Secretary's or the Tribe's payment of any option fee and the purchase price may be drawn from the Catawba Land Acquisition Trust Fund.

(5) The total area of the Expanded Reservation shall be limited to 3,000 acres, including the Existing Reservation, but the Tribe may exclude from this limit up to 600 acres of additional land under the conditions set forth in the Settlement Agreement. The Tribe may seek to have the permissible area of the Expanded Reservation enlarged by an additional 600 acres as set forth in the Settlement Agreement.

(6) All lands acquired for the Expanded Reservation may be held in trust together with the Existing Reservation which the State is to convey to the United States.

(7) Nothing in this Act shall prohibit the Secretary from providing technical and financial assistance to the Tribe to fulfill the purposes of this section.

(c) EXPANSION ZONES.—(1) Subject to the conditions, criteria, and procedures set forth in the Settlement Agreement, the Tribe shall endeavor at the outset to acquire contiguous tracts for the Expanded Reservation in the "Catawba Reservation Primary Expansion Zone", as defined in the Settlement Agreement.

(2) Subject to the conditions, criteria, and procedures set forth in the Settlement Agreement, the Tribe may elect to purchase contiguous tracts in an alternative area, the "Catawba Reservation Secondary Expansion Zone", as defined in the Settlement Agreement.

(3) The Tribe may propose different or additional expansion zones subject to the authorizations required in the Settlement Agreement and the State Act.

(d) NON-CONTIGUOUS TRACTS.—The Tribe, in consultation with the Secretary, shall take such actions as are reasonable to expand the Existing Reservation by assembling a composite tract of contiguous parcels that border and surround the Existing Reservation. Before requesting that any non-contiguous tract be placed in Reservation status, the Tribe shall comply with section 14 of the Settlement Agreement. Upon the approval of the Tribe's application under and in accordance with section 14 of the Settlement Agreement, the Secretary, in consultation with the Tribe, may proceed to place non-contiguous tracts in Reservation status. No purchases of non-contiguous tracts shall be made for the Reservation except as set forth in the Settlement Agreement and the State Act.

(e) VOLUNTARY LAND PURCHASES.—(1) The power of eminent domain shall not be used by the Secretary or any governmental authority in acquiring parcels of land for the benefit of the Tribe, whether or not the parcels are to be part of the Reservation. All such purchases shall be made only from willing sellers by voluntary conveyances subject to the terms of the Settlement Agreement.

(2) Notwithstanding any other provision of this section and the provisions of the first section of the Act of August 1, 1888 (ch. 728, 25 Stat. 357; 40 U.S.C. 257), and the first section of the Act of February 26, 1931 (ch. 307, 46 Stat. 1421; 40 U.S.C. 258a), the Secretary or the Tribe may acquire a fractional interest in land otherwise qualifying under section 14 of the Settlement Agreement for treatment as Reservation land for the benefit of the Tribe from the ostensible owner of the land if the Secretary or the Tribe and the ostensible owner have agreed upon the identity of the land to be sold and upon the purchase price and other terms of sale. If the ostensible owner agrees to the sale, the Secretary may use condemnation proceedings to perfect or clear title and to acquire any interests of putative co-tenants whose address is unknown or the interests of unknown or unborn heirs or persons subject to mental disability.

(f) TERMS AND CONDITIONS OF ACQUISITION.—All properties acquired by the Tribe shall be acquired subject to the terms and conditions set forth in the Settlement Agreement. The Tribe and the Secretary, acting on behalf of the Tribe and with its consent,

are also authorized to acquire Reservation and non-Reservation lands using the methods of financing described in the Settlement Agreement.

(g) AUTHORITY TO ERECT PERMANENT IMPROVEMENTS ON EXISTING AND EXPANDED RESERVATION LAND AND NON-RESERVATION LAND HELD IN TRUST.—Notwithstanding any other provision of law or regulation, the Attorney General of the United States shall approve any deed or other instrument which conveys to the United States lands purchased pursuant to the provisions of this section and the Settlement Agreement. The Secretary or the Tribe may erect permanent improvements of a substantial value, or any other improvements authorized by law on such land after such land is conveyed to the United States.

(h) EASEMENTS OVER RESERVATION.—(1) The acquisition of lands for the Expanded Reservation shall not extinguish any easements or rights-of-way then encumbering such lands unless the Secretary or the Tribe enters into a written agreement with the owners terminating such easements or rights-of-way.

(2)(A) The Tribe, with the approval of the Secretary, shall have the power to grant or convey easements and rights-of-way, in a manner consistent with the Settlement Agreement.

(B) Unless the Tribe and the State agree upon a valuation formula for pricing easements over the Reservation, the Secretary shall be subject to proceedings for condemnation and eminent domain to acquire easements and rights of way for public purposes through the Reservation under the laws of the State in circumstances where no other reasonable access is available.

(C) With the approval of the Tribe, the Secretary may grant easements or rights-of-way over the Reservation for private purposes, and implied easements of necessity shall apply to all lands acquired by the Tribe, unless expressly excluded by the parties.

(i) JURISDICTIONAL STATUS.—Only land made part of the Reservation shall be governed by the special jurisdictional provisions set forth in the Settlement Agreement and the State Act.

(j) SALE AND TRANSFER OF RESERVATION LANDS.—With the approval of the Secretary, the Tribe may sell, exchange, or lease lands within the Reservation, and sell timber or other natural resources on the Reservation under circumstances and in the manner prescribed by the Settlement Agreement and the State Act.

(k) TIME LIMIT ON ACQUISITIONS.—All acquisitions of contiguous land to expand the Reservation or of non-contiguous lands to be placed in Reservation status shall be completed or under contract of purchase within 10 years from the date the last payment is made into the Land Acquisition Trust; except that for a period of 20 years after the date the last payment is made into the Catawba Land Acquisition Trust Fund, the Tribe may, subject to the limitation on the total size of the Reservation, continue to add parcels to up to two Reservation areas so long as the parcels acquired are contiguous to one of those two Reservation areas.

(l) LEASES OF RESERVATION LANDS.—The provisions of the first section of the Act of August 9, 1955 (ch. 615, 69 Stat. 539; 25 U.S.C. 415) shall not apply to the Tribe and its Reservation. The Tribe is authorized to lease its Reservation lands for terms up to but not exceeding 99 years, with or without the approval of the Secretary. With regard to any lease of Reservation lands not approved by the Secretary, the Secretary shall be exculpated by

the Tribe from any liability arising out of any loss incurred by the Tribe as a result of the unapproved lease.

(m) NON-APPLICABILITY OF BIA LAND ACQUISITION REGULATIONS.—The general land acquisition regulations of the Bureau of Indian Affairs, contained in part 151 of title 25, Code of Federal Regulations, shall not apply to the acquisition of lands authorized by this section.

25 USC 941k.

SEC. 13. NON-RESERVATION PROPERTIES.

(a) ACQUISITION OF NON-RESERVATION PROPERTIES.—The Tribe may draw upon the corpus or accumulated income of the Catawba Land Acquisition Trust Fund or the Catawba Economic Development Trust Fund to acquire and hold parcels of real estate outside the Reservation for the purposes and in the manner delineated in the Settlement Agreement. Jurisdiction and status of all non-Reservation lands shall be governed by section 15 of the Settlement Agreement.

(b) AUTHORITY TO DISPOSE OF LANDS.—Notwithstanding any other provision of law, the Tribe may lease, sell, mortgage, restrict, encumber, or otherwise dispose of such non-Reservation lands in the same manner as other persons and entities under State law, and the Tribe as land owner shall be subject to the same obligations and responsibilities as other persons and entities under State, Federal, and local law.

(c) RESTRICTIONS.—Ownership and transfer of non-Reservation parcels shall not be subject to Federal law restrictions on alienation, including (but not limited to) the restrictions imposed by Federal common law and the provisions of section 2116 of the Revised Statutes (25 U.S.C. 177).

25 USC 941*l*.

SEC. 14. GAMES OF CHANCE.

(a) INAPPLICABILITY OF INDIAN GAMING REGULATORY ACT.—The Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) shall not apply to the Tribe.

(b) GAMES OF CHANCE GENERALLY.—The Tribe shall have the rights and responsibilities set forth in the Settlement Agreement and the State Act with respect to the conduct of games of chance. Except as specifically set forth in the Settlement Agreement and the State Act, all laws, ordinances, and regulations of the State, and its political subdivisions, shall govern the regulation of gambling devices and the conduct of gambling or wagering by the Tribe on and off the Reservation.

25 USC 941m.

SEC. 15. GENERAL PROVISIONS.

(a) SEVERABILITY.—If any provision of section 4(a), 5, or 6 of this Act is rendered invalid by the final action of a court, then all of this Act is invalid. Should any other section of this Act be rendered invalid by the final action of a court, the remaining sections of this Act shall remain in full force and effect.

(b) INTERPRETATION CONSISTENT WITH SETTLEMENT AGREEMENT.—To the extent possible, this Act shall be construed in a manner consistent with the Settlement Agreement and the State Act. In the event of a conflict between the provisions of this Act and the Settlement Agreement or the State Act, the terms of this Act shall govern. In the event of a conflict between the State Act and the Settlement Agreement, the terms of the State Act shall govern. The Settlement Agreement and the State Act shall

be maintained on file and available for public inspection at the Department of the Interior.

(c) LAWS AND REGULATIONS OF THE UNITED STATES.—The provisions of any Federal law enacted after the date of enactment of this Act, for the benefit of Indians, Indian nations, tribes, or bands of Indians, which would affect or preempt the application of the laws of the State to lands owned by or held in trust for Indians, or Indian nations, tribes, or bands of Indians, as provided in this Act and the South Carolina State Implementing Act, shall not apply within the State of South Carolina, unless such provision of such subsequently enacted Federal law is specifcally made applicable within the State of South Carolina.

(d) ELIGIBILITY FOR CONSIDERATION TO BECOME AN ENTERPRISE ZONE OR GENERAL PURPOSE FOREIGN TRADE ZONE.—Notwithstanding the provisions of any other law or regulation, the Tribe shall be eligible to become, sponsor and operate (1) an "enterprise zone" pursuant to title VII of the Housing and Community Development Act of 1987 (42 U.S.C. 11501–11505) or any other applicable Federal (or State) laws or regulations; or (2) a "foreign-trade zone" or "subzone" pursuant to the Foreign Trade Zones Act of 1934, as amended (19 U.S.C. 81a–81u) and the regulations thereunder, to the same extent as other federally recognized Indian Tribes.

(e) GENERAL APPLICABILITY OF STATE LAW.—Consistent with the provisions of section 4(a)(2), the provisions of South Carolina Code Annotated, section 27–16–40, and section 19.1 of the Settlement Agreement are approved, ratified, and confirmed by the United States, and shall be complied with in the same manner and to the same extent as if they had been enacted into Federal law.

(f) SUBSEQUENT AMENDMENTS TO THE SETTLEMENT AGREEMENT OR STATE ACT.—Consent is hereby given to the Tribe and the State to amend the Settlement Agreement and the State Act if consent to such amendment is given by both the State and the Tribe, and if such amendment relates to—

(1) the jurisdiction, enforcement, or application of civil, criminal, regulatory, or tax laws of the Tribe and the State;

(2) the allocation or determination of governmental responsibility of the State and the Tribe over specified subject matters or specified geographical areas, or both, including provision for concurrent jurisdiction between the State and the Tribe;

(3) the allocation of jurisdiction between the tribal courts and the State courts; or

(4) technical and other corrections and revisions to conform the State Act and the Agreement in Principle attached to the State Act to the Settlement Agreement.

SEC. 16. TAX TREATMENT OF INCOME AND TRANSACTIONS. 25 USC 941n.

Notwithstanding any provision of the State Act, the Settlement Agreement, or this Act (including any amendment made under section 15(f)), nothing in this Act, the State Act, or the Settlement Agreement—

(1) shall amend or alter the Internal Revenue Code of 1986, as amended, or any rules or regulations promulgated thereunder, or

(2) shall affect the treatment under such Code of any person or transaction other than by reason of the restoration

of the trust relationship between the United States and the Tribe.

25 USC 941 note.

SEC. 17. EFFECTIVE DATE.

Except for sections 7, 8, and 12, the provisions of this Act shall become effective upon the transfer of the Existing Reservation under section 12 to the Secretary.

Approved October 27, 1993.

LEGISLATIVE HISTORY—H.R. 2399 (S. 1156):

HOUSE REPORTS: No. 103-257, Pt. 1 (Comm. on Natural Resources).
SENATE REPORTS: No. 103-124 accompanying S. 1156 (Select Comm. on Indian Affairs).
CONGRESSIONAL RECORD, Vol. 139 (1993):
Aug. 6, S. 1156 considered and passed Senate.
Sept. 27, H.R. 2399 considered and passed House.
Oct. 5, considered and passed Senate, amended.
Oct. 12, House concurred in Senate amendments.

Public Law 103-117
103d Congress

Joint Resolution

Designating October 21, 1993, as "National Biomedical Research Day".

Oct. 27, 1993
[H.J. Res. 111]

Whereas the biomedical research community in the United States is recognized as the world leader in discovering knowledge that promotes the health and well-being of people throughout the world;

Whereas biomedical research offers the best hope for breakthroughs in the detection and treatment of diseases in the future;

Whereas since 1900 biomedical research has helped increase the lifespan of people in the United States by 25 years through the development of vaccines, antibiotics, and anti-infective drugs;

Whereas biomedical research has contributed to the virtual elimination of epidemic diseases such as cholera, smallpox, yellow fever, and bubonic plague, and in the United States biomedical research has helped to prevent such childhood killers such as polio, diptheria, tetanus, pertussis, and Sudden Infant Death Syndrome;

Whereas biomedical researchers are working diligently toward cures for diseases such as Acquired Immune Deficiency Syndrome (AIDS), Alzheimer's disease, cancer, arthritis, diabetes, epilepsy, multiple sclerosis, heart and lung diseases, mental illness, and countless other diseases that afflict millions of people in the United States;

Whereas the Congress has consistently demonstrated a financial commitment to maintaining the preeminence of the United States in biomedical research through support of such agencies as the National Institutes of Health, the Alcohol, Drug Abuse and Mental Health Administration, the Centers for Disease Control, and the Veterans' Administration;

Whereas the products and byproducts of biomedical research contribute to the health of the United States economy by reducing medical costs through prevention of various diseases and by furthering the success of the United States in international commerce and trade;

Whereas biomedical research has led to drugs and vaccines that safeguard the animals we raise and the food we consume, protecting the health of such animals as cattle, hogs, sheep, and chickens; and

Whereas biomedical research also has contributed to the health and well-being of animals through vaccines for parvovirus, infectious canine hepatitis, rabies, distemper, anthrax, tetanus, and feline leukemia, and has helped the prospects of endangered species by reducing disease and promoting reproduction: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 21, 1993, is designated as "National Biomedical Research Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

Approved October 27, 1993.

LEGISLATIVE HISTORY—H.J. Res. 111:

CONGRESSIONAL RECORD, Vol. 139 (1993):
Sept. 28, considered and passed House.
Oct. 14, considered and passed Senate.

Public Law 103-118
103d Congress

Joint Resolution

Designating the week beginning September 18, 1994 as "National Historically Black Colleges and Universities Week".

Oct. 27, 1993
[S.J. Res. 21]

Whereas there are 104 historically black colleges and universities in the United States;
Whereas such colleges and universities provide the quality education so essential to full participation in a complex, highly technological society;
Whereas black colleges and universities have a rich heritage and have played a prominent role in American history;
Whereas such institutions have allowed many underprivileged students to attain their full potential through higher education; and
Whereas the achievements and goals of the historically black colleges and universities are deserving of national recognition: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning September 18, 1994, is designated as "National Historically Black Colleges and Universities Week" and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States and interested groups to observe each such week with appropriate ceremonies, activities and programs, thereby demonstrating support for historically black colleges and universities in the United States.

Approved October 27, 1993.

LEGISLATIVE HISTORY—S.J. Res. 21:

CONGRESSIONAL RECORD, Vol. 139 (1993):
Aug. 5, considered and passed Senate.
Oct. 13, considered and passed House, amended.
Oct. 14, Senate concurred in House amendments.

Public Law 103-119
103d Congress

Joint Resolution

Oct. 27, 1993
[S.J. Res. 92]

To designate the month of October 1993 as "National Down Syndrome Awareness Month".

Whereas advancements in education, research, and public awareness are continuing to improve the quality of life for people with Down syndrome;

Whereas approximately 5,000 children are born with Down syndrome annually in the United States;

Whereas as ignorance, prejudices, myths, and stereotypes regarding Down syndrome can be overcome only through increased awareness and education;

Whereas through the efforts of concerned physicians, teachers, parent groups, and the National Down Syndrome Society, programs are being established to educate the parents of individuals with Down syndrome, to include people with Down syndrome in all school programs, to provide vocational training for individuals with Down syndrome in preparation for entering the work force, and to prepare young adults with Down syndrome for independent living in the community;

Whereas the television medium has greatly augmented such efforts by casting actors with Down syndrome and by offering programming that demonstrates to hundreds of thousands of viewers in a positive and educational manner the everyday, personal, and family effects of living with Down syndrome;

Whereas advancements in research are improving health care and offering a brighter outlook for individuals born with Down syndrome; and

Whereas the many people with Down syndrome who attend regular schools, play on Little League teams, work in corporations and businesses both large and small, and volunteer in the community demonstrate daily the success that people with Down syndrome are able to achieve: Now, therefore, be it

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

of October 1993 is designated as "National Down Syndrome Awareness Month". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe this month with the appropriate ceremonies and activities.

Approved October 27, 1993.

LEGISLATIVE HISTORY—S.J. Res. 92:

CONGRESSIONAL RECORD, Vol. 139 (1993):
July 23, considered and passed Senate.
Oct. 13, considered and passed House.

Public Law 103-120
103d Congress

An Act

To enable the Secretary of Housing and Urban Development to demonstrate innovative strategies for assisting homeless individuals, to develop the capacity of community development corporations and community housing development organizations to undertake community development and affordable housing projects and programs, to encourage pension fund investment in affordable housing, and for other purposes.

Oct. 27, 1993
[H.R. 2517]

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

HUD Demonstration Act of 1993.
42 USC 11301 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "HUD Demonstration Act of 1993".

42 USC 11301 note.

SEC. 2. INNOVATIVE HOMELESS INITIATIVES DEMONSTRATION PROGRAM.

(a) PURPOSE.—The purpose of this section is to enable the Secretary of Housing and Urban Development (hereafter in this Act referred to as the "Secretary"), through cooperative efforts in partnership with other levels of government and the private sector, including nonprofit organizations, foundations, and communities, to demonstrate methods of undertaking comprehensive strategies for assisting homeless individuals and families (including homeless individuals who have AIDS or who are infected with HIV), through a variety of activities, including the coordination of efforts and the filling of gaps in available services and resources. In carrying out the demonstration, the Secretary shall—

Grants.

(1) provide comprehensive homeless demonstration grants under subsection (c); and

(2) provide innovative project funding under subsection (d).

(b) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) HOMELESS INDIVIDUAL.—The term "homeless individual" has the meaning given such term in section 103 of the Stewart B. McKinney Homeless Assistance Act.

(2) HOMELESS FAMILY.—The term "homeless family" means a group of one or more related individuals who are homeless individuals.

(3) INCORPORATED DEFINITIONS.—The terms "State", "metropolitan city", "urban county", "unit of general local government", and "Indian tribe" have the meanings given such terms in section 102(a) of the Housing and Community Development Act of 1974.

(4) JURISDICTION.—The term "jurisdiction" means a State, metropolitan city, urban county, unit of general local government (including units in rural areas), or Indian tribe.

(5) NONPROFIT ORGANIZATION.—The term "nonprofit organization" means an organization—

(A) no part of the net earnings of which inures to the benefit of any member, founder, contributor, or individual;

(B) that, in the case of a private nonprofit organization, has a voluntary board;

(C) that has an accounting system, or has designated a fiscal agent in accordance with requirements established by the Secretary; and

(D) that practices nondiscrimination in the provision of assistance.

(6) VERY LOW-INCOME FAMILIES.—The term "very low-income families" has the meaning given such term in section 3 of the United States Housing Act of 1937.

(c) COMPREHENSIVE HOMELESS INITIATIVE.—

(1) DESIGNATION.—The Secretary shall designate such jurisdictions as the Secretary may determine for comprehensive homeless initiative funding under this subsection.

(2) AUTHORITY.—The Secretary may provide assistance under this subsection to—

(A) jurisdictions designated under paragraph (1) (or entities or instrumentalities established under the authority of such jurisdictions); or

(B) nonprofit organizations operating within such jurisdictions,

establish comprehensive homeless initiatives to carry out the purpose of this section.

(3) CRITERIA.—The Secretary shall establish criteria for designating jurisdictions under paragraph (1), which shall include—

(A) the extent of homelessness in the jurisdiction;

(B) the extent to which the existing public and private systems for homelessness prevention, outreach, assessment, shelter, services, transitional services, transitional housing, and permanent housing available within the jurisdiction would benefit from additional resources to achieve a comprehensive approach to meeting the needs of individuals and families who are homeless or who are very low-income and at risk of homelessness;

(C) the demonstrated willingness and capacity of the jurisdiction to work cooperatively with the Department of Housing and Urban Development (hereafter in this Act referred to as the "Department"), nonprofit organizations, foundations, other private entities, and the community to design and implement an initiative to achieve the purposes of this subsection;

(D) the demonstrated willingness of nongovernmental organizations to commit financial and other resources to a comprehensive homeless initiative in the jurisdiction;

(E) the commitment of the jurisdiction to make necessary changes in policy and procedure to provide sufficient flexibility and resources as necessary to implement and sustain the initiative;

(F) national geographic diversity in the designation of jurisdiction; and

(G) such other factors as the Secretary determines to be appropriate.

(4) CONSULTATION.—Prior to designating jurisdictions under paragraph (1), the Secretary shall consult with the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate regarding such designations.

(5) COMPREHENSIVE STRATEGY.—Recipients of assistance under this subsection shall, in cooperation with the Secretary, other governmental entities, nonprofit organizations, foundations, other private entities, and the community, develop a comprehensive plan that—

(A) sets forth a realistic and feasible strategy that contains specific projects and activities to carry out the purpose of this section;

(B) demonstrates the willingness of the appropriate government and private entities and other parties to participate cooperatively in this plan;

(C) specifies the projects and activities to be funded under this subsection;

(D) provides an estimate of the cost of implementing the initiative funded under this subsection;

(E) enumerates amounts to be made available to fund the comprehensive homeless initiative by participating governmental entities, nonprofit organizations, foundations, and the community, as appropriate, and requests funds from the Secretary pursuant to this subsection; and

(F) provides such other information as the Secretary determines to be appropriate.

(6) DESIGNATION.—The designation referred to in paragraph (1) and assistance provided under paragraph (2) shall be made on a noncompetitive basis.

(d) INNOVATIVE PROJECT FUNDING.—

(1) AUTHORITY.—The Secretary is authorized to provide assistance under this subsection to jurisdictions and nonprofit organizations operating within such jurisdictions to establish innovative programs to carry out the purpose of this section.

(2) APPLICATIONS.—Applications for assistance under this subsection shall be in such form, and shall include such information, as the Secretary shall determine. Each application shall include—

(A) a description of the extent of homelessness in the jurisdiction;

(B) an explanation of the extent to which the existing systems, both public and private, for homelessness prevention, outreach, assessment, shelter, services, transitional services, transitional housing, and permanent housing available within the jurisdiction would benefit from additional resources to achieve a comprehensive approach to meeting the needs of individuals and families who are homeless, or who are very low-income and at risk of homelessness;

(C) a description of the projects and activities for which the applicant is requesting funding under this subsection and the amounts requested;

(D) the demonstrated willingness and capacity of the jurisdiction to work cooperatively with the Department, nonprofit organizations, foundations, other private entities, and the community, to the extent feasible, to design and implement an initiative to achieve the purposes of this subsection;

(E) a statement of commitment from the jurisdiction to make necessary changes in policy and procedure to provide sufficient flexibility and resources as necessary to implement and sustain the program; and

(F) such other information as the Secretary determines to be appropriate.

(3) CRITERIA.—The Secretary shall establish selection criteria for awarding assistance under this subsection, which shall include—

(A) the extent to which the program described in the application achieves the purpose of this section;

(B) the extent to which the applicant demonstrates the capacity to implement a program that achieves the purpose of this section;

(C) the extent to which the program described in the application is innovative and may be replicated or may serve as a model for implementation in other jurisdictions;

(D) diversity by geography and community type; and

(E) such other criteria as the Secretary determines to be appropriate.

(e) REPORTS.—

(1) RECIPIENTS OF FUNDS.—Each recipient of funds under subsections (c) and (d) shall submit to the Secretary a report or series of reports, in a form and at a time specified by the Secretary. Each report shall—

(A) describe the use of funds made available under this section; and

(B) include a description and an analysis of the programs and projects funded, the innovative approaches taken, and the level of cooperation among participating parties.

(2) INTERIM HUD REPORT.—The Secretary shall submit to the Congress, in conjunction with the 1995 legislative recommendations of the Department, a report describing the results of the demonstration program funded under this section to date. The report shall contain a summary and analysis of all information contained in any reports received by the Secretary pursuant to paragraph (1) and shall contain recommendations for future action.

(3) FINAL HUD REPORT.—Not later than 3 months after all recipient reports have been submitted under paragraph (1), the Secretary shall submit to the Congress a final report. The Secretary's final report shall contain a summary and analysis of all information contained in the reports received by the Secretary pursuant to paragraph (1) and shall contain recommendations for future action.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $200,000,000 for fiscal year 1994 to carry out this section. Of the amounts appropriated pursuant to this subsection, not less than 25 percent shall be used to carry out innova-

tive project funding under subsection (d). All funds shall remain available until expended.

(g) REPEAL.—This section shall be repealed effective on October 1, 1994.

SEC. 3. MOVING TO OPPORTUNITIES.

Section 152(e) of the Housing and Community Development Act of 1992 (42 U.S.C. 1437f note) is amended in the first sentence by striking "$52,100,000" and inserting "$165,000,000".

42 USC 9816 note.

SEC. 4. CAPACITY BUILDING FOR COMMUNITY DEVELOPMENT AND AFFORDABLE HOUSING.

(a) IN GENERAL.—The Secretary is authorized to provide assistance through the National Community Development Initiative to develop the capacity and ability of community development corporations and community housing development organizations to undertake community development and affordable housing projects and programs.

(b) FORM OF ASSISTANCE.—Assistance under this section may be used for—

(1) training, education, support, and advice to enhance the technical and administrative capabilities of community development corporations and community housing development organizations;

(2) loans, grants, or predevelopment assistance to community development corporations and community housing development organizations to carry out community development and affordable housing activities that benefit low-income families; and

(3) such other activities as may be determined by the National Community Development Initiative in consultation with the Secretary.

(c) MATCHING REQUIREMENT.—Assistance provided under this section shall be matched from private sources in an amount equal to 3 times the amount made available under this section.

(d) IMPLEMENTATION.—The Secretary shall by notice establish such requirements as may be necessary to carry out the provisions of this section. The notice shall take effect upon issuance.

Effective date.

(e) AUTHORIZATION.—There are authorized to be appropriated $25,000,000 for fiscal year 1994 to carry out this section.

SEC. 5. AUTHORIZATION FOR COMMUNITY HOUSING PARTNERSHIPS AND SUPPORT FOR STATE AND LOCAL HOUSING STRATEGIES.

Section 205 of the Cranston-Gonzalez National Affordable Housing Act (12 U.S.C. 12724) is amended—

42 USC 12724.

(1) in paragraph (1), by striking "$14,000,000 for fiscal year 1994" and inserting "$25,000,000 for fiscal year 1994"; and

(2) in paragraph (2), by striking "$11,000,000 for fiscal year 1994" and inserting "$22,000,000 for fiscal year 1994".

42 USC 1437f note.

SEC. 6. SECTION 8 COMMUNITY INVESTMENT DEMONSTRATION PROGRAM.

(a) DEMONSTRATION PROGRAM.—The Secretary shall carry out a demonstration program to attract pension fund investment in affordable housing through the use of project-based rental assistance under section 8 of the United States Housing Act of 1937.

(b) FUNDING REQUIREMENTS.—In carrying out this section, the Secretary shall ensure that not less than 50 percent of the funds appropriated for the demonstration program each year are used in conjunction with the disposition of either—

(1) multifamily properties owned by the Department; or

(2) multifamily properties securing mortgages held by the Department.

(c) CONTRACT TERMS.—

(1) IN GENERAL.—Project-based assistance under this section shall be provided pursuant to a contract entered into by the Secretary and the owner of the eligible housing that—

(A) provides assistance for a term of not less than 60 months and not greater than 180 months; and

(B) provides for contract rents, to be determined by the Secretary, which shall not exceed contract rents permitted under section 8 of the United States Housing Act of 1937, taking into consideration any costs for the construction, rehabilitation, or acquisition of the housing.

(2) AMENDMENT TO SECTION 203.—Section 203 of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1701z–11) is amended by adding at the end the following new subsection:

"(l) Project-based assistance in connection with the disposition of a multifamily housing project may be provided for a contract term of less than 15 years if such assistance is provided—

"(1) under a contract authorized under section 6 of the HUD Demonstration Act of 1993; and

"(2) pursuant to a disposition plan under this section for a project that is determined by the Secretary to be otherwise in compliance with this section.".

(d) LIMITATION.—(1) The Secretary may not provide (or make a commitment to provide) more than 50 percent of the funding for housing financed by any single pension fund, except that this limitation shall not apply if the Secretary, after the end of the 6-month period beginning on the date notice is issued under subsection (e)—

(A) determines that—

(i) there are no expressions of interest that are likely to result in approvable applications in the reasonably foreseeable future; or

(ii) any such expressions of interest are not likely to use all funding under this section; and

(B) so informs the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(2) If the Secretary determines that there are expressions of interest referred to in paragraph (1)(A)(ii), the Secretary may reserve funding sufficient in the Secretary's determination to fund such applications and may use any remaining funding for other pension funds in accordance with this section.

(e) IMPLEMENTATION.—The Secretary shall by notice establish such requirements as may be necessary to carry out the provisions of this section. The notice shall take effect upon issuance.

Effective date.

(f) APPLICABILITY OF ERISA.—Notwithstanding section 514(d) of the Employee Retirement Income Security Act of 1974, nothing in this section shall be construed to authorize any action or failure to act that would constitute a violation of such Act.

(g) REPORT.—Not later than 3 months after the last day of each fiscal year, the Secretary shall submit to the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report summarizing the activities carried out under this section during that fiscal year.

(h) ESTABLISHMENT OF STANDARDS.—Mortgages secured by housing assisted under this demonstration shall meet such standards regarding financing and securitization as the Secretary may establish.

Reports.

(i) GAO STUDY.—The Comptroller General of the United States shall conduct a study evaluating the demonstration authorized under this section and shall report its findings to the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate not later than 3 months after the conclusion of the demonstration.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $100,000,000 for fiscal year 1994 to carry out this section.

(k) TERMINATION DATE.—The Secretary shall not enter into any new commitment to provide assistance under this section after September 30, 1998.

SEC. 7. NATIONAL COMMISSION ON MANUFACTURED HOUSING.

(a) EXTENSION OF COMMISSION.—Section 943(g) of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101–625; 104 Stat. 4415) is amended by striking "on October 1, 1993" and inserting "on October 1, 1994".

(b) FINAL REPORT.—Section 943(d)(2) of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101–625; 104 Stat. 4414) is amended by striking "9 months after the Commission is established pursuant to subsection (b)" and inserting "August 1, 1994".

(c) INTERIM REPORT.—Section 943(d) of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101–625; 104 Stat. 4414) is amended—

(1) by redesignating paragraph (2) (as amended by subsection (b) of this section) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph:

"(2) INTERIM REPORT.—Not later than March 1, 1994, the Commission shall submit an interim report to the Secretary and the Congress. The report shall describe the activities of the Commission under paragraph (1) and shall contain any information specified in such paragraph that is available to the Commission and any evaluations and recommendations specified in such paragraph that may be made by the Commission, at such time.".

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 943(f) of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101–625; 104 Stat. 4415) is amended by inserting after the first sentence the following new sentence: "There are authorized to be appropriated for fiscal year 1994 such sums as may be necessary to carry out this section.".

SEC. 8. RECIPROCITY IN APPROVAL OF HOUSING SUBDIVISIONS AMONG FEDERAL AGENCIES.

(a) EXTENSION OF AUTHORITY.—Section 535(b) of the Housing Act of 1949 (42 U.S.C. 1490o(b)) is amended by striking "June 15, 1993" and inserting "September 30, 1994". 42 USC 1490o.

(b) RETROACTIVITY.—An administrative approval of a housing subdivision made after June 15, 1993, and before the date of the enactment of this Act is approved and shall be considered to have been lawfully made, but only if otherwise made in accordance with the provisions of section 535(b) of the Housing Act of 1949. 42 USC 1490o note.

SEC. 9. FHA INSURANCE AUTHORITY.

Section 531(b) of the National Housing Act (12 U.S.C. 1735f-9(b)) is amended by striking "$65,905,824,960" and inserting "$110,165,000,000".

SEC. 10. GNMA GUARANTEE AUTHORITY.

Section 306(g)(2) of the National Housing Act (12 U.S.C. 1721(g)(2)) is amended by striking "$88,000,000,000" and inserting "$107,700,000,000".

SEC. 11. ADMINISTRATION OF SECTION 8 PROGRAM.

(a) ADMINISTRATIVE FEE.—Notwithstanding the second sentence of section 8(q)(1) of the United States Housing Act of 1937, other applicable law, or any implementing regulations and related requirements, the fee for the ongoing costs of administering the certificate and housing voucher programs under subsections (b) and (o) of section 8 of such Act during fiscal year 1994 shall be— 42 USC 1437f note.

(1) not less than a fee calculated in accordance with the fair market rents for Federal fiscal year 1993; or

(2) not more than—

(A) a fee calculated in accordance with section 8(q) of such Act, except that such fee shall not be in excess of 3.5 percent above the fee calculated in accordance with paragraph (1); or

(B) to the extent approved in an appropriation Act, a fee calculated in accordance with such section 8(q).

(b) STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a study assessing the costs incurred by public housing agencies in administering the voucher and certificate programs under subsections (b) and (o) of section 8 of the United States Housing Act of 1937.

(2) SPECIFIC REQUIREMENTS.—The study conducted under this subsection shall—

(A) take into account variances in costs attributable to the geographic area, the tenant population, and the number of units covered by a public housing agency; and

(B) include an analysis of the costs associated with Federal mandates, such as the family self-sufficiency program, and such other factors that the Secretary determines to be appropriate.

(3) SUBMISSION TO CONGRESS.—The Secretary shall submit to the Congress a report containing the results of the study conducted under this subsection in conjunction with the Department of Housing and Urban Development's 1994 legislative recommendations. Reports.

SEC. 12. AMENDMENTS TO PUBLIC LAW 102-389.

(a) EXTENSION OF TIME.—Subject to appropriations made in advance in an appropriations Act, title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1993 (Public Law 102-389), is amended under the heading "Administrative Provisions" in the second undesignated paragraph by striking "October 1, 1993" and inserting "October 1, 1994".

106 Stat. 1590.

(b) PROJECT-BASED ASSISTANCE.—Title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1993 (Public Law 102-389), is amended under the heading "Administrative Provisions" in the ninth undesignated paragraph by inserting "(which may be project-based assistance)" after "36 units".

106 Stat. 1591.

Approved October 27, 1993.

LEGISLATIVE HISTORY—H.R. 2517:

CONGRESSIONAL RECORD, Vol. 139 (1993):
June 28, considered and passed House.
Sept. 23, considered and passed Senate, amended.
Oct. 6, House concurred in Senate amendments.

Public Law 103-121
103d Congress

An Act

Making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1994, and for other purposes.

Oct. 27, 1993
[H.R. 2519]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1994, and for other purposes, namely:

Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1994.
Department of Justice and Related Agencies Appropriations Act, 1994.

TITLE I—DEPARTMENT OF JUSTICE AND RELATED AGENCIES

DEPARTMENT OF JUSTICE

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, the Missing Children's Assistance Act, as amended, and the Victims of Crime Act of 1984, as amended, including salaries and expenses in connection therewith, $90,105,000, to remain available until expended, as authorized by section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act, as amended by Public Law 102–534 (106 Stat. 3524), of which $650,000 of the funds provided under the Missing Children's Program shall be made available as a grant to a national voluntary organization representing Alzheimer patients and families to plan, design, and operate the "Safe Return" Program.

In addition, for grants, contracts, cooperative agreements, and other assistance authorized by part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, for State and Local Narcotics Control and Justice Assistance Improvements, notwithstanding the provisions of section 511 of said Act, $474,500,000, to remain available until expended, as authorized by section 1001(a) of title I of said Act, as amended by Public Law 102–534 (106 Stat. 3524), of which: (a) $358,000,000 shall be available to carry out the provisions of subpart 1 of part E of title I of said Act and $50,000,000 shall be available to carry out the provisions of chapter A of subpart 2 of part E of title I of said Act, for the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs; (b) $12,000,000 shall be available to carry out the provisions of chapter B of subpart 2

of part E of title I of said Act, for Correctional Options Grants; (c) an additional $25,000,000 shall be available pursuant to the provisions of chapter A of subpart 2 of part E of title I of said Act, for community policing; (d) $13,000,000 shall be available to the Director of the Federal Bureau of Investigation for the National Crime Information Center 2000 project, as authorized by section 613 of Public Law 101–647 (104 Stat. 4824); (e) $16,000,000 shall be available to reimburse any appropriation account, as designated by the Attorney General, for selected costs incurred by State and local law enforcement agencies which enter into cooperative agreements to conduct joint law enforcement operations with Federal agencies; (f) $500,000 shall be available to carry out the provisions of subtitle B of title I of the Anti Car Theft Act of 1992 (Public Law 102–519), notwithstanding the provisions of section 131(b)(2) of said Act, for grants to be used in combating motor vehicle theft: *Provided,* That not to exceed $12,500,000 of the funds made available in fiscal year 1994 under chapter A of subpart 2 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, shall be available as follows: (a) $2,000,000 shall be available for the activities of the District of Columbia Metropolitan Area Drug Enforcement Task Force; (b) not to exceed $10,000,000 shall be available to the Director of the Federal Bureau of Investigation for start-up costs associated with coordinating the national background check system; and (c) $500,000 shall be transferred to the National Commission to Support Law Enforcement for the necessary expenses of the Commission as authorized by section 211(B) of Public Law 101–515: *Provided,* That funds made available in fiscal year 1994 under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, may be obligated for programs to assist States in the litigation processing of death penalty Federal habeas corpus petitions: *Provided further,* That funds made available in fiscal year 1994 under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, may be obligated for programs for the prosecution of driving while intoxicated charges and the enforcement of other laws relating to alcohol use and the operation of motor vehicles.

In addition, for grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, including salaries and expenses in connection therewith, $107,000,000, to remain available until expended, as authorized by section 299 of part I of title II and section 506 of title V of said Act, as amended by Public Law 102–586, of which: (a) $85,000,000 shall be available for expenses authorized by parts A, B, and C of title II of said Act; (b) $5,000,000 shall be available for expenses authorized by sections 281 and 282 of part D of title II of said Act for prevention and treatment programs relating to juvenile gangs; (c) $4,000,000 shall be available for expenses authorized by part G of title II of said Act for juvenile mentoring programs; and (d) $13,000,000 shall be available for expenses authorized by title V of said Act for incentive grants for local delinquency prevention programs.

In addition, for grants, contracts, cooperative agreements, and other assistance authorized by the Victims of Child Abuse Act of 1990, as amended, $8,000,000, to remain available until expended, as authorized by sections 214B, 218, and 224 of said Act, of which: (a) $500,000 shall be available for expenses authorized

by section 213 of said Act for regional children's advocacy centers; (b) $1,000,000 shall be available for expenses authorized by section 214 of said Act for local children's advocacy centers; (c) $1,500,000 shall be available for technical assistance and training, as authorized by section 214A of said Act, for a grant to the American Prosecutor Research Institute's National Center for Prosecution of Child Abuse; (d) $1,000,000 shall be available for training and technical assistance, as authorized by section 217(b)(1) of said Act for a grant to the National Court Appointed Special Advocates program; (e) $3,500,000 shall be available for expenses authorized by section 217(b)(2) of said Act to initiate and expand local court appointed special advocate programs; and (f) $500,000, notwithstanding section 224(b) of said Act, shall be available to develop model technical assistance and training programs to improve the handling of child abuse and neglect cases, as authorized by section 223(a) of said Act, for a grant to the National Council of Juvenile and Family Court Judges.

PUBLIC SAFETY OFFICERS BENEFITS

For payments authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796), as amended, such sums as are necessary, to remain available until expended, as authorized by section 6093 of Public Law 100–690 (102 Stat. 4339–4340).

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, $119,000,000; of which not to exceed $3,317,000 is for the Facilities Program 2000, to remain available until expended.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $30,000,000; including not to exceed $10,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction, and to be accounted for solely under the certificate of, the Attorney General; and for the acquisition, lease, maintenance and operation of motor vehicles without regard to the general purchase price limitation.

WEED AND SEED PROGRAM FUND

For necessary expenses, including salaries and related expenses of the Executive Office for Weed and Seed, to implement "Weed and Seed" program activities, $13,150,000, to remain available until expended for intergovernmental agreements, including grants, cooperative agreements, and contracts, with State and local law enforcement agencies engaged in the investigation and prosecution of violent crimes and drug offenses in "Weed and Seed" designated communities, and for either reimbursements or transfers to appropriation accounts of the Department of Justice and other Federal agencies which shall be specified by the Attorney General to execute the "Weed and Seed" program strategy: *Provided,* That funds des-

ignated by Congress through language or through policy guidance in reports for other Department of Justice appropriation accounts for "Weed and Seed" program activities shall be managed and executed by the Attorney General through the Executive Office for Weed and Seed: *Provided further,* That the Attorney General may direct the use of other Department of Justice funds and personnel in support of "Weed and Seed" program activities only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized by law, $9,123,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia; $403,968,000; of which not to exceed $10,000,000 for litigation support contracts shall remain available until expended: *Provided,* That of the funds available in this appropriation, not to exceed $50,099,000 shall remain available until expended for office automation systems for the legal divisions covered by this appropriation, and for the United States Attorneys, the Antitrust Division, and offices funded through "Salaries and Expenses", General Administration: *Provided further,* That of the total amount appropriated, not to exceed $1,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $2,000,000 to be appropriated from the Vaccine Injury Compensation Trust Fund, as authorized by section 6601 of the Omnibus Budget Reconciliation Act, 1989, as amended by Public Law 101–509 (104 Stat. 1289).

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, $66,817,000: *Provided,* That notwithstanding any other provision of law, not to exceed $20,820,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further,* That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 1994, so as to result in a final fiscal year 1994 appropriation estimated at not more than $45,997,000: *Provided further,* That any fees

received in excess of $20,820,000 in fiscal year 1994 shall remain available until expended, but shall not be available for obligation until October 1, 1994.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Office of the United States Attorneys, including intergovernmental agreements, $813,797,000, of which not to exceed $2,500,000 shall be available until September 30, 1995 for the purposes of (1) providing training of personnel of the Department of Justice in debt collection, (2) providing services to the Department of Justice related to locating debtors and their property, such as title searches, debtor skiptracing, asset searches, credit reports and other investigations, (3) paying the costs of the Department of Justice for the sale of property not covered by the sale proceeds, such as auctioneers' fees and expenses, maintenance and protection of property and businesses, advertising and title search and surveying costs, and (4) paying the costs of processing and tracking debts owed to the United States Government: *Provided,* That of the total amount appropriated, not to exceed $8,000 shall be available for official reception and representation expenses: *Provided further,* That not to exceed $10,000,000 of those funds available for automated litigation support contracts shall remain available until expended.

UNITED STATES TRUSTEE SYSTEM

For the necessary expenses of the United States Trustee Program, $99,000,000, as authorized by 28 U.S.C. 589a(a), to remain available until expended, for activities authorized by section 115 of the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (Public Law 99–554), of which $61,513,000 shall be derived from the United States Trustee System Fund: *Provided,* That deposits to the Fund are available in such amounts as may be necessary to pay refunds due depositors: *Provided further,* That, notwithstanding any other provision of law, not to exceed $37,487,000 of offsetting collections derived from fees collected pursuant to section 589a(f) of title 28, United States Code, as amended by section 111 of Public Law 102–140 (105 Stat. 795), shall be retained and used for necessary expenses in this appropriation: *Provided further,* That the $99,000,000 herein appropriated shall be reduced as such offsetting collections are received during fiscal year 1994, so as to result in a final fiscal year 1994 appropriation estimated at not more than $61,513,000: *Provided further,* That any of the aforementioned fees collected in excess of $37,487,000 in fiscal year 1994 shall remain available until expended, but shall not be available for obligation until October 1, 1994.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109, $940,000.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For necessary expenses of the United States Marshals Service; including the acquisition, lease, maintenance, and operation of

vehicles and aircraft, and the purchase of passenger motor vehicles for police-type use without regard to the general purchase price limitation for the current fiscal year; $339,808,000, as authorized by 28 U.S.C. 561(i), of which not to exceed $6,000 shall be available for official reception and representation expenses.

SUPPORT OF UNITED STATES PRISONERS

For support of United States prisoners in the custody of the United States Marshals Service as authorized in 18 U.S.C. 4013, but not including expenses otherwise provided for in appropriations available to the Attorney General; $312,884,000, as authorized by 28 U.S.C. 561(i), to remain available until expended.

FEES AND EXPENSES OF WITNESSES

For expenses, mileage, compensation, and per diems of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, and for per diems in lieu of subsistence, as authorized by law, including advances, $103,022,000, to remain available until expended; of which not to exceed $4,750,000 may be made available for planning, construction, renovation, maintenance, remodeling, and repair of buildings and the purchase of equipment incident thereto for protected witness safesites; of which not to exceed $1,000,000 may be made available for the purchase and maintenance of armored vehicles for transportation of protected witnesses; and of which not to exceed $4,000,000 may be made available for the purchase, installation and maintenance of a secure automated information network to store and retrieve the identities and locations of protected witnesses.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, established by title X of the Civil Rights Act of 1964, $26,106,000, of which not to exceed $16,278,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements and other expenses necessary under section 501(c) of the Refugee Education Assistance Act of 1980 (Public Law 96–422; 94 Stat. 1809) for the processing, care, maintenance, security, transportation and reception and placement in the United States of Cuban and Haitian entrants: *Provided,* That notwithstanding section 501(e)(2)(B) of the Refugee Education Assistance Act of 1980 (Public Law 96–422; 94 Stat. 1810), funds may be expended for assistance with respect to Cuban and Haitian entrants as authorized under section 501(c) of such Act: *Provided further,* That to expedite the outplacement of eligible Mariel Cubans or other aliens from Bureau of Prisons or Immigration and Naturalization Service operated or contracted facilities into Community Relations Service contracted hospital and halfway house facilities, the Attorney General may direct reimbursements to the Cuban Haitian Entrant Program from "Federal Prison System, Salaries and Expenses" or "Immigration and Naturalization Service, Salaries and Expenses": *Provided further,* That if such reimbursements described above exceed $500,000, they shall only be made after notification to the Committees on Appropriations of the House

of Representatives and the Senate in accordance with section 605 of this Act.

ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1) (A)(ii), (B), (C), (F), and (G), as amended, $55,000,000 to be derived from the Department of Justice Assets Forfeiture Fund.

RADIATION EXPOSURE COMPENSATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses in accordance with the Radiation Exposure Compensation Act, $2,668,000.

INTERAGENCY LAW ENFORCEMENT

ORGANIZED CRIME DRUG ENFORCEMENT

For necessary expenses for the detection, investigation, and prosecution of individuals involved in organized crime drug trafficking not otherwise provided for, to include intergovernmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, $382,381,000, of which $50,000,000 shall remain available until expended: *Provided,* That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation: *Provided further,* That any unobligated balances remaining available at the end of the fiscal year shall revert to the Attorney General for reallocation among participating organizations in succeeding fiscal years, subject to the reprogramming procedures described in section 605 of this Act.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For expenses necessary for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use of not to exceed 1,665 passenger motor vehicles of which 1,300 will be for replacement only, without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; and not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; $2,038,705,000, of which not to exceed $25,000,000 for automated data processing and telecommunications and $1,000,000 for undercover operations shall remain available until September 30, 1995; of which not to exceed $8,000,000 for research and development related to investigative activities shall remain available until expended; of which not to exceed $10,000,000 is authorized to be made available for making payments or advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to violent crime, terrorism, organized crime, and drug investigations; of which $84,400,000, to remain available until expended, shall only be avail-

able to defray expenses for the automation of fingerprint identification services and related costs; and of which $1,500,000 shall be available to maintain an independent program office dedicated solely to the relocation of the Identification Division and the automation of fingerprint identification services: *Provided,* That not to exceed $45,000 shall be available for official reception and representation expenses.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs; purchase of not to exceed 1,117 passenger motor vehicles of which 1,117 are for replacement only for police-type use without regard to the general purchase price limitation for the current fiscal year; and acquisition, lease, maintenance, and operation of aircraft; $722,000,000, of which not to exceed $1,800,000 for research shall remain available until expended, and of which not to exceed $4,000,000 for purchase of evidence and payments for information, not to exceed $4,000,000 for contracting for ADP and telecommunications equipment, and not to exceed $2,000,000 for technical and laboratory equipment shall remain available until September 30, 1995, and of which not to exceed $45,000 shall be available for official reception and representation expenses.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, including not to exceed $50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; purchase for police-type use (not to exceed 597 of which 302 are for replacement only) without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; and research related to immigration enforcement; $1,048,538,000, of which not to exceed $400,000 for research shall remain available until expended, and of which not to exceed $10,000,000 shall be available for costs associated with the Training program for basic officer training: *Provided,* That none of the funds available to the Immigration and Naturalization Service shall be available for administrative expenses to pay any employee overtime pay in an amount in excess of $25,000: *Provided further,* That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further,* That not to exceed $5,000 shall be available for official reception and representation expenses:

Provided further, That the Land Border Fee Pilot Project scheduled to end September 30, 1993, is extended to September 30, 1996 for projects on the northern border of the United States only. 8 USC 1356 note.

In addition, section 286 of the Immigration and Nationality Act of 1952 (8 U.S.C. 1356), as amended, is further amended—

(1) in subsection (d), by striking "$5", and inserting "$6"; and

(2) in subsection (h)(2)(A), by deleting subsection (v), and inserting the following:

"(v) providing detention and deportation services for: excludable aliens arriving on commercial aircraft and vessels; and any alien who is excludable under section 212(a) who has attempted illegal entry into the United States through avoidance of immigration inspection at air or sea ports-of-entry.

"(vi) providing exclusion and asylum proceedings at air or sea ports-of-entry for: excludable aliens arriving on commercial aircraft and vessels including immigration exclusion proceedings resulting from presentation of fraudulent documents and failure to present documentation; and any alien who is excludable under section 212(a) who has attempted illegal entry into the United States through avoidance of immigration inspection at air or sea ports-of-entry.".

IMMIGRATION EMERGENCY FUND

For the Immigration Emergency Fund, as authorized by section 404(b)(1) of the Immigration and Nationality Act of 1952 (8 U.S.C. 1101), $6,000,000, to remain available until expended.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 770 of which 405 are for replacement only) and hire of law enforcement and passenger motor vehicles; and for the provision of technical assistance and advice on corrections related issues to foreign governments; $1,950,000,000: *Provided,* That there may be transferred to the Health Resources and Services Administration such amounts as may be necessary, in the discretion of the Attorney General, for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: *Provided further,* That the Director of the Federal Prison System (FPS), where necessary, may enter into contracts with a fiscal agent/fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the FPS, furnish health services to individuals committed to the custody of the FPS: *Provided further,* That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further,* That not to exceed $6,000 shall be available for official reception and representation expenses: *Provided further,* That not to exceed $50,000,000 for the activation of new facilities shall remain available until September 30, 1995. 42 USC 250a.

NATIONAL INSTITUTE OF CORRECTIONS

For carrying out the provisions of sections 4351–4353 of title 18, United States Code, which established a National Institute of Corrections, and for the provision of technical assistance and advice on corrections related issues to foreign governments, $10,211,000, to remain available until expended.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; leasing the Oklahoma City Airport Trust Facility; purchase and acquisition of facilities and remodeling and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account; $269,543,000, to remain available until expended, of which not to exceed $14,074,000 shall be available to construct areas for inmate work programs: *Provided,* That not to exceed $16,000,000 from unobligated balances shall be available for the Cooperative Agreement Program (CAP): *Provided further,* That labor of United States prisoners may be used for work performed under this appropriation: *Provided further,* That not to exceed 10 per centum of the funds appropriated to "Buildings and Facilities" in this Act or any other Act may be transferred to "Salaries and Expenses", Federal Prison System upon notification by the Attorney General to the Committees on Appropriations of the House of Representatives and the Senate in compliance with provisions set forth in section 605 of this Act: *Provided further,* That unless a notification as required under section 605 of this Act is submitted to the Committee on Appropriations of the House and Senate, none of the funds in this Act for the CAP shall be available for a cooperative agreement with a State or local government for the housing of Federal prisoners and detainees when the cost per bed space for such cooperative agreement exceeds $50,000, and in addition, any cooperative agreement with a cost per bed space that exceeds $25,000 must remain in effect for no less than 15 years.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase of (not to exceed five for replacement only) and hire of passenger motor vehicles.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed $3,395,000 of the funds of the corporation shall be available for its administrative expenses, and for services as authorized by 5 U.S.C. 3109, to be computed on an accrual basis to be determined in accordance with the corporation's prescribed

accounting system in effect on July 1, 1946, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which the said accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 101. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed $45,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses in accordance with distributions, procedures, and regulations established by the Attorney General.

SEC. 102. Subject to subsection (b) of section 102 of the Department of Justice and Related Agencies Appropriations Act, 1993, authorities contained in Public Law 96–132, "The Department of Justice Appropriation Authorization Act, Fiscal Year 1980", shall remain in effect until the termination date of this Act or until the effective date of a Department of Justice Appropriation Authorization Act, whichever is earlier.

SEC. 103. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 104. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: *Provided,* That nothing in this section in any way diminishes the effect of section 103 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 105. Pursuant to the provisions of law set forth in 18 U.S.C. 3071–3077, not to exceed $2,000,000 of the funds appropriated to the Department of Justice in this title shall be available for rewards to individuals who furnish information regarding acts of terrorism against a United States person or property. Terrorism.

SEC. 106. For fiscal year 1994 and thereafter, deposits transferred from the Assets Forfeiture Fund to the Buildings and Facilities account of the Federal Prison System may be used for the construction of correctional institutions, and the construction and renovation of Immigration and Naturalization Service and United States Marshals Service detention facilities, and for the authorized purposes of the Cooperative Agreement Program. 28 USC 524 note.

SEC. 107. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided,* That this section shall not apply to any appropriation made available in title I of this Act under the heading, "Office of Justice Programs, Justice Assistance": *Provided further,* That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall

not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

28 USC 527 note.

SEC. 108. Notwithstanding 31 U.S.C. 3302 or any other statute affecting the crediting of collections, the Attorney General may credit, as an offsetting collection, to the Department of Justice Working Capital Fund, for fiscal year 1994 and thereafter, up to three percent of all amounts collected pursuant to civil debt collection litigation activities of the Department of Justice. Such amounts in the Working Capital Fund shall remain available until expended and shall be subject to the terms and conditions of that fund, and shall be used only for paying the costs of processing and tracking such litigation.

SEC. 109. Section 524(c)(9) of title 28, United States Code, as amended, is further amended by deleting subsection (E).

SEC. 110. TECHNICAL AMENDMENTS TO THE VICTIMS OF CRIME ACT.—(a) Section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601), is amended—

(1) in subsection (d)(2)—

(A) by striking "and" at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting a semicolon; and

(C) by adding at the end the following:

"(C) 1 percent shall be available for grants under section 1404(c); and

"(D) 4.5 percent shall be available for grants as provided in section 1404A.";

(2) in subsection (d)(3), by striking "1404(a)" and inserting "1404A"; and

(3) in subsection (g)(1), by striking "(d)(2)(A)(iv)" and inserting "(d)(2)(D)".

42 USC 10603a.

(b) Section 1404A of the Victims of Crime Act of 1984 (42 U.S.C. 10603(a)), is amended by striking "1402(d)(2)" and inserting "1402(d)(2)(D) and (d)(3).".

SEC. 111. BANKRUPTCY FEES.—(a) CHAPTERS 7 AND 13 FILING FEES.—Effective 30 days after enactment of this Act—

(1) section 1930(a)(1) of title 28 of the United States Code is amended by striking "$120" and inserting "$130";

(2) section 589a of title 28 of the United States Code is amended in subsection (b)(1), by striking "one-fourth" and inserting "23.08 per centum"; and

28 USC 1931 note.

(3) section 406.(b) of Public Law 101–162 (103 Stat. 1016) is amended by striking "25 percent", and inserting "30.76 per centum".

(b) CHAPTER 11 FILING FEE.—Effective 30 days after enactment of this Act—

(1) section 1930(a)(3) of title 28 of the United States Code is amended by striking "$600" and inserting in lieu thereof "800";

(2) section 589a of title 28 of the United States Code is amended in subsection (b)(2), by striking "50 per centum" and inserting "37.5 per centum";

(3) section 589a of title 28 of the United States Code is amended in subsection (f)(1), by striking "16.7 per centum" and inserting "12.5 per centum"; and

28 USC 1931 note.

(4) section 406.(b) of Public Law 101–162 (103 Stat. 1016) is amended by adding "and 25 percent of the fees hereafter

collected under 28 U.S.C. section 1930(a)(3)" immediately after "28 U.S.C. section 1930(a)(1)".

(c) No funds provided by this Act shall be expended to fill any bankruptcy judgeship unless such appointee was on a merit selection list or report submitted to the court of appeals by either the judicial council or a subcommittee of the members of the council, in accordance with section 120 of the Bankruptcy Amendments and Federal Judgeship Act of 1984 (Public Law 98–353; 98 Stat. 344), section 152 of title 28 of the United States Code, and the Judicial Conference of the United States' Procedures for the Selection and Appointment of Bankruptcy Judges.

(d) REPORT ON BANKRUPTCY FEES.— 28 USC 1930 note.

(1) REPORT REQUIRED.—Not later than March 31, 1998, the Judicial Conference of the United States shall submit to the Committees on the Judiciary of the House of Representatives and the Senate, a report relating to the bankruptcy fee system and the impact of such system on various participants in bankruptcy cases.

(2) CONTENTS OF REPORT.—Such report shall include—

(A)(i) an estimate of the costs and benefits that would result from waiving bankruptcy fees payable by debtors who are individuals, and

(ii) recommendations regarding various revenue sources to offset the net cost of waiving such fees; and

(B)(i) an evaluation of the effects that would result in cases under chapters 11 and 13 of title 11, United States Code, from using a graduated bankruptcy fee system based on assets, liabilities, or both of the debtor, and

(ii) recommendations regarding various methods to implement such a graduated bankruptcy fee system.

(3) WAIVER OF FEES IN SELECTED DISTRICTS.—For purposes of carrying out paragraphs (1) and (2), the Judicial Conference of the United States shall carry out in not more than six judicial districts, throughout the 3-year period beginning on October 1, 1994, a program under which fees payable under section 1930 of title 28, United States Code, may be waived in cases under chapter 7 of title 11, United States Code, for debtors who are individuals unable to pay such fees in installments.

(4) STUDY OF GRADUATED FEE SYSTEM.—For purposes of carrying out paragraphs (1) and (2), the Judicial Conference of the United States shall carry out, in not fewer than six judicial districts, a study to estimate the results that would occur in cases under chapters 11 and 13 of title 11, United States Code, if filing fees payable under section 1930 of title 28, United States Code, were paid on a graduated scale based on assets, liabilities, or both of the debtor.

SEC. 112. For fiscal year 1994 only, grants awarded to State and local governments for the purpose of participating in gang task forces and for programs or projects to abate drug activity in residential and commercial buildings through community participation, shall be exempt from the provisions of section 504(f) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended. 42 USC 3754 note.

RELATED AGENCIES

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, $7,776,000, of which $2,000,000 is for regional offices and $700,000 is for civil rights monitoring activities authorized by section 5 of Public Law 98–183: *Provided,* That not to exceed $20,000 may be used to employ consultants: *Provided further,* That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: *Provided further,* That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the Chairman who is permitted 125 billable days.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, as amended (29 U.S.C. 206(d) and 621–634), the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); nonmonetary awards to private citizens; not to exceed $26,500,000, for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act of 1964, as amended, sections 6 and 14 of the Age Discrimination in Employment Act, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991; $230,000,000: *Provided,* That the Commission is authorized to make available for official reception and representation expenses not to exceed $2,500 from available funds.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901–02; not to exceed $450,000 for land and structures; not to exceed $300,000 for improvement and care of grounds and repair to buildings; not to exceed $4,000 for official reception and representation expenses; purchase (not to exceed sixteen) and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109; $160,300,000, of which not to exceed $300,000 shall remain available until September 30, 1995, for research and policy studies: *Provided,* That $60,400,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, as amended, and shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further,* That the sum herein appropriated shall be reduced as such offsetting collections are received during

fiscal year 1994, so as to result in a final fiscal year 1994 appropriation estimated at not more than $99,900,000: *Provided further,* That any offsetting collections received in excess of $60,400,000 in fiscal year 1994 shall remain available until expended, but shall not be available for obligation until October 1, 1994: *Provided further,* That none of the funds appropriated by this Act shall be used to repeal, to retroactively apply changes in, or to continue a reexamination of, the policies of the Federal Communications Commission with respect to comparative licensing, distress sales and tax certificates granted under 26 U.S.C. 1071, to expand minority ownership of broadcasting licenses, including those established in the Statement of Policy on Minority Ownership of Broadcasting Facilities, 68 F.C.C. 2d 979 and 69 F.C.C. 2d 1591, as amended 52 R.R. 2d 1313 (1982) and Mid-Florida Television Corp., 69 F.C.C. 2d 607 (Rev. Bd. 1978), which were effective prior to September 12, 1986, other than to close MM Docket No. 86-484 with a reinstatement of prior policy and a lifting of suspension of any sales, licenses, applications, or proceedings, which were suspended pending the conclusion of the inquiry: *Provided further,* That none of the funds appropriated to the Federal Communications Commission by this Act may be used to diminish the number of VHF channel assignments reserved for noncommercial educational television stations in the Television Table of Assignments (section 73.606 of title 47, Code of Federal Regulations): *Provided further,* That none of the funds appropriated by this Act may be used to repeal, to retroactively apply changes in, or to begin or continue a reexamination of the rules and the policies established to administer such rules of the Federal Communications Commission as set forth at section 73.3555(d) of title 47 of the Code of Federal Regulations, other than to amend policies with respect to waivers of the portion of section 73.3555(d) that concerns cross-ownership of a daily newspaper and an AM or FM radio broadcast station.

In addition, section 9(a) of title I of the Communications Act of 1934, as amended, is further amended as follows: 47 USC 159.

(a) by striking "(a) GENERAL AUTHORITY.—" and inserting in lieu thereof the following:

"(a) GENERAL AUTHORITY.—

"(1) RECOVERY OF COSTS.—"; and

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

"(2) FEES CONTINGENT ON APPROPRIATIONS.—The fees described in paragraph (1) of this subsection shall be collected only if, and only in the total amounts, required in Appropriations Acts.".

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act of 1936, as amended (46 App. U.S.C. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-02; $18,900,000: *Provided,* That not to exceed $2,000 shall be available for official reception and representation expenses.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $2,000 for official reception and representation expenses; $88,740,000: *Provided,* That notwithstanding any other provision of law, not to exceed $20,820,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further,* That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 1994, so as to result in a final fiscal year 1994 appropriation estimated at not more than $67,920,000: *Provided further,* That any fees received in excess of $20,820,000 in fiscal year 1994 shall remain available until expended, but shall not be available for obligation until October 1, 1994: *Provided further,* That none of the funds made available to the Federal Trade Commission shall be available for obligation for expenses authorized by section 151 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (Public Law 102–242, 105 Stat. 2282–2285): *Provided further,* That the funds appropriated in this paragraph are subject to the limitations and provisions of sections 10(a) and 10(c) (notwithstanding section 10(e)), 11(b), 18, and 20 of the Federal Trade Commission Improvements Act of 1980 (Public Law 96–252; 94 Stat. 374), except that this proviso shall cease to be effective upon enactment of an Act authorizing appropriations for the Federal Trade Commission for fiscal year 1994.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed $3,000 for official reception and representation expenses, $57,856,000, of which not to exceed $10,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions, and of which not to exceed $100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (i) such incidental expenses as meals taken in the course of such attendance, (ii) any travel or transportation to or from such meetings, and (iii) any other related lodging or subsistence: *Provided,* That imme-

15 USC 77f note.

diately upon enactment of this Act, the rate of fees under section 6(b) of the Securities Act of 1933 (15 U.S.C. 77f(b)) shall increase from one-fiftieth of 1 per centum to one twenty-ninth of 1 per centum and such increase shall be deposited as an offsetting collection to this appropriation, to remain available until expended, to recover costs of services of the securities registration process: *Provided further,* That such fee increase shall be repealed upon enactment of legislation amending the Securities Exchange Act of 1934 to establish a new fee system in fiscal year 1994 for full cost recovery of Commission expenses.

In addition, and subject to enactment of legislation amending the Securities Exchange Act of 1934 to establish a new fee system in fiscal year 1994 to require the Commission to collect $171,621,000 in fees to be deposited to this appropriation as an offsetting collection; $171,621,000, to remain available until expended: *Provided,* That subject to the fee provisions contained in said legislation, $171,621,000 of fees shall be assessed and deposited as an offsetting collection to this appropriation to recover the costs of services of the securities registration process: *Provided further,* That the $171,621,000 herein appropriated shall be reduced as the aforementioned fees are collected during fiscal year 1994, so as to result in a final fiscal year 1994 appropriation estimated at not more than $0.

In addition, upon enactment of legislation amending the Investment Advisers Act of 1940 (15 U.S.C. 80b–1 et seq.), and subject to the schedule of fees contained in such legislation, the Commission may collect not to exceed $16,600,000 in fees, and such fees shall be deposited as an offsetting collection to this appropriation to recover the costs of registration, supervision, and regulation of investment advisers and their activities: *Provided,* That such fees shall remain available until expended.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by The State Justice Institute Authorization Act of 1992 (Public Law 102–572 (106 Stat. 4515–4516)), $13,550,000, to remain available until expended: *Provided,* That not to exceed $2,500 shall be available for official reception and representation expenses.

This title may be cited as the "Department of Justice and Related Agencies Appropriations Act, 1994".

TITLE II—DEPARTMENT OF COMMERCE

Department of Commerce Appropriations Act, 1994.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, $226,000,000, to remain available until expended, of which not to exceed $5,880,000 may be transferred to the "Working Capital Fund" and $1,500,000 may be transferred to the Department of Commerce "Working Capital Fund".

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Manufacturing Extension Partnership, the Advanced Technology Program and the Quality Outreach Program of the National Institute of Standards and Technology, $232,524,000, to remain available until expended, of which not to exceed $1,290,000 may be transferred to the "Working Capital Fund".

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c–278e, $61,686,000, to remain available until expended.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including acquisition, maintenance, operation, and hire of aircraft; not to exceed 439 commissioned officers on the active list; as authorized by 31 U.S.C. 1343 and 1344; construction of facilities, including initial equipment as authorized by 33 U.S.C. 883i; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and alteration, modernization, and relocation of facilities as authorized by 33 U.S.C. 883i; $1,694,753,000, to remain available until expended; of which $576,000 shall be available for operational expenses and cooperative agreements at the Fish Farming Experimental Laboratory at Stuttgart, Arkansas; and in addition, $54,800,000 shall be derived by transfer from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries": *Provided,* That grants to States pursuant to section 306 and 306(a) of the Coastal Zone Management Act, as amended, shall not exceed $2,000,000 and shall not be less than $500,000: *Provided further,* That hereafter all receipts received from the sale of aeronautical charts that result from an increase in the price of individual charts above the level in effect for such charts on September 30, 1993, shall be deposited in this account as an offsetting collection and shall be available for obligation.

33 USC 851.

44 USC 1307 note.

COASTAL ZONE MANAGEMENT FUND

Of amounts collected pursuant to 16 U.S.C. 1456a, not to exceed $7,800,000, for purposes set forth in 16 U.S.C. 1456a(b)(2).

CONSTRUCTION

For repair and modification of, and additions to, existing facilities and construction of new facilities, and for facility planning and design and land acquisition not otherwise provided for the National Oceanic and Atmospheric Administration, $109,703,000, to remain available until expended; of which $2,000,000 is for

the construction of the National Marine Fisheries Service Estuarine and Habitat Research Laboratory in Lafayette, Louisiana; of which $1,000,000 is for a grant for the purchase of equipment for the Ruth Patrick Science Education Center in Aiken, South Carolina; and of which the following amounts shall be available to carry out continuing construction activities: $1,000,000 for construction and related expenses for a Multi-Species Aquaculture Facility to be located in the State of New Jersey; $1,000,000 for a grant to the Mystic Seaport, Mystic, Connecticut, for a maritime education center; $1,395,000 for a grant to the Indiana State University Center for Interdisciplinary Science Research and Education; and $1,000,000 for a grant for the Boston Biotechnology Innovation Center: *Provided,* That notwithstanding any other provision of law, any land located on Woodley Island in the City of Eureka, California, that is acquired by the United States of America from Humboldt Bay Harbor, Recreation, and Conservation District, California, for use as a weather forecasting office, shall be used only as a weather forecasting office and for related purposes: *Provided further,* That in the event the aforementioned property is no longer required for such use, the Secretary of Commerce shall determine that the property is no longer needed for such use and title to the property shall revert to Humboldt Bay Harbor, Recreation, and Conservation District.

California. Real property. Weather.

FLEET MODERNIZATION, SHIPBUILDING AND CONVERSION

For expenses necessary for the repair, construction, acquisition, leasing, or conversion of vessels, including related equipment to maintain and modernize the existing fleet and to continue planning the modernization of the fleet, for the National Oceanic and Atmospheric Administration, $77,064,000, to remain available until expended.

AIRCRAFT PROCUREMENT AND MODERNIZATION

For construction, procurement and modification of aircraft, including research equipment and spare parts, necessary to acquire the next generation aircraft reconnaissance system for hurricane and severe storm forecasting and atmospheric research, $43,000,000, to remain available until expended.

FISHING VESSEL OBLIGATIONS GUARANTEES

For the cost, as defined in section 502 of the Federal Credit Reform Act of 1990, of guaranteed loans authorized by the Merchant Marine Act of 1936, as amended, $459,000.

FISHING VESSEL AND GEAR DAMAGE COMPENSATION FUND

For carrying out the provisions of section 3 of Public Law 95–376, not to exceed $1,273,000, to be derived from receipts collected pursuant to 22 U.S.C. 1980 (b) and (f), to remain available until expended.

FISHERMEN'S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95–372, not to exceed $999,000, to be derived from receipts collected pursuant to that Act, to remain available until expended.

FOREIGN FISHING OBSERVER FUND

For expenses necessary to carry out the provisions of the Atlantic Tunas Convention Act of 1975, as amended (Public Law 96–339), the Magnuson Fishery Conservation and Management Act of 1976, as amended (Public Law 100–627) and the American Fisheries Promotion Act (Public Law 96–561), there are appropriated from the fees imposed under the foreign fishery observer program authorized by these Acts, not to exceed $550,000, to remain available until expended.

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of Commerce provided for by law, including not to exceed $3,000 for official entertainment, $33,042,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1–11 as amended by Public Law 100–504), $16,000,000.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, $128,286,000.

PERIODIC CENSUSES AND PROGRAMS

For expenses necessary to collect and publish statistics for periodic censuses and programs provided for by law, $110,000,000, to remain available until expended.

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $45,220,000, to remain available until September 30, 1995.

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms in the areas of textiles, biotechnology, and manufacturing, to include: a grant of $9,000,000 for the National Textile Center University Consortium; a grant of $3,400,000 for the Tailored Clothing Technology Corporation; a grant of $800,000 for the Center for Global Competitiveness at Saint Francis College

in Loretto, Pennsylvania; a grant of $465,000 for the Center for Manufacturing Productivity at the University of Massachusetts at Amherst; a grant of $1,395,000 for the Massachusetts Biotechnology Research Institute; and a grant of $930,000 for the Michigan Biotechnology Institute, without regard to the provisions of law set forth in 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 1517; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad not to exceed $30,000 per vehicle; obtain insurance on official motor vehicles; and rent tie lines and teletype equipment; $248,590,000, to remain available until expended: *Provided,* That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to 15 U.S.C. 4912; and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act shall include payment for assessments for services provided as part of these activities.

EXPORT ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $22,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law; $34,747,000, to remain available until expended: *Provided,* That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, $42,100,000, of which $30,300,000 shall remain available until expended: *Provided,* That $800,000 shall be available only for a grant to the City of Williamsport, Pennsylvania for revitalization and development of minority firms, and $500,000 shall be available only for a grant to the Catawba Indian Tribe in South Carolina for business planning and technical assistance.

UNITED STATES TRAVEL AND TOURISM ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the United States Travel and Tourism Administration including travel and tourism promotional activities abroad for travel to the United States and its possessions without regard to 44 U.S.C. 501, 3702 and 3703, including employment of American citizens and aliens by contract for services abroad; rental of space abroad for periods not exceeding five years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; advance of funds under contracts abroad; payment of tort claims in the manner authorized in the first paragraph of 28 U.S.C. 2672, when such claims arise in foreign countries; and not to exceed $15,000 for official representation expenses abroad; $17,120,000, to remain available until expended: *Provided,* That none of the funds appropriated by this paragraph shall be available to carry out the provisions of section 203(a) of the International Travel Act of 1961, as amended: *Provided further,* That in addition to fees currently being assessed and collected, the Administration shall charge users of its services, products, and information, fees sufficient to result in an additional $3,000,000, to be deposited in the General Fund of the Treasury.

PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Patent and Trademark Office provided for by law, including defense of suits instituted against the Commissioner of Patents and Trademarks; $88,329,000, to remain available until expended, to be derived from deposits in the Patent and Trademark Office Fee Surcharge Fund as authorized by law: *Provided,* That the amounts made available under the Fund shall not exceed amounts deposited; and such fees as shall be collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376 shall remain available until expended.

TECHNOLOGY ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Technology Administration, $5,700,000.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration, $19,927,000, to remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For grants authorized by section 392 of the Communications Act of 1934, as amended, $24,000,000, to remain available until expended as authorized by section 391 of said Act, as amended: *Provided,* That not to exceed $2,000,000 shall be available for program administration as authorized by section 391 of said Act: *Provided further,* That notwithstanding the provisions of section 391 of said Act, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year: *Provided further,* That notwithstanding the provisions of sections 391 and 392 of the Communications Act, as amended, not to exceed $700,000 appropriated in this paragraph shall be available for the Pan-Pacific Educational and Cultural Experiments by Satellite program (PEACESAT).

INFORMATION INFRASTRUCTURE GRANTS

For grants authorized by section 392 of the Communications Act of 1934, as amended, $26,000,000, to remain available until expended as authorized by section 391 of said Act, as amended: *Provided,* That not to exceed $2,000,000 shall be available for program administration as authorized by section 391 of said Act: *Provided further,* That notwithstanding the requirements of section 392 (a) and 392 (c) of such Act, these funds may be used for the planning and construction of telecommunications networks for the provision of educational, cultural, health care, public information, public safety or other social services.

ENDOWMENT FOR CHILDREN'S EDUCATIONAL TELEVISION

For expenses necessary to carry out the provisions of the National Endowment for Children's Educational Television Act of 1990, title II of Public Law 101–437, including costs for contracts, grants and administrative expenses, $1,000,000, to remain available until expended.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, as amended, Public Law 91–304, and such laws that were in effect immediately before September 30, 1982, and for trade adjustment assistance, $322,642,000: *Provided,* That none of the funds appropriated or otherwise made available under this heading may be used directly or indirectly for attorneys' or consultants' fees in connection with securing grants and contracts made by the Economic Development Administration: *Provided further,* That, notwithstanding any other provision of law, the Secretary of Commerce may provide financial assistance for projects to be located on military installations closed or scheduled for closure or realignment to grantees eligible for assistance under the Public Works and Economic Development Act of 1965, as amended, without it being required that the grantee have title or ability to obtain a lease for the property, for the useful life of the project, when, in the opinion of the Secretary of Commerce, such financial assistance is necessary for the economic development of the area: *Provided further,* That the Secretary of Commerce may, as the Secretary considers appropriate, consult with the Secretary of Defense regarding the title to land on military installations closed or scheduled for closure or realignment.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $28,000,000: *Provided,* That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, as amended, title II of the Trade Act of 1974, as amended, and the Community Emergency Drought Relief Act of 1977.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 201. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by said Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary that such payments are in the public interest.

SEC. 202. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 203. None of the funds made available by this Act may be used to support the hurricane reconnaissance aircraft and activities that are under the control of the United States Air Force or the United States Air Force Reserve.

SEC. 204. None of the funds provided in this or any previous Act, or hereinafter made available to the Department of Commerce shall be available to reimburse the Unemployment Trust Fund or any other fund or account of the Treasury to pay for any expenses paid before October 1, 1992, as authorized by section 8501 of title 5, United States Code, for services performed after April 20, 1990, by individuals appointed to temporary positions within the Bureau of the Census for purposes relating to the 1990 decennial census of population. 13 USC 23 note.

SEC. 205. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided,* That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

This title may be cited as the "Department of Commerce Appropriations Act, 1994".

TITLE III—THE JUDICIARY

The Judiciary Appropriations Act, 1994.

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance and operation of an automobile for the Chief Justice, not to exceed $10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve; $23,000,000.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon him by the Act approved May 7, 1934 (40 U.S.C. 13a–13b), $2,850,000, of which $300,000 shall remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, $12,900,000.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services as authorized

by 5 U.S.C. 3109, and necessary expenses of the court, as authorized by law, $11,000,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, $2,156,000,000 (including the purchase of firearms and ammunition); of which not to exceed $20,000,000 shall remain available until expended for space alteration projects; and of which $500,000 is to remain available until expended for acquisition of books, periodicals, and newspapers, and all other legal reference materials, including subscriptions.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $2,160,000 to be appropriated from the Vaccine Injury Compensation Trust Fund.

DEFENDER SERVICES

For the operation of Federal Public Defender and Community Defender organizations, the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964, as amended, the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act (18 U.S.C. 3006A(e)), the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel, the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences, and the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d), $280,000,000, to remain available until expended as authorized by 18 U.S.C. 3006A(i): *Provided,* That not to exceed $19,800,000 shall be available for Death Penalty Resource Centers.

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71A(h)); $77,095,000, to remain available until expended: *Provided,* That the compensation of land commissioners shall not exceed the daily

equivalent of the highest rate payable under section 5332 of title 5, United States Code.

COURT SECURITY

For necessary expenses, not otherwise provided for, incident to the procurement, installation, and maintenance of security equipment and protective services for the United States Courts in courtrooms and adjacent areas, including building ingress-egress control, inspection of packages, directed security patrols, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100–702); $86,000,000, to be expended directly or transferred to the United States Marshals Service which shall be responsible for administering elements of the Judicial Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, $44,900,000, of which not to exceed $7,500 is authorized for official reception and representation expenses.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90–219, $18,450,000; of which $1,800,000 shall remain available through September 30, 1995, to provide education and training to Federal court personnel; and of which not to exceed $1,000 is authorized for official reception and representation expenses.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund as authorized by 28 U.S.C. 377(o), $20,000,000, to the Judicial Survivors' Annuities Fund, as authorized by 28 U.S.C. 376(c), and in addition to the Claims Court Judges' Retirement Fund, as authorized by 28 U.S.C. 178(l), $545,000.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, $8,468,000, of which not to exceed $1,000 is authorized for official reception and representation expenses.

GENERAL PROVISIONS—THE JUDICIARY

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Appropriations made in this title shall be available for salaries and expenses of the Special Court established under the Regional Rail Reorganization Act of 1973, Public Law 93–236.

SEC. 303. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided,* That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 304. Notwithstanding any other provision of law, the salaries and expenses appropriation for district courts, courts of appeals, and other judicial services shall be available for official reception and representation expenses of the Judicial Conference of the United States: *Provided,* That such available funds shall not exceed $10,000 and shall be administered by the Director of the Administrative Office of the United States Courts in his capacity as Secretary of the Judicial Conference.

This title may be cited as "The Judiciary Appropriations Act, 1994".

TITLE IV—RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

OPERATING-DIFFERENTIAL SUBSIDIES

(LIQUIDATION OF CONTRACT AUTHORITY)

For the payment of obligations incurred for operating-differential subsidies as authorized by the Merchant Marine Act, 1936, as amended, $240,870,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, $76,423,000, to remain available until expended, of which $28,877,000 shall be available for the United States Merchant Marine Academy and $10,344,000 shall be available for State maritime academy programs: *Provided,* That notwithstanding any other provision of law, the Secretary of Transportation may use proceeds derived from the sale or disposal of National Defense Reserve Fleet vessels that are currently collected and retained by the Maritime Administration, to be used for facility and ship maintenance, modernization and repair, conversion, acquisition of equipment, and fuel costs necessary to maintain training at the United States Merchant Marine Academy and State maritime academies: *Provided further,* That reimbursements may be made to this appropriation from receipts to the "Federal Ship Financing

Fund" for administrative expenses in support of that program in addition to any amount heretofore appropriated.

READY RESERVE FORCE

For necessary expenses to acquire and maintain a surge shipping capability in the National Defense Reserve Fleet in an advanced state of readiness and for related programs, $298,000,000, to remain available until expended: *Provided,* That reimbursement may be made to the Operations and Training appropriation for expenses related to this program.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefor shall be credited to the appropriation charged with the cost thereof: *Provided,* That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act or in any prior appropriation Act, and all receipts which otherwise would be deposited to the credit of said fund shall be covered into the Treasury as miscellaneous receipts.

COMMISSION ON IMMIGRATION REFORM

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Commission on Immigration Reform pursuant to section 141(f) of the Immigration Act of 1990, $1,118,000, of which $500,000 shall be available by transfer from unobligated balances remaining from the appropriation entitled "Commission on Agricultural Workers, Salaries and expenses", to remain available until expended.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94–304, $1,099,000, to remain available until expended as authorized by section 3 of Public Law 99–7.

COMPETITIVENESS POLICY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the Competitiveness Policy Council as authorized by section 5209 of the Omnibus Trade and Competitiveness Act of 1988, $1,140,000, to remain available until expended.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92–522, as amended, $1,290,000.

MARTIN LUTHER KING, JR. FEDERAL HOLIDAY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Martin Luther King, Jr. Federal Holiday Commission, as authorized by Public Law 98–399, as amended, $500,000.

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, $20,600,000, of which $2,500,000 shall remain available until expended: *Provided,* That not to exceed $98,000 shall be available for official reception and representation expenses.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 101–574, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed $3,500 for official reception and representation expenses, $258,900,000. Of this total amount: $71,266,000 shall be available for grants for performance in fiscal year 1994 or fiscal year 1995 for Small Business Development Centers as authorized by section 21 of the Small Business Act, as amended; $3,500,000 shall be available for the Service Corps of Retired Executives (SCORE); $18,000,000 shall be available to carry out section 24 of the Small Business Act, as amended; $3,000,000 shall be available for the Small Business Institute program (SBI); $9,000,000 shall be available until expended for Microloan technical assistance; $175,000 shall be available for a grant to the Ben Franklin Center in Philadelphia, Pennsylvania, to assist small businesses to qualify for and participate in the Small Business Innovation Research (SBIR) program; $750,000 shall be available for a grant to the North Carolina Rural Economic Development Center for the North Carolina Small Business Capital Access Program to provide financial development assistance to small businesses; $500,000 shall be available for a grant to the Van Emmons Population, Marketing Analysis Center, Towanda, Pennsylvania, for an integrated small business data base to assist Appalachian Region small businesses; $1,000,000 shall be available for a grant to the City of Prestonsburg, Kentucky, for small business development assistance; $680,000 shall be available for a grant to the State of Nebraska for a statewide small business data base to facilitate the development of small businesses in rural commu-

nities; $100,000 shall be available for a grant to the Institute for Economic Development, Western Kentucky University to provide small business consulting services for senior citizens; $5,000,000 shall be available for a grant to the National Center for Genome Resources in New Mexico, to provide consulting assistance, information and related services to small businesses and for related purposes; $1,000,000 shall be available for a grant to the University of Arkansas, Fayetteville, Arkansas, for the Genesis small business incubator facility; $300,000 shall be available for a grant to the Economic Development Council of Paducah, Kentucky, to assist in the development of a small business incubator facility; $1,000,000 shall be available for a grant to the WVHTC Foundation in West Virginia for build out, equipment, and operations costs for a small business incubator facility; $250,000 shall be available for a grant to Grant County, West Virginia, to establish a small business development and financial assistance fund; and in addition, the following continuing activities shall be funded from the total amount provided in this paragraph at the level designated for these activities under this heading in Public Law 102–395: Hazard Community College in Hazard, Kentucky, to assist in the development of a small business consulting, information and assistance facility; Seton Hill College in Greensburg, Pennsylvania, to provide for a small business consulting and assistance center for entrepreneurial opportunity; the University of Central Arkansas to assist the Small Business Institute Program of the Small Business Administration to establish and operate a National Data Center; and the Iowa Waste Reduction Center, University of Northern Iowa for a demonstration program to assist small businesses in complying with certain Federal regulatory requirements: *Provided,* That not more than $500,000 of the total amount in this paragraph shall be available to pay the expenses of the National Small Business Development Center Advisory Board and to reimburse Centers for participating in evaluations as provided in section 20(a) of such Act, and to maintain a clearinghouse as provided in section 21(g)(2) of such Act.

None of the funds appropriated for the Small Business Administration under this Act may be used to impose any new or increased loan guaranty fee or debenture guaranty fee, or any new or increased user fee or management assistance fee, except as otherwise provided in this Act: *Provided,* That none of the funds provided in this or any other Act may be used for the cost of direct loans to any borrower under section 7(b) of the Small Business Act to relocate voluntarily outside the business area in which the disaster has occurred.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1–11 as amended by Public Law 100–504), $7,962,000.

BUSINESS LOANS PROGRAM ACCOUNT

For the cost of direct loans, $16,946,000, and for the cost of guaranteed loans, $196,041,000, as authorized by 15 U.S.C. 631 note: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $94,737,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

DISASTER LOANS PROGRAM ACCOUNT

For administrative expenses to carry out the direct loan program, $76,101,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

In addition, for the cost of emergency disaster loans and associated administrative expenses, $140,000,000, to remain available until expended: *Provided,* That these funds, or any portion thereof, shall be available beginning in fiscal year 1994 to the extent that the President notifies the Congress of his designation of any or all of these amounts as emergency requirements under the Budget Enforcement Act of 1990: *Provided further,* That Congress hereby designates these amounts as emergency requirements pursuant to section 251(b)(2)(D).

SURETY BOND GUARANTEES REVOLVING FUND

For additional capital for the "Surety Bond Guarantees Revolving Fund", authorized by the Small Business Investment Act, as amended, $7,000,000, to remain available without fiscal year limitation as authorized by 15 U.S.C. 631 note.

SBIC BANKRUPTCY PROVISION

None of the funds provided by this Act for the Small Business Administration may be used to guarantee any participating securities authorized by Public Law 102–366 until legislation has been enacted which directly or indirectly prohibits the filing of a petition under the Bankruptcy Code by a small business investment company licensed under subsection (c) or (d) of section 301 of the Small Business Investment Act of 1958 or regulations implemented to reduce risks to the Small Business Administration from companies licensed under section (c) or (d) of section 301 of the Small Business Investment Act of 1958.

THOMAS JEFFERSON COMMEMORATION COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Thomas Jefferson Commemoration Commission as authorized by Public Law 102–343, $62,000: *Provided,* That any unobligated balances of amounts made available for fiscal year 1993 shall expire on September 30, 1994.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, $400,000,000; of which $341,865,000 is for basic field programs; $8,950,000 is for Native American programs; $12,759,000 is for migrant programs; $1,402,000 is for law school clinics; $1,274,000 is for supplemental field programs; $795,000 is for regional training centers; $9,611,000 is for national support;

$10,564,000 is for State support; $1,101,000 is for the Clearinghouse; $651,000 is for computer assisted legal research regional centers; $10,928,000 is for Corporation management and administration; and $100,000 is for board initiatives.

TITLE V—DEPARTMENT OF STATE AND RELATED AGENCIES

Department of State and Related Agencies Appropriations Act, 1994.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, including expenses authorized by the State Department Basic Authorities Act of 1956, as amended; representation to certain international organizations in which the United States participates pursuant to treaties, ratified pursuant to the advice and consent of the Senate, or specific Acts of Congress; acquisition by exchange or purchase of passenger motor vehicles as authorized by 31 U.S.C. 1343, 40 U.S.C. 481(c) and 22 U.S.C. 2674; $1,704,589,000, and in addition not to exceed $665,000 in registration fees collected pursuant to section 38 of the Arms Export Control Act, as amended, may be used in accordance with section 45 of the State Department Basic Authorities Act of 1956, 22 U.S.C. 2717, and in addition not to exceed $1,185,000 shall be derived from fees from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act (Public Law 90–553, as amended by section 120 of Public Law 101–246), and in addition not to exceed $15,000 shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities in accordance with section 46 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2718(a)) and for expenses of general administration: *Provided,* That notwithstanding section 502 of this Act, not to exceed 20 percent of the amounts made available in this Act in the appropriation accounts, "Diplomatic and Consular Programs" and "Salaries and Expenses" under the heading "Administration of Foreign Affairs" may be transferred between such appropriation accounts: *Provided further,* That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of State and the Foreign Service, provided for by law, including expenses authorized by section 9 of the Act of August 31, 1964, as amended (31 U.S.C. 3721), and the State Department Basic Authorities Act of 1956, as amended, $396,722,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978,

as amended (5 U.S.C. App. 1–11 as amended by Public Law 100–504), $23,469,000.

REPRESENTATION ALLOWANCES

For representation allowances as authorized by section 905 of the Foreign Service Act of 1980, as amended (22 U.S.C. 4085), $4,780,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services in accordance with the provisions of section 214 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4314) and 3 U.S.C. 208, $10,551,000.

ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 292–300), and the Diplomatic Security Construction Program as authorized by title IV of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4851), $410,000,000, of which $10,000,000 is for relocation and renovation costs necessary to facilitate the consolidation of overseas financial and administrative activities in the United States, to remain available until expended as authorized by 22 U.S.C. 2696(c): *Provided,* That none of the funds appropriated in this paragraph shall be available for acquisition of furniture and furnishings and generators for other departments and agencies.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service pursuant to the requirement of 31 U.S.C. 3526(e), $7,805,000, to remain available until expended as authorized by 22 U.S.C. 2696(c): *Provided,* That not more than $1,500,000 shall be available for representation expenses.

REPATRIATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, $593,000, as authorized by 22 U.S.C. 2671: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974. In addition, for administrative expenses necessary to carry out the direct loan program, $183,000, which may be transferred to and merged with the Salaries and Expenses account under Administration of Foreign Affairs.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act, Public Law 96–8 (93 Stat. 14), $15,165,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, $125,084,000.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

22 USC 269a note.

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, $860,885,000: *Provided,* That any payment of arrearages made from these funds shall be directed toward special activities that are mutually agreed upon by the United States and the respective international organization: *Provided further,* That of the funds appropriated in this paragraph for the assessed contribution of the United States to the United Nations, ten percent of said assessment shall be available for obligation only upon a certification to the Congress by the Secretary of State that the United Nations has established an independent office with responsibilities and powers substantially similar to offices of Inspectors General authorized by the Inspector General Act of 1978, as amended: *Provided further,* That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For payments, not otherwise provided for, by the United States for expenses of the United Nations peacekeeping forces, as authorized by law, $401,607,000: *Provided,* That funds shall be available for peacekeeping expenses only upon a certification by the Secretary of State to the appropriate committees of the Congress that American manufacturers and suppliers are being given opportunities to provide equipment, services and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers.

INTERNATIONAL CONFERENCES AND CONTINGENCIES

For necessary expenses authorized by section 5 of the State Department Basic Authorities Act of 1956, in addition to funds otherwise available for these purposes, contributions for the United States share of general expenses of international organizations and conferences and representation to such organizations and conferences as provided for by 22 U.S.C. 2656 and 2672, and personal services without regard to civil service and classification laws as authorized by 5 U.S.C. 5102, $6,000,000, to remain available until expended as authorized by 22 U.S.C. 2696(c), of which not to exceed $200,000 may be expended for representation as authorized by 22 U.S.C. 4085.

INTERNATIONAL COMMISSIONS

22 USC 269a note.

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed $6,000 for representation; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, $11,200,000.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, $14,400,000, to remain available until expended as authorized by 22 U.S.C. 2696(c).

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, including not to exceed $9,000 for representation expenses incurred by the International Joint Commission, $4,290,000; for the International Joint Commission and the International Boundary Commission, as authorized by treaties between the United States and Canada or Great Britain.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, $16,200,000: *Provided,* That the United States share of such expenses may be advanced to the respective commissions, pursuant to 31 U.S.C. 3324.

OTHER

UNITED STATES BILATERAL SCIENCE AND TECHNOLOGY AGREEMENTS

For necessary expenses, not otherwise provided, for Bilateral Science and Technology Agreements, $4,275,000, to remain available until expended as authorized by 22 U.S.C. 2696(c).

PAYMENT TO THE ASIA FOUNDATION

For a grant to the Asia Foundation, as authorized by section 501 of Public Law 101-246, $16,000,000, to remain available until expended as authorized by 22 U.S.C. 2696(c).

GENERAL PROVISIONS—DEPARTMENT OF STATE

SEC. 501. Funds appropriated under this title shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of 5 U.S.C.; for services as authorized by 5 U.S.C. 3109; and hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

SEC. 502. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided,

shall be increased by more than 10 percent by any such transfers: *Provided,* That not to exceed 5 percent of any appropriation made available for the current fiscal year for the United States Information Agency in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided further,* That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 503. Funds appropriated or otherwise made available under this Act or any other Act may be expended for compensation of the United States Commissioner of the International Boundary Commission, United States and Canada, only for actual hours worked by such Commissioner.

RELATED AGENCIES

ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

For necessary expenses, not otherwise provided, for arms control and disarmament activities, including not to exceed $100,000 for official reception and representation expenses, authorized by the Act of September 26, 1961, as amended (22 U.S.C. 2551 et seq.), $53,500,000, of which not less than $9,500,000 is available until expended only for payment of United States contributions to the Preparatory Commission for the Organization on the Prohibition of Chemical Weapons.

BOARD FOR INTERNATIONAL BROADCASTING

GRANTS AND EXPENSES

For expenses of the Board for International Broadcasting, including grants to Radio Free Europe/Radio Liberty, Incorporated, as authorized by the Board for International Broadcasting Act of 1973, as amended (22 U.S.C. 2871–2883), $210,000,000, of which not to exceed $52,000 may be made available for official reception and representation expenses.

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

For expenses for the Commission for the Preservation of America's Heritage Abroad, $200,000 as authorized by Public Law 99–83, section 1303.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $2,500 for official reception

and representation expenses, $43,500,000, to remain available until expended.

JAPAN-UNITED STATES FRIENDSHIP COMMISSION

JAPAN-UNITED STATES FRIENDSHIP TRUST FUND

For expenses of the Japan-United States Friendship Commission as authorized by Public Law 94–118, as amended, from the interest earned on the Japan-United States Friendship Trust Fund, $1,250,000; and an amount of Japanese currency not to exceed the equivalent of $1,420,000 based on exchange rates at the time of payment of such amounts as authorized by Public Law 94–118.

UNITED STATES INFORMATION AGENCY

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary to enable the United States Information Agency, as authorized by the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431 et seq.) and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), to carry out international communication, educational and cultural activities; and to carry out related activities authorized by law, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed $700,000 of this appropriation), as authorized by 22 U.S.C. 1471, and entertainment, including official receptions, within the United States, not to exceed $25,000 as authorized by 22 U.S.C. 1474(3); $730,000,000: *Provided,* That not to exceed $1,400,000 may be used for representation abroad as authorized by 22 U.S.C. 1452 and 4085: *Provided further,* That not to exceed $1,200,000 of the amounts allocated by the United States Information Agency to carry out section 102(a)(3) of the Mutual Educational and Cultural Exchange Act, as amended (22 U.S.C. 2452(a)(3)), shall remain available until expended: *Provided further,* That not to exceed $500,000 shall remain available until expended as authorized by 22 U.S.C. 1477b(a), for expenses and equipment necessary for maintenance and operation of data processing and administrative services as authorized by 31 U.S.C. 1535–1536: *Provided further,* That not to exceed $7,615,000 to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching, library, motion pictures, radio, television, and publication programs as authorized by section 810 of the United States Information and Educational Exchange Act of 1948, as amended.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 3), and in accordance with the provisions of 31 U.S.C. 1105(a)(25), $4,247,000.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of Fulbright, International Visitor, Humphrey Fellowship, Citizen Exchange, Congress-Bundestag Exchange, and other exchange programs, as authorized by the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), to include other educational and cultural exchange programs, $242,000,000, to remain available until expended as authorized by 22 U.S.C. 2455.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST FUND

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated to be derived from interest and earnings from the Eisenhower Exchange Fellowship Program Trust Fund as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204–05), $300,000, to remain available until expended: *Provided,* That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A–110 (Uniform Administrative Requirements) and A–122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 1994, to remain available until expended.

RADIO CONSTRUCTION

For an additional amount for the purchase, rent, construction, and improvement of facilities for radio transmission and reception and purchase and installation of necessary equipment for radio transmission and reception as authorized by 22 U.S.C. 1471, $75,164,000, to remain available until expended as authorized by 22 U.S.C. 1477b(a).

EAST-WEST CENTER

To enable the Director of the United States Information Agency to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960 (22 U.S.C. 2054–2057), by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, $26,000,000: *Provided,* That none of the funds appropriated herein shall be used to pay any salary, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376.

BROADCASTING TO CUBA

RADIO BROADCASTING TO CUBA

Reports.

For expenses necessary to enable the United States Information Agency to carry out the Radio Broadcasting to Cuba Act, as amended (22 U.S.C. 1465 et seq.) (providing for the Radio Marti Program or Cuba Service of the Voice of America), including the purchase, rent, construction, and improvement of facilities for radio transmission and reception and purchase and installation of necessary equipment for radio transmission and reception as authorized by 22 U.S.C. 1471, $14,000,000, to remain available until expended as authorized by 22 U.S.C. 1477b(a), of which $5,000,000 shall be withheld from obligation until 30 days after the Director of the United States Information Agency submits a report to Congress which certifies receipt of the report of the Advisory Panel on Radio Marti and TV Marti and specifies the measures the United States Information Agency is taking with respect to the recommendations of the panel.

TELEVISION BROADCASTING TO CUBA

For expenses necessary to enable the United States Information Agency to carry out the Television Broadcasting to Cuba Act (22 U.S.C. 1465aa et seq.), including the purchase, rent, construction, and improvement of facilities for television transmission and reception, and purchase and installation of necessary equipment for television transmission and reception, $7,000,000, to remain available until expended: *Provided,* That not later than July 1, 1994, the Director of the United States Information Agency shall submit to Congress, after consulting with the Board for International Broadcasting and after taking into account any relevant recommendations of the Advisory Panel on Radio Marti and TV Marti, his recommendations as to whether TV Marti broadcasting is technically sound and effective and is consistently being received by a sufficient Cuban audience to warrant its continuation and whether the interests of the United States are better served by maintaining television broadcasting to Cuba, by terminating television broadcasting to Cuba and strengthening radio broadcasting to Cuba, or by funding other activities related to promoting democracy in Cuba authorized by law: *Provided further,* That of the amount appropriated in this paragraph, $2,500,000 shall be withheld from obligation until after July 1, 1994, and, after that date, funds shall be available only for the orderly termination of television broadcasting to Cuba unless the Director of the United States Information Agency determines, in the report to Congress called for in the Administrative Provision Establishing the Advisory Panel on Radio Marti and TV Marti, that maintaining television broadcasting to Cuba is technically sound and effective, is consistently being received by a sufficient Cuban audience to warrant its continuation, and is in the best interests of the United States.

ADMINISTRATIVE PROVISION ESTABLISHING THE ADVISORY PANEL ON RADIO MARTI AND TV MARTI

(a) ESTABLISHMENT.—There is established an advisory panel to be known as the Advisory Panel on Radio Marti and TV Marti (in this section referred to as the "Panel").

(b) FUNCTIONS.—The Panel shall study the purposes, policies, and practices of radio and television broadcasting to Cuba (commonly referred to as "Radio Marti" and "TV Marti") by the Cuba Service of the Voice of America.

(c) REPORT.—Not later than 90 days after the date on which the members of the Panel have been appointed pursuant to subsection (d), the Panel shall submit to the Congress and the United States Information Agency (USIA) a report which shall contain—

(1) a statement of the findings and conclusions of the Panel on the matters described in subsection (b); and

(2) specific findings and recommendations with respect to whether—

(A) such broadcasting consistently meets the standards for quality and objectivity established by law or by the United States Information Agency;

(B) such broadcasting is cost-effective;

(C) the extent to which such broadcasting is already being received by the Cuban people on a daily basis from credible sources; and

(D) TV Marti broadcasting is technically sound and effective and is consistently being received by a sufficient Cuban audience to warrant its continuation.

(d) COMPOSITION.—(1) The Panel shall be composed of three members, who shall among them have expertise in government information and broadcasting programs, broadcast journalism, journalistic ethics, and the technical aspects of radio and television broadcasting.

(2) The Director of the United States Information Agency shall appoint the members of the Panel not later than 30 days after the date of the enactment of this Act. Individuals appointed to the Panel shall be noted for their integrity, expertise, and independence of judgment consistent with the purposes of the Panel.

(3) Each member of the Panel shall be appointed for the life of the Panel. A vacancy in the Panel shall be filled in the manner in which the original appointment was made.

(4) Each member of the Panel shall serve without pay, except that such member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(e) TEMPORARY PERSONNEL.—(1) The Panel may procure temporary and intermittent services under section 3109(b) of title 5, United States Code (relating to employment of experts and consultants), at rates for individuals not to exceed the maximum rate of basic pay payable for GS–15 of the General Schedule.

(2) Upon request of the Panel, the head of any Federal agency may detail, on a reimbursable basis, any of the personnel of the agency to the Panel to assist it in carrying out its duties under this section.

(3) SUPPORT SERVICES.—The United States Information Agency shall provide facilities, supplies, and support services to the Panel upon request.

(f) TERMINATION.—The Panel shall terminate immediately upon submitting its report pursuant to subsection (c).

NORTH/SOUTH CENTER

To enable the Director of the United States Information Agency to provide for carrying out the provisions of the North/South Center

Act of 1991 (22 U.S.C. 2075), by grant to an educational institution in Florida known as the North/South Center, $8,700,000, to remain available until expended: *Provided,* That funds appropriated by this Act for the United States Information Agency and the Department of State may be obligated and expended at the rate of operations and under the terms and conditions provided by H.R. 2519 as enacted into law, notwithstanding section 701 of the United States Information and Educational Exchange Act of 1948 and section 15 of the State Department Basic Authorities Act of 1956 except that this proviso shall cease to be effective after April 30, 1994 or upon enactment into law of H.R. 2333, the State Department, USIA, and Related Agencies Authorization Act, fiscal years 1994 and 1995 or similar legislation, whichever first occurs.

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the United States Information Agency to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, $35,000,000, to remain available until expended: *Provided,* That none of the funds appropriated under this heading may be disbursed to grantees who have not reimbursed the National Endowment for Democracy, from nongovernmental funds, for disallowed expenditures by such grantees for first class travel, alcohol and entertainment, identified in the March 1993 report of the Inspector General of the United States Information Agency.

This title may be cited as the "Department of State and Related Agencies Appropriations Act, 1994".

TITLE VI—GENERAL PROVISIONS

SEC. 601. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 602. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 604. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 605. (a) None of the funds provided under this Act or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out

or privatizes any functions or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 per centum, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 per centum funding for any existing program, project, or activity, or numbers of personnel by 10 per centum as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress, unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE

SEC. 606. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, to the extent feasible, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Head of the agency shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 607. (a) None of the funds made available in this Act may be used for the construction, repair (other than emergency repair), overhaul, conversion, or modernization of vessels for the National Oceanic and Atmosphereic Administration in shipyards located outside of the United States.

(b) None of the funds made available in this Act may be used for the construction, repair (other than emergency repair), conversion, or modernization of aircraft for the National Oceanic and Atmospheric Administration in facilities located outside the United States and Canada.

SEC. 608. (a) Funds appropriated under this Act to the Legal Services Corporation and distributed to each grantee funded in fiscal year 1994, pursuant to the number of poor people determined by the Bureau of the Census to be within its geographical area, shall be distributed in the following order:

(1) Grants from the Legal Services Corporation and contracts entered into with the Legal Services Corporation under section 1006(a)(1) of the Legal Services Corporation Act, as amended, shall be maintained in fiscal year 1994 at not less than the annual level at which each grantee and contractor was funded in fiscal year 1993 pursuant to Public Law 102–395.

(2) Each grantee or contractor for basic field funds under section 1006(a)(1) shall receive an increase of not less than 2.5 percent over its fiscal year 1993 grant level. Any additional increase in funding for grants and contracts to basic field programs under section 1006(a)(1) shall be awarded to grantees

and contractors funded at the lowest levels per-poor-person (calculated for each grantee or contractor by dividing each such grantee's or contractor's fiscal year 1993 grant level by the number of poor persons within its geographical area under the 1990 census) so as to fund the largest number of programs possible at an equal per-poor-person amount.

(3) Any increase above the fiscal year 1993 level for grants and contracts to migrant programs under section 1006(a)(1) shall be awarded on a per migrant and dependent basis calculated by dividing each such grantee's or contractor's fiscal year 1993 grant level by the state migrant and dependent population, which shall be derived by applying the state migrant and dependent population percentage as determined by the 1992 Larson-Plascencia study of the Tomas Rivera Center migrant enumeration project. This percentage shall be applied to a population figure of 1,661,875 migrants and dependents. These funds shall be distributed in the following order:

(A) 40 percent to migrant grantees and contractors funded at the lowest levels per migrant (including dependents) so as to fund the largest number of programs possible at an equal per migrant and dependent amount.

(B) 40 percent to migrant grantees and contractors such that each grantee or contractor funded at a level of less than $19.74 per migrant and dependent shall be increased by an equal percentage of the amount by which such grantee's or contractor's funding, including the increases under subparagraph (A) above, falls below $19.74 per migrant and dependent, within its State.

(C) 20 percent on an equal migrant and dependent basis to all migrant grantees and contractors funded below $19.74 per migrant and dependent within its State.

(b) None of the funds appropriated under this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by or contrary to any of the provisions of—

(1) section 607 of Public Law 101–515, and that, except for the funding formula, all funds appropriated for the Legal Services Corporation shall be subject to the same terms and conditions as set forth in section 607 of Public Law 101–515 and all references to "1991" in section 607 of Public Law 101–515 shall be deemed to be "1994" unless subparagraph (2) or (3) applies;

(2) subparagraph 1, except that, if a Board of eleven Directors is nominated by the President and confirmed by the Senate, provisos 20 and 22 shall not apply to such a confirmed Board;

(3) authorizing legislation for fiscal year 1994 for the Legal Services Corporation that is enacted into law.

This Act may be cited as the "Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1994".

Approved October 27, 1993.

LEGISLATIVE HISTORY—H.R. 2519:

HOUSE REPORTS: Nos. 103-157 (Comm. on Appropriations) and 103-293 (Comm. of Conference).
SENATE REPORTS: No. 103-105 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 139 (1993):
July 1, 20, considered and passed House.
July 27-29, considered and passed Senate, amended.
Oct. 19, 20, House agreed to conference report; receded and concurred in certain Senate amendments, in others with amendments.
Oct. 21, Senate agreed to conference report; concurred in House amendments.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 29 (1993):
Oct. 27, Presidential statement.

Public Law 103-122
103d Congress

An Act

Oct. 27, 1993
[H.R. 2750]

Making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1994, and for other purposes.

Department of Transportation and Related Agencies Appropriations Act, 1994.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Transportation and related agencies for the fiscal year ending September 30, 1994, and for other purposes, namely:

TITLE I—DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

IMMEDIATE OFFICE OF THE SECRETARY

For necessary expenses of the Immediate Office of the Secretary, $1,173,000.

IMMEDIATE OFFICE OF THE DEPUTY SECRETARY

For necessary expenses of the Immediate Office of the Deputy Secretary, $481,000.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, $7,667,000.

For the necessary legal expenses of the 5 former employees of the White House Travel Office who were placed on paid administrative leave during calendar year 1993, $150,000 to be made available to the Office of the General Counsel: *Provided,* That such funds shall be deposited in a Fund established by the General Counsel: *Provided further,* That the General Counsel shall disburse a portion of such funds to any such employee—

(1) after submission of a valid claim for reimbursement of necessary legal expenses incurred as a result of an investigation conducted by the Federal Bureau of Investigation of the operations of the White House Travel Office during calendar year 1993; and

(2) upon notification or finding by the Department of Justice that such employee is not a subject of such investigation.

OFFICE OF THE ASSISTANT SECRETARY FOR TRANSPORTATION POLICY

For necessary expenses of the Office of the Assistant Secretary for Transportation Policy, $2,410,000.

OFFICE OF THE ASSISTANT SECRETARY FOR AVIATION AND INTERNATIONAL AFFAIRS

For necessary expenses of the Office of the Assistant Secretary for Aviation and International Affairs, $8,000,000.

OFFICE OF THE ASSISTANT SECRETARY FOR BUDGET AND PROGRAMS

For necessary expenses of the Office of the Assistant Secretary for Budget and Programs, $2,826,000, including not to exceed $60,000 for allocation within the Department for official reception and representation expenses as the Secretary may determine.

OFFICE OF THE ASSISTANT SECRETARY FOR GOVERNMENTAL AFFAIRS

For necessary expenses of the Office of the Assistant Secretary for Governmental Affairs, $2,100,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary expenses of the Office of the Assistant Secretary for Administration, $27,066,000.

OFFICE OF PUBLIC AFFAIRS

For necessary expenses of the Office of Public Affairs, $1,355,000.

EXECUTIVE SECRETARIAT

For necessary expenses of the Executive Secretariat, $900,000.

CONTRACT APPEALS BOARD

For necessary expenses of the Contract Appeals Board, $602,000.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $1,430,000.

OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION

For necessary expenses of the Office of Small and Disadvantaged Business Utilization, $934,000: *Provided,* That, notwithstanding any other provision of law, funds available for the purposes of the Minority Business Resource Center in this or any other Act may be used for business opportunities related to any mode of transportation.

OFFICE OF INTELLIGENCE AND SECURITY

For necessary expenses of the Office of Intelligence and Security, $1,000,000.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, and development activities, including the collection of national transportation statistics, to remain available until expended, $9,232,000.

OFFICE OF COMMERCIAL SPACE TRANSPORTATION

OPERATIONS AND RESEARCH

For necessary expenses for operations and research activities related to commercial space transportation, $4,700,000, of which $1,500,000 shall remain available until expended: *Provided,* That notwithstanding any other provision of law, there may be credited to this account up to $200,000 received from user fees established for regulatory services.

WORKING CAPITAL FUND

Necessary expenses for operating costs and capital outlays of the Department of Transportation Working Capital Fund not to exceed $93,000,000 shall be paid, in accordance with law, from appropriations made available by this Act and prior appropriations Acts to the Department of Transportation, together with advances and reimbursements received by the Department of Transportation.

PAYMENTS TO AIR CARRIERS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for payments to air carriers of so much of the compensation fixed and determined under section 419 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1389), as is payable by the Department of Transportation, $33,423,077, to remain available until expended and to be derived from the Airport and Airway Trust Fund: *Provided,* That none of the funds in this Act shall be available for the implementation or execution of programs in excess of $33,423,077 for the Payments to Air Carriers program in fiscal year 1994: *Provided further,* That none of the funds in this Act shall be used by the Secretary of Transportation to make payment of compensation under section 419 of the Federal Aviation Act of 1958, as amended, in excess of the appropriation in this Act for liquidation of obligations incurred under the "Payments to air carriers" program: *Provided further,* That none of the funds in this Act shall be used for the payment of claims for such compensation except in accordance with this provision: *Provided further,* That none of the funds in this Act shall be available for service to communities in the forty-eight contiguous States that are located fewer than seventy highway miles from the nearest large or medium hub airport, or that require a rate of subsidy per passenger in excess of $200, unless such point is greater than two hundred and ten miles from the nearest large or medium hub airport.

For necessary expenses for rental of headquarters and field space and related services assessed by the General Services Administration, $149,605,000: *Provided,* That of this amount, $3,262,000 shall be derived from the Highway Trust Fund, $37,114,000 shall be derived from the Airport and Airway Trust Fund, $576,000 shall be derived from the Pipeline Safety Fund, and $175,000 shall be derived from the Harbor Maintenance Trust Fund: *Provided further,* That in addition, for assessments by the General Services Administration related to the space needs of the Federal Highway Administration, $17,524,000, to be derived from "Federal-aid Highways", subject to the "Limitation on General Operating Expenses".

MINORITY BUSINESS RESOURCE CENTER PROGRAM

For the cost of direct loans, $300,000, as authorized by 49 U.S.C. 332: *Provided,* That of this amount, $120,000 shall be derived from unobligated balances of the Office of Small and Disadvantaged Business Utilization: *Provided further,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further,* That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $7,500,000. In addition, for administrative expenses to carry out the direct loan program, $400,000: *Provided further,* That of this amount $180,000 shall be derived from unobligated balances of the Office of Small and Disadvantaged Business Utilization.

COAST GUARD

OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; purchase of not to exceed four passenger motor vehicles for replacement only; payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and section 229(b) of the Social Security Act (42 U.S.C. 429(b)); and recreation and welfare; $2,570,000,000, of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund; and of which $32,250,000 shall be expended from the Boat Safety Account: *Provided,* That the number of aircraft on hand at any one time shall not exceed two hundred and twenty-three, exclusive of aircraft and parts stored to meet future attrition: *Provided further,* That none of the funds appropriated in this or any other Act shall be available for pay or administrative expenses in connection with shipping commissioners in the United States: *Provided further,* That none of the funds provided in this Act shall be available for expenses incurred for yacht documentation under 46 U.S.C. 12109, except to the extent fees are collected from yacht owners and credited to this appropriation: *Provided further,* That of the funds provided under this head, not less than $6,000,000 in work currently scheduled to be conducted at the Coast Guard Yard is to be awarded based upon a competitive solicitation of both public and private shipyards: *Provided further,* That the Commandant shall reduce both military and civilian

14 USC 92 note.

employment levels for the purpose of complying with Executive Order No. 12839.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, rebuilding, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto, $327,500,000, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund; of which $95,300,000 shall be available to acquire, repair, renovate or improve vessels, small boats and related equipment, to remain available until September 30, 1998; $49,685,000 shall be available to acquire new aircraft and increase aviation capability, to remain available until September 30, 1996; $44,500,000 shall be available for other equipment, to remain available until September 30, 1996; $96,400,000 shall be available for shore facilities and aids to navigation facilities, to remain available until September 30, 1996; and $41,615,000 shall be available for personnel compensation and benefits and related costs, to remain available until September 30, 1994: *Provided,* That funds received from the sale of the VC–11A aircraft shall be credited to this appropriation for the purpose of acquiring new aircraft and increasing aviation capacity.

(RESCISSION)

Of the funds provided under this heading in Public Law 102–388, $20,000,000 are rescinded.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the Coast Guard's environmental compliance and restoration functions under chapter 19 of title 14, United States Code, $22,600,000, to remain available until expended.

ALTERATION OF BRIDGES

For necessary expenses for alteration or removal of obstructive bridges, $12,940,000, to remain available until expended.

RETIRED PAY

For retired pay, including the payment of obligations therefor otherwise chargeable to lapsed appropriations for this purpose, and payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), $548,774,000.

RESERVE TRAINING

For all necessary expenses for the Coast Guard Reserve, as authorized by law; maintenance and operation of facilities; and supplies, equipment, and services; $64,000,000.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses, not otherwise provided for, for applied scientific research, development, test, and evaluation; maintenance,

rehabilitation, lease and operation of facilities and equipment, as authorized by law, $22,500,000, to remain available until expended, of which $4,457,000 shall be derived from the Oil Spill Liability Trust Fund: *Provided,* That there may be credited to this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries, for expenses incurred for research, development, testing, and evaluation.

BOAT SAFETY

(AQUATIC RESOURCES TRUST FUND)

For payment of necessary expenses incurred for recreational boating safety assistance under Public Law 92–75, as amended, $32,250,000, to be derived from the Boat Safety Account and to remain available until expended.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including administrative expenses for research and development, establishment of air navigation facilities and the operation (including leasing) and maintenance of aircraft, and carrying out the provisions of the Airport and Airway Development Act, as amended, or other provisions of law authorizing the obligation of funds for similar programs of airport and airway development or improvement, lease or purchase of four passenger motor vehicles for replacement only, $4,580,518,000, of which $2,294,500,000 shall be derived from the Airport and Airway Trust Fund: *Provided,* That there may be credited to this appropriation funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, for expenses incurred in the maintenance and operation of air navigation facilities and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: *Provided further,* That, of the funds available under this head, $2,000,000 shall be made available for the Mid-American Aviation Resource Consortium in Minnesota to operate an air traffic controller training program: *Provided further,* That funds may be used to enter into a grant agreement with a nonprofit standard setting organization to assist in the development of aviation safety standards: *Provided further,* That none of the funds provided shall be made available for pay raises or bonuses in fiscal year 1994 for Federal Aviation Administration employees whose responsibilities include noise abatement policy function, managing aircraft route design or changes, and responsibility for preparing, managing, and overseeing the environmental impact statement mandated by section 9119 of Public Law 101–508, until the final report on such impact statement is issued: *Provided further,* That none of these funds shall be available for new applicants for the second career training program.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, and improvement by contract or purchase, and hire of air navigation and experimental facilities and equipment as authorized by the Federal Aviation Act of 1958, as amended (49 U.S.C. App. 1301 et seq.), including initial acquisition of necessary sites by lease or grant; engineering and service testing including construction of test facilities and acquisition of necessary sites by lease or grant; and construction and furnishing of quarters and related accommodations of officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease or transfer of aircraft from funds available under this head; to be derived from the Airport and Airway Trust Fund, $2,120,104,000, of which $1,922,104,000 shall remain available until September 30, 1996, and of which $198,000,000 shall remain available until September 30, 1995: *Provided,* That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, in accordance with the provisions of the Federal Aviation Act of 1958, as amended (49 U.S.C. App. 1301 et seq.), including construction of experimental facilities and acquisition of necessary sites by lease or grant, $254,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided,* That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for research, engineering, and development.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and for noise compatibility planning and programs under the Airport and Airway Improvement Act of 1982, as amended, and under other law authorizing such obligations, $2,200,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided,* That none of the funds in this Act shall be available for the planning or execution of programs the commitments for which are in excess of $1,690,000,000 in fiscal year 1994 for grants-in-aid for airport planning and development, and noise compatibility planning and programs, notwithstanding section 506(e)(4) of the Airport and Airway Improvement Act of 1982, as amended.

AVIATION INSURANCE REVOLVING FUND

The Secretary of Transportation is hereby authorized to make such expenditures and investments, within the limits of funds available pursuant to section 1306 of the Federal Aviation Act of 1958, as amended (49 U.S.C. App. 1536), and in accordance with section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program for aviation insurance activities under title XIII of the Federal Aviation Act of 1958.

AIRCRAFT PURCHASE LOAN GUARANTEE PROGRAM

The Secretary of Transportation may hereafter issue notes or other obligations to the Secretary of the Treasury, in such forms and denominations, bearing such maturities, and subject to such terms and conditions as the Secretary of the Treasury may prescribe. Such obligations may be issued to pay any necessary expenses required pursuant to any guarantee issued under the Act of September 7, 1957, Public Law 85–307, as amended (49 U.S.C. 1324 note). None of the funds in this Act shall be available for activities under this head the obligations for which are in excess of $9,970,000 during fiscal year 1994. Such obligations shall be redeemed by the Secretary from appropriations authorized by this section. The Secretary of the Treasury shall purchase any such obligations, and for such purpose he may use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as now or hereafter in force. The purposes for which securities may be issued under such Act are extended to include any purchase of notes or other obligations issued under the subsection. The Secretary of the Treasury may sell any such obligations at such times and price and upon such terms and conditions as he shall determine in his discretion. All purchases, redemptions, and sales of such obligations by such Secretary shall be treated as public debt transactions of the United States. 49 USC app. 1324 note.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON GENERAL OPERATING EXPENSES

Necessary expenses for administration, operation, including motor carrier safety program operations, and research of the Federal Highway Administration not to exceed $468,856,000 shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration together with advances and reimbursements received by the Federal Highway Administration: *Provided,* That not to exceed $168,475,000 of the amount provided herein shall remain available until expended: *Provided further,* That, notwithstanding any other provision of law, there may be credited to this account funds received from States, counties, municipalities, other public authorities, and private sources, for training expenses incurred for non-Federal employees.

HIGHWAY-RELATED SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

For payment of obligations incurred in carrying out the provisions of title 23, United States Code, section 402 administered by the Federal Highway Administration, to remain available until expended, $10,000,000 to be derived from the Highway Trust Fund: *Provided,* That not to exceed $100,000 of the amount appropriated herein shall be available for "Limitation on general operating expenses": *Provided further,* That none of the funds in this Act shall be available for the planning or execution of programs the obligations for which are in excess of $10,000,000 in fiscal year 1994 for "Highway-Related Safety Grants".

RAILROAD-HIGHWAY CROSSINGS PROJECTS

For necessary expenses of certain railroad-highway crossings projects as authorized by section 163 of the Federal-Aid Highway Act of 1973, as amended, to remain available until expended, $30,262,000.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

23 USC 104 note.

None of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $17,590,000,000 for Federal-aid highways and highway safety construction programs for fiscal year 1994.

(RESCISSION)

(HIGHWAY TRUST FUND)

Of the funds made available for the functional replacement of publicly-owned facilities located within the proposed right-of-way of Interstate Route 170 in Public Law 96–131, $200,000 are rescinded.

(RESCISSION)

(HIGHWAY TRUST FUND)

Of the funds made available under this heading in Public Law 100–71, $364,180 are rescinded.

(RESCISSION)

Of the authority made available for the intersection safety demonstration project in Public Law 100–457 and Public Law 101–516, $3,059,960 are rescinded.

FEDERAL-AID HIGHWAYS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, including the National Scenic and Recreational Highway as authorized by 23 U.S.C. 148, not otherwise provided, including reimbursements for sums expended pursuant to the provisions of 23 U.S.C. 308, $18,000,000,000 or so much thereof as may be available in and derived from the Highway Trust Fund, to remain available until expended.

RIGHT-OF-WAY REVOLVING FUND

(LIMITATION ON DIRECT LOANS)

(HIGHWAY TRUST FUND)

During fiscal year 1994 and with the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed $42,500,000.

MOTOR CARRIER SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of section 402 of Public Law 97–424, $68,000,000, to be derived from the Highway Trust Fund and to remain available until expended: *Provided,* That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $65,000,000 for "Motor Carrier Safety Grants".

BALTIMORE-WASHINGTON PARKWAY

For necessary expenses, not otherwise provided, to carry out the provisions of the Federal-Aid Highway Act of 1970 and section 1069 of Public Law 102–240 for the Baltimore-Washington Parkway, to remain available until expended, $12,800,000.

KENTUCKY BRIDGE PROJECT

For up to 80 percent of the expenses necessary for continuing construction to replace the Glover Cary Bridge in Owensboro, Kentucky, $12,000,000.

BORDER HIGHWAY PROJECT

For up to 80 percent of the expenses necessary for the border highway project authorized in Public Law 89–795, $6,400,000.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary with respect to traffic and highway safety under the Motor Vehicle Information and Cost Savings Act (Public Law 92–513, as amended) and the National Traffic and Motor Vehicle Safety Act, $75,909,000, to remain available until September 30, 1996.

OPERATIONS AND RESEARCH

(HIGHWAY TRUST FUND)

For expenses necessary to discharge the functions of the Secretary with respect to traffic and highway safety under 23 U.S.C. 403 and section 2006 of the Intermodal Surface Transportation Efficiency Act of 1991, to be derived from the Highway Trust Fund, $48,236,000, to remain available until September 30, 1996.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred carrying out the provisions of 23 U.S.C. 153, 402, 406, 408, and 410, section 2007 of the Intermodal Surface Transportation Efficiency Act of 1991, and section 209 of Public Law 95–599, as amended, to remain available until expended, $138,550,000, to be derived from the Highway Trust Fund: *Provided,* That, notwithstanding subsection 2009(b) of the Intermodal Surface Transportation Efficiency Act of 1991, none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 1994, are in excess of $163,500,000 for programs authorized under 23 U.S.C. 402 and 410, as amended, of which $123,000,000 shall be for "State and community highway safety grants", $12,000,000 shall be for section 153 "Safety belt and motorcycle helmet use" grants, $3,500,000 shall be for the "National Driver Register", and $25,000,000 shall be for section 410 "Alcohol-impaired driving countermeasures programs": *Provided further,* That none of these funds shall be used for construction, rehabilitation or remodeling costs, or for office furnishings and fixtures for State, local, or private buildings or structures: *Provided further,* That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which are in excess of $10,500,000 for "Alcohol safety incentive grants" authorized under 23 U.S.C. 408: *Provided further,* That not to exceed $5,153,000 of the funds made available for section 402 may be available for administering "State and community highway safety grants": *Provided further,* That not to exceed $500,000 of the funds made available for section 410 may be available for technical assistance to the States: *Provided further,* That none of the funds in this Act shall be available for the planning or execution of programs authorized under section 209 of Public Law 95–599, as amended, the total obligations for which are in excess of $4,750,000 in fiscal years 1982 through 1994.

FEDERAL RAILROAD ADMINISTRATION

OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $12,011,000, of which $2,435,000 shall remain available until expended: *Provided,* That none of the funds in this Act shall be available for the planning or execution of a program making commitments to guarantee new loans under the Emergency Rail Services Act of 1970, as amended, and that no new commitments to guarantee loans under section 211(a) or 211(h) of the Regional Rail Reorganization Act of 1973, as amended, shall be made: *Provided further,* That, as part of the Washington Union Station transaction in which the Secretary assumed the first deed of trust on the property and, where the Union Station Redevelopment Corporation or any successor is obligated to make payments on such deed of trust on the Secretary's behalf, including payments on and after September 30, 1988, the Secretary is authorized to receive such payments directly from the Union Station Redevelopment Corporation, credit them to the appropriation charged for the first deed of trust, and make payments on the first deed of trust with those funds: *Provided further,* That such additional sums as may be necessary for payment on the first deed of trust may be advanced by the Administrator from unobligated balances available to the Federal Railroad Administration, to be reimbursed from payments received from the Union Station Redevelopment Corporation.

40 USC 817 note.

LOCAL RAIL FREIGHT ASSISTANCE

For necessary expenses for rail assistance under section 5(q) of the Department of Transportation Act, as amended, $17,000,000, to remain available until expended.

RAILROAD SAFETY

For necessary expenses in connection with railroad safety, not otherwise provided for, $44,420,000, of which $2,711,000 shall remain available until expended: *Provided,* That there may be credited to this appropriation funds received from non-Federal sources for expenses incurred in training safety employees of private industry, State and local authorities, or other public authorities other than State rail safety inspectors participating in training pursuant to section 206 of the Federal Railroad Safety Act of 1970.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, $37,613,000, to remain available until expended: *Provided,* That up to $100,000 shall be made available to support, by financial assistance agreement, railroad-highway grade crossing safety programs, including Operation Lifesaver: *Provided further,* That $100,000 is available until expended to support by financial assistance agreement railroad metallurgical and welding studies at the Oregon Graduate Institute.

NORTHEAST CORRIDOR IMPROVEMENT PROGRAM

For necessary expenses related to Northeast Corridor improvements authorized by title VII of the Railroad Revitalization and Regulatory Reform Act of 1976, as amended (45 U.S.C. 851 et seq.) and the Rail Safety Improvement Act of 1988, $225,000,000, to remain available until expended.

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation authorized by 45 U.S.C. 601, to remain available until expended, $546,700,000, of which $351,700,000 shall be available for operating losses incurred by the Corporation and for labor protection costs, and of which $195,000,000, not to become available until July 1, 1994, shall be available for capital improvements: *Provided,* That none of the funds herein appropriated shall be used for lease or purchase of passenger motor vehicles or for the hire of vehicle operators for any officer or employee, other than the president of the Corporation, excluding the lease of passenger motor vehicles for those officers or employees while in official travel status: *Provided further,* That no funds in this Act may be used, either directly or indirectly, to support intercity bus routes unconnected by a rail segment provided by the National Railroad Passenger Corporation Thruway Bus Service Program.

MANDATORY PASSENGER RAIL SERVICE PAYMENTS

To enable the Secretary of Transportation to pay obligations and liabilities of the National Railroad Passenger Corporation, $137,000,000, to remain available until expended: *Provided,* That this amount is available only for the payment of: (1) tax liabilities under section 3221 of the Internal Revenue Code of 1986 due in fiscal year 1994 in excess of amounts needed to fund benefits for individuals who retired from the National Railroad Passenger Corporation and for their beneficiaries; (2) obligations of the National Railroad Passenger Corporation under section 358(a) of title 45, United States Code, due in fiscal year 1994 in excess of its obligations calculated on an experience-rated basis; and (3) obligations of the National Railroad Passenger Corporation due under section 3321 of the Internal Revenue Code of 1986.

RAILROAD REHABILITATION AND IMPROVEMENT PROGRAM

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: *Provided,* That not more than $5,000,000 in loan guarantee commitments shall be made during fiscal year 1994 and $250,000 is hereby made available for the cost of such loan guarantee commitments: *Provided further,* That, notwithstanding any other provision of law, for fiscal year 1989 and each fiscal year thereafter all amounts

realized from the sale of notes or securities sold under authority of this section shall be considered as current year domestic discretionary outlay offsets and not as "asset sales" or "loan prepayments" as defined by section 257(12) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further,* That any underwriting fees and related expenses shall be derived solely from the proceeds of the sales.

NATIONAL MAGNETIC LEVITATION PROTOTYPE DEVELOPMENT

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the planning or execution of the National Magnetic Levitation Prototype Development program as defined in subsections 1036(b) and 1036(d)(1)(A) of the Intermodal Surface Transportation Efficiency Act of 1991.

HIGH-SPEED GROUND TRANSPORTATION

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of the High-Speed Ground Transportation program as defined in subsections 1036(c) and 1036(d)(1)(B) of the Intermodal Surface Transportation Efficiency Act of 1991, $4,000,000, to be derived from the Highway Trust Fund and to remain available until expended: *Provided,* That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $3,500,000 for the "High-Speed Ground Transportation" program.

FEDERAL TRANSIT ADMINISTRATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Federal Transit Administration's programs authorized by the Federal Transit Act and 23 U.S.C. chapter 1 in connection with these activities, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, $21,295,000: *Provided,* That no more than $39,457,000 of budget authority shall be available for these purposes.

FORMULA GRANTS

For necessary expenses to carry out the provisions of sections 9, 16(b)(2), and 18 of the Federal Transit Act, to remain available until expended, $1,284,916,000: *Provided,* That no more than $2,414,867,000 of budget authority shall be available for these purposes: *Provided further,* That of the funds provided under this head for formula grants no more than $802,278,000 may be used for operating assistance under section 9(k)(2) of the Federal Transit Act.

UNIVERSITY TRANSPORTATION CENTERS

For necessary expenses for university transportation centers as authorized by section 11(b) of the Federal Transit Act, to remain available until expended, $3,238,000: *Provided,* That no more than $6,000,000 of budget authority shall be available for these purposes.

TRANSIT PLANNING AND RESEARCH

For necessary expenses for transit planning and research as authorized by section 26 of the Federal Transit Act, to remain available until expended, $48,125,000: *Provided,* That no more than $92,250,000 of budget authority shall be available for these purposes: *Provided further,* That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for training.

TRUST FUND SHARE OF TRANSIT PROGRAMS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out section 21(a) of the Federal Transit Act, $1,195,000,000, to remain available until expended and to be derived from the Highway Trust Fund: *Provided,* That $18,162,000 shall be paid from the Mass Transit Account of the Highway Trust Fund to the Federal Transit Administration's administrative expenses account: *Provided further,* That $1,129,951,000 shall be paid from the Mass Transit Account of the Highway Trust Fund to the Federal Transit Administration's formula grants account: *Provided further,* That $2,762,000 shall be paid from the Mass Transit Account of the Highway Trust Fund to the Federal Transit Administration's university transportation centers account: *Provided further,* That $44,125,000 shall be paid from the Mass Transit Account of the Highway Trust Fund to the Federal Transit Administration's transit planning and research account.

DISCRETIONARY GRANTS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $1,785,000,000 in fiscal year 1994 for grants under the contract authority in section 21(b) of the Federal Transit Act: *Provided,* That notwithstanding any provision of law, there shall be available for fixed guideway modernization, $760,060,000; there shall be available for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities, $357,000,000; and there shall be available for new fixed guideway systems, $667,940,000, as follows—

$10,000,000 for alternatives analysis only for the South Boston Piers Transitway Project;

$24,090,000 for the Chicago Central Area Circulator Project;

$800,000 for the Cleveland Dual Hub Corridor Project;

$9,500,000 for the Boston, Massachusetts to Portland, Maine Commuter Rail Project;

$40,000,000 for the Dallas South Oak Cliff LRT Project;

$39,000,000 for the Houston Regional Bus Plan Program of Projects;

$62,500,000 for the New Jersey Urban Core;

$170,000,000 for the Los Angeles Metro Rail MOS–2 and MOS–3 Projects;

$3,600,000 for alternatives analysis, preliminary engineering, and environmental analysis for the New Orleans Canal Street Corridor Project;

$1,000,000 for the Northeast Ohio Commuter Rail Project;

$500,000 for the South Jersey alternatives analysis;

$15,500,000 for the Orange County Transitway System Project;

$36,700,000 for the Pittsburgh Busway Projects;

$65,000,000 for the New York Queens Connection Project;

$3,000,000 for the Orlando Streetcar Project;

$83,500,000 for the Portland Westside LRT Project;

$1,000,000 for the Sacramento LRT Extension Project;

$28,200,000 for the San Francisco Airport BART Extension Project and the Tasman Corridor LRT Project;

$3,000,000 for preliminary engineering only for the Salt Lake City South LRT Project;

$15,200,000 for the St. Louis METRO Link LRT to Airport Project;

$10,000,000 for the Florida Tri-County Commuter Rail Project;

$2,800,000 for preliminary engineering only for the Twin Cities Central Corridor Project;

$23,500,000 for the Maryland Commuter Rail Project;

$8,000,000 for the Wisconsin Central Commuter Line Project;

$3,000,000 for the Lakewood Freehold and Matawan or Jamesburg Commuter Rail Project;

$6,700,000 for the Hawthorne-Warwick Commuter Rail Project;

$1,350,000 for alternatives analysis for Cincinnati, Ohio Commuter Rail; and

$500,000 for Memphis, Tennessee Regional Rail Plan: *Provided further,* That Public Law 102–388 is amended under Federal Transit Administration, "Discretionary grants" by deleting "not less than $76,500,000 for the Honolulu Rapid Transit Starter Line of Projects;": *Provided further,* That of the funds affected by the preceding proviso, $10,000,000 shall be for the South Boston Piers Transitway, $8,500,000 shall be for the Chicago Central Area Circulator Project, $4,000,000 shall be for the Dallas South Oak Cliff LRT Project, $1,000,000 shall be for the Houston Regional Bus Plan Program of Projects, $5,000,000 shall be for the Pittsburgh Busway Projects, $3,000,000 shall be for the Milwaukee, Wisconsin East-West Corridor Project, and $45,000,000 shall be allocated at the discretion of the Secretary. 106 Stat. 1537.

MASS TRANSIT CAPITAL FUND

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out section 21(b) of the Federal Transit Act, administered by the Federal Transit Administration, $1,000,000,000, to be derived from the Highway Trust Fund and to remain available until expended.

INTERSTATE TRANSFER GRANTS—TRANSIT

For necessary expenses to carry out the provisions of 23 U.S.C. 103(e)(4) related to transit projects, $45,000,000, to remain available until expended.

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

For necessary expenses to carry out the provisions of section 14 of Public Law 96–184 and Public Law 101–551, $200,000,000, to remain available until expended.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operation and maintenance of those portions of the Saint Lawrence Seaway operated and maintained by the Saint Lawrence Seaway Development Corporation, $10,765,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662.

ADDITIONAL HIGHWAY PROJECTS

APPALACHIAN CORRIDOR IMPROVEMENT PROJECT

For 80 percent of the expenses necessary to continue construction on Kentucky Corridor B and West Virginia Corridor L of the Appalachian Development Highway System, as authorized by section 1069(y) of Public Law 102–240, $57,000,000.

CUMBERLAND GAP TUNNEL PROJECT

For expenses necessary for the Cumberland Gap Tunnel Project, as authorized by section 1069(c) of Public Law 102–240, $6,000,000.

LOCK AND DAM NO. 4 BRIDGE

For 80 percent of the expenses necessary for the Lock and Dam No. 4 bridge in Pine Bluff, Arkansas, $4,000,000.

MINEOLA GRADE CROSSING

(HIGHWAY TRUST FUND)

For 80 percent of the expenses necessary for the Mineola, New York grade crossing project, as authorized by Public Law 99–591, $7,800,000, to be derived from the Highway Trust Fund and to remain available until expended.

CONGESTION MITIGATION

For 80 percent of the expenses necessary for the Syracuse, New York congestion mitigation project, as authorized by section 1069(bb) of Public Law 102–240, $1,600,000.

CROSS WESTCHESTER EXPRESSWAY

For 80 percent of the expenses necessary for the I–287 Cross Westchester, New York Expressway high occupancy vehicle lane project, as authorized by section 1069(ff) of Public Law 102–240, $9,800,000.

SCHENECTADY BRIDGE

For 80 percent of the expenses necessary for construction of the Exit 26 bridge in Schenectady County, New York, as authorized by section 1069(b) of Public Law 102–240, $3,200,000.

COLUMBIA GORGE HIGHWAY

For 80 percent of the expenses necessary for the Hood River to Mosier Connection project, as authorized by section 16(b)(3) of Public Law 99–663, $2,500,000.

MANASSAS BATTLEFIELD BYPASS

For 75 percent of the expenses necessary for the Manassas Battlefield highway projects, as authorized by section 10004(d) of Public Law 100–647, $3,000,000.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

HAZARDOUS MATERIALS SAFETY

For expenses necessary to discharge the functions of Hazardous Materials Safety and for expenses for conducting research and development, $12,600,000, of which $1,364,000 shall remain available until expended: *Provided,* That up to $1,000,000 in fees collected under section 106(c)(11) of the Hazardous Materials Transportation Act (49 U.S.C. App. 1805(c)(11)) shall be deposited in the general fund of the Treasury as offsetting receipts: *Provided further,* That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, and for reports publication and dissemination.

AVIATION INFORMATION MANAGEMENT

For expenses necessary to discharge the functions of Aviation Information Management, $2,521,000: *Provided,* That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for aviation information management: *Provided further,* That, notwithstanding any other provision of law, there may be credited to this appropriation up to $1,000,000 in funds received from user fees established to support the electronic tariff filing system: *Provided further,* That there may be credited to this appropriation funds received from user fees established to defray the costs of obtaining, preparing, and publishing in automatic data processing tape format the United States International Air Travel Statistics data base published by the Department.

EMERGENCY TRANSPORTATION

For expenses necessary to discharge the functions of Emergency Transportation and for expenses for conducting research and development, $842,000: *Provided,* That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, and for reports publication and dissemination.

RESEARCH AND TECHNOLOGY

For expenses necessary to discharge the functions of Research and Technology and for expenses for conducting research and development, $1,766,000, of which $585,000 shall remain available until expended: *Provided,* That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, and for reports publication and dissemination.

PROGRAM AND ADMINISTRATIVE SUPPORT

For expenses necessary to discharge the functions of Program and Administrative Support, $6,279,000, of which $180,000 shall be derived from the Pipeline Safety Fund: *Provided,* That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, and for reports publication and dissemination: *Provided further,* That no employees other than those compensated under this appropriation shall serve in the Office of the Administrator, the Office of Policy and Programs, the Office of Management and Administration, and the Office of the Chief Counsel.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by section 5 of the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979, and to discharge the pipeline program responsibilities

of the Oil Pollution Act of 1990, $19,376,000; of which $2,449,000 shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended; and of which $16,927,000 shall be derived from the Pipeline Safety Fund, of which $8,400,000 shall remain available until expended.

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out section 117A(i)(3)(B) of the Hazardous Materials Transportation Act, as amended, $400,000 to be derived from the Emergency Preparedness Fund, to remain available until expended: *Provided,* That not more than $11,000,000 shall be made available for obligation in fiscal year 1994 for amounts made available by section 117A (h)(6)(B) and (i) (1), (2) and (4) and section 118 of the Hazardous Materials Transportation Act, as amended: *Provided further,* That such amounts shall only be available to the Secretary of Transportation and the National Institute of Environmental Health Sciences.

OFFICE OF THE INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of the Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, $39,000,000: *Provided,* That not more than $1,000,000 of the funds made available under this head shall be available for implementation of Public Law 101–576.

TITLE II—RELATED AGENCIES

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

SALARIES AND EXPENSES

For expenses necessary for the Architectural and Transportation Barriers Compliance Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, $3,348,000: *Provided,* That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS–18; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902), $37,105,000, of which not to exceed $1,000 may be used for official reception and representation expenses.

INTERSTATE COMMERCE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Interstate Commerce Commission, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b), and not to exceed $1,500 for official reception and representation expenses, $44,960,000: *Provided,* That joint board members and cooperating State commissioners may use Government transportation requests when traveling in connection with their official duties as such: *Provided further,* That $7,300,000 in fees collected in fiscal year 1994 by the Interstate Commerce Commission pursuant to 31 U.S.C. 9701 shall be made available to this appropriation in fiscal year 1994.

49 USC 10344 note.

PAYMENTS FOR DIRECTED RAIL SERVICE

(LIMITATION ON OBLIGATIONS)

None of the funds provided in this Act shall be available for the execution of programs the obligations for which can reasonably be expected to exceed $475,000 for directed rail service authorized under 49 U.S.C. 11125 or any other Act.

PANAMA CANAL COMMISSION

PANAMA CANAL REVOLVING FUND

For administrative expenses of the Panama Canal Commission, including not to exceed $11,000 for official reception and representation expenses of the Board; not to exceed $5,000 for official reception and representation expenses of the Secretary; and not to exceed $30,000 for official reception and representation expenses of the Administrator, $51,742,000, to be derived from the Panama Canal Revolving Fund: *Provided,* That none of these funds may be used for the planning or execution of nonadministrative and capital programs the obligations for which are in excess of $540,000,000 in fiscal year 1994: *Provided further,* That funds available to the Panama Canal Commission shall be available for the purchase of not to exceed thirty-five passenger motor vehicles for replacement only (including large heavy-duty vehicles used to transport Commission personnel across the Isthmus of Panama), the purchase price of which shall not exceed $19,000 per vehicle.

DEPARTMENT OF THE TREASURY

REBATE OF SAINT LAWRENCE SEAWAY TOLLS

(HARBOR MAINTENANCE TRUST FUND)

For rebate of the United States portion of tolls paid for use of the Saint Lawrence Seaway, pursuant to Public Law 99-662, $9,707,000, to remain available until expended and to be derived from the Harbor Maintenance Trust Fund, of which not to exceed $225,000 shall be available for expenses of administering the rebates.

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

INTEREST PAYMENTS

For necessary expenses for interest payments, to remain available until expended, $51,663,569: *Provided,* That these funds shall be disbursed pursuant to terms and conditions established by Public Law 96–184 and the Initial Bond Repayment Participation Agreement.

TITLE III—GENERAL PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

SEC. 301. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 302. Funds for the Panama Canal Commission may be apportioned notwithstanding 31 U.S.C. 1341 to the extent necessary to permit payment of such pay increases for officers or employees as may be authorized by administrative action pursuant to law that are not in excess of statutory increases granted for the same period in corresponding rates of compensation for other employees of the Government in comparable positions.

SEC. 303. Funds appropriated under this Act for expenditures by the Federal Aviation Administration shall be available (1) except as otherwise authorized by the Act of September 30, 1950 (20 U.S.C. 236–244), for expenses of primary and secondary schooling for dependents of Federal Aviation Administration personnel stationed outside the continental United States at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of such dependents, and (2) for transportation of said dependents between schools serving the area that they attend and their places of residence when the Secretary, under such regulations as may be prescribed, determines that such schools are not accessible by public means of transportation on a regular basis. 20 USC 241 note.

SEC. 304. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS–18.

SEC. 305. None of the funds for the Panama Canal Commission may be expended unless in conformance with the Panama Canal Treaties of 1977 and any law implementing those treaties.

SEC. 306. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 307. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 308. None of the funds in this Act shall be available for the planning or implementation of any change in the current Federal status of the Volpe National Transportation Systems Center, and none of the funds in this Act shall be available for the implementation of any change in the current Federal status of the Turner-Fairbank Highway Research Center: *Provided,* That the Secretary may plan for further development of the Volpe National Transportation Systems Center and for other compatible uses of the Center's real property: *Provided further,* That any such planning does not alter the Federal status of the Center's research and development operation.

Contracts. Public information.

SEC. 309. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

23 USC 104 note.

SEC. 310. (a) For fiscal year 1994 the Secretary of Transportation shall distribute the obligation limitation for Federal-aid highways by allocation in the ratio which sums authorized to be appropriated for Federal-aid highways that are apportioned or allocated to each State for such fiscal year bear to the total of the sums authorized to be appropriated for Federal-aid highways that are apportioned or allocated to all the States for such fiscal year.

(b) During the period October 1 through December 31, 1993, no State shall obligate more than 25 per centum of the amount distributed to such State under subsection (a), and the total of all State obligations during such period shall not exceed 15 per centum of the total amount distributed to all States under such subsection.

(c) Notwithstanding subsections (a) and (b), the Secretary shall—

(1) provide all States with authority sufficient to prevent lapses of sums authorized to be appropriated for Federal-aid highways that have been apportioned to a State, except in those instances in which a State indicates its intention to lapse sums apportioned under section 104(b)(5)(A) of title 23, United States Code;

(2) after August 1, 1994, revise a distribution of the funds made available under subsection (a) if a State will not obligate the amount distributed during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year giving priority to those States having large unobligated balances of funds apportioned under sections 103(e)(4), 104 and 144 of title 23, United States Code, and under sections 1013(c) and 1015 of Public Law 102–240;

(3) not distribute amounts authorized for administrative expenses, the Federal lands highway program, the intelligent vehicle highway systems program, and amounts made available under sections 1040, 1047, 1064, 6001, 6006, 6023, and 6024 of Public Law 102–240, and not more than $1,050,000 for section 5002 of Public Law 102–240 and $458,629 for the National Commission on Intermodal Transportation authorized by section 5005 of Public Law 102–240. Amounts for section 5002 and section 5005 of Public Law 102–240 shall be deemed

necessary for administration under section 104(a) of title 23, United States Code; and

(4) notwithstanding subsection (a), the Secretary shall withhold from initial distribution the fiscal year 1994 Federal-aid highways obligation limitation set aside for Interstate Construction Discretionary projects: *Provided,* That the Secretary shall distribute only after August 1, 1994, such obligation limitation withheld in accordance with this section to those States receiving Interstate Discretionary allocations.

(d) During the period October 1 through December 31, 1993, the aggregate amount of obligations under section 157 of title 23, United States Code, for projects covered under section 147 of the Surface Transportation Assistance Act of 1978, section 9 of the Federal-Aid Highway Act of 1981, sections 131(b), 131(j), and 404 of Public Law 97–424, sections 1061, 1103 through 1109, 4008, and 6023(b)(8) and 6023(b)(10) of Public Law 102–240, and for projects authorized by Public Law 99–500 and Public Law 100–17, shall not exceed $302,551,350.

(e) During the period August 2 through September 30, 1994, the aggregate amount which may be obligated by all States pursuant to paragraph (d) shall not exceed 2.5 percent of the aggregate amount of funds apportioned or allocated to all States—

(1) under sections 104 and 144 of title 23, United States Code, and 1013(c) and 1015 of Public Law 102–240, and

(2) for highway assistance projects under section 103(e)(4) of title 23, United States Code,

which would not be obligated in fiscal year 1994 if the total amount of the obligation limitation provided for such fiscal year in this Act were utilized.

(f) Paragraph (e) shall not apply to any State which on or after August 1, 1994, has the amount distributed to such State under paragraph (a) for fiscal year 1994 reduced under paragraph (c)(2).

SEC. 311. None of the funds in this Act shall be available for salaries and expenses of more than one hundred and ten political and Presidential appointees in the Department of Transportation: *Provided,* That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.

SEC. 312. Not to exceed $1,500,000 of the funds provided in this Act for the Department of Transportation shall be available for the necessary expenses of advisory committees.

SEC. 313. The limitation on obligations for the programs of the Federal Transit Administration shall not apply to any authority under section 21 of the Federal Transit Act, previously made available for obligation, or to any other authority previously made available for obligation under the Discretionary Grants program. 49 USC app. 1617 note.

SEC. 314. None of the funds in this Act shall be available for the construction of, or any other costs related to, the Central Automated Transit System (Downtown People Mover) in Detroit, Michigan.

SEC. 315. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

SEC. 316. The Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: *Provided,* That no appropriation shall be increased or decreased by more

than 12 per centum by all such transfers: *Provided further,* That any such transfer shall be submitted for approval to the House and Senate Committees on Appropriations.

SEC. 317. Such sums as may be necessary for fiscal year 1994 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act.

SEC. 318. None of the funds in this Act shall be available to plan, finalize, or implement regulations that would establish a vessel traffic safety fairway less than five miles wide between the Santa Barbara Traffic Separation Scheme and the San Francisco Traffic Separation Scheme.

49 USC app. 2205 note.

SEC. 319. Notwithstanding any other provision of law, airports may transfer, without consideration, to the Federal Aviation Administration instrument landing systems (along with associated approach lighting equipment and runway visual range equipment) which conform to Federal Aviation Administration design and performance specifications, the purchase of which was assisted by a Federal airport aid program, airport development aid program or airport improvement program grant. The Federal Aviation Administration shall accept such equipment, which shall thereafter be operated and maintained by the Federal Aviation Administration in accordance with agency criteria.

SEC. 320. None of the funds made available in this Act may be used by the Federal Aviation Administration for a new national weather graphics system.

SEC. 321. None of the funds in this Act shall be available to award a multiyear contract for production end items that (1) includes economic order quantity or long lead time material procurement in excess of $10,000,000 in any one year of the contract or (2) includes a cancellation charge greater than $10,000,000 which at the time of obligation has not been appropriated to the limits of the government's liability or (3) includes a requirement that permits performance under the contract during the second and subsequent years of the contract without conditioning such performance upon the appropriation of funds: *Provided,* That this limitation does not apply to a contract in which the Federal Government incurs no financial liability from not buying additional systems, subsystems, or components beyond the basic contract requirements.

SEC. 322. None of the funds provided in this Act shall be made available for planning and executing a passenger manifest program by the Department of Transportation that only applies to United States flag carriers.

SEC. 323. None of the funds in this Act shall be available for the planning or implementation of any change in the current Federal status of the Federal Aviation Administration's flight service stations at Red Bluff Airport in Red Bluff, California, and Tri-City Airport in Bristol, Tennessee.

Grants.

SEC. 324. Of the funds provided for "Research, development, test, and evaluation" in this Act, the Coast Guard shall utilize $1,000,000 to enter into a grant agreement with the International Oceanographic Foundation, Inc. for research activities at the South Florida oil spill research center.

SEC. 325. None of the funds made available in this Act may be used to implement, administer, or enforce the provisions of section 1038(d) of Public Law 102–240.

SEC. 326. Notwithstanding any other provision of law, and except for fixed guideway modernization projects, funds made avail-

able by this Act or previous Acts under "Federal Transit Administration, Discretionary Grants" for projects specified in this Act or previous Acts or identified in reports accompanying this Act or previous Acts not obligated by September 30, 1996, shall be made available for other projects under section 3 of the Federal Transit Act, as amended.

SEC. 327. Funds appropriated in Public Laws 101–516, 102–143, and 102–388 for a structure to replace the bridge over the 17th Street Causeway in Fort Lauderdale, Florida, may be used either for a replacement bridge or a tunnel.

SEC. 328. None of the funds provided by this Act shall be made available to any State, municipality or subdivision thereof that diverts revenue generated by a public airport in violation of the provisions of the Airport and Airway Improvement Act of 1982, as amended.

SEC. 329. None of the funds in this Act shall be available to implement or enforce regulations that would result in the withdrawal of a slot from an air carrier at O'Hare International Airport under section 93.223 of title 14 of the Code of Federal Regulations in excess of the total slots withdrawn from that air carrier as of October 31, 1993 if such additional slot is to be allocated to an air carrier or foreign air carrier under section 93.217 of title 14 of the Code of Federal Regulations.

SEC. 330. None of the funds in this Act may be used for the planning, design or construction of an additional air carrier runway at Tulsa International Airport.

SEC. 331. None of the funds made available by this Act may be obligated or expended to design, construct, erect, modify or otherwise place any sign in any State relating to any speed limit, distance, or other measurement on any highway if such sign establishes such speed limit, distance, or other measurement using the metric system.

SEC. 332. None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c; popularly known as the "Buy American Act").

SEC. 333. None of the funds provided by this Act shall be made available for any airport development project, or projects, proposed in any grant application submitted in accordance with title V of Public Law 97–248 (96 Stat. 671; 49 U.S.C. App. 2201 et seq.) to any public agency, public authority, or public airport that imposes a fee for any passenger enplaning at the airport in any instance where the passenger did not pay for the air transportation which resulted in such enplanement, including any case in which the passenger obtained the ticket for the air transportation with a frequent flyer award coupon.

New York.

SEC. 334. Notwithstanding any other provisions of law, tolls collected for motor vehicles on any bridge connecting the boroughs of Brooklyn, New York, and Staten Island, New York, shall continue to be collected for only those vehicles exiting from such bridge in Staten Island.

SEC. 335. None of the funds provided in this Act shall be used to remote radar coverage from the Roswell, New Mexico, airport unless the Federal Aviation Administration shows a significant cost savings by remote radar coverage based upon a cost study applying (1) actual personnel staffing levels used at com-

parable facilities, and (2) the actual equipment costs based on integration with existing systems rather than acquisition of wholly redundant systems. The Federal Aviation Administration will report back to the House and Senate Committees on Appropriations with an appropriate study not later than December 31, 1993.

Reports.

SEC. 336. Monies previously appropriated for the Chattanooga fixed rail project out of the section 3 "New Construction" account shall be made available for the Chattanooga electric vehicle project through the "Bus and Bus Facilities" account.

SEC. 337. Funds previously appropriated for Project Breakeven in Portland, Oregon, may, upon application by Tri-Met to the Federal Transit Administration, be expended on the Westside Light Rail Project in the Portland metropolitan region.

Alaska.

SEC. 338. The Administrator of the Federal Aviation Administration, pursuant to the Federal Aviation Administration's participation in the National Implementation Plan for the Modernization and Associated Restructuring of the National Weather Service, shall install seven standard Federal Aviation Administration redundant configuration NEXRAD radar systems, to provide coverage to each of the following areas in Alaska: Anchorage; Sitka; King Salmon; Middleton Island; Fairbanks; Nome; and Bethel: *Provided,* That the Administrator of the Federal Aviation Administration shall submit a study to the House and Senate Committees on Appropriations on the adequacy and effect on aviation safety of installing fewer than nine NEXRAD systems in Alaska.

Florida.

SEC. 339. (a) The Secretary of Transportation shall permit the obligation of not to exceed $4,000,000, apportioned under title 23, United States Code, section 104(b)(5)(B) for the State of Florida for operating expenses of the Tri-County Commuter Rail project in the area of Dade, Broward, and Palm Beach Counties, Florida, during each year that Interstate 95 is under reconstruction in such area.

North Carolina.

(b) The Secretary of Transportation shall permit the obligation of not to exceed $9,000,000, apportioned under title 23, United States Code, section 104(b)(1) for the State of North Carolina for capital improvements for their Rail Impact project in the Interstate 40/85 corridor from Raleigh to Charlotte during reconstruction of Interstate 40/85.

Reports.

SEC. 340. None of the funds appropriated by this Act shall be available for use for closing or otherwise reducing the services of any flight service station in the State of Alaska in operation on the date of the enactment of this Act, until after the expiration of the 90-day period following the date that the Secretary of Transportation has reported to Congress regarding the effects on safety of the flight service station closing and reduction in services plan being carried out by the Federal Aviation Administration in the State of Alaska on the date immediately preceding the date of the enactment of this Act. Such report shall be submitted no later than 90 days after enactment of this Act.

45 USC 563 note.

SEC. 341. If any State or local interest, within one year following the date of the enactment of this Act, can demonstrate to the satisfaction of the National Railroad Passenger Corporation that such State or local interest can cover any potential operating losses including the cost of equipment depreciation, or that the National Railroad Passenger Corporation will not incur or absorb any part of operational losses including the cost of equipment depreciation due to the initiation of new State-supported service, the Corporation

shall initiate such new service: *Provided,* That the corporation determines equipment is available to initiate such service.

This Act may be cited as the "Department of Transportation and Related Agencies Appropriations Act, 1994".

Approved October 27, 1993.

LEGISLATIVE HISTORY—H.R. 2750:

HOUSE REPORTS: Nos. 103-190 (Comm. on Appropriations) and 103-300 (Comm. of Conference).
SENATE REPORTS: No. 103-150 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 139 (1993):
Sept. 22, 23, considered and passed House.
Oct. 4, 6, considered and passed Senate, amended.
Oct. 21, House agreed to conference report; receded and concurred in certain Senate amendments, in others with amendments. Senate agreed to conference report; concurred in House amendments.

Public Law 103-123
103d Congress

An Act

Oct. 28, 1993
[H.R. 2403]

Making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1994, and for other purposes.

Treasury, Postal Service, and General Government Appropriations Act, 1994.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1994, and for other purposes, namely:

Treasury Department Appropriations Act, 1994.

TITLE I

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business; not to exceed $2,900,000 for official travel expenses; not to exceed $100,000 for official reception and representation expenses, of which $75,000 is for such expenses of the international affairs function of the Offices; of which not less than $6,352,000 shall be available for enforcement activities; not to exceed $1,500,000 to remain available until expended shall be available for systems modernization requirements; not to exceed $258,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate; not to exceed $488,000, to remain available until expended, for repairs and improvements to the Main Treasury Building and Annex; $105,150,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, hire of passenger motor vehicles; not to exceed

$2,000,000 for official travel expenses; not to exceed $100,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury; $28,897,000, of which $300,000 shall remain available until expended for the Inspectors General Auditor Training Institute.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; not to exceed $4,000 for official reception and representation expenses; $18,280,000.

TREASURY FORFEITURE FUND

(LIMITATION OF AVAILABILITY OF DEPOSITS)

For necessary expenses of the Treasury Forfeiture Fund, as authorized by Public Law 102–393, not to exceed $32,500,000, to be derived from deposits in the Fund.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, as a bureau of the Department of the Treasury, including purchase (not to exceed fifty-two for police-type use) and hire of passenger motor vehicles; for expenses for student athletic and related activities; uniforms without regard to the general purchase price limitation for the current fiscal year; the conducting of and participating in firearms matches and presentation of awards; for public awareness and enhancing community support of law enforcement training; not to exceed $7,000 for official reception and representation expenses; room and board for student interns; and services as authorized by 5 U.S.C. 3109: *Provided,* That the Center is authorized to accept gifts: *Provided further,* That notwithstanding any other provision of law, students attending training at any Federal Law Enforcement Training Center site shall reside in on-Center or Center-provided housing, insofar as available and in accordance with Center policy: *Provided further,* That funds appropriated in this account shall be available for State and local government law enforcement training on a space-available basis; training of foreign law enforcement officials on a space-available basis with reimbursement of actual costs to this appropriation; training of private sector security officials on a space available basis with reimbursement of actual costs to this appropriation; travel expenses of non-Federal personnel to attend State and local course development meetings at the Center: *Provided further,* That the Director of the Federal Law Enforcement Training Center shall annually present an award to be accompanied by a gift of intrinsic value to the outstanding student who graduated from a basic training program at the Center during the previous fiscal year, to be funded by donations received through the Center's gift authority: *Provided further,* That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training at the

Awards.
42 USC 3771 note.

Federal Law Enforcement Training Center: *Provided further,* That the Federal Law Enforcement Training Center is authorized to provide short term medical services for students undergoing training at the Center; $47,445,000.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For expansion of the Federal Law Enforcement Training Center, for acquisition of necessary additional real property and facilities, and for ongoing maintenance, facility improvements, and related expenses, $12,712,000, to remain available until expended.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Financial Management Service, $209,877,000, of which not to exceed $11,539,000, shall remain available until expended for systems modernization initiatives.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco and Firearms, including purchase of not to exceed six hundred and fifty vehicles for police-type use for replacement only and hire of passenger motor vehicles; hire of aircraft; and services of expert witnesses at such rates as may be determined by the Director; for payment of per diem and/or subsistence allowances to employees where an assignment to the National Response Team during the investigation of a bombing or arson incident requires an employee to work 16 hours or more per day or to remain overnight at his or her post of duty; not to exceed $10,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement; provision of laboratory assistance to State and local agencies, with or without reimbursement; $366,446,000, not to exceed $100,000 shall be available for hosting or participating in the Interagency Committee on Women in Federal Law Enforcement Conference, the Law Enforcement Explorer Scouts Conference, and the International Asian Organized Crime Conference, of which $22,000,000 shall be available solely for the enforcement of the Federal Alcohol Administration Act during fiscal year 1994 and, of which not to exceed $1,000,000 shall be available for the payment of attorneys' fees as provided by 18 U.S.C. 924(d)(2); and of which $1,000,000 shall be available for the equipping of any vessel, vehicle, equipment, or aircraft available for official use by a State or local law enforcement agency if the conveyance will be used in drug-related joint law enforcement operations with the Bureau of Alcohol, Tobacco and Firearms and for the payment of overtime salaries, travel, fuel, training, equipment, and other similar costs of State and local law enforcement officers that are incurred in joint operations with the Bureau of Alcohol, Tobacco and Firearms: *Provided,* That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): *Provided further,* That

such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under 18 U.S.C. section 925(c): *Provided further,* That no funds made available by this or any other Act may be used to implement any reorganization of the Bureau of Alcohol, Tobacco and Firearms or transfer of the Bureau's functions, missions, or activities to other agencies or Departments in the fiscal year ending on September 30, 1994: *Provided further,* That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of the Treasury, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Customs Service, including purchase of up to 1,000 motor vehicles of which 960 are for replacement only, including 990 for police-type use and commercial operations; hire of motor vehicles; not to exceed $20,000 for official reception and representation expenses; and awards of compensation to informers, as authorized by any Act enforced by the United States Customs Service; $1,350,668,000, of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Reconciliation Act of 1985, as amended (19 U.S.C. 58c(f)(3)), shall be derived from that Account; of the total, not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations, and not to exceed $4,000,000 shall be available until expended for research: *Provided,* That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further,* That none of the funds made available by this Act shall be available for administrative expenses to pay any employee overtime pay in an amount in excess of $25,000: *Provided further,* That the Commissioner or the Commissioner's designee may waive this limitation in individual cases in order to prevent excessive costs or to meet emergency requirements of the Service: *Provided further,* That no funds appropriated by this Act may be used to reduce to single eight-hour shifts at airports and that all current services as provided by the Customs Service shall continue through September 30, 1994: *Provided further,* That not less than $750,000 shall be expended for additional part-time and temporary positions in the Honolulu Customs District.

OPERATION AND MAINTENANCE, AIR AND MARINE INTERDICTION PROGRAMS

For expenses, not otherwise provided for, necessary for the operation and maintenance of marine vessels, aircraft, and other related equipment of the Air and Marine Programs, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction and demand reduction programs: *Provided,* That no aircraft or other related equipment shall be transferred to any other Federal agency, Depart-

ment, or office outside of the Department of the Treasury during fiscal year 1994; $47,863,000.

OPERATIONS AND MAINTENANCE, CUSTOMS P–3 DRUG INTERDICTION PROGRAM

For necessary expenses of operations, maintenance, modifications to, spare parts and related equipment for Customs P–3 surveillance aircraft for carrying out drug interdiction purposes; $28,000,000.

AIR AND MARINE INTERDICTION PROGRAMS, PROCUREMENT

For the procurement, construction, and modification of aircraft and marine vessels, equipment, radar, spare parts, and accessories therefor of the air and marine interdiction programs; $21,093,000, to remain available until expended.

CUSTOMS FACILITIES, CONSTRUCTION, IMPROVEMENTS AND RELATED EXPENSES

For acquisition of necessary additional real property, facilities, construction, improvements, and related expenses of the United States Customs Service, $5,000,000, to remain available until expended.

CUSTOMS SERVICES AT SMALL AIRPORTS

(TO BE DERIVED FROM FEES COLLECTED)

Such sums as may be necessary, not to exceed $1,406,000, for expenses for the provision of Customs services at certain small airports or other facilities when authorized by law and designated by the Secretary of the Treasury, including expenditures for the salary and expenses of individuals employed to provide such services, to be derived from fees collected by the Secretary of the Treasury pursuant to section 236 of Public Law 98–573 for each of these airports or other facilities when authorized by law and designated by the Secretary of the Treasury, and to remain available until expended.

UNITED STATES MINT

SALARIES AND EXPENSES

For necessary expenses of the United States Mint; $54,770,000, including amounts for purchase and maintenance of uniforms not to exceed $285 multiplied by the number of employees of the agency who are required by regulation or statute to wear a prescribed uniform in the performance of official duties; and of which $1,517,000 shall remain available until expended for expansion and improvements.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States; $187,209,000.

PAYMENT OF GOVERNMENT LOSSES IN SHIPMENT

For necessary expenses for "Payment of Government Losses in Shipment", $500,000, to remain available until expended.

INTERNAL REVENUE SERVICE

ADMINISTRATION AND MANAGEMENT

For necessary expenses of the Internal Revenue Service, not otherwise provided for; executive direction, management services, and internal audit and security; including purchase (not to exceed 125 for replacement only, for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; $167,822,000, of which not to exceed $25,000 for official reception and representation expenses.

PROCESSING TAX RETURNS AND ASSISTANCE

For necessary expenses of the Internal Revenue Service, not otherwise provided for; including processing tax returns; revenue accounting; statistics of income; providing assistance to taxpayers; hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; $1,696,853,000, of which $3,700,000 shall be for the Tax Counseling for the Elderly Program, no amount of which shall be available for IRS administrative costs.

TAX LAW ENFORCEMENT

For necessary expenses of the Internal Revenue Service for determining and establishing tax liabilities; tax and enforcement litigation; technical rulings; examining employee plans and exempt organizations; investigation and enforcement activities; securing unfiled tax returns; collecting unpaid accounts; the purchase (for police-type use, not to exceed 600, of which not to exceed 450 shall be for replacement only), and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner: *Provided,* That additional amounts above fiscal year 1993 levels for international tax enforcement shall be used for the establishment and operation of a task force comprised of senior Internal Revenue Service Attorneys, accountants, and economists dedicated to enforcement activities related to United States subsidiaries of foreign-controlled corporations that are in non-compliance with the Internal Revenue Code: *Provided further,* That additional amounts above fiscal year 1993 levels for the information reporting program shall be used instead for the examination of the tax returns of high-income and high-asset taxpayers; $4,007,962,000, of which not to exceed $1,000,000 shall remain available until expended for research; and of which not less than $350,000,000 shall be available for tax fraud investigation activities.

INFORMATION SYSTEMS

For necessary expenses for data processing and telecommunications support for Internal Revenue Service activities, including: returns processing and services; compliance and enforcement; pro-

gram support; and tax systems modernization; and for the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner: $1,471,448,000, of which not less than $570,166,000 is for tax systems modernization, and of which not to exceed $60,000,000 shall remain available until expended for other systems development projects: *Provided,* That of the amounts provided for tax systems modernization not to exceed $125,000,000 shall remain available until expended: *Provided further,* That none of the funds appropriated for tax systems modernization may be obligated until the Commissioner of the Internal Revenue Service reports to the Committees on Appropriations of the House and Senate on the implementation of Tax Systems Modernization.

Reports.

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

SECTION 1. Not to exceed 4 per centum of any appropriation made available to the Internal Revenue Service for the current fiscal year by this Act may be transferred to any other Internal Revenue Service appropriation upon the approval of the House and Senate Committees on Appropriations.

26 USC 7803 note.

SEC. 2. The Internal Revenue Service shall institute and maintain a training program to insure that Internal Revenue Service employees are trained in taxpayers' rights, in dealing courteously with the taxpayers, and in cross-cultural relations.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase (not to exceed three hundred and forty-three vehicles for police-type use for replacement only) and hire of passenger motor vehicles; hire of aircraft; training and assistance requested by State and local governments, which may be provided without reimbursement; services of expert witnesses at such rates as may be determined by the Director; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; for payment of per diem and/or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee require an employee to work 16 hours per day or to remain overnight at his or her post of duty; the conducting of and participating in firearms matches; presentation of awards; and for travel of Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act: *Provided,* That approval is obtained in advance from the House and Senate Committees on Appropriations; for repairs, alterations, and minor construction at the James J. Rowley Secret Service Training Center; for research and development; for making grants to conduct behavioral research in support of protective research and operations; not to exceed $12,500 for official reception and representation expenses; not to exceed $50,000 to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; for payment in advance for commercial accommodations as may be necessary to perform protective functions; and for uniforms without regard

to the general purchase price limitation for the current fiscal year; $461,931,000, of which not to exceed $300,000 shall be made available for the protection at the one non-governmental property designated by the President of the United States and $70,000 at the airport facility used for travel en route to or from such property under provisions of section 12 of the Presidential Protection Assistance Act of 1976 (18 U.S.C. 3056 note).

GENERAL PROVISIONS—DEPARTMENT OF THE TREASURY

SECTION 101. Of the funds appropriated by this or any other Act to the Internal Revenue Service, amounts attributable to efficiency savings for fiscal year 1994 shall be identified as such by the Commissioner during that fiscal year: *Provided,* That in the fiscal year when the savings are realized, the amount of efficiency savings shall be non-recurred from the Internal Revenue Service budget base: *Provided further,* That on an annual basis, the Internal Revenue Service shall report to the House and Senate Appropriations Committees on the status of the program. Reports.

SEC. 101A. Any obligation or expenditure by the Secretary in connection with law enforcement activities of a Federal agency or a Department of the Treasury law enforcement organization in accordance with 31 U.S.C. 9703(g)(4)(B) from unobligated balances remaining in the Fund on September 30, 1994, shall be made in compliance with the reprogramming guidelines contained in the House and Senate reports accompanying H.R. 2403, An Act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1994.

SEC. 102. Appropriations to the Treasury Department in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitation for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

SEC. 103. Not to exceed 2 per centum of any appropriations in this Act for the Department of the Treasury may be transferred between such appropriations. Notwithstanding any authority to transfer funds between appropriations contained in this or any other Act, no transfer may increase or decrease any appropriation in this Act by more than 2 per centum and any such proposed transfers shall be approved in advance by the Committees on Appropriations of the House and Senate.

SEC. 104. None of the funds appropriated by this title shall be used in connection with the collection of any underpayment of any tax imposed by the Internal Revenue Code of 1954 unless the conduct of officers and employees of the Internal Revenue Service in connection with such collection complies with subsection (a) of section 805 (relating to communications in connection with debt collection), and section 806 (relating to harassment or abuse), of the Fair Debt Collection Practices Act (15 U.S.C. 1692).

Establishment.
31 USC 301 note.

SEC. 105. Notwithstanding any other provision of law, the Secretary of the Treasury shall establish an Office of the Undersecretary for Enforcement within the Department of the Treasury by no later than February 15, 1994.

SEC. 106. (a) Notwithstanding any other provision of law, hereafter, for purposes of complying with Executive Order No. 12839 and guidance issued thereunder, the number of civilian personnel positions that the Department of the Treasury may be required to eliminate in fiscal year 1994 and in fiscal year 1995 shall not exceed a number determined for each year by multiplying a fiscal year 1993 base which excludes all exempt positions by the applicable percentages in Executive Order No. 12839.

(b) For the purposes of this section, "exempt position" means a personnel position in the Department of the Treasury which the Secretary of the Treasury determines to be primarily employed in law enforcement.

Confidentiality.
26 USC 6103 note.

SEC. 107. The Internal Revenue Service shall institute policies and procedures which will safeguard the confidentiality of taxpayer information.

AMENDMENTS TO TITLE 5

SEC. 108. (a) Title 5 of the United States Code is amended—

(1) in section 5316, by striking "Commissioner of Customs, Department of the Treasury."; and

(2) in section 5315, by adding at the end "Commissioner of Customs, Department of the Treasury.".

Effective date.
5 USC 5315 note.

(b) The amendments made by this section shall take effect on the first applicable pay period after enactment.

SEC. 109. Notwithstanding any other provision of this Act, aircraft which is one-of-a-kind and has been identified as excess to Customs requirements, and aircraft which is damaged beyond repair, may be transferred from the Department of the Treasury during fiscal year 1994 upon the advance approval of the House and Senate Committees on Appropriations.

SEC. 110. The funds provided to the Bureau of Alcohol, Tobacco and Firearms for fiscal year 1994 in this Act for the enforcement of the Federal Alcohol Administration Act shall be expended in a manner so as not to diminish enforcement efforts with respect to section 105 of the Federal Alcohol Administration Act.

This title may be cited as the "Treasury Department Appropriations Act, 1994".

Postal Service Appropriations Act, 1994.

TITLE II—POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsection (c) of section 2401 of title 39, United States Code; $91,434,000: *Provided,* That mail for overseas voting and mail for the blind shall continue to be free: *Provided further,* That six-day delivery and rural delivery of mail shall continue at not less than the 1983 level: *Provided further,* That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee

39 USC 403 note.

for information requested or provided concerning an address of a postal customer: *Provided further,* That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in the fiscal year ending on September 30, 1994.

PAYMENT TO THE POSTAL SERVICE FUND FOR NONFUNDED LIABILITIES

For payment to the Postal Service Fund for meeting the liabilities of the former Post Office Department to the Employees' Compensation Fund pursuant to 39 U.S.C. 2004, $38,803,000.

This title may be cited as the "Postal Service Appropriations Act, 1994".

TITLE III

Executive Office Appropriations Act, 1994.

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

COMPENSATION OF THE PRESIDENT

For compensation of the President, including an expense allowance at the rate of $50,000 per annum as authorized by 3 U.S.C. 102; $250,000: *Provided,* That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to section 1552 of title 31 of the United States Code: *Provided further,* That none of the funds made available for official expenses shall be considered as taxable to the President.

3 USC 102 note.

THE WHITE HOUSE OFFICE

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed $3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; including subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed $100,000 to be expended and accounted for as provided by 3 U.S.C. 103); not to exceed $19,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President; $38,754,000.

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President; $7,925,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109–110, 112–114.

OFFICIAL RESIDENCE OF THE VICE PRESIDENT

OPERATING EXPENSES

For the care, operation, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the official residence of the Vice President, the hire of passenger motor vehicles, and not to exceed $90,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate; $324,000: *Provided,* That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

SPECIAL ASSISTANCE TO THE PRESIDENT

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions, services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles; $3,270,000.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For necessary expenses of the Council in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021); $3,420,000.

OFFICE OF POLICY DEVELOPMENT

SALARIES AND EXPENSES

For necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109, and 3 U.S.C. 107; $5,122,000.

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Security Council, including services as authorized by 5 U.S.C. 3109; $6,648,000.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Administration; $24,850,000, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109; $56,539,000, of which not to exceed

$5,000,000, shall be available to carry out the provisions of 44 U.S.C. chapter 35: *Provided,* That, as provided in 31 U.S.C. 1301(a), appropriations shall be applied only to the objects for which appropriations were made except as otherwise provided by law: *Provided further,* That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): *Provided further,* That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committee on Appropriations or the Committee on Veterans' Affairs or their subcommittees: *Provided further,* That this proviso shall not apply to printed hearings released by the Committee on Appropriations or the Committee on Veterans' Affairs.

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to title I of Public Law 100–690; not to exceed $8,000 for official reception and representation expenses; for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement; $11,687,000: *Provided,* That the Office of National Drug Control Policy shall hire and maintain not less than 40 full-time equivalent positions in fiscal year 1994: *Provided further,* That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, for the purpose of aiding or facilitating the work of the Office.

UNANTICIPATED NEEDS

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year; $1,000,000.

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, $86,000,000 for drug control activities which are consistent with the approved strategy for each of the High Intensity Drug Trafficking Areas, of which no less than $43,000,000 shall be transferred to State and local entities for drug control activities; and of which up to $43,000,000 may be transferred to Federal agencies and departments at a rate to be determined by the Director: *Provided,* That the funds made available under this head shall be obligated within 90 days of enactment of this Act.

SPECIAL FORFEITURE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities authorized by Public Law 100–690, $52,500,000, of which $28,000,000 shall be derived from deposits in the Special Forfeiture Fund; of which $25,000,000 shall be transferred to the Substance Abuse and Mental Health Services Administration, and of which $10,000,000 shall be available to the Center for Substance Abuse Prevention for community partnership grants, and of which $5,000,000 shall be available to the Center for Substance Abuse Prevention for the residential women/children program, and of which $10,000,000 shall be available for the Substance Abuse Prevention and Treatment Block Grant to the States; of which $7,500,000, to remain available until expended, shall be transferred to the Counter-Drug Technology Assessment Center for counternarcotics research and development projects and shall be available for transfer to other Federal departments or agencies; of which $5,000,000 shall be transferred to the Bureau of Alcohol, Tobacco and Firearms for gang resistance education and training programs; of which $6,000,000 shall be transferred to the Internal Revenue Service, "Tax law enforcement" account, for criminal investigations; of which $4,000,000 shall be transferred to the Drug Enforcement Administration for the enhancement of the El Paso Intelligence Center; and of which $5,000,000 shall be transferred to drug control agencies in amounts to be determined by the Director, upon the advance approval of the House and Senate Committees on Appropriations.

This title may be cited as the "Executive Office Appropriations Act, 1994".

Independent Agencies Appropriations Act, 1994.

TITLE IV

INDEPENDENT AGENCIES

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

SALARIES AND EXPENSES

For necessary expenses of the Administrative Conference of the United States, established by the Administrative Conference Act, as amended (5 U.S.C. 571 et seq.), including not to exceed $1,000 for official reception and representation expenses, $1,800,000.

42 USC 6962 note.

SECTION 401. (a) Notwithstanding any other provision of law, a Federal agency when purchasing toner cartridges for use in laser printers, photocopiers, facsimile machines, or micrographic printers is authorized to give preference to remanufactured toner cartridges made in the United States by small businesses and, recycled toner cartridges unless the contracting or purchasing officer determines in writing that—

(1) adequate market research establishes that remanufactured or recycled cartridges for the type of equipment used by the agency do not exist,

(2) the price or life cycle cost offered for the cartridges is higher than the original equipment manufacturer's new cartridge, or

(3) remanufactured or recycled cartridges are not available in quantities needed within the timeframes required.

(b) Nothing in this section shall prohibit the purchase of one newly manufactured cartridge (or a number equal to those normally supplied at the time of initial purchase) as a part of an initial printer or copier acquisition.

(c) The provision of this section shall not affect current law with respect to Organizations for the Blind or Other Severely Handicapped (NIB/NISH).

CITIZENS' COMMISSION ON PUBLIC SERVICE AND COMPENSATION

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–393, $250,000 are rescinded.

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Advisory Commission on Intergovernmental Relations Act of 1959, as amended (42 U.S.C. 4271–79); $1,000,000, and additional amounts collected from the sale of publications shall be credited to and used for the purposes of this appropriation.

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

For additional expenses necessary to carry out the purpose of the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), $288,486,000, to be deposited into said Fund. The revenues and collections deposited into the Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, taxes, and any other obligations for public buildings acquired by installment purchase and purchase contract, in the aggregate amount of $5,251,117,306, of which (1) not to exceed $925,027,306 shall remain available until expended for construction of additional projects at

locations and at maximum construction improvement costs (including funds for sites and expenses) as follows:

New Construction:

Alabama:

Montgomery, U.S. Courthouse Annex, $13,091,000

Arkansas:

Little Rock, Old Law School Building Expansion/Alteration, $13,816,040

Arizona:

Phoenix, U.S. Courthouse, $120,000,000

Safford, a grant to the U.S. Forest Service for Administrative Offices and Cultural Center, $5,000,000

Sierra Vista, U.S. Magistrates Office, $1,000,000

California:

Sacramento, Federal Building and U.S. Courthouse, $143,082,450

San Jose, Federal Office Building, claim, $1,828,680

Santa Ana, Federal Building and U.S. Courthouse, $103,000,000

Florida:

Jacksonville, U.S. Courthouse, site acquisition and design, $6,070,120

Tampa, U.S. Courthouse, $66,696,840

Georgia:

Atlanta, Centers for Disease Control, Laboratory and office building, $12,000,000

Augusta, U.S. Courthouse, $1,000,000

Indiana:

Hammond, U.S. Courthouse, $49,980,000

Iowa:

Burlington, Federal Parking Facility, design and construction, $2,400,000

Maryland:

Bowie, Bureau of the Census, Computer Center, $27,915,000

Montgomery and Prince George's Counties, Food and Drug Administration, consolidation, site acquisition, planning and design, construction, $73,921,000

Massachusetts:

Boston, Federal Building and U.S. Courthouse, $18,620,000

Missouri:

Cape Girardeau, Federal Office Building and U.S. Courthouse, $3,822,000

Kansas City, U.S. Courthouse, $16,000,000

St. Louis, U.S. Courthouse, $24,000,000

Nebraska:

Omaha, Federal Building and U.S. Courthouse, $9,361,940

New Jersey:

Newark, Martin Luther King, Jr. Federal Building and U.S. Courthouse, escalation, $4,293,576

New York:

Brooklyn, U.S. Courthouse, $29,400,000

Rochester, Federal center, in addition to the amount previously provided for this purpose under this heading in Public Law 101–509, $5,000,000

North Carolina:

Federal Research Park, Environmental Protection Agency Facility, $8,800,000
North Dakota:
Pembina, Border Station, $96,000
Ohio:
Youngstown, Federal Building and U.S. Courthouse, site acquisition and design, $4,630,500
Oregon:
Portland, U.S. Courthouse, $96,390,000
Pennsylvania:
Scranton, Federal Building and U.S. Courthouse Annex, site acquisition and design, $12,093,000
Texas:
Laredo, Federal Building and U.S. Courthouse, $2,986,060
Vermont:
Highgate Springs, Border Station, $6,851,000
Washington:
Lynden, Federal Building, claim, $357,000
West Virginia:
Wheeling, Federal Building and U.S. Courthouse, including renovations to the existing facility, $36,000,000
Nonprospectus construction projects, $5,525,000:

Provided, That the $5,000,000 for nonprospectus construction projects made available in Public Law 102–393 for flexiplace work telecommuting centers, is hereby increased by $1,000,000 from the funds made available in this Act for nonprospectus construction projects, all of which shall remain available until expended, for the acquisition, lease, construction, and equipping of four flexiplace work telecommuting centers, one of which shall be in Southern Maryland, one of which shall be in northwestern Virginia, one of which shall be in Hagerstown, Maryland, and one of which shall be in Fredericksburg, Virginia: *Provided further,* That each of the immediately foregoing limits of costs on new construction projects may be exceeded to the extent that savings are effected in other such projects, but by not to exceed 10 per centum: *Provided further,* That all funds for direct construction projects shall expire on September 30, 1995, and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: *Provided further,* That of the amount made available under this heading for the Northern Virginia Naval Systems Commands, in Public Law 101–509, $185,344,000, is hereby rescinded: *Provided further,* That the amount made available under the heading "New Construction" in Public Law 102–393, for Hilo, Hawaii, shall be available for payment to a public entity in the State of Hawaii for the construction of facilities to house governmental agencies; the governmental agencies to be housed shall be designated by the Administrator of General Services and such agencies shall be housed rent free, exclusive of operating expenses: *Provided further,* That claims against the Government of less than $100,000 arising from direct construction projects, acquisitions of buildings and purchase contract projects pursuant to Public Law 92–313, be liquidated with prior notification to the Committees on Appropriations of the House and Senate to the extent savings are effected in other such projects; (2) not to exceed $523,782,000, which shall remain available until expended, for repairs and alterations: *Provided further,* That funds in the Federal Buildings Fund for Repairs

and Alterations shall, for prospectus projects, be limited to the amount by project as follows, except each project may be increased by an amount not to exceed 10 per centum unless advance approval is obtained from the Committees on Appropriations of the House and Senate of a greater amount:

Repairs and Alterations:

Alaska:

Juneau, U.S. Post Office and Courthouse, escalation, $4,082,000

California:

Richmond, SSA Service Center, $3,742,000

San Diego, Federal Building and U.S. Courthouse, $11,023,000

District of Columbia:

Central and West Heating Plants, $11,141,000

Federal Office Building 6, $56,500,000

Georgia:

Atlanta, Martin Luther King Jr., Federal Building, $10,063,000

Illinois:

Chicago, Federal Records Center, $3,379,000

Chicago, John C. Kluczynski Jr., Federal Building, $13,414,000

Indiana:

Jeffersonville, Federal Center, $13,522,000

Maryland:

Baltimore, George H. Fallon Federal Building, escalation, $4,645,000

Woodlawn, SSA Operations Building, $14,892,000

Massachusetts:

Boston, John F. Kennedy Federal Building (phase 3), $19,200,000

New Jersey:

Newark, Federal Building, 20 Washington Place, $14,000,000

New York:

New York, Federal Building, 201 Varick St., $8,886,000

New York, Jacob K. Javits Federal Building (phase 2), $14,171,000

Nationwide:

Elevators, $27,022,000

Energy Retrofit Projects, $7,000,000

Facade Alterations, $10,000,000:

Provided, That of the funds appropriated for Energy Retrofit Projects, $6,000,000, may be used to procure and install phosphoric acid fuel cells in GSA installations.

Capital Improvements of United States-Mexico, border facilities, $6,800,000 as follows:

Arizona:

Lukeville, commercial lot expansion, $3,050,000

San Luis, commercial office space, $209,000

San Luis, primary lane expansion and administrative office space, $3,541,000.

Minor Repairs and Alterations, $270,300,000: *Provided,* That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations of the House

and Senate: *Provided further,* That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading "Repairs and Alterations", may be transferred to Minor Repairs and Alterations or used to fund authorized increases in prospectus projects: *Provided further,* That all funds for repairs and alterations prospectus projects shall expire on September 30, 1995, and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: *Provided further,* That the amount provided in this or any prior Act for Minor Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading "Repairs and Alterations" or used to fund authorized increases in prospectus projects; (3) not to exceed $118,108,000 for installment acquisition payments including payments on purchase contracts; (4) not to exceed $2,117,421,000 for rental of space; (5) not to exceed $1,226,085,000 for real property operations; (6) not to exceed $156,613,000 for program direction and centralized services; and (7) not to exceed $184,081,000 for design and construction services which shall remain available until expended: *Provided further,* That of the funds provided in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act for fiscal year 1994 for the modernization of the Beltsville Agricultural Research Center, the Department of Agriculture may provide up to $6,000,000 to a nonprofit entity towards the cost of construction of a facility to house microbial collections of the Government under such terms as the Department determines are appropriate: *Provided further,* That the Department is authorized to make available sufficient space at the Beltsville Agricultural Research Center, at such terms as the Department determines are appropriate, for construction of such a facility: *Provided further,* That for the purposes of this authorization, buildings constructed pursuant to the purchase contract authority of the Public Buildings Amendments of 1972 (40 U.S.C. 602a), buildings occupied pursuant to installment purchase contracts, and buildings under the control of another department or agency where alterations of such buildings are required in connection with the moving of such other department or agency from buildings then, or thereafter to be, under the control of the General Services Administration shall be considered to be federally owned buildings: *Provided further,* That none of the funds available to the General Services Administration, except for the line-item construction and repairs and alterations projects in this Act shall be available for expenses in connection with any construction, repair, alteration, and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses in connection with the development of a proposed prospectus: *Provided further,* That no funds shall be made available for leases, line-item construction, repairs, or alterations projects in this Act, with the exception of the Safford, Arizona and Rochester, New York projects, that are subject to section 7(a) of the Public Buildings Act of 1959 (40 U.S.C. 606(a)) prior to February 1, 1994, unless the projects are approved by the House Committee on Public Works and Transportation and the Senate Committee on Environment and Public Works: *Provided further,* That subject to the exceptions contained in the preceding proviso, in no case shall such funds

be made available for any lease, line-item construction, repair, or alterations project referred to in the preceding proviso if prior to February 1, 1994, the lease, line-item construction, repair, or alterations project has been disapproved by the House Committee on Public Works and Transportation or the Senate Committee on Environment and Public Works: *Provided further,* That the Administrator of General Services shall submit detailed information on each lease, line-item construction, repair, and alterations project in this Act that is subject to section 7(a) of the Public Buildings Act of 1959 (40 U.S.C. 606(a)) to the House Committee on Public Works and Transportation and the Senate Committee on Environment and Public Works no later than 30 days after the date of enactment of this Act: *Provided further,* That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations of the House and Senate: *Provided further,* That amounts necessary to provide reimbursable special services to other agencies under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)(6)) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, as amended, shall be available from such revenues and collections: *Provided further,* That revenues and collections and any other sums accruing to this Fund during fiscal year 1994, excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)(6)) in excess of $5,251,117,306 shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

FEDERAL SUPPLY SERVICE

OPERATING EXPENSES

For expenses authorized by law, not otherwise provided for, necessary for property management activities, utilization of excess and disposal of surplus personal property, rehabilitation of personal property, transportation management activities, transportation audits by in-house personnel, procurement, and other related supply management activities, including services as authorized by 5 U.S.C. 3109; $43,420,000.

INFORMATION RESOURCES MANAGEMENT SERVICE

OPERATING EXPENSES

For expenses authorized by law, not otherwise provided for, necessary for carrying out governmentwide and internal responsibilities relating to automated data management, telecommunications, information resources management, and related activities, including services as authorized by 5 U.S.C. 3109; $45,675,000.

FEDERAL PROPERTY RESOURCES SERVICE

OPERATING EXPENSES

For expenses, not otherwise provided for, necessary for carrying out the functions of the Administrator with respect to utilization of excess real property; the disposal of surplus real property, the utilization survey, deed compliance inspection, appraisal, environmental and cultural analysis, and land use planning functions pertaining to excess and surplus real property, including services as authorized by 5 U.S.C. 3109; $15,756,000.

GENERAL MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided, for Policy Direction, Board of Contract Appeals, and accounting, records management, and other support services incident to adjudication of Indian Tribal Claims by the United States Court of Claims, and services authorized by 5 U.S.C. 3109, $31,435,000: *Provided,* That this appropriation shall be available for general administrative and staff support services, subject to reimbursement by the applicable organization or agencies pursuant to subsections (a) and (b) of section 1535 of title 31, United States Code: *Provided further,* That not less than $825,000 shall be available for personnel and associated costs in support of Congressional District and Senate State offices without reimbursement from these offices: *Provided further,* That not to exceed $5,000 shall be available for official reception and representation expenses.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and services authorized by 5 U.S.C. 3109, $34,925,000: *Provided,* That not to exceed $10,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: *Provided further,* That not to exceed $2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

For carrying out the provisions of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), and Public Law 95–138; $2,833,000: *Provided,* That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of such Acts.

GENERAL PROVISIONS—GENERAL SERVICES ADMINISTRATION

SECTION. 1. The appropriate appropriation or fund available to the General Services Administration shall be credited with the cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129).

SEC. 2. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 3. Not to exceed 2 per centum of funds made available in appropriations for operating expenses and salaries and expenses, during the current fiscal year, may be transferred between such appropriations for mandatory program requirements. Any proposed transfers shall be approved in advance by the Committees on Appropriations of the House and Senate.

SEC. 4. Funds in the Federal Buildings Fund made available for fiscal year 1994 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements. Any proposed transfers shall be approved in advance by the Committees on Appropriations of the House and Senate.

40 USC 755a.

SEC. 5. For fiscal year 1993 and thereafter, at no later than the end of the fifth fiscal year after the fiscal year for which funds are appropriated or otherwise made available, unobligated balances of operating expenses and salaries and expenses appropriations available to GSA during such fiscal year may be transferred and merged into the "Major equipment acquisitions and development activity" of the Salaries and Expenses, General Management and Administration appropriation account for agency-wide acquisition of capital equipment, automated data processing systems, and for financial management and management information systems needed to implement the Chief Financial Officers Act, Public Law 101–576, and any other laws or regulations. The unobligated balances transferred shall remain available until expended: *Provided,* That any proposed use of these transferred funds in fiscal year 1993 and thereafter shall only be made after advance approval by the Committees on Appropriations of the House and Senate.

SEC. 6. (a) The Act entitled "An Act to provide retirement, clerical assistants, and free mailing privileges to former Presidents of the United States, and for other purposes", approved August 25, 1958 (3 U.S.C. 102 note), is amended by adding at the end the following new section:

3 USC 102 note.

"SEC. 2. The entitlements of a former President under subsections (b) and (c) of the first section shall be available—

"(1) in the case of an individual who is a former President on the effective date of this section, for 5 years, commencing on such effective date; and

"(2) in the case of an individual who becomes a former President after such effective date, for 4 years and 6 months, commencing at the expiration of the period for which services and facilities are authorized to be provided under section 4 of the Presidential Transition Act of 1963 (3 U.S.C. 102 note).".

(b) Section 3214 of title 39, United States Code, is amended—

(1) by striking "A former President" and inserting "(a) Subject to subsection (b), a former President"; and

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

Termination date.

"(b) Subsection (a) shall cease to apply—

"(1) 5 years after the effective date of this subsection, in the case of any individual who, on such effective date—

"(A) is a former President (including any individual who might become entitled to the mailing privilege under subsection (a) as the surviving spouse of such a former President); or

"(B) is the surviving spouse of a former President; and

"(2) 4 years and 6 months after the expiration of the period for which services and facilities are authorized to be provided under section 4 of the Presidential Transition Act of 1963 (3 U.S.C. 102 note), in the case of an individual who becomes a former President after such effective date (including any surviving spouse of such individual, as described in the parenthetical matter in paragraph (1)(A)).".

(c) The amendments made by subsections (a) and (b) shall take effect on October 1, 1993. Effective date. 39 USC 3214 note.

SEC. 7. Section 204 of the Federal Property and Administrative Services Act of 1949 is amended by adding a subsection (i) to provide that the Administrator may retain from the proceeds of sales of personal property conducted by the General Services Administration amounts necessary to recover, to the extent practicable, costs incurred by the General Services Administration (or its agent) in conducting such sales. The Administrator shall deposit amounts retained into the General Supply Fund established under section 109(a) of the Federal Property and Administrative Services Act of 1949 and may use such portion of amounts so deposited as is necessary to pay (1) direct costs incurred by the General Services Administration in conducting sales of personal property, and (2) indirect costs incurred by the General Services Administration that are reasonably related to those sales. Amounts retained that are not needed to pay the direct and indirect costs incurred shall periodically, but not less than annually, be transferred from the General Supply Fund to the general fund or another appropriate account in the Treasury. 40 USC 485.

SEC. 8. Notwithstanding any other provision of law, the Administrator of General Services is hereby authorized to acquire a site suitable to the General Services Administration of approximately 4 acres of land in the City of Tucson, Arizona for a Federal courthouse; this is to be accomplished through an exchange with the City of Tucson for Federal real property of comparable value in that city under the jurisdiction of the General Services Administration.

SEC. 9. None of the funds appropriated by this Act may be obligated or expended in any way for the purpose of the sale, excessing, surplusing, or disposal of lands in the vicinity of Norfork Lake, Arkansas, administered by the Corps of Engineers, Department of the Army, without the specific approval of the Congress.

SEC. 10. None of the funds appropriated by this Act may be obligated or expended in any way for the purpose of the sale, excessing, surplusing, or disposal of lands in the vicinity of Bull Shoals Lake, Arkansas, administered by the Corps of Engineers, Department of the Army, without the specific approval of the Congress.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, medical examinations

performed for veterans by private physicians on a fee basis, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, not to exceed $2,500 for official reception and representation expenses, and advances for reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under Executive Order 10422 of January 9, 1953, as amended: *Provided*, That notwithstanding 31 U.S.C. 3302, the Director is hereby authorized to accept gifts of goods and services, which shall be available only for hosting National Civil Service Appreciation Conferences. Goods and services provided in connection with the conference may include, but are not limited to, food and refreshments; rental of seminar rooms, banquet rooms, and facilities; and use of communications, printing and other equipment. Awards of minimal intrinsic value will be allowed. Gifts provided by an individual donor shall not exceed 50 percent of the total value of the gifts provided at each location; $118,533,000, of which not to exceed $1,000,000 shall be made available for the establishment of health promotion and disease prevention programs for Federal employees; and in addition $88,519,000 for administrative expenses, to be transferred from the appropriate trust funds of the Office of Personnel Management without regard to other statutes, including direct procurement of health benefits printing, for the retirement and insurance programs, of which $5,981,000 shall be transferred at such times as the Office of Personnel Management deems appropriate, and shall remain available until expended for the costs of automating the retirement recordkeeping systems, together with remaining amounts authorized in previous Acts for the recordkeeping systems: *Provided further*, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by section 8348(a)(1)(B) of title 5, United States Code: *Provided further*, That, except as may be consistent with regulations of the Office of Personnel Management prescribed pursuant to 5 U.S.C. 8902a(f)(1) and (i), no payment may be made from the Employees Health Benefits Fund to any physician, hospital, or other provider of health care services or supplies who is, at the time such services or supplies are provided to an individual covered under chapter 89 of title 5, United States Code, excluded, pursuant to section 1128 or 1128A of the Social Security Act (42 U.S.C. 1320a–7–1320a–7a), from participation in any program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.): *Provided further*, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of the Office of Personnel Management established pursuant to Executive Order 9358 of July 1, 1943, or any successor unit of like purpose: *Provided further*, That the President's Commission on White House Fellows, established by Executive Order 11183 of October 3, 1964, may, during the fiscal year ending September 30, 1994, accept donations of money, property, and personal services in connection with the development of a publicity brochure to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act, as amended, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles; $4,253,000, and in addition, not to exceed $6,514,000 for administrative expenses to audit the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: *Provided*, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), as amended, $3,805,480,000, to remain available until expended.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE

For payment of Government contributions with respect to employees retiring after December 31, 1989, as required by chapter 87 of title 5, United States Code, $1,607,000 to remain available until expended.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, such sums as may be necessary: *Provided*, That annuities authorized by the Act of May 29, 1944, as amended, and the Act of August 19, 1950, as amended (33 U.S.C. 771–75), may hereafter be paid out of the Civil Service Retirement and Disability Fund. 33 USC 776.

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

For necessary expenses of the Committee for Purchase From People Who Are Blind or Severely Disabled established by the Act of June 23, 1971, Public Law 92–28; $1,689,000.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, as amended; $23,564,000,

of which not to exceed $5,000 shall be available for reception and representation expenses.

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, including hire of experts and consultants, hire of passenger motor vehicles, rental of conference rooms in the District of Columbia and elsewhere; $21,341,000: *Provided,* That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109.

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and direct procurement of survey printing, $24,674,000, together with not to exceed $1,989,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

For necessary expenses in connection with National Archives and Records Administration and related activities, as provided by law, and for expenses necessary for the review and declassification of documents, and for the hire of passenger motor vehicles, $195,482,000, of which $5,250,000 for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, as amended, shall remain available until expended: *Provided,* That the Archivist of the United States is authorized to use any excess funds available from the amount borrowed for construction of the National Archives facility, for expenses necessary to move into the facility.

OFFICE OF GOVERNMENT ETHICS

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, as amended by Public Law 100–598, and the Ethics Reform Act of 1989, Public Law 101–194, including services as authorized

by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed $1,500 for official reception and representation expenses; $8,313,000: *Provided,* That notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants to attend an International Conference on Ethics shall be credited to and merged with this account, to be available for carrying out the Conference without further appropriation.

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95–454), and the Whistleblower Protection Act of 1989 (Public Law 101–12), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles; $7,992,000.

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109; $33,650,000: *Provided,* That travel expenses of the judges shall be paid upon the written certificate of the judge. 26 USC 7443 note.

This title may be cited as the "Independent Agencies Appropriations Act, 1994".

TITLE V—GENERAL PROVISIONS

THIS ACT

SECTION 501. No part of any appropriation made available in this Act shall be used for the purchase or sale of real estate or for the purpose of establishing new offices inside or outside the District of Columbia: *Provided,* That this limitation shall not apply to programs which have been approved by the Congress and appropriations made therefor.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 504. No part of any appropriation contained in this Act shall be available for the procurement of, or for the payment of, the salary of any person engaged in the procurement of any hand or measuring tool(s) not produced in the United States or its possessions except to the extent that the Administrator of General Services

or his designee shall determine that a satisfactory quality and sufficient quantity of hand or measuring tools produced in the United States or its possessions cannot be procured as and when needed from sources in the United States and its possessions, or except in accordance with procedures prescribed by section 6–104.4(b) of Armed Services Procurement Regulation dated January 1, 1969, as such regulation existed on June 15, 1970: *Provided*, That a factor of 75 per centum in lieu of 50 per centum shall be used for evaluating foreign source end products against a domestic source end product. This section shall be applicable to all solicitations for bids opened after its enactment.

40 USC 490c.

SEC. 505. None of the funds made available to the General Services Administration pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949 shall be obligated or expended after the date of enactment of this Act for the procurement by contract of any service which, before such date, was performed by individuals in their capacity as employees of the General Services Administration in any position of guards, elevator operators, messengers, and custodians, at said date, would be terminated as a result of the procurement of such services, except that such funds may be obligated or expended for the procurement by contract of the covered services with sheltered workshops employing the severely handicapped under Public Law 92–28.

SEC. 506. None of the funds made available by this Act for the Department of the Treasury may be used for the purpose of eliminating any existing requirement for sureties on customs bonds.

SEC. 507. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the 1930 Tariff Act.

SEC. 508. None of the funds made available by this Act shall be available for the purpose of transferring control over the Federal Law Enforcement Training Center located at Glynco, Georgia, Tucson, Arizona, and Artesia, New Mexico, out of the Treasury Department.

SEC. 509. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

SEC. 510. No part of any appropriation contained in this Act shall be available for the payment of the salary of any officer or employee of the United States Postal Service, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any officer or employee of the United States Postal Service from having any direct oral or written communication or contact with any Member or committee of Congress in connection with any matter pertaining to the employment of such officer or employee or pertaining to the United States Postal Service in any way, irrespective of whether such communication or contact is at the initiative of such officer or employee or in response to the request or inquiry of such Member or committee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance of efficiency rating, denies promotion to, relocates, reassigns, trans-

fers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any officer or employee of the United States Postal Service, or attempts or threatens to commit any of the foregoing actions with respect to such officer or employee, by reason of any communication or contact of such officer or employee with any Member or committee of Congress as described in paragraph (1) of this subsection.

SEC. 511. Funds under this Act shall be available as authorized by sections 4501–4506 of title 5, United States Code, when the achievement involved is certified, or when an award for such achievement is otherwise payable, in accordance with such sections. Such funds may not be used for any purpose with respect to which the preceding sentence relates beyond fiscal year 1994.

SEC. 512. None of the funds appropriated or otherwise made available to the Department of the Treasury by this or any other Act shall be obligated or expended to contract out positions in, or downgrade the position classifications of, members of the United States Mint Police Force and the Bureau of Engraving and Printing Police Force, or for studying the feasibility of contracting out such positions.

SEC. 513. The Office of Personnel Management may, during the fiscal year ending September 30, 1994, accept donations of supplies, services, and equipment for the Federal Executive Institute, the Federal Quality Institute, and Executive Seminar Centers for the enhancement of the morale and educational experience of attendees.

SEC. 514. No part of any appropriation contained in this Act shall be available for the procurement of, or for the payment of, the salary of any person engaged in the procurement of stainless steel flatware not produced in the United States or its possessions, except to the extent that the Administrator of General Services or his designee shall determine that a satisfactory quality and sufficient quantity of stainless steel flatware produced in the United States or its possessions, cannot be procured as and when needed from sources in the United States or its possessions or except in accordance with procedures provided by section 6–104.4(b) of Armed Services Procurement Regulations, dated January 1, 1969. This section shall be applicable to all solicitations for bids issued after its enactment.

SEC. 515. The United States Secret Service may, during the fiscal year ending September 30, 1994, accept donations of money to off-set costs incurred while protecting former Presidents and spouses of former Presidents when the former President or spouse travels for the purpose of making an appearance or speech for a payment of money or any thing of value.

SEC. 516. None of the funds made available by this Act may be used to withdraw the designation of the Virginia Inland Port at Front Royal, Virginia, as a United States Customs Service port of entry.

SEC. 517A. Such sums as may be necessary for fiscal year 1994 pay raises for programs funded by this Act shall be absorbed within the levels appropriated by this Act.

SEC. 517B. (a) Any adjustment required by section 5303 of title 5, United States Code, to become effective in fiscal year 1994 in the rates of basic pay for the statutory pay systems shall not be made.

5 USC 5303 note.

(b) For the purpose of this section, the term "statutory pay system" has the meaning given such term by section 5302(1) of title 5, United States Code.

SEC. 518. None of the funds made available to the Postal Service by this Act shall be used to transfer mail processing capabilities from the Las Cruces, New Mexico postal facility, and that every effort will be made by the Postal Service to recognize the rapid rate of population growth in Las Cruces and to automate the Las Cruces, New Mexico postal facility in order that mail processing can be expedited and handled in Las Cruces.

SEC. 519. None of the funds in this Act may be used to reduce the rank or rate of pay of a career appointee in the SES upon reassignment or transfer.

SEC. 520. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service and has within ninety days after his release from such service or from hospitalization continuing after discharge for a period of not more than one year made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 521. None of the funds made available to the United States Customs Service may be used to collect or impose any land border processing fee at ports of entry along the United States-Mexico border.

SEC. 522. (a) None of the funds appropriated by this Act may, with respect to an individual employed by the Bureau of the Public Debt in the Washington Metropolitan Region on April 10, 1991, be used to separate, reduce the grade or pay of, or carry out any other adverse personnel action against such individual for declining to accept a directed reassignment to a position outside such region, pursuant to a transfer of any such Bureau's operations or functions to Parkersburg, West Virginia.

(b) Subsection (a) shall not apply with respect to any individual who, on or after the date of enactment of this Act, declines an offer of another position in the Department of the Treasury which is of at least equal pay and which is within the Washington Metropolitan Region.

District of Columbia. Maryland.

SEC. 523. In consideration of the Washington Metropolitan Area Transit Authority (WMATA) modifying its requirement for acquisition of General Services Administration (GSA) property at the Suitland Federal Center in Suitland, Maryland, GSA shall transfer to WMATA, at no cost, approximately sixteen (16) acres of GSA property to allow WMATA to construct its proposed Suitland Metrorail Station and related surface facilities. GSA will bear no additional costs, as a result of this transaction. The property to be transferred is located at the northeast quadrant of the intersection of Suitland Parkway at Silver Hill Road and is the southeastern most portion of the Suitland Federal Center Complex. It is bounded by Silver Hill Road on the southeast, Suitland Parkway property owned by the National Park Service on the southwest, the existing stream valley between Suitland Parkway and the historic Suitland House on the northwest and on the northeast a line just south

of and parallel to a line from the Suitland House to the existing Federal Office Building along Silver Hill Road at Randall Road.

SEC. 524. (a) The Secretary of the Treasury shall implement the plan announced by the Bureau of the Public Debt on March 19, 1991, to consolidate such Bureau's operations in Parkersburg, West Virginia.

(b) The consolidation referred to in subsection (a) shall be completed by December 31, 1995, in accordance with the plan of the Bureau of the Public Debt.

Maryland.

SEC. 525. (a) IN GENERAL.—Notwithstanding any other provision of law, including any other law which requires that property of the United States be used for a particular purpose, the Administrator of General Services shall convey the property described in subsection (c) to the State of Maryland.

(b) TERMS.—A conveyance of property under this section shall be—

(1) by quitclaim deed;

(2) without monetary consideration; and

(3) subject to such other terms and conditions as the Administrator determines to be appropriate.

(c) PROPERTY DESCRIBED.—The property referred to in subsection (a) known as the "Chesapeake Bay Study Site" is property located in the State of Maryland, Queen Annes County, which—

(1) is part of the same land which, by quitclaim deed dated August 25, 1970, and recorded among the land records of Queen Annes County, Maryland, at Liber 53, Folio 200, was granted and conveyed by the State of Maryland, Maryland State Roads Commission, to the United States of America; and

(2) contains 55 acres more or less according to a survey prepared by McCrone, Inc., in July 1968 and amended on May 26, 1992.

SEC. 526. None of the funds made available in this Act may be used to provide any non-public information such as mailing or telephone lists to any person or any organization outside of the Federal Government without the approval of the House and Senate Committees on Appropriations.

SEC. 527. The Administrator of General Services shall promptly review the need of the General Services Administration for the parcel of land which it controls and which is located at 424 Trapelo Road in the City of Waltham, Massachusetts. The Administrator shall promptly determine to be excess property so much of said parcel as is no longer required for the needs of the General Services Administration. Subject to agreement between the Administrator and the Secretary of the Army concerning such portion of the excess property as may be required for the use of the Corps of Engineers, the Administrator shall transfer such portion to the Secretary of the Army without reimbursement. The property not included in such transfer shall be determined to be surplus property and shall be available only for transfer for a public purpose under section 203(k) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(k)), except that an expression of interest or an application for a public purpose use under said section other than for educational purposes may not be received after 45 days from the date the Administrator determines the property to be surplus. If no transfer under section 203(k) has been made within one year after the date of such surplus determination, the Adminis-

trator may dispose of the property in accordance with all applicable provisions of that Act.

SEC. 528. COMPLIANCE WITH BUY AMERICAN ACT.

No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act").

SEC. 529. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary of the Treasury shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 530. PROHIBITION OF CONTRACTS.

If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.

Real property. New Mexico. Indians.

SEC. 531. (a) Notwithstanding any other provision of law, including any law which requires that property of the United States be used for a particular purpose, the Administrator of General Services shall transfer to the Secretary of the Interior jurisdiction over the 1.9592 acres of land, and any related structures, located at the southwest corner of 12th and Indian School Road, N.W., Albuquerque, New Mexico, and described as follows:

A tract of land being within the original Old Indian School Boundary and situated within the east half (E½), Section 7, T. sec. 10 N., R. 3E, New Mexico Principal Meridian, Bernalillo County, New Mexico, being more particularly described by metes and bounds as follows:

Beginning at the southwest corner of said tract being a point intersecting the easterly right-of-way of 12th Street and the southerly line of the original 1905 Indian School property, being a brass cap marked "R/W 12th St. & Tr. A, cor. 1", "KEENE 8489"; Whence from said point of beginning, the New Mexico State Highway Triangulation Station I–40–15, having an established coordinate of Y=1,494,103.76 and X=378,204.72, central zone on the New Mexico coordinate system, being a brass cap, bears S. 12°19′44″E., and is a distance of 927.86 feet; Thence N. 08°26′59″ E. 79.89 feet along the said easterly right-of-way to a rebar/cap "KEENE 8489"; Thence S. 68°50′15″ E., a distance of 98.29 feet to a rebar; Thence N. 21°43′45″ E., 133.44 feet to a rebar; Thence S. 64°46′15″ E., 154.00 feet to a rebar; Thence N. 22°47′56″ E., 12.94 feet to a rebar; Thence S. 67°47′51″ E., 79.53 feet to a rebar; Thence S.

20°06'41" W., 40.33 feet to a rebar; Thence S. 67°16'45" E., 105.98 feet to a nail in concrete; Thence S. 22°19'15" W., 224.22 feet to a nail in pavement; Thence N. 74°56'54" W., 1.33 feet to an angle point being a brass cap marked "Tr. A, cor. 13 & Tr. B, cor. 4", "KEENE 8489"; Thence N. 61°14'00" W., 125.73 feet to an angle point being a brass cap marked "Tr. A, cor. 14 & Tr. 1, cor. 2/ Tr. B, cor. 3", "KEENE 8489"; Thence N. 61°14'00" W., 294.33 feet to the point and place of beginning. Said tract contains an area of 1.9592 acres.

(b) Lands and related structures described in subsection (a) shall, on and after the transfer of jurisdiction required under subsection (a), be held by the United States in trust for the benefit and use of the Nineteen Indian Pueblo Tribes of New Mexico comprising the All Indian Pueblo Council as tenants in common.

(c) The transfer of the property described in subsection (a) shall be without monetary consideration.

(d) Lands and related structures held in trust for the benefit and use of the Nineteen Indian Pueblo Tribes of New Mexico under subsection (b) shall have the same tax-exempt status as that of other lands and structures held in trust by the United States for the benefit and use of an Indian tribe, including exemption from taxes imposed by any State, county, city or other local governmental entity, and shall be exempt from any associated land use regulation imposed by any such governmental entity.

(e) Nothing in this section shall prohibit the use by the Nineteen Indian Pueblo Tribes of New Mexico of the land and related structures described in subsection (a) in conjunction with their existing plans for the economic development of the former Albuquerque Indian School property conveyed as trust lands on January 15, 1993.

(f) As used in this section, the term "Nineteen Indian Pueblo Tribes of New Mexico" means the following:

1. Pueblo of Acoma.
2. Pueblo of Isleta.
3. Pueblo of Laguna.
4. Pueblo of Picuris.
5. Pueblo of San Felipe.
6. Pueblo of San Ildefonso.
7. Pueblo of San Juan.
8. Pueblo of Santo Domingo.
9. Pueblo of Tesuque.
10. Pueblo of Zuni.
11. Pueblo of Cochiti.
12. Pueblo of Jemez.
13. Pueblo of Nambe.
14. Pueblo of Pojoaque.
15. Pueblo of Sandia.
16. Pueblo of Santa Ana.
17. Pueblo of Santa Clara.
18. Pueblo of Taos.
19. Pueblo of Zia.

Real property. Arizona.

SEC. 532. (a) IN GENERAL.—Notwithstanding any other provision of law, including any other law which requires that property of the United States be used for a particular purpose, the real property described in subsection (c) shall be conveyed to the United States Park Service, Department of the Interior, by the Administrator of General Services at such time as the property is reported

to the General Services Administration for disposal as excess to the needs of the Air Force.

(b) TERMS.—A conveyance of property under this section shall be without monetary consideration, and subject to such other terms and conditions as the Administrator determines to be appropriate.

(c) PROPERTY DESCRIBED.—The real property referred to in subsection (a) is that part of the Holbrook Radar Bomb Scoring Site, including housing units, situated in the W½ of the SE¼ of Section 36, Township 18 North, Range 20 East, G&SRM, Navajo County, Arizona, and more particularly described as:

Lots 1, 2, and 3 and Tract A of Cholla Townhomes Subdivision, a subdivision recorded in Book 14 of Plats at Page 19 in the official records of Navajo County, Arizona; Except an undivided one-half interest in all oil, gas, coal, and other hydrocarbon substances and minerals as reserved in instrument recorded in Docket 68 at Page 171 in said official records;

Containing 8.00 acres, more or less.

Together with Units 2A, 3A, 4B, 5B, 6A, 7A, 8B, 9B, 10A, 11A, and 12B of the Cholla Townhomes Condominium, a subdivision recorded in Book 14 of Plats at Page 20 in the official records of Navajo County, Arizona, and any other buildings and improvements thereon and all rights, hereditaments, easements, and appurtenances thereunto belonging or in anywise appertaining.

Subject, however, to existing easements for public roads and highways, public utilities, railroads, and pipelines, and subject to the following outstanding exceptions and rights:

An undivided one-half interest in all oil, gas, coal or other hydro-carbon substances and minerals in, upon, or under said land, and the right to the use of such portions of the surface of said land as may be necessary for the proper exploration, mining or otherwise extracting and removing said oil, gas, coal or other hydro-carbon substances and minerals as reserved in instrument recorded in Docket 68 at Page 171, official records of Navajo County, Arizona.

Easements as shown on the plat of Cholla Townhomes subdivision recorded in Book 14 of Plats at Page 19 in the official records of Navajo County, Arizona.

Easements and right incident thereto for sewer purposes as set forth in instrument recorded in Docket 601 at Page 924 of the official records of Navajo County, Arizona.

Easements created by and the effect of the Declaration of Horizontal Property Regime recorded in Docket 679 at Page 773 in the official records of Navajo County, Arizona, and Certificate of Correction recorded in Docket 678 at Page 815 in said official records.

Easement and rights incident thereto for electric lines as set forth in instrument recorded in Docket 883 at Page 213 of the official records of Navajo County, Arizona.

Liabilities and obligations imposed upon said land by reason of its inclusion within the Navajo County Flood Control District.

TITLE VI—GOVERNMENTWIDE GENERAL PROVISIONS

DEPARTMENTS, AGENCIES, AND CORPORATIONS

SECTION 601. Funds appropriated in this or any other Act may be used to pay travel to the United States for the immediate family of employees serving abroad in cases of death or life threatening illness of said employee.

Drugs and drug abuse.

SEC. 602. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 1994 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act) by the officers and employees of such department, agency, or instrumentality.

SEC. 603. Notwithstanding the provisions of the Act of September 13, 1982 (Public Law 97–258, 31 U.S.C. 1345), any agency, department or instrumentality of the United States which provides or proposes to provide child care services for Federal employees may reimburse any Federal employee or any person employed to provide such services for travel, transportation, and subsistence expenses incurred for training classes, conferences or other meetings in connection with the provision of such services: *Provided,* That any per diem allowance made pursuant to this section shall not exceed the rate specified in regulations prescribed pursuant to section 5707 of title 5, United States Code.

31 USC 1343 note.

SEC. 604. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement, and undercover surveillance vehicles), is hereby fixed at $7,100 except station wagons for which the maximum shall be $8,100: *Provided,* That these limits may be exceeded by not to exceed $3,700 for police-type vehicles, and by not to exceed $4,000 for special heavy-duty vehicles: *Provided further,* That the limits set forth in this section may not be exceeded by more than five percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: *Provided further,* That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101–549 over the cost of comparable conventionally fueled vehicles.

SEC. 605. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5992–24.

5 USC 3101 note.

SEC. 606. Unless otherwise specified during the current fiscal year no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person (1) is a citizen of the United

States, (2) is a person in the service of the United States on the date of enactment of this Act who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States, (3) is a person who owes allegiance to the United States, (4) is an alien from Cuba, Poland, South Vietnam, the countries of the former Soviet Union, or the Baltic countries lawfully admitted to the United States for permanent residence, or (5) South Vietnamese, Cambodian, and Laotian refugees paroled in the United States after January 1, 1975, or (6) nationals of the People's Republic of China that qualify for adjustment of status pursuant to the Chinese Student Protection Act of 1992: *Provided,* That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status have been complied with: *Provided further,* That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than $4,000 or imprisoned for not more than one year, or both: *Provided further,* That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: *Provided further,* That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, the Republic of the Philippines or to nationals of those countries allied with the United States in the current defense effort, or to international broadcasters employed by the United States Information Agency, or to temporary employment of translators, or to temporary employment in the field service (not to exceed sixty days) as a result of emergencies.

SEC. 607. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (87 Stat. 216), or other applicable law.

SEC. 608. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: *Provided,* That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 609. No part of any appropriation for the current fiscal year contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.

SEC. 610. Pursuant to section 1415 of the Act of July 15, 1952 (66 Stat. 662), foreign credits (including currencies) owed

to or owned by the United States may be used by Federal agencies for any purpose for which appropriations are made for the current fiscal year (including the carrying out of Acts requiring or authorizing the use of such credits), only when reimbursement therefor is made to the Treasury from applicable appropriations of the agency concerned: *Provided,* That such credits received as exchanged allowances or proceeds of sales of personal property may be used in whole or part payment for acquisition of similar items, to the extent and in the manner authorized by law, without reimbursement to the Treasury.

SEC. 611. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards, commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 612. Funds made available by this or any other Act to the "Postal Service Fund" (39 U.S.C. 2003) shall be available for employment of guards for all buildings and areas owned or occupied by the Postal Service and under the charge and control of the Postal Service, and such guards shall have, with respect to such property, the powers of special policemen provided by the first section of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318), and, as to property owned or occupied by the Postal Service, the Postmaster General may take the same actions as the Administrator of General Services may take under the provisions of sections 2 and 3 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318a, 318b), attaching thereto penal consequences under the authority and within the limits provided in section 4 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318c).

SEC. 613. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

SEC. 614. No part of any appropriation contained in, or funds made available by, this or any other Act, shall be available for any agency to pay to the Administrator of the General Services Administration a higher rate per square foot for rental of space and services (established pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended) than the rate per square foot established for the space and services by the General Services Administration for the fiscal year for which appropriations were granted.

SEC. 615. (a)(1) Notwithstanding any other provision of law, no part of any of the funds appropriated for the fiscal year ending on September 30, 1994, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code— 5 USC 5343 note.

(A) during that portion of fiscal year 1994 which precedes the start of the period described in subparagraph (B), in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with section 616 of the Treasury, Postal Service, and General Government Appropriations Act, 1993, on the last day of the limitation imposed by such section 616; and

(B) during the period from the date determined under paragraph (2) until the end of fiscal year 1994, in an amount that exceeds the maximum rate allowable under subparagraph (A) by more than the amount determined under paragraph (3).

(2) The period under paragraph (1)(B) shall begin on the first day of the first applicable pay period beginning on or after the later of—

(A) the normal effective date of the applicable wage survey adjustment that is to become effective in fiscal year 1994 (determined as if this section and section 616 of the Treasury, Postal Service, and General Government Appropriations Act, 1993, were not in effect); or

(B) January 1, 1994.

Locality pay. Cost-of-living adjustment.

(3)(A) If, during fiscal year 1994, employees under the General Schedule receive locality-based comparability payments under section 5304 of title 5, United States Code, but do not receive a pay adjustment under section 5303 of such title, the applicable amount under this paragraph shall be equal to one-fifth of the difference between the maximum amount allowable under paragraph (1)(A) and the amount that would be payable under subchapter IV of chapter 53 of such title (taking into account the applicable wage survey adjustment referred to in paragraph (2)(A)) were this section and section 616 of the Treasury, Postal Service, and General Government Appropriations Act, 1993, not in effect.

(B) If, during fiscal year 1994, employees under the General Schedule receive a pay adjustment under section 5303 of title 5, United States Code, and locality-based comparability payments under section 5304 of such title, the applicable amount under this paragraph shall be equal to—

(i) the amount determined under subparagraph (A); and

(ii) the amount resulting from an increase of 2.2 percent.

(C) The applicable amount under this paragraph shall be zero if neither subparagraph (A) nor subparagraph (B) applies.

(4) The Office of Personnel Management shall discuss with and consider the views of the Federal Prevailing Rate Advisory Committee in carrying out the Office's responsibilities with respect to this paragraph.

(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which subsection (a) is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

Regulations.

(c) For the purposes of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule that was not in existence on September 30, 1993, shall be determined under regulations prescribed by the Office of Personnel Management.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 1993, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) The provisions of this section shall apply with respect to pay for services performed by any affected employee on or after October 1, 1993. Effective date.

(f) For the purpose of administering any provision of law (including section 8431 of title 5, United States Code, and any rule or regulation, that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation, on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Nothing in this section shall be considered to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) The Office of Personnel Management may prescribe any regulations which may be necessary to carry out this section.

SEC. 616. During the period in which the head of any department or agency, or any other officer or civilian employee of the Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of $5,000 to furnish or redecorate the office of such department head, agency head, officer or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is expressly approved by the Committees on Appropriations of the House and Senate. For the purposes of this section the word "office" shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

SEC. 617. (a) Notwithstanding the provisions of sections 112 and 113 of title 3, United States Code, each Executive agency detailing any personnel shall submit a report on an annual basis in each fiscal year to the Senate and House Committees on Appropriations on all employees or members of the armed services detailed to Executive agencies, listing the grade, position, and offices of each person detailed and the agency to which each such person is detailed. Reports. 5 USC 3341 note prec.

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(5) the Bureau of Intelligence and Research of the Department of State;

(6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of the Treasury, the Department of Transportation, and the Department of Energy performing intelligence functions; and

(7) the Director of Central Intelligence.

(c) The exemptions in part (b) of this section are not intended to apply to information on the use of personnel detailed to or

from the intelligence agencies which is currently being supplied to the Senate and House Intelligence and Appropriations Committees by the executive branch through budget justification materials and other reports.

(d) For the purposes of this section, the term "Executive agency" has the same meaning as defined under section 105 of title 5, United States Code (except that the provisions of section 104(2) of title 5, United States Code, shall not apply), and includes the White House Office, the Executive Residence, and any office, council, or organizational unit of the Executive Office of the President.

SEC. 618. No funds appropriated in this or any other Act for fiscal year 1994 may be used to implement or enforce the agreements in Standard Forms 312 and 4355 of the Government or any other nondisclosure policy, form or agreement if such policy, form or agreement does not contain the following provisions:

"These restrictions are consistent with and do not supersede conflict with or otherwise alter the employee obligations, rights or liabilities created by Executive Order 12356; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents), and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. section 783(b)). The definitions, requirements, obligations, rights, sanctions and liabilities created by said Executive Order and listed statutes are incorporated into this Agreement and are controlling.".

SEC. 619. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the House and Senate Committees on Appropriations.

Telecommunications.

SEC. 620. (a) None of the funds appropriated by this or any other Act may be expended by any Federal agency to procure any product or service that is subject to the provisions of Public Law 89–306 and that will be available under the procurement by the Administrator of General Services known as "FTS2000" unless—

(1) such product or service is procured by the Administrator of General Services as part of the procurement known as "FTS2000"; or

(2) that agency establishes to the satisfaction of the Administrator of General Services that—

(A) the agency's requirements for such procurement are unique and cannot be satisfied by property and service procured by the Administrator of General Services as part of the procurement known as "FTS2000"; and

(B) the agency procurement, pursuant to such delegation, would be cost-effective and would not adversely affect the cost-effectiveness of the FTS2000 procurement.

(b) After July 31, 1994, subsection (a) shall apply only if the Administrator of General Services has reported that the FTS2000 procurement is producing prices that allow the Government to satisfy its requirements for such procurement in the most cost-effective manner.

SEC. 620A. Subsections (c) and (d) of section 3726 of title 31, United States Code, are amended to read as follows:

"(c) Expenses of transportation audit postpayment contracts and contract administration, and the expenses of all other transportation audit and audit-related functions conferred upon the Administrator of General Services, shall be financed from overpayments collected from carriers on transportation bills paid by the Government and other similar type refunds, not to exceed collections. Payment to any contractor for audit services shall not exceed 50 percent of the overpayment identified by contract audit. Contracts.

"(d) At least annually, and as determined by the Administrator, after making adequate provision for expense of refunds to carriers, transportation audit postpayment contracts, contract administration, and other expenses authorized in subsection (c), overpayments collected by the General Services Administration shall be transferred to miscellaneous receipts of the Treasury. A report of receipts, disbursements, and transfers (to miscellaneous receipts) pursuant to this section shall be made annually in connection with the budget estimates to the Director of the Office of Management and Budget and to the Congress.". Contracts. Reports.

SEC. 621. (a) No amount of any grant made by a Federal agency shall be used to finance the acquisition of goods or services (including construction services) unless the recipient of the grant agrees, as a condition for the receipt of such grant, to—

(1) specify in any announcement of the awarding of the contract for the procurement of the goods and services involved (including construction services) the amount of Federal funds that will be used to finance the acquisition; and

(2) express the amount announced pursuant to paragraph (1) as a percentage of the total costs of the planned acquisition.

(b) The requirements of subsection (a) shall not apply to a procurement for goods or services (including construction services) that has an aggregate value of less than $500,000.

SEC. 622. Notwithstanding section 1346 of title 31, United States Code, or section 611 of this Act, funds made available for fiscal year 1994 by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order Numbered 12472 (April 3, 1984).

SEC. 623. Notwithstanding any provisions of this or any other Act, during the fiscal year ending September 30, 1994, any department, division, bureau, or office may use funds appropriated by this or any other Act to install telephone lines, necessary equipment, and to pay monthly charges, in any private residence or private apartment of an employee who has been authorized to work at home in accordance with guidelines issued by the Office of Personnel Management: *Provided,* That the head of the department, division, bureau, or office certifies that adequate safeguards against private

misuse exist, and that the service is necessary for direct support of the agency's mission.

SEC. 624. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to section 3302 of title 5, United States Code, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(5) the Bureau of Intelligence and Research of the Department of State;

(6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of the Treasury, and the Department of Energy performing intelligence functions; and

(7) the Director of Central Intelligence.

SEC. 625. None of the funds appropriated by this or any other Act may be used to relocate the Department of Justice Immigration Judges from offices located in Phoenix, Arizona to new quarters in Florence, Arizona without the prior approval of the House and Senate Committees on Appropriations.

SEC. 626. None of the funds made available in this Act for "Allowances and Office Staff for Former Presidents" may be used for partisan political activities.

42 USC 415 note.

SEC. 627. Section 635 of the Public Law 102–393 is amended in paragraph (c)(2) by striking "1993" and inserting "1994".

5 USC 5305 note.

SEC. 628. Section 404 of the Federal Employees Pay Comparability Act of 1990 is amended by striking "Washington, DC–MD–VA Metropolitan Statistical Area" and inserting in its place, "Washington-Baltimore DC–MD–VA–WV Consolidated Metropolitan Statistical Area".

Discrimination. Sexual harassment.

SEC. 629. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 1994 shall obligate or expend any such funds, unless such department, agency or instrumentality has in place by July 1, 1994, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from discrimination and sexual harassment and that all of its workplaces are not in violation of title VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act of 1967, and the Rehabilitation Act of 1973.

TITLE VII—REVENUE FORGONE REFORM

Revenue Forgone Reform Act.

SHORT TITLE; TABLE OF CONTENTS

SEC. 701. (a) SHORT TITLE.—This title may be cited as the "Revenue Forgone Reform Act". 39 USC 101 note.

(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

Sec. 701. Short title; table of contents.
Sec. 702. References.
Sec. 703. Repeal of authorization of appropriations for mail sent at reduced rates of postage.
Sec. 704. Establishing reduced rates of postage.
Sec. 705. Eligibility of certain mailings for reduced rates of postage.
Sec. 706. Provisions relating to rates for books and certain other materials.
Sec. 707. Sense of Congress.
Sec. 708. Technical corrections.

REFERENCES

SEC. 702. Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 39, United States Code.

REPEAL OF AUTHORIZATION OF APPROPRIATIONS FOR MAIL SENT AT REDUCED RATES OF POSTAGE

SEC. 703. (a) IN GENERAL.—Section 2401(c) is amended—

(1) in the first sentence—

(A) by striking "if sections" through "had not been enacted" and inserting "if sections 3217 and 3403 through 3406 had not been enacted"; and

(B) by striking "such sections and Acts." and inserting "such sections."; and

(2) in the second sentence—

(A) by striking "(i)"; and

(B) by striking "volume;" through "schedules." and inserting "volume.".

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply with respect to appropriations for fiscal years beginning after September 30, 1993. 39 USC 240 note.

ESTABLISHING REDUCED RATES OF POSTAGE

SEC. 704. (a) RATES.—

(1) IN GENERAL.—Section 3626(a) is amended to read as follows:

"(a)(1) Except as otherwise provided in this section, rates of postage for a class of mail or kind of mailer under former section 4358, 4452(b), 4452(c), 4454(b), or 4454(c) of this title shall be established in accordance with the applicable provisions of this chapter.

"(2) For the purpose of this subsection—

"(A) the term 'costs attributable', as used with respect to a class of mail or kind of mailer, means the direct and indirect postal costs attributable to such class of mail or kind of mailer (excluding any other costs of the Postal Service);

"(B) the term 'regular-rate category' means any class of mail or kind of mailer, other than a class or kind referred to in paragraph (3)(A) or section 2401(c); and

"(C) the term 'institutional-costs contribution', as used with respect to a class of mail or kind of mailer, means that portion of the estimated revenues to the Postal Service from such class of mail or kind of mailer which remains after subtracting an amount equal to the estimated costs attributable to such class of mail or kind of mailer.

"(3)(A) Except as provided in paragraph (4) or (5), rates of postage for a class of mail or kind of mailer under former section 4358, 4452(b), 4452(c), 4554(b), or 4554(c) of this title shall be established in a manner such that the estimated revenues to be received by the Postal Service from such class of mail or kind of mailer shall be equal to the sum of—

"(i) the estimated costs attributable to such class of mail or kind of mailer; and

"(ii) the product derived by multiplying the estimated costs referred to in clause (i) by the applicable percentage under subparagraph (B).

"(B) The applicable percentage for any class of mail or kind of mailer referred to in subparagraph (A) shall be the product derived by multiplying—

"(i) the percentage which, for the most closely corresponding regular-rate category, the institutional-costs contribution for such category represents relative to the estimated costs attributable to such category of mail, times

"(ii)(I) one-twelfth, for fiscal year 1994;

"(II) one-sixth, for fiscal year 1995;

"(III) one-fourth, for fiscal year 1996;

"(IV) one-third, for fiscal year 1997;

"(V) five-twelfths, for fiscal year 1998; and

"(VI) one-half, for any fiscal year after fiscal year 1998.

"(C) Temporary special authority to permit the timely implementation of the preceding provisions of this paragraph is provided under section 3642.

"(D) For purposes of establishing rates of postage under this subchapter for any of the classes of mail or kinds of mailers referred to in subparagraph (A), subclauses (I) through (V) of subparagraph (B)(ii) shall be deemed amended by striking the fraction specified in each such subclause and inserting 'one-half'.

"(4) The rates for the advertising portion of any mail matter under former section 4358(d) or 4358(e) of this title shall be equal to the rates for the advertising portion of the most closely corresponding regular-rate category of mail, except that if the advertising portion does not exceed 10 percent of the issue of the publication involved, the advertising portion shall be subject to the same rates as apply to the nonadvertising portion.

"(5) The rates for any advertising under former section 4358(f) of this title shall be equal to 75 percent of the rates for advertising contained in the most closely corresponding regular-rate category of mail.".

(2) SPECIAL AUTHORITY.—Subchapter III of chapter 36 is amended by adding at the end the following:

"§ 3642. Special authority relating to reduced-rate categories of mail

"(a) In order to permit the timely implementation of section 3626(a)(3), the Postal Service may establish temporary rates of postage for any class of mail or kind of mailer referred to in section 3626(a)(3)(A).

"(b) Any exercise of authority under this section shall be in conformance with the requirements of section 3626(a), subject to the following:

"(1) All attributable costs and institutional-costs contributions assumed shall be the same as those which were assumed for purposes of the then most recent proceedings under subchapter II pursuant to which rates of postage for the class of mail or kind of mailer involved were last adjusted.

"(2) Any temporary rate established under this section shall take effect upon such date as the Postal Service may determine, except that—

"(A) such a rate may take effect only after 10 days' notice in the Federal Register; and Federal Register, publication.

"(B) no such rate may take effect after September 30, 1998.

"(3) A temporary rate under this section may remain in effect no longer than the last day of the fiscal year in which it first takes effect.

"(4) Authority under this section may not be exercised in a manner that would result in more than 1 change taking effect under this section, during the same fiscal year, in the rates of postage for a particular class of mail or kind of mailer, except as provided in paragraph (5).

"(5) Nothing in paragraph (4) shall prevent an adjustment under this section in rates for a class of mail or kind of mailer with respect to which any rates took effect under this section earlier in the same fiscal year if—

"(A) the rates established for such class of mail or kind of mailer by the earlier adjustment are superseded by new rates established under subchapter II; and

"(B) authority under this paragraph has not previously been exercised with respect to such class of mail or kind of mailer based on the new rates referred to in subparagraph (A).

"(c) The Postal Service may prescribe any regulations which may be necessary to carry out this section, including provisions governing the coordination of adjustments under this section with any other adjustments under this title.

"(d) Notwithstanding any provision of section 3626(a)(3)(B) or subsection (a) of this section, any temporary rates established under this section for non-letter-shaped mail under former section 4452(b) or 4452(c) of this title shall not be lower than the rates in effect for such mail on September 30, 1993.".

(3) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) SECTION 3626.—Section 3626(i) is repealed.

(B) SECTION 3627.—

(i) IN GENERAL.—Section 3627 is amended—

(I) by striking "sent at a free or reduced rate under section 3217, 3403–3406, 3626, or 3629 of this title," and inserting "sent free of postage under section 3217 or 3403–3406"; and

(II) in the section heading by striking "AND REDUCED".

(ii) TABLE OF CONTENTS.—The table of contents for chapter 36 is amended—

(I) by striking the item relating to section 3627 and inserting the following:

"3627. Adjusting free rates.";

and

(II) by inserting after the item relating to section 3641 the following:

"3642. Special authority relating to reduced-rate categories of mail.".

(b) AUTHORIZATION.—

(1) IN GENERAL.—Section 2401 is amended—

(A) by striking subsections (d) through (f);

(B) by redesignating subsections (g) through (i) as subsections (e) through (g), respectively;

(C) in subsection (f) (as so redesignated by subparagraph (B)) by striking the second sentence;

(D) in subsection (g) (as so redesignated by subparagraph (B)) by striking "subsections (b) and (d) of this section" and inserting "subsection (b)"; and

(E) by inserting after subsection (c) the following:

"(d) As reimbursement to the Postal Service for losses which it incurred as a result of insufficient amounts appropriated under section 2401(c) for fiscal years 1991 through 1993, and to compensate for the additional revenues it is estimated the Postal Service would have received under the provisions of section 3626(a), for the period beginning on October 1, 1993, and ending on September 30, 1998, if the fraction specified in subclause (VI) of section 3626(a)(3)(B)(ii) were applied with respect to such period (instead of the respective fractions specified in subclauses (I) through (V) thereof), there are authorized to be appropriated to the Postal Service $29,000,000 for each of fiscal years 1994 through 2035.".

39 USC 3621 note.

(2) RATEMAKING LIMITATIONS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), rates of postage may not be established, under subchapter II of chapter 36 of title 39, United States Code, in a manner designed to allow the United States Postal Service to receive through revenues any portion of the additional revenues (referred to in section 2401(d) of such title, as amended by paragraph (1)(E)) for which amounts are authorized to be appropriated under such section 2401(d).

(B) EXCEPTION.—If Congress fails to appropriate an amount authorized under section 2401(d) of title 39, United States Code (as amended by paragraph (1)(E)), rates for the various classes of mail may be adjusted in accordance with the provisions of subchapter II of chapter 36 of such title (excluding section 3627 thereof) such that the resulting increase in revenues will equal the amount that Congress so failed to appropriate.

39 USC 3626 note.

(c) APPLICABILITY.—

(1) RATES.—The amendments made by subsection (a) shall apply with respect to rates for mail sent after September 30, 1993.

(2) AUTHORIZATION.—The amendments made by subsection (b) shall apply with respect to appropriations for fiscal years beginning after September 30, 1993. 39 USC 2401 note.

ELIGIBILITY OF CERTAIN MAILINGS FOR REDUCED RATES OF POSTAGE

SEC. 705. (a) ADVERTISING.—Section 3626(j)(1) is amended—

(1) in subparagraph (B) by striking "or" after the semicolon;

(2) in subparagraph (C) by striking the period and inserting "; or"; and

(3) by adding at the end the following:

"(D) any product or service (other than any to which subparagraph (A), (B), or (C) relates), if—

"(i) the sale of such product or the providing of such service is not substantially related (aside from the need, on the part of the organization promoting such product or service, for income or funds or the use it makes of the profits derived) to the exercise or performance by the organization of one or more of the purposes constituting the basis for the organization's authorization to mail at such rates; or

"(ii) the mail matter involved is part of a cooperative mailing (as defined under regulations of the Postal Service) with any person or organization not authorized to mail at the rates for mail under former section 4452(b) or 4452(c) of this title;

except that—

"(I) any determination under clause (i) that a product or service is not substantially related to a particular purpose shall be made under regulations which shall be prescribed by the Postal Service and which shall be consistent with standards established by the Internal Revenue Service and the courts with respect to subsections (a) and (c) of section 513 of the Internal Revenue Code of 1986; and Regulations.

"(II) clause (i) shall not apply if the product involved is a periodical publication described in subsection (m)(2) (including a subscription to receive any such publication).".

(b) PRODUCTS.—Section 3626 is amended by adding at the end the following:

"(m)(1) In the administration of this section, the rates for mail under former section 4452(b) or 4452(c) of this title shall not apply to mail consisting of products, unless such products—

"(A) were received by the organization as gifts or contributions; or

"(B) are low cost articles (as defined by section 513(h)(2) of the Internal Revenue Code of 1986).

"(2) Paragraph (1) shall not apply with respect to a periodical publication of a qualified nonprofit organization.".

(c) CERTIFICATION; VERIFICATION.—Section 3626(j)(3) is amended—

(1) by striking "(3)" and inserting "(3)(A)"; and

(2) by adding at the end the following:

"(B) The Postal Service shall establish procedures to carry out this paragraph, including procedures for mailer certification of compliance with the conditions specified in paragraph (1)(D) or subsection (m), as applicable, and verification of such compliance.".

39 USC 3626 note.

(d) APPLICABILITY.—The amendments made by this section shall apply with respect to mail sent, and the rates for mail sent, after December 31, 1993.

PROVISIONS RELATING TO RATES FOR BOOKS AND CERTAIN OTHER MATERIALS

SEC. 706. (a) IN GENERAL.—Section 3683(b) is amended to read as follows:

"(b) The rates of postage under former section 4554(b)(1) of this title shall not be effective except with respect to mailings which—

"(1) constitute materials specified in former section 4554(b)(2) of this title; and

"(2) are sent between—

"(A) an institution, organization, or association listed in subparagraph (A) or (B) of such former section 4554(b)(1) and any other such institution, organization, or association;

"(B) an institution, organization, or association referred to in subparagraph (A) and any individual (other than an individual having a financial interest in the sale, promotion, or distribution of the materials involved);

"(C) an institution, organization, or association referred to in subparagraph (A) and a qualified nonprofit organization (as defined in former section 4452(d) of this title) that is not such an institution, organization, or association; or

"(D) an institution, organization, or association referred to in subparagraph (A) and a publisher, if such institution, organization, or association has placed an order to purchase such materials for delivery to such institution, organization, or association.".

39 USC 3683 note.

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply with respect to mail sent after September 30, 1993.

SENSE OF CONGRESS

SEC. 707. It is the sense of the Congress that any legislation, enacted after September 30, 1994, which would have the effect of expanding the classes of mail or kinds of mailers eligible for reduced rates of postage should provide for sufficient funding to ensure that neither any losses to the United States Postal Service nor any increase in the rates of postage for any of the other classes of mail or kinds of mailers will result.

TECHNICAL CORRECTIONS

SEC. 708. (a) SECTION 410.—Section 410(b) is amended—

(1) in paragraph (8) by striking "and" after the semicolon;

(2) in the first paragraph (9) by striking "Chapter" and inserting "chapter", and by striking the period and inserting "; and"; and

(3) by designating the second paragraph (9) as paragraph (10).

(b) SECTION 3202.—Section 3202(a) is amended—

(1) in paragraph (3) by adding "and" after the semicolon; and

(2) in paragraph (4) by striking "; and" and inserting a period.

(c) SECTION 3601.—Section 3601(a) is amended by striking "concent" and inserting "consent".

(d) SECTION 3625.—Section 3625(d) is amended by striking "section 3268" and inserting "section 3628".

(e) SECTION 3626.—Section 3626 is amended by redesignating the second subsection (k) as subsection (l).

TITLE VIII

GENERAL PROVISIONS

SECTION 801. Notwithstanding the provisions of this or any other Act, the Administration may establish the National Partnership Council with interagency assistance from the Office of Personnel Management, the Office of Management and Budget, and the Federal Labor Relations Authority, subject to authorization.

SEC. 802. Not to exceed 50 per centum of unobligated balances remaining available at the end of fiscal year 1994 from appropriations made available for salaries and expenses made for one fiscal year in this Act, shall remain available through September 30, 1995 for each such account for such purposes and in such amounts as approved in advance by the House and Senate Committees on Appropriations: *Provided,* That not to exceed 2 per centum of the funds so carried over may be used to pay cash awards to employees, as authorized by law, and not to exceed 3 per centum of the funds may be used for employee training programs.

SEC. 803. Notwithstanding any other provision of law, the Centers for Disease Control (CDC) laboratory project authorized by Public Law 100–202, may be sited on the "new" campus in the Atlanta, Georgia area authorized by Public Law 102–393.

SEC. 804. Part of the site to be utilized for the new United States Courthouse in Montgomery, Alabama, is owned and occupied by Troy State University which is under a consent decree with the Department of Justice that severely limits its geographic location. Therefore, notwithstanding any other provision of law, the Administrator of General Services is authorized to pay replacement costs for the site and improvements to be acquired.

69-194 O - 94 - 11 : QL. 3 Part 2

This Act may be cited as the "Treasury, Postal Service, and General Government Appropriations Act, 1994".

Approved October 28, 1993.

LEGISLATIVE HISTORY—H.R. 2403:

HOUSE REPORTS: Nos. 103-127 (Comm. on Appropriations) and 103-256 (Comm. of Conference).
SENATE REPORTS: No. 103-106 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 139 (1993):
June 17, 18, 22, considered and passed House.
July 29, 30, Aug. 3, considered and passed Senate, amended.
Sept. 29, House agreed to conference report.
Oct. 26, Senate agreed to conference report.

Public Law 103-124
103d Congress

An Act

Making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1994, and for other purposes.

Oct. 28, 1993
[H.R. 2491]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1994, and for other purposes, namely:

Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1994.

TITLE I

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(INCLUDING TRANSFERS OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans as authorized by law (38 U.S.C. 107, chapters 11, 13, 51, 53, 55, and 61); pension benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and burial benefits, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of Article IV of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, and for other benefits as authorized by law (38 U.S.C. 107, 1312, 1977, and 2106, chapters 23, 51, 53, 55, and 61; 50 U.S.C. App. 540–548; 43 Stat. 122, 123; 45 Stat. 735; 76 Stat. 1198), $16,828,446,000, to remain available until expended: *Provided,* That not less than $38,919,000 of the amount appropriated shall be reimbursed to "General operating expenses" and "Medical care" for necessary expenses in implementing those provisions authorized in the Omnibus Budget Reconciliation Act of 1990, Public Law 101–508, and in the Veterans' Benefits Act of 1992, Public Law 102–568, the funding source for which is specifically provided as the "Compensation and pensions" appropriation: *Provided further,* That $6,000,000 of the amount appropriated shall be transferred to "Medical facilities revolving fund" to augment the funding of individual medical facilities for nursing

home care provided to pensioners as authorized by the Veterans' Benefits Act of 1992, Public Law 102–568.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 21, 30, 31, 35, 36, 39, 51, 53, 55, and 61), $947,400,000, to remain available until expended: *Provided,* That funds shall be available to pay any court order, court award or any compromise settlement arising from litigation involving the vocational training program authorized by section 18 of Public Law 98–77, as amended.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by law (38 U.S.C. chapter 19; 70 Stat. 887; 72 Stat. 487), $15,370,000, to remain available until expended.

GUARANTY AND INDEMNITY PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the purpose of the program, as authorized by 38 U.S.C. chapter 37, as amended: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $56,231,000, which may be transferred to and merged with the appropriation for "General operating expenses".

LOAN GUARANTY PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the purpose of the program, as authorized by 38 U.S.C. chapter 37, as amended: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $70,716,000, which may be transferred to and merged with the appropriation for "General operating expenses".

DIRECT LOAN PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, such sums as may be necessary to carry out the purpose of the program, as authorized by 38 U.S.C. chapter 37, as amended: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further,* That during 1994, within the resources available, not to exceed $1,000,000 in gross obligations for direct loans are authorized for specially adapted housing loans (38 U.S.C. chapter 37).

In addition, for administrative expenses to carry out the direct loan program, $2,863,000, which may be transferred to and merged with the appropriation for "General operating expenses".

EDUCATION LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $1,032, as authorized by 38 U.S.C. 3698, as amended: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further,* That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $3,571.

In addition, for administrative expenses necessary to carry out the direct loan program, $186,000, which may be transferred to and merged with the appropriation for "General operating expenses".

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $53,000, as authorized by 38 U.S.C. chapter 31, as amended: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further,* That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $2,387,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $751,000, which may be transferred to and merged with the appropriation for "General operating expenses".

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the direct loan program authorized by section 38, U.S.C. chapter 37, subchapter V, as amended, $156,000, which may be transferred to and merged with the appropriation for "General operating expenses".

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities; for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs, including care and treatment in facilities not under the jurisdiction of the Department of Veterans Affairs, and furnishing recreational facilities, supplies, and equipment; funeral, burial, and other expenses incidental thereto for beneficiaries receiving care in Department of Veterans Affairs facilities; administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction and renovation of any facility under the jurisdiction or for the use of the Department of Veterans Affairs;

oversight, engineering and architectural activities not charged to project cost; repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the Department of Veterans Affairs, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902); aid to State homes as authorized by law (38 U.S.C. 1741); and not to exceed $2,000,000 to fund cost comparison studies as referred to in 38 U.S.C. 8110(a)(5); $15,622,452,000, plus reimbursements: *Provided*, That of the funds made available under this heading, $651,000,000 is for the equipment and land and structures object classifications only, which amount shall not become available for obligation until August 1, 1994, and shall remain available for obligation until September 30, 1995: *Provided further,* That of the sum appropriated, $8,000,000 is for homeless programs authorized by sections 2, 3, and 4 of Public Law 102–590.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by law (38 U.S.C. chapter 73), to remain available until September 30, 1995, $252,000,000, plus reimbursements.

HEALTH PROFESSIONAL SCHOLARSHIP PROGRAM

For payment of health professional scholarship program grants, as authorized by law, to students who agree to a service obligation with the Department of Veterans Affairs at one of its medical facilities, $10,386,000.

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

For necessary expenses in the administration of the medical hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of planning, design, project management, architectural, engineering, real property acquisition and disposition, construction and renovation of any facility under the jurisdiction or for the use of the Department of Veterans Affairs, including site acquisition; engineering and architectural activities not charged to project cost; and research and development in building construction technology; $68,500,000, plus reimbursements.

GRANTS TO THE REPUBLIC OF THE PHILIPPINES

For payment to the Republic of the Philippines of grants, as authorized by law (38 U.S.C. 1732), for assisting in the replacement and upgrading of equipment and in rehabilitating the physical plant and facilities of the Veterans Memorial Medical Center, $500,000, to remain available until September 30, 1995.

TRANSITIONAL HOUSING LOAN PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $7,000, as authorized by Public Law 102–54, section 8: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further,* That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $70,000. In addition, for administrative expenses to carry out the direct loan program, $52,000, which may be transferred to and merged with the "General post fund", as authorized by Public Law 102–54, section 8.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including uniforms or allowances therefor, as authorized by law; not to exceed $25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail; $826,749,000.

NATIONAL CEMETERY SYSTEM

For necessary expenses for the maintenance and operation of the National Cemetery System not otherwise provided for, including uniforms or allowances therefor, as authorized by law; cemeterial expenses as authorized by law; purchase of six passenger motor vehicles, for use in cemeterial operations; and hire of passenger motor vehicles, $70,507,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $31,436,000.

CONSTRUCTION, MAJOR PROJECTS

(INCLUDING TRANSFER OF FUNDS)

For constructing, altering, extending and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is $3,000,000 or more or where funds for a project were made available in a previous major project appropriation, $369,000,000, to remain available until expended: *Provided,* That not to exceed $14,000,000 shall be transferred from the Parking revolving fund to this account and the amounts transferred shall

be available for the same purposes and for the same period of time as funds appropriated to this account: *Provided further,* That except for advance planning of projects funded through the advance planning fund and the design of projects funded through the design fund, none of these funds shall be used for any project which has not been considered and approved by the Congress in the budgetary process: *Provided further,* That funds provided in this appropriation for fiscal year 1994, for each approved project shall be obligated (1) by the awarding of a construction documents contract by September 30, 1994, and (2) by the awarding of a construction contract by September 30, 1995: *Provided further,* That the Secretary shall promptly report in writing to the Comptroller General and to the Committees on Appropriations any approved major construction project in which obligations are not incurred within the time limitations established above; and the Comptroller General shall review the report in accordance with the procedures established by section 1015 of the Impoundment Control Act of 1974 (title X of Public Law 93–344): *Provided further,* That no funds from any other account except the "Parking revolving fund", may be obligated for constructing, altering, extending, or improving a project which was approved in the budget process and funded in this account until one year after substantial completion and beneficial occupancy by the Department of Veterans Affairs of the project or any part thereof with respect to that part only.

Reports.

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, where the estimated cost of a project is less than $3,000,000, $153,540,000, to remain available until expended, along with unobligated balances of previous "Construction, minor projects" appropriations which are hereby made available for any project where the estimated cost is less than $3,000,000: *Provided,* That funds in this account shall be available for (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department of Veterans Affairs which are necessary because of loss or damage caused by any natural disaster or catastrophe, and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

PARKING REVOLVING FUND

For the parking revolving fund as authorized by law (38 U.S.C. 8109), $1,353,000, together with income from fees collected, to remain available until expended. Resources of this fund shall be available for all expenses authorized by 38 U.S.C. 8109 except operations and maintenance costs which will be funded from "Medical care".

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist the several States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify or alter existing hospital, nursing home and domiciliary facilities in State homes, for furnishing care to veterans as authorized by law (38 U.S.C. 8131–8137), $41,080,000, to remain available until expended.

GRANTS FOR THE CONSTRUCTION OF STATE VETERANS CEMETERIES

For grants to aid States in establishing, expanding, or improving State veteran cemeteries as authorized by law (38 U.S.C. 2408), $5,242,000, to remain available until September 30, 1996.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

Any appropriation for 1994 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" may be transferred to any other of the mentioned appropriations.

Appropriations available to the Department of Veterans Affairs for 1994 for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

No part of the appropriations in this Act for the Department of Veterans Affairs (except the appropriations for "Construction, major projects", "Construction, minor projects" and the "Parking revolving fund") shall be available for the purchase of any site for or toward the construction of any new hospital or home.

No part of the foregoing appropriations shall be available for hospitalization or examination of any persons except beneficiaries entitled under the laws bestowing such benefits to veterans, unless reimbursement of cost is made to the appropriation at such rates as may be fixed by the Secretary of Veterans Affairs.

Appropriations available to the Department of Veterans Affairs for fiscal year 1994 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" shall be available for payment of prior year accrued obligations required to be recorded by law against the aforementioned accounts within the last quarter of fiscal year 1993.

Appropriations accounts available to the Department of Veterans Affairs for fiscal year 1994 shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from title X of the Competitive Equality Banking Act, Public Law 100–86, except that if such obligations are from trust fund accounts they shall be payable from "Compensation and pensions".

TITLE II

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

HOMEOWNERSHIP AND OPPORTUNITY FOR PEOPLE EVERYWHERE GRANTS (HOPE GRANTS)

(INCLUDING RESCISSION OF FUNDS)

For the homeownership and opportunity for people everywhere (HOPE grants) program as authorized under title III of the United States Housing Act of 1937 (42 U.S.C. 1437aaa et seq.) and subtitles A, B, C, and D of title IV of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101–625), $109,190,000, to remain available until expended, of which up to one and one-half percent may be made available for technical assistance to potential applicants, applicants and recipients of assistance under this head as authorized under subtitle E of title I of the Housing and Community Development Act of 1992: *Provided,* That of the foregoing amount, not more than $28,000,000 may be made available to carry out activities under subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act.

Of the amounts provided under this heading in Public Law 102–389 and Public Law 102–139, $250,000,000 are rescinded: *Provided,* That of the foregoing amount, $130,000,000 shall be deducted from the amount earmarked for HOPE for the Public and Indian Housing Homeownership Program and $75,000,000 shall be deducted from the amount earmarked for HOPE for Homeownership of Multifamily Units Program in Public Law 102–389, and $45,000,000 shall be deducted from the amount earmarked for HOPE for the Public and Indian Housing Homeownership Program in Public Law 102–139.

HOME INVESTMENT PARTNERSHIPS PROGRAM

For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101–625), as amended, $1,275,000,000, to remain available until expended.

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(INCLUDING RESCISSION OF FUNDS)

For assistance under the United States Housing Act of 1937, as amended ("the Act" herein) (42 U.S.C. 1437), not otherwise provided for, $9,312,900,000, to remain available until expended: *Provided,* That to be added to and merged with the foregoing amounts there shall be up to $242,680,000 of amounts of budget authority (and contract authority) reserved or obligated in prior years for the development or acquisition costs of public housing (including public housing for Indian families), for modernization of existing public housing projects (including such projects for Indian families), and, except as herein provided, for programs under section 8 of the Act (42 U.S.C. 1437f), which are recaptured during fiscal

year 1994; and up to $203,000,000 of amounts of budget authority for rental assistance under section 8 of the Act and section 162(h) of the Housing and Community Development Act of 1987 recaptured during fiscal year 1992 as a result of the conversion of section 202 direct loans to capital grants: *Provided further,* That of the total amount provided under this head, $263,000,000 shall be for the development or acquisition cost of public housing for Indian families, including amounts for housing under the mutual help homeownership opportunity program under section 202 of the Act (42 U.S.C. 1437bb); and $598,000,000 shall be for the development or acquisition cost of public housing, of which up to one-half of one percent shall be available for technical assistance and inspection of public housing agencies by the Secretary: *Provided further,* That of the total amount provided under this head, $3,230,000,000 shall be for modernization of existing public housing projects pursuant to section 14 of the Act (42 U.S.C. 1437l), including up to two-fifths of one percent for the inspection of modernization units and provision of management and technical assistance by the Secretary for troubled public housing agencies and Indian housing authorities: *Provided further,* That of the total amount provided under this head, $1,326,865,000 shall be for rental assistance under the section 8 existing housing certificate program (42 U.S.C. 1437f) and the housing voucher program under section 8(o) of the Act (42 U.S.C. 1437f(o)): *Provided further,* That of the total amount provided under this head, $8,400,000 shall be available for fees under section 23(h) for the family self-sufficiency program (42 U.S.C. 1437u): *Provided further,* That of the total amount provided under this head, $900,000,000 shall be for amendments to section 8 contracts other than contracts for projects developed under section 202 of the Housing Act of 1959, as amended, and $541,000,000 shall be for assistance for State or local units of government, tenant and nonprofit organizations to purchase projects where owners have indicated an intent to prepay mortgages and for assistance to be used as an incentive to prevent prepayment or for vouchers to aid eligible tenants adversely affected by mortgage prepayment, as authorized in the Emergency Low-Income Housing Preservation Act of 1987, as amended: *Provided further,* That those portions of the fees for the costs incurred in administering incremental units assisted in the certificate and housing voucher programs under sections 8(b), 8(o), and 8(e)(2) shall be established or increased in accordance with the authorization for such fees in section 8(q) of the Act: *Provided further,* That 50 per centum of the amounts of budget authority, or in lieu thereof 50 per centum of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (Public Law 100-628, 102 Stat. 3224, 3268) shall be rescinded, or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescinded or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section: *Provided further,* That of the total amount provided under this head, $156,000,000 shall be for housing opportunities for persons with AIDS under title VIII, subtitle D of the Cranston-Gonzalez National Affordable Housing Act, $150,000,000

42 USC 1437l.

shall be for the lead-based paint hazard reduction program as authorized under sections 1011 and 1053 of the Residential Lead-Based Hazard Reduction Act of 1992, and $30,000,000 shall be for service coordinators in public housing pursuant to section 9(a)(1)(B)(ii) of the United States Housing Act of 1937.

Of the total amount provided under this head, $1,158,000,000 shall be for capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance, and amendments to contracts for project rental assistance, for supportive housing for the elderly under section 202(c)(2) of the Housing Act of 1959: *Provided further,* That $22,000,000 shall be for service coordinators pursuant to section 202(q) of the Housing Act of 1959.

Of the total amount provided under this head, $387,000,000 shall be for capital advances, including amendments to capital advances contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act; and for project rental assistance, and amendments to contracts for project rental assistance, for supportive housing for persons with disabilities as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act.

ASSISTANCE FOR THE RENEWAL OF EXPIRING SECTION 8 SUBSIDY CONTRACTS

(INCLUDING TRANSFER OF FUNDS)

For assistance under the United States Housing Act of 1937 (42 U.S.C. 1437) not otherwise provided for, for use in connection with expiring section 8 subsidy contracts, $4,558,106,000, to remain available until expended: *Provided,* That to the extent the amount in this appropriation is insufficient to fund all expiring section 8 contracts, the Secretary may transfer to and merge with this appropriation such amounts from the "Annual contributions for assisted housing" appropriation as the Secretary shall determine, and amounts earmarked in the foregoing account may be reduced accordingly, at the Secretary's discretion: *Provided further,* That the Secretary may maintain consolidated accounting data for funds disbursed at the public housing agency or Indian housing authority or project level for subsidy assistance regardless of the source of the disbursement so as to minimize the administrative burden of multiple accounts.

Further, for the foregoing purposes, $800,000,000, to become available for obligation on October 1, 1994, and to remain available for obligation until expended.

RENTAL HOUSING ASSISTANCE

(RESCISSION)

The limitation otherwise applicable to the maximum payments that may be required in any fiscal year by all contracts entered into under section 236 of the National Housing Act (12 U.S.C. 1715z–1) is reduced in fiscal year 1994 by not more than $2,000,000 in uncommitted balances of authorizations provided for this purpose in appropriations Acts: *Provided,* That up to $45,515,000 of recaptured section 236 budget authority resulting from the prepayment

of mortgages subsidized under section 236 of the National Housing Act (12 U.S.C. 1715z–1) shall be rescinded in fiscal year 1994: *Provided further,* That to the extent that the recaptures and rescission during fiscal year 1994 are less than $45,515,000, the total funding provided under the head "Annual contributions for assisted housing" and the budget authority provided under that head for assistance in connection with mortgage prepayments shall be reduced accordingly.

RENT SUPPLEMENT PROGRAM

(RESCISSION)

The limitation otherwise applicable to the maximum payments that may be required in any fiscal year by all contracts entered into under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s), is reduced in fiscal year 1994 by not more than $1,544,646 of uncommitted balances of authorizations provided for this purpose in appropriations Acts.

CONGREGATE SERVICES

For contracts with and payments to public housing agencies and nonprofit corporations for congregate services programs, $6,267,000, to remain available until September 30, 1995, in accordance with the provisions of the Congregate Services Act of 1978, as amended.

For contracts with and payments to public housing agencies and nonprofit corporations for congregate services programs under section 802 of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101–625), $18,733,000, to remain available until September 30, 1995.

PAYMENTS FOR OPERATION OF LOW-INCOME HOUSING PROJECTS

For payments to public housing agencies and Indian housing authorities for operating subsidies for low-income housing projects as authorized by section 9 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g), $2,620,808,000.

SEVERELY DISTRESSED PUBLIC HOUSING PROJECTS

42 USC 1437*l* note.

For the urban revitalization demonstration program under the third paragraph under the head "Homeownership and Opportunity for People Everywhere grants (HOPE grants)" in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1993, Public Law 102–389, 106 Stat. 1571, 1579, $778,240,000, to remain available until expended: *Provided,* That notwithstanding the first proviso in such third paragraph, the Secretary shall have discretion to approve funding for more than fifteen applicants: *Provided further,* That no part of the foregoing amount that is used for the urban revitalization demonstration program shall be made available for an application that was not submitted to the Secretary by May 26, 1993: *Provided further,* That of the foregoing $778,240,000, the Secretary may use up to $2,500,000 for technical assistance under such urban revitalization demonstration, to be made available directly, or indirectly under contracts or grants, as appropriate: *Provided further,* That nothing in this paragraph shall prohibit the Secretary

from conforming the program's standards and criteria set forth herein, with subsequent authorization legislation that may be enacted into law: *Provided further,* That of the $778,240,000 made available under this heading, $20,000,000 shall be made to eligible grantees under the urban revitalization demonstration program, to implement programs authorized under subtitle D of title IV, and of which, $10,000,000 shall be made for youth apprenticeship training activities for joint labor-management organizations pursuant to section 3(c)(2)(B) of the Housing and Urban Development Act of 1968, as amended.

INNOVATIVE HOMELESS INITIATIVES DEMONSTRATION PROGRAM

For the innovative homeless initiatives demonstration program as authorized by section 2 of the HUD Demonstration Act of 1993, $100,000,000, to remain available until expended.

CAPACITY BUILDING FOR COMMUNITY DEVELOPMENT AND AFFORDABLE HOUSING

For the capacity building for community development and affordable housing program as authorized by section 4 of the HUD Demonstration Act of 1993, $20,000,000.

DRUG ELIMINATION GRANTS FOR LOW-INCOME HOUSING

For grants to public housing agencies for use in eliminating drug-related crime in public housing projects authorized by 42 U.S.C. 11901–11908, and for drug information clearinghouse services authorized by 42 U.S.C. 11921–11925, $265,000,000, to remain available until expended: *Provided,* That not more than $198,750,000 shall be available for grants to housing authorities with greater than 1,250 public housing units: *Provided further,* That not more than $53,000,000 shall be available for grants to housing authorities with less than 1,250 public housing units: *Provided further,* That not more than $13,250,000 shall be available for grants for federally-assisted, low-income housing.

NATIONAL CITIES IN SCHOOLS COMMUNITY DEVELOPMENT PROGRAM

For the national cities in schools community development program, as authorized under section 930 of the Housing and Community Development Act of 1992 (Public Law 102–550), $10,000,000, to remain available until expended.

HOUSING COUNSELING ASSISTANCE

For contracts, grants, and other assistance, not otherwise provided for, for providing counseling and advice to tenants and homeowners—both current and prospective—with respect to property maintenance, financial management, and such other matters as may be appropriate to assist them in improving their housing conditions and meeting the responsibilities of tenancy or homeownership, including provisions for training and for support of voluntary agencies and services as authorized by section 106(a)(1)(iii), section 106(a)(2), section 106(c), section 106(d), section 106(e), and section 106(f) of the Housing and Urban Development Act of 1968, as amended, $12,000,000.

FLEXIBLE SUBSIDY FUND

For assistance to owners of eligible multifamily housing projects insured, or formerly insured, and under the National Housing Act, as amended, or which are otherwise eligible for assistance under section 201(c) of the Housing and Community Development Amendments of 1978, as amended (12 U.S.C. 1715z–1a), in the program of assistance for troubled multifamily housing projects under the Housing and Community Development Amendments of 1978, as amended, $35,747,000, and all uncommitted balances of excess rental charges as of September 30, 1993, and any collections and other amounts in the fund authorized under section 201(j) of the Housing and Community Development Amendments of 1978, as amended, during fiscal year 1994, to remain available until expended: *Provided,* That assistance to an owner of a multifamily housing project assisted, but not insured, under the National Housing Act may be made if the project owner and the mortgagee have provided or agreed to provide assistance to the project in a manner as determined by the Secretary of Housing and Urban Development.

FEDERAL HOUSING ADMINISTRATION

FHA-MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

During fiscal year 1994, commitments to guarantee loans to carry out the purposes of section 203(b) of the National Housing Act, as amended, shall not exceed a loan principal of $64,564,645,000.

For administrative expenses necessary to carry out the guaranteed loan program, $262,810,000, to be derived from the FHA-mutual mortgage insurance guaranteed loans receipt account, of which not to exceed $256,682,000 shall be transferred to the appropriation for salaries and expenses; and of which not to exceed $6,128,000 shall be transferred to the appropriation for the Office of Inspector General.

FHA—GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of guaranteed loans, $147,371,000, as authorized by the National Housing Act, as amended (12 U.S.C. 1715z–3(b) and 1735c(f)): *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further,* That these funds are available to subsidize total loan principal any part of which is to be guaranteed of not to exceed $13,436,205,000: *Provided further,* That of the foregoing amount provided to subsidize program costs, not more than $36,842,750 may be obligated by January 1, 1994, not more than $73,685,500 may be obligated by April 1, 1994, and not more than $110,528,250 may be obligated by July 1, 1994.

In addition, for administrative expenses necessary to carry out the guaranteed loan programs, $192,252,000, of which $188,190,000 shall be transferred to the appropriation for salaries

and expenses; and of which $4,062,000 shall be transferred to the appropriation for the Office of Inspector General.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

(INCLUDES TRANSFER OF FUNDS)

During fiscal year 1994, new commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed $130,000,000,000.

For administrative expenses necessary to carry out the guaranteed mortgage-backed securities program, $8,038,000, to be derived from the GNMA—guarantees of mortgage-backed securities guaranteed loan receipt account, of which not to exceed $8,038,000 shall be transferred to the appropriation for salaries and expenses.

HOMELESS ASSISTANCE

EMERGENCY SHELTER GRANTS PROGRAM

For the emergency shelter grants program, as authorized under subtitle B of title IV of the Stewart B. McKinney Homeless Assistance Act (Public Law 100–77), as amended, $115,000,000, to remain available until expended.

SUPPORTIVE HOUSING PROGRAM

For the supportive housing program, as authorized under subtitle C of title IV of the Stewart B. McKinney Homeless Assistance Act (Public Law 100–77), as amended, $334,000,000, to remain available until expended, of which not to exceed $50,000,000 may be used for a safe havens demonstration initiative, including activities authorized within subtitle D of such Act, and not to exceed $20,000,000 may be used for a rural homeless demonstration initiative, including activities authorized within subtitle G of such Act.

SECTION 8 MODERATE REHABILITATION

SINGLE ROOM OCCUPANCY

For assistance under the United States Housing Act of 1937, as amended (42 U.S.C. 1437f), for the section 8 moderate rehabilitation program, to be used to assist homeless individuals pursuant to section 441 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11401), $150,000,000, to remain available until expended.

SHELTER PLUS CARE

For the shelter plus care program, as authorized by subtitle F of title IV of the Stewart B. McKinney Homeless Assistance Act (Public Law 100–77), as amended, $123,747,000, to remain available until expended.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT GRANTS

For grants to States and units of general local government and for related expenses, not otherwise provided for, necessary for carrying out a community development grants program as authorized by title I of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301), $4,400,000,000, to remain available until September 30, 1996: *Provided,* That $44,000,000 shall be available for grants to Indian tribes pursuant to section 106(a)(1) of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301), and $45,000,000 shall be available for "special purpose grants" pursuant to section 107 of such Act: *Provided further,* That not to exceed 20 per centum of any grant made with funds appropriated herein (other than a grant using funds under section 107(b)(3) of such Act or funds set aside in the following provisos) shall be expended for "Planning and Management Development" and "Administration" as defined in regulations promulgated by the Department of Housing and Urban Development: *Provided further,* That $15,000,000 shall be made available from the total amount provided to carry out an early childhood development program under section 222 of the Housing and Urban-Rural Recovery Act of 1983, as amended (12 U.S.C. 1701z–6 note), including services for families that are homeless or at risk of becoming homeless: *Provided further,* That $5,000,000 shall be made available from the total amount provided to carry out a neighborhood development program under section 123 of said Act (42 U.S.C. 5318 note).

During fiscal year 1994, new commitments to issue guarantees to carry out the purposes of section 108 of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301), shall not exceed $2,054,000,000.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970, as amended (12 U.S.C. 1701z–1 et seq.), including carrying out the functions of the Secretary under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, $35,000,000, to remain available until September 30, 1995.

INDIAN HOUSING

INDIAN HOUSING LOAN GUARANTEE FUND

For the cost (as defined in section 502 of the Congressional Budget Act of 1974) of guaranteed loans authorized by section 184 of the Housing and Community Development Act of 1992 (106 Stat. 3739), $1,000,000. Such funds shall be available to subsidize guarantees of total loan principal in an amount not to exceed $25,000,000.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, $25,000,000, to remain available until September 30, 1995: *Provided,* That $20,481,000 shall be available to carry out activities pursuant to section 561 of the Housing and Community Development Act of 1987.

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary administrative and nonadministrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including not to exceed $7,000 for official reception and representation expenses, $916,963,000, of which $444,872,000 shall be provided from the various funds of the Federal Housing Administration, and $8,038,000 shall be provided from funds of the Government National Mortgage Association.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $46,305,000, of which $10,190,000 shall be transferred from the various funds of the Federal Housing Administration.

OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For carrying out the Federal Housing Enterprise Financial Safety and Soundness Act of 1992, $10,700,000, to remain available until expended, from the Federal Housing Enterprise Oversight Fund: *Provided,* That such amounts shall be collected by the Director as authorized by section 1316 (a) and (b) of such Act, and deposited in the Fund under section 1316(f): *Provided further,* That notwithstanding the last sentence in section 1316(e) of such Act, the amount of this first annual assessment shall not be reduced by any part of the amount of the initial special assessment under section 1316(e): *Provided further,* That not more than $5,000,000 of the amounts made available under this heading may be used for personnel compensation and benefits.

12 USC 4516 note.

ADMINISTRATIVE PROVISION

None of the funds provided under this title to the Department of Housing and Urban Development, which are obligated to State or local governments or to housing finance agencies or other public

or quasi-public housing agencies, shall be used to indemnify contractors or subcontractors of the government or agency against costs associated with judgments of infringement of intellectual property rights.

TITLE III

INDEPENDENT AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one for replacement only) and hire of passenger motor vehicles; and insurance of official motor vehicles in foreign countries, when required by law of such countries; $20,211,000, to remain available until expended: *Provided,* That where station allowance has been authorized by the Department of the Army for officers of the Army serving the Army at certain foreign stations, the same allowance shall be authorized for officers of the Armed Forces assigned to the Commission while serving at the same foreign stations, and this appropriation is hereby made available for the payment of such allowance: *Provided further,* That when traveling on business of the Commission, officers of the Armed Forces serving as members or as Secretary of the Commission may be reimbursed for expenses as provided for civilian members of the Commission: *Provided further,* That the Commission shall reimburse other Government agencies, including the Armed Forces, for salary, pay, and allowances of personnel assigned to it: *Provided further,* That section 509 of the general provisions carried in title V of this Act shall not apply to the funds provided under this heading: *Provided further,* That not more than $125,000 of the private contributions to the Korean War Memorial Fund may be used for administrative support of the Korean War Veterans Memorial Advisory Board including travel by members of the board authorized by the Commission, travel allowances to conform to those provided by Federal travel regulations.

36 USC 121b.

36 USC 122.

36 USC 122a.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

For necessary expenses in carrying out activities pursuant to section 112(r)(6) of the Clean Air Act Amendments of 1990, including hire of passenger vehicles, and for services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376, $2,500,000.

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS–18, purchase of nominal awards to recognize non-Federal officials' contributions to Commission activities, and not to exceed $500 for official reception and representation expenses, $42,286,000.

COURT OF VETERANS APPEALS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Veterans Appeals as authorized by 38 U.S.C. sections 7251–7292, $9,159,000, to be available without regard to section 509 of this Act, of which not to exceed $790,000, to remain available until September 30, 1995, shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth under this head in Public Law 102–229.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, and not to exceed $1,000 for official reception and representation expenses; $12,738,000, to remain available until expended.

ENVIRONMENTAL PROTECTION AGENCY

RESEARCH AND DEVELOPMENT

For research and development activities, including procurement of laboratory equipment and supplies; other operating expenses in support of research and development; and construction, alteration, repair, rehabilitation and renovation of facilities, not to exceed $75,000 per project; $338,701,000, to remain available until September 30, 1995: *Provided,* That not more than $50,600,000 of these funds shall be available for procurement of laboratory equipment, supplies, and other operating expenses in support of research and development.

ABATEMENT, CONTROL, AND COMPLIANCE

For abatement, control, and compliance activities, including hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; construction, alteration, repair, rehabilitation, and renovation of

facilities, not to exceed $75,000 per project; and not to exceed $6,000 for official reception and representation expenses; $1,352,535,000, to remain available until September 30, 1995: *Provided,* That not more than $283,000,000 of these funds shall be available for operating expenses: *Provided further,* That none of the funds appropriated under this head shall be available to the National Oceanic and Atmospheric Administration pursuant to section 118(h)(3) of the Federal Water Pollution Control Act, as amended: *Provided further,* That none of these funds may be expended for purposes of resource conservation and recovery panels established under section 2003 of the Resource Conservation and Recovery Act, as amended (42 U.S.C. 6913), or for support to State, regional, local, and interstate agencies in accordance with subtitle D of the Solid Waste Disposal Act, as amended, other than section 4008(a)(2) or 4009 (42 U.S.C. 6948, 6949): *Provided further,* That from funds appropriated under this heading, the Administrator may make grants to federally recognized Indian governments for the development of multimedia environmental programs.

PROGRAM AND RESEARCH OPERATIONS

For necessary expenses, not otherwise provided for, for personnel compensation and benefit costs and for travel expenses, including uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; and for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS–18; $850,625,000: *Provided,* That none of these funds may be expended for purposes of resource conservation and recovery panels established under section 2003 of the Resource Conservation and Recovery Act, as amended (42 U.S.C. 6913).

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $44,595,000, of which $16,278,000 shall be derived from the Hazardous Substance Superfund trust fund and $669,100 shall be derived from the Leaking Underground Storage Tank trust fund.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment for facilities of, or use by, the Environmental Protection Agency, $18,000,000, to remain available until expended.

HAZARDOUS SUBSTANCE SUPERFUND

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111 (c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; $1,465,853,000, consisting of $1,215,853,000 as authorized by section 517(a) of the Superfund Amendments and Reauthor-

ization Act of 1986 (SARA), as amended by Public Law 101–508, and $250,000,000 as a payment from general revenues to the Hazardous Substance Superfund as authorized by section 517(b) of SARA, as amended by Public Law 101–508, plus sums recovered on behalf of the Hazardous Substance Superfund in excess of $251,954,000 during fiscal year 1994, with all of such funds to remain available until expended: *Provided,* That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: *Provided further,* That notwithstanding section 111(m) of CERCLA or any other provision of law, not to exceed $67,036,000 of the funds appropriated under this heading shall be available to the Agency for Toxic Substances and Disease Registry to carry out activities described in sections 104(i), 111(c)(4), and 111(c)(14) of CERCLA and section 118(f) of the Superfund Amendments and Reauthorization Act of 1986: *Provided further,* That none of the funds appropriated under this heading shall be available for the Agency for Toxic Substances and Disease Registry to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 1994: *Provided further,* That no more than $280,000,000 of these funds shall be available for administrative expenses of the Environmental Protection Agency: *Provided further,* That none of the funds appropriated in this Act may be made available for program management of Alternative Remedial Contracting Strategy (ARCS) contracts exceeding 11 percent of the total cost of such contract.

LEAKING UNDERGROUND STORAGE TANK TRUST FUND

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by section 205 of the Superfund Amendments and Reauthorization Act of 1986, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $75,379,000, to remain available until expended: *Provided,* That no more than $7,400,000 shall be available for administrative expenses.

OIL SPILL RESPONSE

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to carry out the Environmental Protection Agency's responsibilities under the Oil Pollution Act of 1990, $21,239,000, to be derived from the Oil Spill Liability trust fund, and to remain available until expended: *Provided,* That not more than $7,650,000 of these funds shall be available for administrative expenses.

WATER INFRASTRUCTURE/STATE REVOLVING FUNDS

For necessary expenses for capitalization grants for State revolving funds to support water infrastructure financing, and to carry out the purposes of the Federal Water Pollution Control Act, as amended, and the Water Quality Act of 1987, $2,477,000,000, to remain available until expended, of which $500,000,000 shall not become available until May 31, 1994: *Provided,* That of the amount which becomes available on October 1, 1993, $1,817,000,000 shall be for making capitalization grants for State revolving funds; $22,000,000 shall be for making grants under section 104(b)(3) of the Federal Water Pollution Control Act, as amended;

$80,000,000 shall be for making grants under section 319 of the Federal Water Pollution Control Act, as amended; and $58,000,000 shall be for section 510 of the Water Quality Act of 1987.

ADMINISTRATIVE PROVISIONS

None of the funds provided for in this Act may be used within the Environmental Protection Agency during any period of fiscal year 1994 to classify or conduct any activities resulting from the classification of hops as a processed commodity for the purposes of administering regulations pursuant to the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301–376) and the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136–136y).

None of the funds provided in this Act may be used within the Environmental Protection Agency for any final action by the Administrator or her delegate for signing and publishing for promulgation of a rule concerning any new standard for radon in drinking water.

No funds appropriated by this Act may be used during fiscal year 1994 to enforce the requirements of section 211(m)(2) of the Clean Air Act that require fuel refiners, marketers, or persons who sell or dispense fuel to ultimate consumers in any carbon monoxide nonattainment area in Alaska to use methyl tertiary butyl ether (MTBE) to meet the oxygen requirements of that section.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 and 6671), hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, not to exceed $2,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, $4,450,000: *Provided,* That the Office of Science and Technology Policy shall reimburse other agencies for not less than one-half of the personnel compensation costs of individuals detailed to it.

OFFICE OF NATIONAL SERVICE

For necessary expenses of the Office of National Service within the Office of Administration of the Executive Office of the President as authorized by 3 U.S.C. 107, $160,000: *Provided,* That not more than $50,000 shall be used for reimbursing detailees.

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of 1977, $375,000.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For necessary expenses in carrying out the functions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $292,000,000, to remain available until expended.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

Funds provided to this account are available to subsidize gross obligations for the principal amount of direct loans not to exceed $25,000,000.

In addition, for administrative expenses to carry out the direct loan program, $95,000.

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, including hire and purchase of motor vehicles (31 U.S.C. 1343); uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS–18; expenses of attendance of cooperating officials and individuals at meetings concerned with the work of emergency preparedness; transportation in connection with the continuity of Government programs to the same extent and in the same manner as permitted the Secretary of a Military Department under 10 U.S.C. 2632; and not to exceed $2,500 for official reception and representation expenses; $160,409,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $4,350,000.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For necessary expenses, not otherwise provided for, to carry out activities under the National Flood Insurance Act of 1968, as amended, and the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977, as amended (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.), the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251 et seq.), the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.), section 107 of the National Security Act, and Reorganization Plan No. 3 of 1978, $212,960,000.

EMERGENCY FOOD AND SHELTER PROGRAM

There is hereby appropriated $130,000,000 to the Federal Emergency Management Agency to carry out an emergency food and shelter program pursuant to title III of Public Law 100–77, as

amended: *Provided,* That total administrative costs shall not exceed three and one-half per centum of the total appropriation.

NATIONAL FLOOD INSURANCE FUND

(TRANSFERS OF FUNDS)

Of the funds available from the National Flood Insurance Fund for activities under the National Flood Insurance Act of 1968, and the Flood Disaster Protection Act of 1973, $14,081,000 shall be transferred as needed to the "Salaries and expenses" appropriation for administrative costs of the insurance and flood plain management programs and $48,092,000 shall be transferred as needed to the "Emergency management planning and assistance" appropriation for flood plain management activities, including $4,720,000 for expenses under section 1362 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4103, 4127), which amount shall be available until September 30, 1995. In fiscal year 1994, no funds in excess of (1) $32,000,000 for operating expenses, (2) $252,366,000 for agents' commissions and taxes, and (3) $3,500,000 for interest on Treasury borrowings shall be available from the National Flood Insurance Fund without prior notice to the Committees on Appropriations.

ADMINISTRATIVE PROVISION

The Director of the Federal Emergency Management Agency shall promulgate through rulemaking a schedule of fees applicable to persons subject to the Federal Emergency Management Agency's radiological emergency preparedness regulations. The aggregate charges assessed pursuant to this section during fiscal year 1994 shall approximate, but not be less than, 100 per centum of the amounts anticipated by the Federal Emergency Management Agency to be obligated for its radiological emergency preparedness program for such fiscal year. The schedule of fees shall be fair and equitable, and shall reflect the full amount of direct and indirect costs incurred through the provision of regulatory services. Such fees will be assessed in a manner that reflects the use of agency resources for classes of regulated persons and the administrative costs of collecting such fees. Fees received pursuant to this section shall be deposited in the general fund of the Treasury as offsetting receipts. Assessment and collection of such fees are only authorized during fiscal year 1994. Regulations.

GENERAL SERVICES ADMINISTRATION

CONSUMER INFORMATION CENTER

For necessary expenses of the Consumer Information Center, including services authorized by 5 U.S.C. 3109, $2,074,000, to be deposited into the Consumer Information Center Fund: *Provided,* That the appropriations, revenues and collections deposited into the fund shall be available for necessary expenses of Consumer Information Center activities in the aggregate amount of $7,500,000. Administrative expenses of the Consumer Information Center in fiscal year 1994 shall not exceed $2,415,000. Appropriations, revenues, and collections accruing to this fund during fiscal year 1994 in excess of $7,500,000 shall remain in the fund and shall not

be available for expenditure except as authorized in appropriations Acts.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF CONSUMER AFFAIRS

For necessary expenses of the Office of Consumer Affairs, including services authorized by 5 U.S.C. 3109, $2,159,000: *Provided,* That notwithstanding any other provision of law, that Office may solicit, accept and deposit to this account, during fiscal year 1994, gifts for the purpose of defraying its costs of printing, publishing, and distributing consumer information and educational materials; may expend up to $1,100,000 of those gifts for those purposes, in addition to amounts otherwise appropriated; and the balance shall remain available for expenditure for such purposes to the extent authorized in subsequent appropriations Acts: *Provided further,* That none of the funds provided under this heading may be made available for any other activities within the Department of Health and Human Services.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND DEVELOPMENT

For necessary expenses, not otherwise provided for, including research, development, operations, services, minor construction, maintenance, repair, rehabilitation and modification of real and personal property; purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, necessary for the conduct and support of aeronautical and space research and development activities of the National Aeronautics and Space Administration; not to exceed $35,000 for official reception and representation expenses; and purchase (not to exceed thirty-three for replacement only) and hire of passenger motor vehicles; $7,509,300,000, to remain available until September 30, 1995: *Provided,* That not to exceed $1,000,000 under this Act shall be available for the Towards Other Planetary Systems/High Resolution Microwave Survey program (also known as the Search for Extraterrestrial Intelligence project): *Provided further,* That of the funds provided under this heading, $1,946,000,000 is available only for the redesigned space station, of which (1) not to exceed $160,000,000 shall be for termination costs connected only with Space Station Freedom contracts, (2) not to exceed $172,000,000 shall be for space station operations and utilization capability development, and (3) not to exceed $99,000,000 shall be for supporting development: *Provided further,* That not more than $1,100,000,000 of the amounts made available under this heading for the redesigned space station may be obligated before March 31, 1994: *Provided further,* That none of the funds made available under this heading for the space station program may be used to pay, or enter into contracts with, the Republic of Russia: *Provided further,* That of the funds made available under this heading, not to exceed $100,000,000 shall be available for activities to support cooperative space ventures between the United States and the Republic of Russia outlined in the joint agreement of September 2, 1993, of which (1) not to exceed $50,000,000 shall be only for space transportation capability development activities and (2) not to exceed $50,000,000 shall be only for space science activities other than life sciences: *Provided further,*

That the funds made available in the immediately preceding proviso shall not be available until December 15, 1993: *Provided further,* That none of the funds made available under this heading may be used to pay or reimburse the Department of Defense for any expenses connected to any planetary exploration mission.

SPACE FLIGHT, CONTROL AND DATA COMMUNICATIONS

For necessary expenses, not otherwise provided for, in support of space flight, spacecraft control and communications activities of the National Aeronautics and Space Administration, including operations, production, services, minor construction, maintenance, repair, rehabilitation, and modification of real and personal property; tracking and data relay satellite services as authorized by law; purchase, lease, charter, maintenance and operation of mission and administrative aircraft; $4,878,400,000, to remain available until September 30, 1995.

CONSTRUCTION OF FACILITIES

For construction, repair, rehabilitation and modification of facilities, minor construction of new facilities and additions to existing facilities, and for facility planning and design not otherwise provided, for the National Aeronautics and Space Administration, and for the acquisition or condemnation of real property, as authorized by law, $550,300,000, to remain available until September 30, 1996: *Provided,* That, notwithstanding the limitation on the availability of funds appropriated under this heading by this appropriations Act, when any activity has been initiated by the incurrence of obligations therefor, the amount available for such activity shall remain available until expended, except that this provision shall not apply to the amounts appropriated pursuant to the authorization for repair, rehabilitation and modification of facilities, minor construction of new facilities and additions to existing facilities, and facility planning and design: *Provided further,* That no amount appropriated pursuant to this or any other Act may be used for the lease or construction of a new contractor-funded facility for exclusive use in support of a contract or contracts with the National Aeronautics and Space Administration under which the Administration would be required to substantially amortize through payment or reimbursement such contractor investment, unless an appropriations Act specifies the lease or contract pursuant to which such facilities are to be constructed or leased or such facility is otherwise identified in such Act: *Provided further,* That the Administrator may authorize such facility lease or construction, if he determines, in consultation with the Committees on Appropriations, that deferral of such action until the enactment of the next appropriations Act would be inconsistent with the interest of the Nation in aeronautical and space activities: *Provided further,* That, pursuant to Public Law 102–486, an amount equal to not more than 50 percent of all utility energy efficiency and water conservation cash rebates received by the National Aeronautics and Space Administration may be made available for additional energy efficiency and water conservation measures, including facility surveys: *Provided further,* That none of the funds provided in this Act to the National Aeronautics and Space Administration shall be available for other than termination costs of the advanced solid rocket motor program.

Notwithstanding any other provision of this Act, the amounts appropriated in this Act for fiscal year 1994 shall be: $4,853,500,000 for the National Aeronautics and Space Administration "Space flight, control and data communications", $517,700,000 for the National Aeronautics and Space Administration "Construction of facilities", $7,529,300,000 for the National Aeronautics and Space Administration "Research and development", $1,480,853,000 for the Environmental Protection Agency "Hazardous substance superfund", $1,998,500,000 for the National Science Foundation "Research and related activities", and $110,000,000 for the National Science Foundation "Academic research infrastructure".

RESEARCH AND PROGRAM MANAGEMENT

For necessary expenses for personnel and related costs, including uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902) and travel expenses, $1,635,508,000: *Provided,* That contracts may be entered into under this appropriation for training, investigations, costs associated with personnel relocation, and for other services, to be provided during the next fiscal year.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $15,391,000.

NATIONAL CREDIT UNION ADMINISTRATION

CENTRAL LIQUIDITY FACILITY

During fiscal year 1994, gross obligations of the Central Liquidity Facility for the principal amount of new direct loans to member credit unions as authorized by the National Credit Union Central Liquidity Facility Act (12 U.S.C. 1795) shall not exceed $600,000,000: *Provided,* That administrative expenses of the Central Liquidity Facility in fiscal year 1994 shall not exceed $945,000.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), and the Act to establish a National Medal of Science (42 U.S.C. 1880–1881); services as authorized by 5 U.S.C. 3109; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; $1,986,000,000, to remain available until September 30, 1995: *Provided,* That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: *Provided further,* That to the extent that the amount appropriated is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally: *Provided further,* That none of the funds made available under this

heading may be used to acquire through lease, purchase or other means an arctic research vessel.

ACADEMIC RESEARCH INFRASTRUCTURE

For necessary expenses in carrying out an academic research facilities and instrumentation program pursuant to the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including services as authorized by 5 U.S.C. 3109 and rental of conference rooms in the District of Columbia, $100,000,000, to remain available until September 30, 1995.

UNITED STATES POLAR RESEARCH PROGRAMS

For necessary expenses in carrying out arctic and antarctic research and operational support and for reimbursement to other Federal agencies for operational and science support and other related activities for the United States Antarctic program and the Arctic research program pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875); maintenance and operation of aircraft and purchase of flight services for research and operations support; improvement of environmental practices and enhancements of safety; services as authorized by 5 U.S.C. 3109; maintenance and operation of research ships and charter or lease of ships for research and operations support; hire of passenger motor vehicles; not to exceed $2,500 for official reception and representation expenses; $158,100,000, to remain available until expended: *Provided,* That receipts for support services and materials provided for non-Federal activities may be credited to this appropriation: *Provided further,* That none of the funds made available under this heading may be used to enter into a new charter or lease for the use of a research vessel refurbished or modernized in a foreign shipyard or of a newly-constructed research vessel built in a foreign shipyard.

UNITED STATES ANTARCTIC LOGISTICAL SUPPORT ACTIVITIES

For necessary expenses in reimbursing Federal agencies for logistical and other related activities for the United States Antarctic program pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875); acquisition, maintenance, and operation of aircraft for research and operations support; improvement of environmental practices and enhancements of safety; $62,600,000, to remain available until expended: *Provided,* That receipts for support services and materials provided for non-Federal activities may be credited to this appropriation.

EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science and engineering education and human resources programs and activities pursuant to the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including services as authorized by 5 U.S.C. 3109 and rental of conference rooms in the District of Columbia, $569,600,000, to remain available until September 30, 1995: *Provided,* That to the extent that the amount of this appropriation is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors

and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally.

CRITICAL TECHNOLOGIES INSTITUTE

For necessary expenses for support of the Critical Technologies Institute as authorized by section 822 of the National Defense Authorization Act for Fiscal Year 1991, as amended (42 U.S.C. 6686), $1,500,000, to remain available until expended.

SALARIES AND EXPENSES

For necessary salaries and expenses in carrying out the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875); services authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed $6,000 for official reception and representation expenses; uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902); rental of conference rooms in the District of Columbia; reimbursement of the General Services Administration for security guard services; $118,300,000: *Provided,* That contracts may be entered into under salaries and expenses in fiscal year 1994 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $3,997,000, to remain available until September 30, 1995.

NATIONAL SCIENCE FOUNDATION HEADQUARTERS RELOCATION

For necessary support of the relocation of the National Science Foundation, $5,200,000: *Provided,* That these funds shall be used to reimburse the General Services Administration for services and related acquisitions in support of relocating the National Science Foundation.

NATIONAL SERVICE INITIATIVE

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Corporation for National and Community Service in carrying out the programs, activities, and initiatives under the National and Community Service Act of 1990, as amended (Public Law 103–82) (hereinafter referred to as "the Act"), $370,000,000, to remain available until September 30, 1995, except as provided hereafter: *Provided,* That not more than $25,000,000 is available for administrative expenses authorized under section 501(a)(4) of the Act, of which not more than $11,000,000 shall be for administrative expenses for State commissions pursuant to section 126(a) of subtitle C of title I of the Act: *Provided further,* That not to exceed $10,000,000 made available under this heading shall be for subtitle E of title I of the Act: *Provided further,* That not more than $94,500,000, to remain available without fiscal year limitation, shall be transferred to the National Service Trust Fund for educational awards as author-

ized under subtitle D of title I of the Act: *Provided further,* That not more than $9,450,000 of the $94,500,000 made available for the National Service Trust Fund shall be for educational awards authorized under section 129(b) of subtitle C of title I of the Act: *Provided further,* That not more than $5,000,000 is available for the Points of Light Foundation as authorized under title III of the Act: *Provided further,* That not more than $15,000,000 shall be for activities under subtitle H of title I of the Act.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–8107), $32,000,000.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by law (5 U.S.C. 4101–4118) for civilian employees; and not to exceed $1,000 for official reception and representation expenses; $25,000,000: *Provided,* That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever he deems such action to be necessary in the interest of national defense: *Provided further,* That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

TITLE IV

CORPORATIONS

Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act, as amended, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Act as may be necessary in carrying out the programs set forth in the budget for 1994 for such corporation or agency except as hereinafter provided: *Provided,* That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

FEDERAL DEPOSIT INSURANCE CORPORATION

FSLIC RESOLUTION FUND

For payment of expenditures, in fiscal year 1994, of the FSLIC Resolution Fund, for which other funds available to the FSLIC Resolution Fund as authorized by Public Law 101–73 are insufficient, $1,171,000,000.

FDIC AFFORDABLE HOUSING PROGRAM

For the affordable housing program of the Federal Deposit Insurance Corporation under section 40 of the Federal Deposit Insurance Act (12 U.S.C. 1831q), $7,000,000 to pay for any losses resulting from the sale of properties under the program, and for all administrative and holding costs associated with operating the program.

Notwithstanding any provisions of section 40 of the Federal Deposit Insurance Act or any other provision of law, the Federal Deposit Insurance Corporation shall be deemed in compliance with such section if, in its sole discretion, the Corporation at any time modifies, amends or waives any provisions of such section in order to maximize the efficient use of the available appropriated funds. The Corporation shall not be subject to suit for its failure to comply with the requirements of this provision or section 40 of the Federal Deposit Insurance Act.

RESOLUTION TRUST CORPORATION

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $34,314,000.

TITLE V

GENERAL PROVISIONS

SECTION 501. Where appropriations in titles I, II, and III of this Act are expendable for travel expenses and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amounts set forth therefor in the budget estimates submitted for the appropriations: *Provided,* That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System; to travel performed directly in connection with care and treatment of medical beneficiaries of the Department of Veterans Affairs; to travel performed in connection with major disasters or emergencies declared or determined by the President under the provisions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act; to travel performed by the Offices of Inspector General in connection with audits and investigations; or to payments to interagency motor pools where separately set forth in the budget schedules: *Provided further,* That if appropriations in titles I, II, and III exceed the amounts set forth in budget estimates initially submitted for such appropriations, the expenditures for travel may correspondingly exceed the amounts therefor set forth in the estimates in the same proportion.

SEC. 502. Appropriations and funds available for the administrative expenses of the Department of Housing and Urban Development and the Selective Service System shall be available in the current fiscal year for purchase of uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902); hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109.

SEC. 503. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Resolution Trust Corporation, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811–1831).

SEC. 504. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 505. No funds appropriated by this Act may be expended—

(1) pursuant to a certification of an officer or employee of the United States unless—

(A) such certification is accompanied by, or is part of, a voucher or abstract which describes the payee or payees and the items or services for which such expenditure is being made, or

(B) the expenditure of funds pursuant to such certification, and without such a voucher or abstract, is specifically authorized by law; and

(2) unless such expenditure is subject to audit by the General Accounting Office or is specifically exempt by law from such audit.

SEC. 506. None of the funds provided in this Act to any department or agency may be expended for the transportation of any officer or employee of such department or agency between his domicile and his place of employment, with the exception of any officer or employee authorized such transportation under title 31, United States Code, section 1344.

SEC. 507. None of the funds provided in this Act may be used for payment, through grants or contracts, to recipients that do not share in the cost of conducting research resulting from proposals not specifically solicited by the Government: *Provided,* That the extent of cost sharing by the recipient shall reflect the mutuality of interest of the grantee or contractor and the Government in the research.

SEC. 508. None of the funds provided in this Act may be used, directly or through grants, to pay or to provide reimbursement for payment of the salary of a consultant (whether retained by the Federal Government or a grantee) at more than the daily equivalent of the rate paid for Level IV of the Executive Schedule, unless specifically authorized by law.

SEC. 509. No part of any appropriation contained in this Act for personnel compensation and benefits shall be available for other object classifications set forth in the budget estimates submitted for the appropriations: *Provided,* That this section shall not apply

to any part of the appropriations contained in this Act for Offices of Inspector General personnel compensation and benefits.

SEC. 510. None of the funds in this Act shall be used to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings. Nothing herein affects the authority of the Consumer Product Safety Commission pursuant to section 7 of the Consumer Product Safety Act (15 U.S.C. 2056 et seq.).

Contracts. Public information.

SEC. 511. Except as otherwise provided under existing law or under an existing Executive order issued pursuant to an existing law, the obligation or expenditure of any appropriation under this Act for contracts for any consulting service shall be limited to contracts which are (1) a matter of public record and available for public inspection, and (2) thereafter included in a publicly available list of all contracts entered into within twenty-four months prior to the date on which the list is made available to the public and of all contracts on which performance has not been completed by such date. The list required by the preceding sentence shall be updated quarterly and shall include a narrative description of the work to be performed under each such contract.

Contracts. Reports.

SEC. 512. Except as otherwise provided by law, no part of any appropriation contained in this Act shall be obligated or expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) for a contract for services unless such executive agency (1) has awarded and entered into such contract in full compliance with such Act and the regulations promulgated thereunder, and (2) requires any report prepared pursuant to such contract, including plans, evaluations, studies, analyses and manuals, and any report prepared by the agency which is substantially derived from or substantially includes any report prepared pursuant to such contract, to contain information concerning (A) the contract pursuant to which the report was prepared, and (B) the contractor who prepared the report pursuant to such contract.

SEC. 513. Except as otherwise provided in section 506, none of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency.

SEC. 514. None of the funds provided in this Act to any department or agency shall be obligated or expended to procure passenger automobiles as defined in 15 U.S.C. 2001 with an EPA estimated miles per gallon average of less than 22 miles per gallon.

SEC. 515. Such sums as may be necessary for fiscal year 1994 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

Reports.

SEC. 516. None of the funds appropriated in title I of this Act shall be used to enter into any new lease of real property if the estimated annual rental is more than $300,000, unless the Secretary submits, in writing, a report to the Committees on Appropriations of the Congress and a period of 30 days has expired following the date on which the report is received by the Committees on Appropriations.

Reports.

SEC. 517. (a) The Resolution Trust Corporation ("Corporation") shall report to the Congress at least once a month on the status of the review required by section 21A(b)(11)(B) of the Federal Home Loan Bank Act and the actions taken with respect to the agreements

described in such section. The report shall describe, for each such agreement, the review that has been conducted and the action that has been taken, if any, to rescind or to restructure, modify, or renegotiate the agreement. In describing the action taken, the Corporation is not required to provide detailed information regarding an ongoing investigation or negotiation. The Corporation shall exercise any and all legal rights to restructure, modify, renegotiate or rescind such agreement, notwithstanding any other provision of law, where the savings would be realized.

(b) To expend any appropriated funds for the purpose of restructuring, modifying, or renegotiating the agreements described in subsection (a), the Corporation shall certify to the Congress, for each such agreement, the following:

(1) the Corporation has completed its review of the agreement, as required by section 21A(b)(11)(B) of the Federal Home Loan Bank Act;

(2)(A) at the time of certification, in the opinion of the Corporation and based upon the information available to it, there is insufficient evidence or other indication of fraud, misrepresentation, failure to disclose a material fact, failure to perform under the terms of the agreement, improprieties in the bidding process, failure to comply with any law, rule or regulation regarding the validity of the agreement, or any other legal basis sufficient for the rescission of the agreement; or

(B) at the time of certification, the Corporation finds that there may be sufficient evidence to provide a legal basis for the rescission of the assistance agreement, but the Corporation determines that it may be in the best interest of the Government to restructure, modify or renegotiate the assistance agreement; and

(3) the Corporation has or will promptly exercise any and all legal rights to modify, renegotiate, or restructure the agreement where savings would be realized by such actions.

SEC. 518. COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended in violation of sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c; popularly known as the "Buy American Act"), which are applicable to those funds.

This Act may be cited as the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1994.

Approved October 28, 1993.

LEGISLATIVE HISTORY—H.R. 2491:

HOUSE REPORTS: Nos. 103-150 (Comm. on Appropriations) and 103-273 (Comm. of Conference).
SENATE REPORTS: No. 103-137 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 139 (1993):
June 28, 29, considered and passed House.
Sept. 20-22, considered and passed Senate, amended.
Oct. 19, House agreed to conference report; receded and concurred in certain Senate amendments, in others with amendments.
Oct. 21, Senate agreed to conference report; concurred in House amendments.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 29 (1993):
Oct. 28, Presidential statement.

Public Law 103-125
103d Congress

An Act

Oct. 28, 1993
[S. 1487]

Entitled the "Middle East Peace Facilitation Act of 1993".

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

Middle East Peace Facilitation Act of 1993.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Middle East Peace Facilitation Act of 1993".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the Palestine Liberation Organization has recognized the State of Israel's right to exist in peace and security; accepted United Nations Security Council resolutions 242 and 338; committed itself to the peace process and peaceful coexistence with Israel, free from violence and all other acts which endanger peace and stability; and assumed responsibility over all Palestine Liberation Organization elements and personnel in order to assure their compliance, prevent violations, and discipline violators;

(2) Israel has recognized the Palestine Liberation Organization as the representative of the Palestinian people;

(3) Israel and the Palestine Liberation Organization signed a Declaration of Principles on Interim Self-Government Arrangements on September 13, 1993, at the White House;

(4) the United States has resumed a bilateral dialogue with the Palestine Liberation Organization; and

(5) in order to implement the Declaration of Principles on Interim Self-Government Arrangements and facilitate the Middle East peace process, the President has requested flexibility to suspend certain provisions of law pertaining to the Palestine Liberation Organization.

SEC. 3. AUTHORITY TO SUSPEND CERTAIN PROVISIONS.

(a) IN GENERAL.—Subject to subsection (b), the President may suspend any provision of law specified in subsection (d). Any such suspension shall cease to be effective on January 1, 1994, or such earlier date as the President may specify.

(b) CONDITIONS.—

(1) CONSULTATION.—Before exercising the authority provided in subsection (a), the President shall consult with the relevant congressional committees. President.

(2) PRESIDENTIAL CERTIFICATION.—The President may exercise the authority provided in subsection (a) only if the President certifies to the relevant congressional committees that—

(A) it is in the national interest of the United States to exercise such authority; and

(B) the Palestine Liberation Organization continues to abide by all the commitments described in paragraph (4).

(3) REQUIREMENT FOR CONTINUING PLO COMPLIANCE.—Any suspension under subsection (a) of a provision of law specified in subsection (d) shall cease to be effective if the President certifies to the relevant congressional committees that the Palestine Liberation Organization has not continued to abide by all the commitments described in paragraph (4).

(4) PLO COMMITMENTS DESCRIBED.—The commitments referred to in paragraphs (2) and (3) are the commitments made by the Palestine Liberation Organization—

(A) in its letter of September 9, 1993, to the Prime Minister of Israel;

(B) in its letter of September 9, 1993, to the Foreign Minister of Norway; and

(C) in, and resulting from the implementation of, the Declaration of Principles on Interim Self-Government Arrangements signed on September 13, 1993.

(c) EXPECTATION OF CONGRESS REGARDING ANY EXTENSION OF PRESIDENTIAL AUTHORITY.—The Congress expects that any extension of the authority provided to the President in subsection (a) will be conditional on the Palestine Liberation Organization—

(1) renouncing the Arab League boycott of Israel;

(2) urging the nations of the Arab League to end the Arab League boycott of Israel; and

(3) cooperating with efforts undertaken by the President of the United States to end the Arab League boycott of Israel.

(d) PROVISIONS THAT MAY BE SUSPENDED.—The provisions that may be suspended under the authority of subsection (a) are the following:

(1) Section 307 of the Foreign Assistance Act of 1961 (22 U.S.C. 2227) as it applies with respect to the Palestine Liberation Organization or entities associated with it.

(2) Section 114 of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (22 U.S.C. 287e note) as it applies with respect to the Palestine Liberation Organization or entities associated with it.

(3) Section 1003 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 5202).

(4) Section 37 of the Bretton Woods Agreement Act (22 U.S.C. 286w) as it applies to the granting to the Palestine Liberation Organization of observer status or other official status at any meeting sponsored by or associated with the International Monetary Fund. As used in this paragraph, the term "other official status" does not include membership in the International Monetary Fund.

(e) RELATION TO OTHER AUTHORITIES.—This section supersedes section 578 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1994 (Public Law 103–87).

Ante, p. 973.

(f) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—As used in this section, the term "relevant congressional committees" means—

(1) the Committee on Foreign Affairs, the Committee on Banking, Finance and Urban Affairs, and the Committee on Appropriations of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

Approved October 28, 1993.

LEGISLATIVE HISTORY—S. 1487:

HOUSE REPORTS: No. 103-283, Pt. 1 (Comm. on Foreign Affairs).
CONGRESSIONAL RECORD, Vol. 139 (1993):
Sept. 29, considered and passed Senate.
Oct. 12, considered and passed House, amended.
Oct. 14, Senate concurred in House amendment.

Public Law 103-126
103d Congress

An Act

Oct. 28, 1993
[H.R. 2445]

Making appropriations for energy and water development for the fiscal year ending September 30, 1994, and for other purposes.

Energy and Water Development Appropriations Act, 1994.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1994, for energy and water development, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, beach erosion, and related purposes.

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, and related projects, restudy of authorized projects, miscellaneous investigations, and when authorized by laws, surveys and detailed studies and plans and specifications of projects prior to construction, $207,540,000, to remain available until expended, of which funds are provided for the following projects in the amounts specified:

Central Basin Groundwater Project, California, $750,000;
Los Angeles County Water Conservation, California, $100,000;
Los Angeles River Watercourse Improvement, California, $300,000;
Norco Bluffs, California, $150,000;
Rancho Palos Verdes, California, $80,000;
Biscayne Bay, Florida, $700,000;
Lake George, Hobart, Indiana, $200,000;
Little Calumet River Basin (Cady Marsh Ditch), Indiana, $310,000;
Ohio River Shoreline Flood Protection, Indiana, $400,000;

Hazard, Kentucky, $250,000;
Brockton, Massachusetts, $350,000;
Passaic River Mainstem, New Jersey, $17,000,000;
Broad Top Region, Pennsylvania, $400,000;
Juniata River Basin, Pennsylvania, $450,000;
Lackawanna River Basin Greenway Corridor, Pennsylvania, $300,000;
Jennings Randolph Lake, West Virginia, $400,000;
Monongahela River Comprehensive, West Virginia, $600,000; and
West Virginia Comprehensive, West Virginia, $500,000:

Provided, That notwithstanding ongoing studies using previously appropriated funds, and using $2,000,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to conduct hydraulic modeling, foundations analysis and related design, and mapping efforts in continuing preconstruction engineering and design for the additional lock at the Kentucky Dam, Kentucky, project, in accordance with the Kentucky Lock Addition Feasibility Report approved by Report of the Chief of Engineers dated June 1, 1992: *Provided further,* That using $250,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to include the study of the Alafia River as part of the Tampa Harbor, Alafia River and Big Bend, Florida, feasibility study: *Provided further,* That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $250,000 of available funds to complete a detailed project report, and plans and specifications for a permanent shore erosion protection project at Geneva State Park, Ashtabula County, Ohio: *Provided further,* That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $400,000 of the funds appropriated herein to continue preconstruction engineering and design, including preparation of the special design report, initiation of National Environmental Policy Act document preparation, and initiation of hydraulic model studies for the Kaumalapau Harbor navigation study, Lanai, Hawaii: *Provided further,* That using $4,000,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to proceed with detailed designs and plans and specifications, including detailed cost estimates, for the master plan of the Indianapolis, White River, Central Waterfront, Indiana, project: *Provided further,* That the Secretary of the Army is directed to limit the Columbia River Navigation Channel, Oregon and Washington, feasibility study to the investigation of the feasibility of constructing a navigation channel not to exceed 43 feet in depth from the Columbia River entrance to the Port of Portland/Port of Vancouver and to modify the Initial Project Management Plan accordingly: *Provided further,* That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $400,000 of the funds appropriated herein to initiate a reconnaissance study, including economic and environmental studies, for the Pocataligo River and Swamp, South Carolina, project: *Provided further,* That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $90,000 of the funds appropriated herein to complete the reconnaissance study of the Black Fox and Oakland Spring wetland area in Murfreesboro, Tennessee: *Provided further,* That the Secretary of the Army, acting through the Chief of Engineers, is directed to utilize $200,000 of available funds to initiate

the planning and design of remedial measures to restore the environmental integrity and recreational boating facilities at Old Hickory Lake, Tennessee, in the vicinity of Drakes Creek Park, in accordance with the reconnaissance study findings dated September 1993: *Provided further,* That the Secretary of the Army, acting through the Chief of Engineers, is directed to utilize $4,460,000 of available funds to complete preconstruction engineering and design for the Ste. Genevieve, Missouri, flood control project authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4118) so that the project will be ready for construction by October 1, 1994: *Provided further,* That all plans, specifications and design documents shall be concurrently reviewed in order to expedite the project: *Provided further,* That the Secretary of the Army, acting through the Chief of Engineers, is directed to utilize $2,000,000 of the funds appropriated herein to undertake preconstruction engineering and design of the Virginia Beach Erosion Control and Hurricane Protection, Virginia, project, including storm water collection and discharge, as authorized by section 102(cc) of Public Law 102–580.

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by laws; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction), $1,255,875,000, to remain available until expended, of which such sums as are necessary pursuant to Public Law 99–662 shall be derived from the Inland Waterways Trust Fund, for one-half of the costs of construction and rehabilitation of inland waterways projects, including rehabilitation costs for the Lock and Dam 25, Mississippi River, Illinois and Missouri, and GIWW-Brazos River Floodgates, Texas, projects, and of which funds are provided for the following projects in the amounts specified:

Rillito River, Arizona, $4,200,000;

Coyote and Berryessa Creeks, California, $4,000,000;

Sacramento River Flood Control Project (Glenn-Colusa Irrigation District), California, $400,000;

San Timoteo Creek (Santa Ana River Mainstem), California, $12,000,000;

Sonoma Baylands Wetland Demonstration Project, California, $4,000,000;

Central and Southern Florida, Florida, $17,850,000;

Kissimmee River, Florida, $5,000,000;

Melaleuca Quarantine Facility, Florida, $1,000,000;

Casino Beach, Illinois, $820,000;

McCook and Thornton Reservoirs, Illinois, $13,000,000;

O'Hare Reservoir, Illinois, $5,000,000;

Des Moines Recreational River and Greenbelt, Iowa, $2,700,000;

Lake Pontchartrain and Vicinity (Jefferson Parish), Louisiana, $200,000;

Anacostia River, Maryland and District of Columbia, $700,000;

Clinton River Spillway, Michigan, $2,000,000;
Silver Bay Harbor, Minnesota, $2,600,000;
Stillwater, Minnesota, $2,400,000;
Sowashee Creek, Mississippi, $3,240,000;
Molly Ann's Brook, New Jersey, $1,000,000;
New York Harbor Collection and Removal of Drift, New York and New Jersey, $3,900,000;
Rochester Harbor, New York, $4,000,000;
Wilmington Harbor Ocean Bar, North Carolina, $5,266,000;
West Columbus, Ohio, $9,000,000;
Lackawanna River Greenway Corridor, Pennsylvania, $2,000,000;
South Central Pennsylvania Environmental Restoration Infrastructure and Resource Protection Development Pilot Program, Pennsylvania, $10,000,000;
Quonset Point-Davisville, Rhode Island (for 2 elevated water storage towers and the relocation of sewer lines), $1,875,000;
Lake O' The Pines-Big Cypress Bayou, Texas, $300,000;
Red River Basin Chloride Control, Texas and Oklahoma, $4,000,000;
Wallisville Lake, Texas, $1,000,000;
Richmond Filtration Plant, Virginia, $1,000,000;
Southern West Virginia Environmental Restoration Infrastructure and Resource Protection Development Pilot Program, West Virginia, $3,500,000; and
State Road and Ebner Coulees, LaCrosse and Shelby, Wisconsin, $1,467,000:

Provided, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $3,500,000 of available funds to initiate and complete construction of the Finn Revetment portion of the Red River Emergency Bank Protection, Arkansas and Louisiana, project: *Provided further,* That the Chief of Engineers is directed to use a fully funded contract for the construction of the Finn Revetment: *Provided further,* That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $3,500,000 of the funds appropriated herein to continue the Red River Levees and Bank Stabilization below Denison Dam, Arkansas, project, including the completion of studies to improve the stability of the levee system from Index, Arkansas, to the Louisiana State line and the continuation of rehabilitation work underway: *Provided further,* That the Secretary of the Army, acting through the Chief of Engineers, is directed to expend $500,000 in fiscal year 1994 to initiate reconstruction of the Sacramento River floodwall between miles 58 and 60 of the Sacramento River, California, as an essential portion of the Sacramento Urban Levee Reconstruction project pursuant to the Sacramento River Flood Control Act of 1917, as amended, and the Local Cooperation Agreement signed on June 4, 1990: *Provided further,* That the Secretary of the Army, acting through the Chief of Engineers, shall (1) use $2,000,000 of the funds appropriated herein to carry out engineering and design for the relocation of the comfort and lifeguard stations on the Atlantic Coast of New York City from Rockaway Inlet to Norton Point, New York, project as authorized by section 1076 of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240; 105 Stat. 2015), and (2) not later than one year after the date of enactment of this Act, report to Congress on

Reports.

the results of the expenditure of funds required under paragraph (1): *Provided further,* That with $2,000,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue construction of the Bethel, Alaska, project authorized by Public Law 99–662, including but not limited to initiating lands and damages, erosion control construction, and continued related engineering and construction management: *Provided further,* That no fully allocated funding policy shall apply to the construction of the Bethel, Alaska, project: *Provided further,* That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $24,119,000 of the funds appropriated herein to continue the Lake Pontchartrain and Vicinity, Louisiana, Hurricane Protection project, including continued construction of parallel protection along the Orleans and London Avenue Outfall Canals and the award of continuing contracts for construction of this parallel protection under the same terms and conditions specified for such work under this heading in Public Law 102–377: *Provided further,* That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $450,000 of the funds appropriated herein to complete the repair and restoration to a safe condition of the existing Tulsa and West Tulsa local protection project, Oklahoma, authorized by the Flood Control Act of 1941, Public Law 73–228: *Provided further,* That with $5,000,000 of the funds appropriated herein, to remain available until expended, the Secretary of the Army, acting through the Chief of Engineers, is directed to initiate construction of the Pike County, Kentucky, element of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project authorized by section 202 of Public Law 96–367, with initial efforts concentrated in the communities of Buskirk and McCarr, in accordance with the Huntington District Commander's preliminary draft detailed project report for Pike County, Kentucky, dated March 1993, using continuing contracts: *Provided further,* That with $700,000 of the funds appropriated herein, to remain available until expended, the Secretary of the Army, acting through the Chief of Engineers, is directed to initiate construction, using continuing contracts, of the Williamsburg, Kentucky, element of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project authorized by section 202 of Public Law 96–367, in accordance with Plan B of the approved draft specific project report for Williamsburg, Kentucky, dated April 1993: *Provided further,* That with $19,300,000 of the funds appropriated herein, to remain available until expended, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue to undertake structural and nonstructural work associated with the Barbourville, Kentucky, and the Harlan, Kentucky, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project authorized by section 202 of Public Law 96–367, and is further directed to design and construct a system to collect and transport sewage from the unincorporated community of Rio Vista to the Harlan, Kentucky, treatment plant, as part of the Harlan, Kentucky, element: *Provided further,* That with $5,365,000 of the funds appropriated herein, to remain available until expended, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue to undertake structural and nonstructural work associated with the Matewan, West Virginia, element of the Levisa and Tug Forks of the Big Sandy

River and Upper Cumberland River project authorized by section 202 of Public Law 96–367: *Provided further,* That with $3,500,000 of the funds appropriated herein, to remain available until expended, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue construction of the Hatfield Bottom, West Virginia, element of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project authorized by section 202 of Public Law 96–367 using continuing contracts: *Provided further,* That no fully allocated funding policy shall apply to construction of the Matewan, West Virginia, Hatfield Bottom, West Virginia, Barbourville, Kentucky, and Harlan, Kentucky, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland river project: *Provided further,* That with $1,000,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue construction, using continuing contracts, of the Salyersville, Kentucky, cut-through channels project: *Provided further,* That the Secretary of the Army, acting through the Chief of Engineers, is directed to initiate and complete construction of offshore breakwaters at Grand Isle, Louisiana, as an integral part of the repair of features of the Grand Isle and Vicinity, Louisiana, project damaged by Hurricane Andrew using funds previously appropriated for that purpose in the fiscal year 1992 Dire Emergency Supplemental Appropriations Act, Public Law 102–368, which are available for this work: *Provided further,* That the Secretary of the Army, acting through the Chief of Engineers, is directed to continue construction of the section 14 bank stabilization program at McGregor Park in Clarksville, Tennessee, utilizing heretofore appropriated funds until the Federal funds limit of $500,000 is reached or bank protection for the entire park is completed: *Provided further,* That using $6,300,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue with the authorized Ouachita River Levees, Louisiana, project in an orderly but expeditious manner and within this amount, $3,800,000 shall be used to continue rehabilitation or replacement of all deteriorated drainage structures which threaten the security of this critical protection, and $2,500,000 shall be used to repair the river bank at Columbia, Louisiana, which is eroding and placing the project levee protecting the city in imminent danger of failure: *Provided further,* That the Secretary of the Army, acting through the Chief of Engineers, is directed to utilize $3,000,000 of the funds appropriated herein to provide design and construction assistance for a water transmission line from the northern part of Beaver Lake, Arkansas, into Benton and Washington Counties, Arkansas, as authorized by section 220 of Public Law 102–580; and in addition, $145,000,000, to remain available until expended, is hereby appropriated for construction of the Red River Waterway, Mississippi River to Shreveport, Louisiana, project, as authorized by laws, and the Secretary of the Army is directed to continue the second phase of construction of Locks and Dams 4 and 5; complete construction of Howard Capout, McDade, Elm Grove, Cecile, Curtis, Sunny Point, and Eagle Bend Phase I and Phase II revetments in Pools 4 and 5, and levee modifications in Pool 5, all of which were previously directed to be initiated; and award continuing contracts in fiscal year 1994 for construction of the following features of the Red River Waterway which are not to be considered fully funded: recreation facilities

in Pools 4 and 5, Piermont/Nicholas and Sunny Point Capouts, Lock and Dam 4 Upstream Dikes, Lock and Dam 5 Downstream Additional Control Structure, Wells Island Road Revetment, and construction dredging in Pool 4; all as authorized by laws, and the Secretary is further directed to provide annual reimbursement to the project's local sponsor for the Federal share of management costs for the Bayou Bodcau Mitigation Area as authorized by Public Law 101–640, the Water Resources Development Act of 1990.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For expenses necessary for prosecuting work of flood control, and rescue work, repair, restoration, or maintenance of flood control projects threatened or destroyed by flood, as authorized by law (33 U.S.C. 702a, 702g–1), $348,875,000, to remain available until expended, of which $2,400,000 is provided for the Eastern Arkansas Region, Arkansas, project.

OPERATION AND MAINTENANCE, GENERAL

For expenses necessary for the preservation, operation, maintenance, and care of existing river and harbor, flood control, and related works, including such sums as may be necessary for the maintenance of harbor channels provided by a State, municipality or other public agency, outside of harbor lines, and serving essential needs of general commerce and navigation; surveys and charting of northern and northwestern lakes and connecting waters; clearing and straightening channels; and removal of obstructions to navigation, $1,688,990,000, to remain available until expended, of which such sums as become available in the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662, may be derived from that fund, and of which $18,000,000 shall be for construction, operation, and maintenance of outdoor recreation facilities, to be derived from the special account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l), and of which funds are provided for the following projects in the amounts specified:

Tucson Diversion Channel, Arizona, $550,000;

Los Angeles River (Sepulveda Basin to Arroyo Seco), California, $400,000;

Oceanside Experimental Sand Bypass, California, $4,000,000;

Los Angeles County Drainage Area (Hansen Dam), California, $2,790,000;

Flint River Flood Control, Michigan, $2,500,000;

Sauk Lake, Minnesota, $40,000; and

New Madrid County Harbor, Missouri, $250,000:

Provided, That not to exceed $7,000,000 shall be available for obligation for national emergency preparedness programs: *Provided further,* That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $5,000,000 of available funds to undertake and complete critical maintenance items for water supply of the Kentucky River Locks and Dams 5–14 and to transfer such facilities to the Commonwealth of Kentucky: *Provided further,* That the Secretary of the Army is directed during fiscal year 1994 to maintain a minimum conservation pool level of 475.5 at Wister Lake in Oklahoma: *Provided further,* That the Secretary of the

Army, acting through the Chief of Engineers, is directed to use Operation and Maintenance funds and complete, in coordination with the schedule for feasibility phase, studies to deepen the Columbia River navigation channel, long-term dredge disposal plans for the existing authorized Columbia River Navigation Channel project, including associated fish and wildlife studies.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, $92,000,000, to remain available until expended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary for emergency flood control, hurricane, and shore protection activities, as authorized by section 5 of the Flood Control Act approved August 18, 1941, as amended, $20,000,000, to remain available until expended.

OIL SPILL RESEARCH

For expenses necessary to carry out the purposes of the Oil Spill Liability Trust Fund, pursuant to title VII of the Oil Pollution Act of 1990, $350,000, to be derived from the Fund and to remain available until expended.

GENERAL EXPENSES

For expenses necessary for general administration and related functions in the Office of the Chief of Engineers and offices of the Division Engineers; activities of the Coastal Engineering Research Board, the Humphreys Engineer Center Support Activity, and the Water Resources Support Center, $148,500,000, to remain available until expended: *Provided,* That not to exceed $54,855,000 of the funds provided in this Act shall be available for general administration and related functions in the Office of the Chief of Engineers: *Provided further,* That no part of any other appropriation provided in title I of this Act shall be available to fund the activities of the Office of the Chief of Engineers.

ADMINISTRATIVE PROVISIONS

During the current fiscal year the revolving fund, Corps of Engineers, shall be available for purchase (not to exceed 100 for replacement only) and hire of passenger motor vehicles.

GENERAL PROVISIONS

CORPS OF ENGINEERS—CIVIL

SEC. 101. None of the funds provided in this Act may be used to close any Corps of Engineers District Office.

SEC. 102. None of the funds provided in this Act may be used to transfer any functions of any Corps of Engineers District Office.

SEC. 103. None of the funds provided in this Act may be used to fund the activities of the Office of the Assistant Secretary of the Army for Civil Works.

SEC. 104. Any funds heretofore appropriated and made available in Public Law 100–202 to carry out the provisions for the harbor modifications of the Cleveland Harbor, Ohio, project contained in Public Law 99–662; and in Public Law 102–104 for the development of Gateway Park at the Lower Granite Lock and Dam Project, Washington, may be utilized by the Secretary of the Army in carrying out projects and activities funded by this Act.

SEC. 105. None of the funds provided in this Act shall be used to implement Defense Management Review Decision No. 918, dated September 15, 1992, to transfer from the Corps of Engineers property accountability of automated data processing equipment and software acquired with funds from the revolving fund established by the Act of July 27, 1953, chapter 245, 33 U.S.C. 576.

Contracts.
Dredges.

SEC. 106. In fiscal year 1994, the Secretary shall advertise for competitive bid at least 7,500,000 cubic yards of the hopper dredge volume accomplished with Government-owned dredges in fiscal year 1992.

Notwithstanding the provisions of this section, the Secretary is authorized to use the dredge fleet of the Corps of Engineers to undertake projects when industry does not perform as required by the contract specifications or when the bids are more than 25 percent in excess of what the Secretary determines to be a fair and reasonable estimated cost of a well equipped contractor doing the work or to respond to emergency requirements.

SEC. 107. Notwithstanding any other provisions of law, the Secretary of the Army, acting through the Chief of Engineers, is authorized to reprogram, obligate and expend such additional sums as necessary to continue construction and cover anticipated contract earnings of any water resources project which received an appropriation or allowance for construction in or through an appropriations Act or resolution of a current or last preceding fiscal year, in order to prevent the termination of a contract or the delay of scheduled work.

Texas.
Real property.
33 USC 59hh.

SEC. 108. (a) IN GENERAL.—The Secretary of the Army is authorized to convey to the City of Galveston, Texas, fee simple absolute title to a parcel of land containing approximately 605 acres known as the San Jacinto Disposal Area located on the east end of Galveston Island, Texas, in the W.A.A. Wallace Survey, A–647 and A–648, City of Galveston, Galveston County, Texas, being part of the old Fort San Jacinto site, at the fair market value of such parcel to be determined in accordance with the provisions of subsection (d). Such conveyance shall only be made by the Secretary of the Army upon the agreement of the Secretary and the City as to all compensation due herein.

(b) COMPENSATION FOR CONVEYANCE.—Upon receipt of compensation from the City of Galveston, the Secretary shall convey the parcel as described in subsection (a). Such compensation shall include—

(1) conveyance to the Department of the Army of fee simple absolute title to a parcel of land containing approximately 564 acres on Pelican Island, Texas, in the Eneas Smith Survey, A–190, Pelican Island, City of Galveston, Galveston County, Texas, adjacent to property currently owned by the United States. The fair market value of such parcel will be determined in accordance with the provision of subsection (d); and

(2) payment to the United States of an amount equal to the difference of the fair market value of the parcel to be conveyed pursuant to subsection (a) and the fair market value of the parcel to be conveyed pursuant to paragraph (1) of this subsection.

(c) DISPOSITION OF SPOIL.—Costs of maintaining the Galveston Harbor and Channel will continue to be governed by the Local Cooperation Agreement (LCA) between the United States of America and the City of Galveston dated October 18, 1973, as amended. Upon conveyance of the parcel described in subsection (a), the Department of the Army shall be compensated directly for the present value of the total costs to the Department for disposal of dredge material and site preparation pursuant to the LCA, in excess of the present value of the total costs that would have been incurred if this conveyance had not been made.

(d) DETERMINATION OF FAIR MARKET VALUE.—The fair market value of the land to be conveyed pursuant to subsections (a) and (b) shall be determined by independent appraisers using the market value method.

(e) NAVIGATIONAL SERVITUDE.—

(1) DECLARATION OF NONNAVIGABILITY; PUBLIC INTEREST.—Unless the Secretary finds, after consultation with local and regional public officials (including local and regional public planning organizations), that the proposed projects to be undertaken within the parcel described in subsection (a) are not in the public interest then, subject to paragraphs (2) and (3), such parcel is declared to be nonnavigable waters of the United States.

(2) LIMITS ON APPLICABILITY; REGULATORY REQUIREMENTS.—The declaration under paragraph (1) shall apply only to those parts of the parcel described in subsection (a) which are or will be bulkheaded and filled or otherwise occupied by permanent structures, including marina facilities. All such work is subject to all applicable Federal statutes and regulations including, but not limited to, sections 9 and 10 of the Act of March 3, 1899 (30 Stat. 1151; 33 U.S.C. 401 and 403), commonly known as the Rivers and Harbors Appropriations Act of 1899, section 404 of the Federal Water Pollution Control Act, and the National Environmental Policy Act of 1969.

(3) EXPIRATION DATE.—If, 20 years after the date of the enactment of this Act, any area or part thereof described in subsection (a) is not bulkheaded or filled or occupied by permanent structures, including marina facilities, in accordance with the requirements set out in paragraph (2), or if work in connection with any activity permitted in paragraph (2) is not commenced within 5 years after issuance of such permits, then the declaration of nonnavigability for such area or part thereof shall expire.

(f) SURVEY AND STUDY.—The 605-acre parcel and the 564-acre parcel shall be surveyed and further legally described prior to conveyance. Not later than 60 days following enactment of this Act, if he deems it necessary, the Secretary of the Army shall complete a review of the applicability of section 404 of the Federal Water Pollution Control Act to the said parcels.

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For the purpose of carrying out provisions of the Central Utah Project Completion Act, Public Law 102–575 (106 Stat. 4605), $24,770,000, to remain available until expended, of which $14,920,000 shall be to carry out the activities authorized under title II of the Act and for feasibility studies of alternatives to the Uintah and Upalco Units, and of which $9,850,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account: *Provided,* That of the amounts deposited into the Account, $5,000,000 shall be considered the Federal Contribution authorized by paragraph 402(b)(2) of the Act and $4,850,000 shall be available to the Utah Reclamation Mitigation and Conservation Commission to carry out the activities authorized under title III of the Act.

In addition, for necessary expenses incurred in carrying out responsibilities of the Secretary of the Interior under the Act, $1,000,000, to remain available until expended.

BUREAU OF RECLAMATION

For carrying out the functions of the Bureau of Reclamation as provided in the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) and other Acts applicable to that Bureau as follows:

GENERAL INVESTIGATIONS

For engineering and economic investigations of proposed Federal reclamation projects and studies of water conservation and development plans and activities preliminary to the reconstruction, rehabilitation and betterment, financial adjustment, or extension of existing projects, to remain available until expended, $13,819,000: *Provided,* That, of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund: *Provided further,* That funds contributed by non-Federal entities for purposes similar to this appropriation shall be available for expenditure for the purposes for which contributed as though specifically appropriated for said purposes, and such amounts shall remain available until expended.

CONSTRUCTION PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For construction and rehabilitation of projects and parts thereof (including power transmission facilities for Bureau of Reclamation use) and for other related activities as authorized by law, to remain available until expended, $464,423,000 of which $46,507,000 shall be available for transfer to the Upper Colorado River Basin Fund authorized by section 5 of the Act of April 11, 1956 (43 U.S.C. 620d), and $160,470,000 shall be available for transfer to the Lower Colorado River Basin Development Fund authorized by section 403 of the Act of September 30, 1968 (43 U.S.C. 1543), and such amounts as may be necessary shall be considered as though advanced to the Colorado River Dam Fund for the Boulder Canyon Project

as authorized by the Act of December 21, 1928, as amended: *Provided,* That of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund: *Provided further,* That transfers to the Upper Colorado River Basin Fund and Lower Colorado River Basin Development Fund may be increased or decreased by transfers within the overall appropriation under this heading: *Provided further,* That funds contributed by non-Federal entities for purposes similar to this appropriation shall be available for expenditure for the purposes for which contributed as though specifically appropriated for said purposes, and such funds shall remain available until expended: *Provided further,* That no part of the funds herein approved shall be available for construction or operation of facilities to prevent waters of Lake Powell from entering any national monument: *Provided further,* That all costs of the safety of dams modification work at Coolidge Dam, San Carlos Irrigation Project, Arizona, performed under the authority of the Reclamation Safety of Dams Act of 1978 (43 U.S.C. 506), as amended, are in addition to the amount authorized in section 5 of said Act.

OPERATION AND MAINTENANCE

For operation and maintenance of reclamation projects or parts thereof and other facilities, as authorized by law; and for a soil and moisture conservation program on lands under the jurisdiction of the Bureau of Reclamation, pursuant to law, to remain available until expended, $282,898,000: *Provided,* That of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund, and the amount for program activities which can be derived from the special fee account established pursuant to the Act of December 22, 1987 (16 U.S.C. 460l–6a, as amended), may be derived from that fund: *Provided further,* That of the total appropriated, such amounts as may be required for replacement work on the Boulder Canyon Project which would require readvances to the Colorado River Dam Fund shall be readvanced to the Colorado River Dam Fund pursuant to section 5 of the Boulder Canyon Project Adjustment Act of July 19, 1940 (43 U.S.C. 618d), and such readvances since October 1, 1984, and in the future shall bear interest at the rate determined pursuant to section 104(a)(5) of Public Law 98–381: *Provided further,* That funds advanced by water users for operation and maintenance of reclamation projects or parts thereof shall be deposited to the credit of this appropriation and may be expended for the same purpose and in the same manner as sums appropriated herein may be expended, and such advances shall remain available until expended: *Provided further,* That revenues in the Upper Colorado River Basin Fund shall be available for performing examination of existing structures on participating projects of the Colorado River Storage Project.

43 USC 618d note.

In addition, to remain available until expended, such sums as may be necessary to cover the cost of work associated with rebuilding the Minidoka Powerplant, Minidoka Project, Idaho, to be offset by funds provided by the Bonneville Power Administrator as authorized by section 2406 of Public Law 102–486. Such offset will result in a final appropriation estimated at no more than $282,898,000.

BUREAU OF RECLAMATION LOANS PROGRAM ACCOUNT

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, of direct loans and/or grants, $12,900,000, to remain available until expended, as authorized by the Small Reclamation Projects Act of August 6, 1956, as amended (43 U.S.C. 422a–422l): *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further,* That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $21,000,000.

In addition, for administrative expenses necessary to carry out the program for direct loans and/or grants, $600,000: *Provided,* That of the total sums appropriated, the amount of program activities which can be financed by the reclamation fund shall be derived from the fund.

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, and habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, to remain available until expended, such sums as may be assessed and collected in the Central Valley Project Restoration Fund in fiscal year 1993 and such sums as become available in, and may be derived from, the Central Valley Project Restoration Fund in fiscal year 1994, pursuant to sections 3407(d), 3404(c)(3), 3405(f) and 3406(c)(1) of Public Law 102–575: *Provided,* That the Bureau of Reclamation is directed to levy additional mitigation and restoration payments totaling $30,000,000 (October 1992 price levels), as authorized by section 3407(d) of Public Law 102–575: *Provided further,* That the Bureau of Reclamation is directed to assess and collect payments, revenues and surcharges in the amounts and manner authorized by sections 3404(c)(3), 3405(f) and 3406(c)(1) of Public Law 102–575, respectively.

GENERAL ADMINISTRATIVE EXPENSES

For necessary expenses of general administration and related functions in the office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, $54,034,000, of which $1,171,000 shall remain available until expended, the total amount to be derived from the reclamation fund and to be nonreimbursable pursuant to the Act of April 19, 1945 (43 U.S.C. 377): *Provided,* That no part of any other appropriation in this Act shall be available for activities or functions budgeted for the current fiscal year as general administrative expenses.

EMERGENCY FUND

43 USC 502 note.

For an additional amount for the "Emergency fund", as authorized by the Act of June 26, 1948 (43 U.S.C. 502), as amended, to remain available until expended for the purposes specified in said Act, $1,000,000, to be derived from the reclamation fund.

SPECIAL FUNDS

(TRANSFER OF FUNDS)

Sums herein referred to as being derived from the reclamation fund or special fee account are appropriated from the special funds in the Treasury created by the Act of June 17, 1902 (43 U.S.C. 391) or the Act of December 22, 1987 (16 U.S.C. 460l–6a, as amended), respectively. Such sums shall be transferred, upon request of the Secretary, to be merged with and expended under the heads herein specified; and the unexpended balances of sums transferred for expenditure under the head "General Administrative Expenses" shall revert and be credited to the reclamation fund.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed 13 passenger motor vehicles for replacement only.

TITLE III

DEPARTMENT OF ENERGY

ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for energy supply, research and development activities, and other activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 24, of which 18 are for replacement only), $3,223,910,000 to remain available until expended, of which $4,500,000 shall be derived by transfer from the Geothermal Resources Development Fund.

URANIUM SUPPLY AND ENRICHMENT ACTIVITIES

For expenses of the Department of Energy in connection with operating expenses; the purchase, construction, and acquisition of plant and capital equipment and other expenses incidental thereto necessary for residual uranium supply and enrichment activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.) and the Energy Policy Act (Public Law 102–486, section 901), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of electricity as necessary and payment to the Tennessee Valley Authority under the settlement agreement filed with the United States Claims Court on December 18, 1987; purchase of passenger motor vehicles (not to exceed 5, of which 5 are for replacement only), $247,092,000, to remain available until expended: *Provided,* That revenues received by the Department for residual uranium enrichment activities authorized by section 201 of Public Law 95–238, and estimated to total $70,000,000 in fiscal year 1994, shall be retained and used for the specific purpose of offsetting costs incurred by the

Department for such activities, notwithstanding section 3302(b) of title 31, United States Code: *Provided further,* That the sum herein appropriated shall be reduced as revenues are received during fiscal year 1994 so as to result in a final fiscal year 1994 appropriation estimated at not more than $177,092,000.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions and other activities of title II of the Atomic Energy Act of 1954 and title X, subtitle A of the Energy Policy Act of 1992, $286,320,000 to be derived from the fund, to remain available until expended; and in addition, an estimated $49,679,000 in unexpended balances, consisting of an estimated $6,267,000 of unobligated balances and an estimated $43,412,000 of obligated balances, are transferred from the Uranium Supply and Enrichment Activities account, to be available for such expenses: *Provided,* That at least $40,600,000 of amounts derived from the fund for such expenses shall be expended in accordance with title X, subtitle A of the Energy Policy Act of 1992.

GENERAL SCIENCE AND RESEARCH ACTIVITIES

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for general science and research activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 15 for replacement only), $975,114,000, to remain available until expended, and, in addition, $640,000,000, to remain available until expended, to be used only to orderly terminate the Superconducting Super Collider (SSC) project under terms and conditions as follows:

(1) to the extent provided by guidelines of the Secretary of Energy, full-time employees of contractors and designated subcontractors whose employment is terminated by reason of the termination of the SSC may receive (A) up to 90 days termination pay dating from the date of termination notice, and (B) reasonable relocation expenses and assistance;

Reports.

(2) the Secretary of Energy shall prepare and submit a report with recommendations to the President and the Congress containing—

(a) a plan to maximize the value of the investment that has been made in the project and minimizing the loss to the United States and involved States and persons, including recommendations as to the feasibility of utilizing SSC assets in whole or in part in pursuit of an international high energy physics endeavor;

(b) the Secretary is authorized to consult with and use Universities Research Association and/or other contractors and/or recognized experts in preparing this report and recommendations and is authorized to contract with such

parties as may be appropriate in carrying out such duties; and

(c) the Secretary shall release any recommendations from time to time as available, but the final report shall be submitted by July 1, 1994; and

(3) nothing herein or any action taken under this authority shall be construed to change the Memorandum of Understanding between the Secretary of Energy and the State of Texas dated November 9, 1990, regarding the project:

Provided, That none of the funds made available under this section for Department of Energy facilities may be obligated or expended for food, beverages, receptions, parties, country club fees, plants or flowers pursuant to any cost-reimbursable contract.

NUCLEAR WASTE DISPOSAL FUND

For the nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $260,000,000 to remain available until expended, to be derived from the Nuclear Waste Fund. To the extent that balances in the fund are not sufficient to cover amounts available for obligation in the account, the Secretary shall exercise her authority pursuant to section 302(e)(5) of said Act to issue obligations to the Secretary of the Treasury: *Provided,* That of the amount herein appropriated, within available funds, not to exceed $5,500,000 may be provided to the State of Nevada, for the sole purpose of conduct of its scientific oversight responsibilities pursuant to the Nuclear Waste Policy Act of 1982, Public Law 97–425, as amended: *Provided further,* That of the amount herein appropriated, not more than $7,000,000 may be provided to affected local governments, as defined in the Act, to conduct appropriate activities pursuant to the Act: *Provided further,* That within ninety days of the completion of each Federal fiscal year, each State or local entity shall provide certification to the Department of Energy, that all funds expended from such payments have been expended for activities as defined in Public Law 97–425, as amended. Failure to provide such certification shall cause such entity to be prohibited from any further funding provided for similar activities: *Provided further,* That none of the funds herein appropriated may be used directly or indirectly to influence legislative action on any matter pending before Congress or a State legislature or for any lobbying activity as provided in 18 U.S.C. 1913: *Provided further,* That none of the funds herein appropriated may be used for litigation expenses: *Provided further,* That none of the funds herein appropriated may be used to support multistate efforts or other coalition building activities inconsistent with the restrictions contained in this Act: *Provided further,* That none of the funds provided under this Act shall be made available for Phase II–B grants to study the feasibility of siting a Monitored Retrievable Storage Facility.

ISOTOPE PRODUCTION AND DISTRIBUTION PROGRAM FUND

For Department of Energy expenses for isotope production and distribution activities, $3,910,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; the purchase of passenger motor vehicles (not to exceed 109 for replacement only, including one police-type vehicle), and the purchase of one rotary-wing aircraft, $3,595,198,000, to remain available until expended.

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense environmental restoration and waste management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of passenger motor vehicles (not to exceed 125 of which 122 are for replacement only including 9 police-type vehicles), $5,181,855,000, to remain available until expended: *Provided,* That a total of $8,000,000 shall be transferred from this account to the Environmental Protection Agency for the implementation of the Waste Isolation Pilot Plan Land Withdrawal Act of 1992 and the development of cleanup standards to guide the Department of Energy's environmental restoration efforts.

MATERIALS SUPPORT AND OTHER DEFENSE PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense materials support, and other defense activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of passenger motor vehicles (not to exceed 45 for replacement only), $1,963,755,000, to remain available until expended: *Provided,* That the New Production Reactor Appropriation Account shall be merged with and the balances made available to this appropriation.

DEFENSE NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97-425, as amended, including the acquisition of real property or facility construction or expansion, $120,000,000, to remain available until expended, all of which shall be used in accordance with the terms and conditions of the Nuclear Waste

Fund appropriation of the Department of Energy contained in this title.

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for Departmental Administration and other activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the hire of passenger motor vehicles and official reception and representation expenses (not to exceed $35,000), $401,238,000 to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511, et seq.): *Provided,* That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: *Provided further,* That moneys received by the Department for miscellaneous revenues estimated to total $239,209,000 in fiscal year 1994 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95–238, notwithstanding the provisions of section 3302 of title 31, United States Code: *Provided further,* That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal year 1994 so as to result in a final fiscal year 1994 appropriation estimated at not more than $162,029,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $30,362,000, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

OPERATION AND MAINTENANCE, ALASKA POWER ADMINISTRATION

For necessary expenses of operation and maintenance of projects in Alaska and of marketing electric power and energy, $4,010,000, to remain available until expended.

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93–454, are approved for official reception and representation expenses in an amount not to exceed $3,000.

During fiscal year 1994, no new direct loan obligations may be made.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $29,742,000, to remain available until expended.

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, and for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed $1,500 connected therewith, in carrying out the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, $33,587,000, to remain available until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, not to exceed $5,583,000 in reimbursements, to remain available until expended.

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7101, et seq.), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed $1,500, the purchase, maintenance, and operation of one fixed-wing aircraft for replacement only, $272,956,000, to remain available until expended, of which $260,400,000 shall be derived from the Department of the Interior Reclamation fund; in addition, $5,000,000 is appropriated for deposit into the Utah Reclamation Mitigation and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992: *Provided further,* That the Secretary of the Treasury is authorized to transfer from the Colorado River Dam Fund to the Western Area Power Administration $7,168,000, to carry out the power marketing and transmission activities of the Boulder Canyon project as provided in section 104(a)(4) of the Hoover Power Plant Act of 1984, to remain available until expended.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including services as authorized by 5 U.S.C. 3109, including the hire of passenger motor vehicles; official reception and representation expenses (not to exceed $3,000); $165,375,000 to remain available until expended: *Provided,* That hereafter and notwithstanding any other provision of law, not to exceed $165,375,000 of revenues from fees and annual charges, and other services and collections in fiscal year 1994, shall be retained and used for necessary expenses in this account, and shall remain available until expended: *Provided further,* That the sum herein appropriated shall be reduced as revenues are received during fiscal year 1994, so as to result in a final fiscal year 1994 appropriation estimated at not more than $0.

42 USC 7171 note.

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, notwithstanding section 405 of said Act, and for necessary expenses for the Federal Cochairman and the alternate on the Appalachian Regional Commission and for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by section 3109 of title 5, United States Code, and hire of passenger motor vehicles, to remain available until expended, $249,000,000.

40 USC app. 401 note.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100–456, section 1441, $16,560,000, to remain available until expended.

DELAWARE RIVER BASIN COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out the functions of the United States member of the Delaware River Basin Commission, as authorized by law (75 Stat. 716), $333,000.

CONTRIBUTION TO DELAWARE RIVER BASIN COMMISSION

For payment of the United States share of the current expenses of the Delaware River Basin Commission, as authorized by law (75 Stat. 706, 707), $488,000.

INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

CONTRIBUTION TO INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

To enable the Secretary of the Treasury to pay in advance to the Interstate Commission on the Potomac River Basin the Federal contribution toward the expenses of the Commission during the current fiscal year in the administration of its business in the conservancy district established pursuant to the Act of July 11, 1940 (54 Stat. 748), as amended by the Act of September 25, 1970 (Public Law 91–407), $498,000.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including the employment of aliens; services authorized by section 3109 of title 5, United States Code; publication and dissemination of atomic information; purchase, repair, and cleaning of uniforms, official representation expenses (not to exceed $20,000); reimbursements to the General Services Administration for security guard services; hire of passenger motor vehicles and aircraft, $542,900,000, to remain available until expended, of which $22,000,000 shall be derived from the Nuclear Waste Fund: *Provided,* That from this appropriation, transfer of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further,* That moneys received by the Commission for the cooperative nuclear safety research program, services rendered to foreign governments and international organizations, and the material and information access authorization programs, including criminal history checks under section 149 of the Atomic Energy Act of 1954, as amended, may be retained and used for salaries and expenses associated with those activities, notwithstanding the provisions of section 3302 of title 31, United States Code, and shall remain available until expended: *Provided further,* That revenues from licensing fees, inspection services, and other services and collections estimated at $520,900,000 in fiscal year 1994 shall be retained and used for necessary salaries and expenses in this account, notwithstanding the provisions of section 3302 of title 31, United States Code, and shall remain available until expended: *Provided further,* That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 1994 from licensing fees, inspection services and other services and collections, excluding those moneys received for the cooperative nuclear safety research program, services rendered to foreign governments and international organizations, and the material and information access authorization programs, so as to result in a final fiscal year 1994 appropriation estimated at not more than $22,000,000.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, including services authorized by section 3109 of title 5, United States Code, $4,800,000 to remain available until expended; and in addition, an amount not to exceed 5 percent of this sum may be transferred from Salaries and Expenses, Nuclear Regulatory Commission: *Provided,* That notice of such transfers shall be given to the Committees on Appropriations of the House and Senate: *Provided further,* That from this appropriation, transfers of sums may be made to other agencies of the Government

for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further,* That revenues from licensing fees, inspection services, and other services and collections shall be retained and used for necessary salaries and expenses in this account, notwithstanding the provisions of section 3302 of title 31, United States Code, and shall remain available until expended: *Provided further,* That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 1994 from licensing fees, inspection services, and other services and collections, so as to result in a final fiscal year 1994 appropriation estimated at not more than $0.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100–203, section 5051, $2,160,000, to be transferred from the Nuclear Waste Fund and to remain available until expended.

OFFICE OF THE NUCLEAR WASTE NEGOTIATOR

SALARIES AND EXPENSES

For necessary expenses of the office of the Nuclear Waste Negotiator in carrying out activities authorized by the Nuclear Waste Policy Act of 1982, as amended by Public Law 102–486, section 802, $1,000,000 to remain available until expended.

SUSQUEHANNA RIVER BASIN COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out the functions of the United States member of the Susquehanna River Basin Commission as authorized by law (84 Stat. 1541), $308,000.

CONTRIBUTION TO SUSQUEHANNA RIVER BASIN COMMISSION

For payment of the United States share of the current expenses of the Susquehanna River Basin Commission, as authorized by law (84 Stat. 1530, 1531), $298,000.

TENNESSEE VALLEY AUTHORITY

TENNESSEE VALLEY AUTHORITY FUND

For the purpose of carrying out the provisions of the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. ch. 12A), including purchase, hire, maintenance, and operation of aircraft, and purchase and hire of passenger motor vehicles, $140,473,000, to remain available until expended.

TITLE V—GENERAL PROVISION

MINORITY PARTICIPATION IN THE SUPERCONDUCTING SUPER COLLIDER

SEC. 501. (a) PROGRAM IMPROVEMENTS.—Section 304 of the Energy and Water Development Appropriations Act, 1993 (Public Law 102–377; 106 Stat. 1339) is amended—

(1) in subsection (a)—

(A) by striking "owned or controlled" and inserting "that (1) are owned and controlled";

(B) by inserting after "Native Americans" the following: "; or (2) are small business concerns that are at least 51 percent owned by 1 or more women and whose management and daily business operations are controlled by 1 or more women"; and

(C) by striking the last sentence;

(2) by inserting "and (d)" after "(6)" each place it appears; and

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

"(c) ADMINISTRATION OF PROGRAM.—

"(1) CERTIFICATION REQUIREMENT.—A business concern or other organization shall be eligible for participation under this section only if it has been certified as meeting the requirements specified in subsection (a) by the Small Business Administration, or by a State, local, regional, or other organization designated by the Small Business Administration.

"(2) RECORDS AND REPORTS.—The Secretary of Energy, with respect to the Superconducting Super Collider project, shall—

"(A) submit to the Congress copies of—

"(i) each subcontracting report for individual contracts (SF294) required under the Federal Acquisition Regulation (48 CFR chapter 1) to be submitted by a contractor or subcontractor with respect to the project; and

"(ii) each summary subcontract report (SF295) required under the Federal Acquisition Regulation (48 CFR chapter 1) to be submitted by a contractor or subcontractor with respect to the project; and

"(B) maintain accurate information and data on the amount and type of subcontracts awarded by each contractor or subcontractor under the project and the extent of participation in the subcontracts by socially and economically disadvantaged individuals and economically disadvantaged women referred to in subsection (b).

"(3) CATEGORIES OF WORK TO BE INCLUDED.—The Secretary of Energy shall, to the fullest extent possible, ensure that the categories of work performed under contracts entered into pursuant to this section are representative of all categories of work performed under contract for the Superconducting Super Collider project.

"(4) AUDITS.—The Secretary of Energy shall conduct periodic audits to verify the continuing compliance of prime contractors and subcontractors with the requirements of this section. For such purpose, the Secretary shall have access to such reports and records of prime contractors and subcontractors as the Secretary determines to be necessary.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to fiscal year 1994 and thereafter.

SEC. 502. COMPLIANCE WITH BUY AMERICAN ACT.

No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act").

SEC. 503. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 504. PROHIBITION OF CONTRACTS.

If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.

This Act may be cited as the "Energy and Water Development Appropriations Act, 1994".

Approved October 28, 1993.

LEGISLATIVE HISTORY—H.R. 2445:

HOUSE REPORTS: Nos. 103-135 (Comm. on Appropriations), 103-292, and 103-305 (both from Comm. of Conference).
SENATE REPORTS: No. 103-147 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 139 (1993):
June 23, 24, considered and passed House.
Sept. 29, 30, considered and passed Senate, amended.
Oct. 19, House considered and recommitted conference report.
Oct. 26, House agreed to conference report; receded and concurred in certain Senate amendments, in others with amendments.
Oct. 27, Senate agreed to conference report; concurred in House amendments.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 29 (1993):
Oct. 28, Presidential statement.

Public Law 103-127
103d Congress

An Act

Oct. 29, 1993
[H.R. 2492]

Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1994, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia for the fiscal year ending September 30, 1994, and for other purposes, namely:

District of Columbia Appropriations Act, 1994.

TITLE I

FISCAL YEAR 1994 APPROPRIATIONS

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For payment to the District of Columbia for the fiscal year ending September 30, 1994, $630,603,000, as authorized by section 502(a) of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93–198, as amended (D.C. Code, sec. 47–3406.1).

FEDERAL CONTRIBUTION TO RETIREMENT FUNDS

For the Federal contribution to the Police Officers and Fire Fighters', Teachers', and Judges' Retirement Funds, as authorized by the District of Columbia Retirement Reform Act, approved November 17, 1979 (93 Stat. 866; Public Law 96–122), $52,070,000, of which $2,000,000 shall not be available for obligation until September 30, 1994 and shall not be expended prior to October 1, 1994.

FEDERAL CONTRIBUTION FOR CRIME AND YOUTH INITIATIVES

For a Federal contribution for crime and youth initiatives in the District of Columbia, $17,327,000.

DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided.

GOVERNMENTAL DIRECTION AND SUPPORT

Governmental direction and support, $115,888,000: *Provided,* That not to exceed $2,500 for the Mayor, $2,500 for the Chairman of the Council of the District of Columbia, and $2,500 for the City Administrator shall be available from this appropriation for expenditures for official purposes: *Provided further,* That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: *Provided further,* That notwithstanding any other provision of law, there is hereby appropriated from the earnings of the applicable retirement funds $10,801,000 to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: *Provided further,* That the District of Columbia Retirement Board shall provide to the Congress and to the Council of the District of Columbia a quarterly report of the allocations of charges by fund and of expenditures of all funds: *Provided further,* That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an item accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report: *Provided further,* That no revenues from Federal sources shall be used to support the operations or activities of the Statehood Commission and Statehood Compact Commission: *Provided further,* That the District of Columbia shall identify the sources of funding for Admission to Statehood from its own locally-generated revenues.

Reports.

ECONOMIC DEVELOPMENT AND REGULATION

Economic development and regulation, $87,293,000: *Provided,* That the District of Columbia Housing Finance Agency, established by section 201 of the District of Columbia Housing Finance Agency Act, effective March 3, 1979 (D.C. Law 2–135; D.C. Code, sec. 45–2111), based upon its capability of repayments as determined each year by the Council of the District of Columbia from the Housing Finance Agency's annual audited financial statements to the Council of the District of Columbia, shall repay to the general fund an amount equal to the appropriated administrative costs plus interest at a rate of four percent per annum for a term of 15 years, with a deferral of payments for the first three years: *Provided further,* That notwithstanding the foregoing provision, the obligation to repay all or part of the amounts due shall be subject to the rights of the owners of any bonds or notes issued by the Housing Finance Agency and shall be repaid to the District of Columbia government only from available operating revenues of the Housing Finance Agency that are in excess of the amounts required for debt service, reserve funds, and operating expenses: *Provided further,* That upon commencement of the debt service payments, such payments shall be deposited into the general fund of the District of Columbia.

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PUBLIC SAFETY AND JUSTICE

(INCLUDING TRANSFER OF FUNDS)

Public safety and justice, including purchase of 135 passenger-carrying vehicles for replacement only, including 130 for police-type use and five for fire-type use, without regard to the general purchase price limitation for the current fiscal year, $892,156,000: *Provided,* That the Metropolitan Police Department is authorized to replace not to exceed 25 passenger-carrying vehicles and the Fire Department of the District of Columbia is authorized to replace not to exceed five passenger-carrying vehicles annually whenever the cost of repair to any damaged vehicle exceeds three-fourths of the cost of the replacement: *Provided further,* That not to exceed $500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: *Provided further,* That the Metropolitan Police Department shall provide quarterly reports to the Committees on Appropriations of the House and Senate on efforts to increase efficiency and improve the professionalism in the department: *Provided further,* That notwithstanding any other provision of law, or Mayor's Order 86–45, issued March 18, 1986, the Metropolitan Police Department's delegated small purchase authority shall be $500,000: *Provided further,* That the District of Columbia government may not require the Metropolitan Police Department to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed $500,000: *Provided further,* That funds appropriated for expenses under the District of Columbia Criminal Justice Act, approved September 3, 1974 (88 Stat. 1090; Public Law 93–412; D.C. Code, sec. 11–2601 et seq.), for the fiscal year ending September 30, 1994, shall be available for obligations incurred under the Act in each fiscal year since inception in fiscal year 1975: *Provided further,* That funds appropriated for expenses under the District of Columbia Neglect Representation Equity Act of 1984, effective March 13, 1985 (D.C. Law 5–129; D.C. Code, sec. 16–2304), for the fiscal year ending September 30, 1994, shall be available for obligations incurred under the Act in each fiscal year since inception in fiscal year 1985: *Provided further,* That funds appropriated for expenses under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986, effective February 27, 1987 (D.C. Law 6–204; D.C. Code, sec. 21–2060), for the fiscal year ending September 30, 1994, shall be available for obligations incurred under the Act in each fiscal year since inception in fiscal year 1989: *Provided further,* That not to exceed $1,500 for the Chief Judge of the District of Columbia Court of Appeals, $1,500 for the Chief Judge of the Superior Court of the District of Columbia, and $1,500 for the Executive Officer of the District of Columbia Courts shall be available from this appropriation for official purposes: *Provided further,* That the District of Columbia shall operate and maintain a free, 24-hour telephone information service whereby residents of the area surrounding Lorton prison in Fairfax County, Virginia, can promptly obtain information from District of Columbia government officials on all disturbances at the prison, including escapes, fires, riots, and similar incidents: *Provided further,* That the District of Columbia government shall also take steps to publicize the availability of the 24-hour telephone information service among the

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Virginia.

residents of the area surrounding the Lorton prison: *Provided further,* That not to exceed $100,000 of this appropriation shall be used to reimburse Fairfax County, Virginia, and Prince William County, Virginia, for expenses incurred by the counties during the fiscal year ending September 30, 1994, in relation to the Lorton prison complex: *Provided further,* That such reimbursements shall be paid in all instances in which the District requests the counties to provide police, fire, rescue, and related services to help deal with escapes, riots, and similar disturbances involving the prison: *Provided further,* That none of the funds provided in this Act may be used to implement any staffing plan for the District of Columbia Fire Department that includes the elimination of any positions for Administrative Assistants to the Battalion Fire Chiefs of the Fire Fighting Division of the Department: *Provided further,* That in addition to the $892,156,000 appropriated under this heading, an additional $1,025,000 and 11 full-time equivalent positions shall be transferred from the Department of Administrative Services to the District of Columbia Court System for janitorial services, pest control, window washing, trash collection and removal, and landscaping: *Provided further,* That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: *Provided further,* That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for the emergency services involved: *Provided further,* That the Mayor shall promulgate all necessary rules and regulations to provide that no police officer, firefighter, or correctional officer shall be permitted to work for more than ten (10) hours of overtime excluding court time in any one pay period, without the written approval of the Chief of Police, Chief of the Fire Department, or Director of the Department of Corrections: *Provided further,* That such approval shall clearly state specific reasons as to why such overtime was necessary.

Regulations.

PUBLIC EDUCATION SYSTEM

Public education system, including the development of national defense education programs, $711,742,000, to be allocated as follows: $517,682,000 for the public schools of the District of Columbia; $98,600,000 shall be allocated for the District of Columbia Teachers' Retirement Fund; $65,739,000 for the University of the District of Columbia; $21,260,000 for the Public Library, of which $200,000 shall be transferred to the Children's Museum; $3,474,000 for the Commission on the Arts and Humanities; $4,500,000 for the District of Columbia School of Law; and $487,000 for the Education Licensure Commission: *Provided,* That the public schools of the District of Columbia are authorized to accept not to exceed 31 motor vehicles for exclusive use in the driver education program: *Provided further,* That not to exceed $2,500 for the Superintendent of Schools, $2,500 for the President of the University of the District of Columbia, and $2,000 for the Public Librarian shall be available from this

appropriation for expenditures for official purposes: *Provided further,* That no later than December 31, 1993, the Board of Trustees of the University of the District of Columbia shall implement resident and nonresident tuition rate increases of not less than 20 percent of the rates in effect on April 1, 1993: *Provided further,* That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 1994, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area.

HUMAN SUPPORT SERVICES

Human support services, $882,359,000: *Provided,* That $20,905,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: *Provided further,* That the District shall not provide free government services such as water, sewer, solid waste disposal or collection, utilities, maintenance, repairs, or similar services to any legally constituted private nonprofit organization (as defined in section 411(5) of Public Law 100–77, approved July 22, 1987) providing emergency shelter services in the District, if the District would not be qualified to receive reimbursement pursuant to the Stewart B. McKinney Homeless Assistance Act, approved July 22, 1987 (101 Stat. 485; Public Law 100–77; 42 U.S.C. 11301 et seq.).

PUBLIC WORKS

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and purchase of passenger-carrying vehicles for replacement only, $206,191,000: *Provided,* That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business.

WASHINGTON CONVENTION CENTER FUND

For the Washington Convention Center Fund, $12,850,000.

REPAYMENT OF LOANS AND INTEREST

For reimbursement to the United States of funds loaned in compliance with An Act to provide for the establishment of a modern, adequate, and efficient hospital center in the District of Columbia, approved August 7, 1946 (60 Stat. 896; Public Law 79–648); section 1 of An Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85–451; D.C. Code, sec. 9–219); section 4 of An Act to authorize the Commissioners of the District of Columbia to plan, construct, operate, and maintain a sanitary sewer to connect the Dulles International Airport with the District of Columbia system, approved June 12,

1960 (74 Stat. 211; Public Law 86–515); sections 723 and 743(f) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973, as amended (87 Stat. 821; Public Law 93–198; D.C. Code, sec. 47–321, note; 91 Stat. 1156; Public Law 95–131; D.C. Code, sec. 9–219, note), including interest as required thereby, $306,264,000.

REPAYMENT OF GENERAL FUND RECOVERY DEBT

For the purpose of eliminating the $331,589,000 general fund accumulated deficit as of September 30, 1990, $38,337,000, as authorized by section 461(a) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973, as amended (105 Stat. 540; Public Law 102–106; D.C. Code, sec. 47–321(a)).

OPTICAL AND DENTAL BENEFITS

For optical and dental costs for nonunion employees, $3,323,000.

PAY ADJUSTMENT

For pay increases and related costs, to be transferred by the Mayor of the District of Columbia within the various appropriation headings in this Act for fiscal year 1994 from which employees are properly payable, $81,680,000.

SEVERANCE PAY

For severance pay to employees who are involuntarily separated from service as a result of reductions-in-force or reorganizations, $2,202,000.

D.C. GENERAL HOSPITAL DEFICIT PAYMENT

For the purpose of reimbursing the General Fund for costs incurred for the operation of the D.C. General Hospital pursuant to D.C. Law 1–134, the D.C. General Hospital Commission Act of 1977, $10,000,000.

ENERGY ADJUSTMENTS

The Mayor shall reduce appropriations and expenditures for energy costs in the amount of $482,000 within one or several of the various appropriation headings in this Act.

COMMUNICATIONS ADJUSTMENTS

The Mayor shall reduce appropriations and expenditures for communications costs in the amount of $158,000 within one or several of the various appropriation headings in this Act.

CONTRACTUAL SERVICES ADJUSTMENTS

The Mayor shall reduce contractual services appropriations and expenditures within object class 40 in the amount of $1,500,000 within one or several of the various appropriation headings in this Act: *Provided,* That no reductions shall be made to agencies not under the direct control of the Mayor or to the Department of Human Services.

CASH RESERVE FUND

For the purpose of a cash reserve fund to replenish the consolidated cash balances of the District of Columbia, $3,957,000.

CAPITAL OUTLAY

For construction projects, $108,743,000, as authorized by An Act authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes, approved April 22, 1904 (33 Stat. 244; Public Law 58–140; D.C. Code, secs. 43–1512 through 43–1519); the District of Columbia Public Works Act of 1954, approved May 18, 1954 (68 Stat. 101; Public Law 83–364); An Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85–451; D.C. Code, secs. 9–219 and 47–3402); section 3(g) of the District of Columbia Motor Vehicle Parking Facility Act of 1942, approved August 20, 1958 (72 Stat. 686; Public Law 85–692; D.C. Code, sec. 40–805(7)); and the National Capital Transportation Act of 1969, approved December 9, 1969 (83 Stat. 320; Public Law 91–143; D.C. Code, secs. 1–2451, 1–2452, 1–2454, 1–2456, and 1–2457); including acquisition of sites, preparation of plans and specifications, conducting preliminary surveys, erection of structures, including building improvement and alteration and treatment of grounds, to remain available until expended: *Provided,* That $10,577,883 shall be reduced from the cumulative amount available for project management and $4,463,301 shall be available for design by the Director of the Department of Public Works or by contract for architectural engineering services, as may be determined by the Mayor: *Provided further,* That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: *Provided further,* That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: *Provided further,* That notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968, approved August 23, 1968 (82 Stat. 827; Public Law 90–495; D.C. Code, sec. 7–134, note), for which funds are provided by this appropriation title, shall expire on September 30, 1995, except authorizations for projects as to which funds have been obligated in whole or in part prior to September 30, 1995: *Provided further,* That upon expiration of any such project authorization the funds provided herein for the project shall lapse: *Provided further,* That the District of Columbia government shall transmit to the House and Senate Committees on Appropriations, the House Committee on the District of Columbia, and the Senate Committee on Governmental Affairs, no later than April 15, 1994, a proposed plan providing for the financing of the capital rehabilitation and revitalization of the medical infrastructure within the District of Columbia: *Provided further,* That this plan shall include how the capital needs of all hospitals will be addressed: *Provided further,* That this plan shall specifically address the currently authorized George Washington University project as part

of the overall plan: *Provided further,* That once the Fish and Wildlife Service study on the fishway at Little Falls Dam is complete the Washington Aqueduct may use up to $500,000 of funds provided to it under this heading to initiate construction of modifications to the Little Falls Dam facility for the purpose of environmental restoration and improvements by providing passage for anadromous fish on the Potomac River.

WATER AND SEWER ENTERPRISE FUND

For the Water and Sewer Enterprise Fund, $240,929,000, of which $40,438,000 shall be apportioned and payable to the debt service fund for repayment of loans and interest incurred for capital improvement projects.

For construction projects, $29,087,000, as authorized by An Act authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes, approved April 22, 1904 (33 Stat. 244; Public Law 58–140; D.C. Code, sec. 43–1512 et seq.): *Provided,* That the requirements and restrictions that are applicable to general fund capital improvement projects and set forth in this Act under the Capital Outlay appropriation title shall apply to projects approved under this appropriation title.

LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

For the Lottery and Charitable Games Enterprise Fund, established by the District of Columbia Appropriation Act for the fiscal year ending September 30, 1982, approved December 4, 1981 (95 Stat. 1174, 1175; Public Law 97–91), as amended, for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3–172; D.C. Code, secs. 2–2501 et seq. and 22–1516 et seq.), $7,168,000, to be derived from non-Federal District of Columbia revenues: *Provided,* That the District of Columbia shall identify the source of funding for this appropriation title from the District's own locally-generated revenues: *Provided further,* That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board.

CABLE TELEVISION ENTERPRISE FUND

For the Cable Television Enterprise Fund, established by the Cable Television Communications Act of 1981, effective October 22, 1983 (D.C. Law 5–36; D.C. Code, sec. 43–1801 et seq.), $2,353,000.

STARPLEX FUND

For the Starplex Fund, an amount necessary for the expenses incurred by the Armory Board in the exercise of its powers granted by An Act To Establish a District of Columbia Armory Board, and for other purposes, approved June 4, 1948 (62 Stat. 339; D.C. Code, sec. 2–301 et seq.) and the District of Columbia Stadium Act of 1957, approved September 7, 1957 (71 Stat. 619; Public Law 85–300; D.C. Code, sec. 2–321 et seq.) of which $1,742,000 shall be transferred to the general fund for the District of Columbia Courts and $35,000 shall be transferred to the Office of Cable

Television: *Provided,* That the Mayor shall submit a budget for the Armory Board for the forthcoming fiscal year as required by section 442(b) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 824; Public Law 93–198; D.C. Code, sec. 47–301(b)).

GENERAL PROVISIONS

Public information.

SEC. 101. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 102. Except as otherwise provided in this Act, all vouchers covering expenditures of appropriations contained in this Act shall be audited before payment by the designated certifying official and the vouchers as approved shall be paid by checks issued by the designated disbursing official.

SEC. 103. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 104. Appropriations in this Act shall be available, when authorized by the Mayor, for allowances for privately-owned automobiles and motorcycles used for the performance of official duties at rates established by the Mayor: *Provided,* That such rates shall not exceed the maximum prevailing rates for such vehicles as prescribed in the Federal Property Management Regulations 101–7 (Federal Travel Regulations).

SEC. 105. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: *Provided,* That the Council of the District of Columbia and the District of Columbia Courts may expend such funds without authorization by the Mayor.

SEC. 106. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of judgments that have been entered against the District of Columbia government: *Provided,* That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act of 1947, approved March 31, 1956 (70 Stat. 78; Public Law 84–460; D.C. Code, sec. 47–1812.11(c)(3)).

SEC. 107. Appropriations in this Act shall be available for the payment of public assistance without reference to the requirement of section 544 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4–101; D.C. Code, sec. 3–205.44), and for the non-Federal share of funds necessary to qualify for Federal assistance under the Juvenile Delinquency Prevention and Control Act of 1968, approved July 31, 1968 (82 Stat. 462; Public Law 90–445; 42 U.S.C. 3801 et seq.).

SEC. 108. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 109. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during non-school hours.

SEC. 110. The annual budget for the District of Columbia government for the fiscal year ending September 30, 1995, shall be transmitted to the Congress no later than April 15, 1994. District of Columbia budget.

SEC. 111. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name, title, grade, salary, past work experience, and salary history are not available for inspection by the House and Senate Committees on Appropriations, the House Committee on the District of Columbia, the Subcommittee on General Services, Federalism, and the District of Columbia of the Senate Committee on Governmental Affairs, and the Council of the District of Columbia, or their duly authorized representative: *Provided,* That none of the funds contained in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name and salary are not available for public inspection.

SEC. 112. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making payments authorized by the District of Columbia Revenue Recovery Act of 1977, effective September 23, 1977 (D.C. Law 2–20; D.C. Code, sec. 47–421 et seq.).

SEC. 113. No part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 114. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowings: *Provided,* That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Congress the actual borrowing and spending progress compared with projections. Reports.

SEC. 115. The Mayor shall not borrow any funds for capital projects unless the Mayor has obtained prior approval from the Council of the District of Columbia, by resolution, identifying the projects and amounts to be financed with such borrowings.

SEC. 116. The Mayor shall not expend any moneys borrowed for capital projects for the operating expenses of the District of Columbia government.

SEC. 117. None of the funds appropriated by this Act may be obligated or expended by reprogramming except pursuant to advance approval of the reprogramming granted according to the procedure set forth in the Joint Explanatory Statement of the Committee of Conference (House Report No. 96–443), which accompanied the District of Columbia Appropriation Act, 1980, approved October 30, 1979 (93 Stat. 713; Public Law 96–93), as modified in House Report No. 98–265, and in accordance with the

Reprogramming Policy Act of 1980, effective September 16, 1980 (D.C. Law 3–100; D.C. Code, sec. 47–361 et seq.).

SEC. 118. None of the Federal funds provided in this Act shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of the District of Columbia.

SEC. 119. None of the Federal funds provided in this Act shall be obligated or expended to procure passenger automobiles as defined in the Automobile Fuel Efficiency Act of 1980, approved October 10, 1980 (94 Stat. 1824; Public Law 96–425; 15 U.S.C. 2001(2)), with an Environmental Protection Agency estimated miles per gallon average of less than 22 miles per gallon: *Provided,* That this section shall not apply to security, emergency rescue, or armored vehicles.

Salaries.

SEC. 120. (a) Notwithstanding section 422(7) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93–198; D.C. Code, sec. 1–242(7)), the City Administrator shall be paid, during any fiscal year, a salary at a rate established by the Mayor, not to exceed the rate established for level IV of the Executive Schedule under 5 U.S.C. 5315.

(b) For purposes of applying any provision of law limiting the availability of funds for payment of salary or pay in any fiscal year, the highest rate of pay established by the Mayor under subsection (a) of this section for any position for any period during the last quarter of calendar year 1993 shall be deemed to be the rate of pay payable for that position for September 30, 1993.

(c) Notwithstanding section 4(a) of the District of Columbia Redevelopment Act of 1945, approved August 2, 1946 (60 Stat. 793; Public Law 79–592; D.C. Code, sec. 5–803(a)), the Board of Directors of the District of Columbia Redevelopment Land Agency shall be paid, during any fiscal year, per diem compensation at a rate established by the Mayor.

SEC. 121. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2–139; D.C. Code, sec. 1–601.1 et seq.), enacted pursuant to section 422(3) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93–198; D.C. Code, sec. 1–242(3)), shall apply with respect to the compensation of District of Columbia employees: *Provided,* That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5 of the United States Code.

SEC. 122. The Director of the Department of Administrative Services may pay rentals and repair, alter, and improve rented premises, without regard to the provisions of section 322 of the Economy Act of 1932 (Public Law 72–212; 40 U.S.C. 278a), upon a determination by the Director, that by reason of circumstances set forth in such determination, the payment of these rents and the execution of this work, without reference to the limitations of section 322, is advantageous to the District in terms of economy, efficiency, and the District's best interest.

SEC. 123. No later than 30 days after the end of the first quarter of the fiscal year ending September 30, 1994, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia the new fiscal year 1994 revenue estimates

as of the end of the first quarter of fiscal year 1994. These estimates shall be used in the budget request for the fiscal year ending September 30, 1995. The officially revised estimates at midyear shall be used for the midyear report.

SEC. 124. Section 466(b) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 806; Public Law 93–198; D.C. Code, sec. 47–326), as amended, is amended by striking "sold before October 1, 1993" and inserting "sold before October 1, 1994".

SEC. 125. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6–85; D.C. Code, sec. 1–1183.3), except that the District of Columbia Public Schools may renew or extend sole source contracts for which competition is not feasible or practical, provided that the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated Board of Education rules and procedures.

Sequestration.

SEC. 126. For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99–177), as amended, the term "program, project, and activity" shall be synonymous with and refer specifically to each account appropriating Federal funds in this Act, and any sequestration order shall be applied to each of the accounts rather than to the aggregate total of those accounts: *Provided,* That sequestration orders shall not be applied to any account that is specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99–177), as amended.

Sequestration.

SEC. 127. In the event a sequestration order is issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99–177), as amended, after the amounts appropriated to the District of Columbia for the fiscal year involved have been paid to the District of Columbia, the Mayor of the District of Columbia shall pay to the Secretary of the Treasury, within 15 days after receipt of a request therefor from the Secretary of the Treasury, such amounts as are sequestered by the order: *Provided,* That the sequestration percentage specified in the order shall be applied proportionately to each of the Federal appropriation accounts in this Act that are not specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99–177), as amended.

SEC. 128. Sec. 133(e) of the District of Columbia Appropriations Act, 1990, as amended, is amended by striking "December 31, 1993" and inserting "December 31, 1994".

103 Stat. 1280.

Prisoners.
Housing.

SEC. 129. For the fiscal year ending September 30, 1994, the District of Columbia shall pay interest on its quarterly payments to the United States that are made more than 60 days from the date of receipt of an itemized statement from the Federal Bureau of Prisons of amounts due for housing District of Columbia convicts in Federal penitentiaries for the preceding quarter.

SEC. 130. Nothing in this Act shall be construed to authorize any office, agency or entity to expend funds for programs or functions for which a reorganization plan is required but has not been

approved by the Council pursuant to section 422(12) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93–198; D.C. Code, sec. 1–242(12)) and the Governmental Reorganization Procedures Act of 1981, effective October 17, 1981 (D.C. Law 4–42; D.C. Code, secs. 1–299.1 to 1–299.7). Appropriations made by this Act for such programs or functions are conditioned on the approval by the Council, prior to October 1, 1993, of the required reorganization plans.

SEC. 131. (a) An entity of the District of Columbia government may accept and use a gift or donation during fiscal year 1994 if—

(1) the Mayor approves the acceptance and use of the gift or donation: *Provided,* That the Council of the District of Columbia may accept and use gifts without prior approval by the Mayor; and

(2) the entity uses the gift or donation to carry out its authorized functions or duties.

Records. Public information.

(b) Each entity of the District of Columbia government shall keep accurate and detailed records of the acceptance and use of any gift or donation under subsection (a) of this section, and shall make such records available for audit and public inspection.

(c) For the purposes of this section, the term "entity of the District of Columbia government" includes an independent agency of the District of Columbia.

(d) This section shall not apply to the District of Columbia Board of Education, which may, pursuant to the laws and regulations of the District of Columbia, accept and use gifts to the public schools without prior approval by the Mayor.

SEC. 132. (a) Up to 50 fire fighters or members of the Fire and Emergency Medical Services Department who were hired before February 14, 1980, and who retire on disability before the end of calendar year 1994 shall be excluded from the computation of the rate of disability retirement under subsection 145(a) of the District of Columbia Retirement Reform Act of 1979, as amended, approved September 30, 1983 (97 Stat. 727; D.C. Code, sec. 1–725(a)), for purposes of reducing the authorized Federal payment to the District of Columbia Police Officers and Fire Fighters' Retirement Fund pursuant to subsection 145(c) of the District of Columbia Retirement Reform Act of 1979.

(b) The Mayor, within 30 days after the enactment of this Act, shall engage an enrolled actuary, to be paid by the District of Columbia Retirement Board, and shall comply with the requirements of section 142(d) and section 144(d) of the District of Columbia Retirement Reform Act of 1979 (Public Law 96–122, D.C. Code, secs. 1–722(d) and 1–724(d)).

SEC. 133. At the end of fiscal year 1994, the number of FTE's shall not exceed the number of FTE's in the approved fiscal year 1994 budget, less a 1 percent attrition rate and the actual corresponding dollar savings.

Retirement. Reports.

SEC. 134. (a) The Mayor shall establish a program to offer incentives for employees to accept early-out retirement. The Mayor shall report to the Council for approval of the early-out retirement program by mid-fiscal year 1994 with an actuarial study to show the District's liability for the early-out program.

(b) Notwithstanding any other provision of law, no early-out program established pursuant to this section shall be exempt from

the requirements of section 142(d) and section 144(d) of the District of Columbia Retirement Reform Act of 1979 (Public Law 96–122, D.C. Code, secs. 1–722(d) and 1–724(d)).

SEC. 135. No funds made available pursuant to any provision of this Act shall be used to implement or enforce any system of registration of unmarried, cohabiting couples whether they are homosexual, lesbian, or heterosexual, including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis that such benefits are extended to legally married couples; nor shall any funds made available pursuant to any provision of this Act otherwise be used to implement or enforce D.C. Act 9–188, signed by the Mayor of the District of Columbia on April 15, 1992.

SEC. 136. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representatives under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979, effective March 10, 1981 (D.C. Law 3–171; D.C. Code, sec. 1–113(d)).

SEC. 137. The Mayor of the District of Columbia shall report back to the Congress within 90 days on the status of construction of a new Federal prison in the District of Columbia as previously authorized by Congress. Reports. Prisons.

AMENDMENTS TO CHARTER FOR GROUP HOSPITALIZATION AND MEDICAL SERVICES

SEC. 138. (a) LEGAL DOMICILE.—The first section of the Act entitled "An Act providing for the incorporation of certain persons as Group Hospitalization, Inc.", approved August 11, 1939 (hereafter referred to as "the Act"), is amended by adding at the end thereof the following: "The District of Columbia shall be the legal domicile of the corporation.". Corporations. 53 Stat. 1412.

(b) REGULATORY AUTHORITY.—

(1) IN GENERAL.—Section 5 of the Act is amended to read as follows: 53 Stat. 1413.

"SEC. 5. The corporation shall be licensed and regulated by the District of Columbia in accordance with the laws and regulations of the District of Columbia.".

(2) REPEAL.—The Act is amended by striking section 7. 53 Stat. 1414.

(c) REIMBURSEMENT OF REGULATORY COSTS BY THE CORPORATION.—The Act (as amended by subsection (b) of this section) is amended by inserting after section 6 the following new section:

"SEC. 7. The corporation shall reimburse the District of Columbia for the costs of insurance regulation (including financial and market conduct examinations) of the corporation and its affiliates and subsidiaries by the District of Columbia.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect October 1, 1993.

SEC. 139. (a) Title IV of the District of Columbia Omnibus Budget Support Act of 1992 (D.C. Law 9–145) is hereby repealed, and any provision of the District of Columbia Retirement Reform Act amended by such title is restored as if such title had not been enacted into law.

(b) Subsection (a) shall apply beginning September 10, 1992. Effective date.

SEC. 140. Section 422(3) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved

December 24, 1973 (87 Stat. 790; D.C. Code, sec. 1–242(3)), is amended by striking the period at the end of the fourth sentence and inserting the following:

", and except that nothing in this section shall prohibit the District from paying an employee overtime pay in accordance with section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207).".

Effective date.

SEC. 141. Effective October 1, 1993, there is hereby established pursuant to the District of Columbia Fund Accounting Act of 1980, effective June 14, 1980 (D.C. Law 3–70; D.C. Code, sec. 47–371 et seq.), a Cash Reserve Fund to replenish the consolidated cash balances of the District of Columbia.

Abortion.

SEC. 142. None of the Federal funds appropriated under this Act shall be expended for any abortion except when it is made known to the entity or official to which funds are appropriated under this Act that such procedure is necessary to save the life of the mother or that the pregnancy is the result of an act of rape or incest.

This title may be cited as the "District of Columbia Appropriations Act, 1994".

District of Columbia Supplemental Appropriations and Rescissions Act, 1993.

TITLE II

FISCAL YEAR 1993 SUPPLEMENTAL

DISTRICT OF COLUMBIA FUNDS

GOVERNMENTAL DIRECTION AND SUPPORT

(INCLUDING RESCISSION)

For an additional amount for "Governmental direction and support", $14,231,000: *Provided,* That of the funds appropriated under this heading for the fiscal year ending September 30, 1993 in the District of Columbia Appropriations Act, 1993, approved October 5, 1992 (Public Law 102–382; 106 Stat. 1423), $6,342,000 are rescinded for a net increase of $7,889,000.

The following provision under this heading for the fiscal year ending September 30, 1993 in the District of Columbia Appropriations Act, 1993, approved October 5, 1992 (Public Law 102–382; 106 Stat. 1423 is repealed: "*Provided further*, That $10,200,000 of the revenues realized from the 'Water and Sewer Utility Payment in Lieu of Taxes Act of 1992' shall be available for the Mayor's youth and crime initiative, but shall not be obligated or expended until the Mayor submits to the Council a plan for the allocation and use of the funds:".

ECONOMIC DEVELOPMENT AND REGULATION

(INCLUDING RESCISSION)

For an additional amount for "Economic development and regulation", $5,202,000: *Provided,* That of the funds appropriated under this heading for the fiscal year ending September 30, 1993 in the District of Columbia Appropriations Act, 1993, approved October 5, 1992 (Public Law 102–382; 106 Stat. 1423), $10,242,000 are rescinded for a net decrease of $5,040,000.

PUBLIC SAFETY AND JUSTICE

(INCLUDING RESCISSION)

For an additional amount for "Public safety and justice", $6,230,000: *Provided,* That of the funds appropriated under this heading for the fiscal year ending September 30, 1993 in the District of Columbia Appropriations Act, 1993, approved October 5, 1992 (Public Law 102–382; 106 Stat. 1424), $20,578,000 are rescinded for a net decrease of $14,348,000: *Provided further,* That any unspent funds remaining in the personal and nonpersonal services budget of the Metropolitan Police Department at the end of fiscal year 1993 shall remain available for the exclusive use of the Metropolitan Police Department for the purchase of equipment in fiscal year 1994.

PUBLIC EDUCATION SYSTEM

(INCLUDING RESCISSION)

For an additional amount for "Public education system", $4,000,000 for the public schools of the District of Columbia and $246,000 for the Education Licensure Commission: *Provided*, That of the funds appropriated under this heading for the fiscal year ending September 30, 1993 in the District of Columbia Appropriations Act, 1993, approved October 5, 1992 (Public Law 102–382; 106 Stat. 1426), $2,270,000 for the Public Schools of the District of Columbia, $4,199,000 for the University of the District of Columbia, $964,000 for the Public Library, and $70,000 for the Commission on the Arts and Humanities are rescinded for a net decrease of $3,257,000.

The following provision under this heading for the fiscal year ending September 30, 1993 in the District of Columbia Appropriations Act, 1993, approved October 5, 1992 (Public Law 102–382, 106 Stat. 1426) is repealed: "of which $2,000,000 shall be derived from revenues realized from the 'Water and Sewer Utility Payment in Lieu of Taxes Act of 1992';".

HUMAN SUPPORT SERVICES

(INCLUDING RESCISSION)

For an additional amount for "Human support services", $81,772,000: *Provided,* That $7,000,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: *Provided further,* That of the funds appropriated under this heading for the fiscal year ending September 30, 1993 in the District of Columbia Appropriations Act, 1993, approved October 5, 1992 (Public Law 102–382; 106 Stat. 1426), $2,221,000 are rescinded for a net increase of $79,551,000.

PUBLIC WORKS

(INCLUDING RESCISSION)

For an additional amount for "Public works", $23,447,000: *Provided,* That of the funds appropriated under this heading for the fiscal year ending September 30, 1993 in the District of Columbia Appropriations Act, 1993, approved October 5, 1992 (Public Law

102–382; 106 Stat. 1427), $3,271,000 are rescinded for a net increase of $20,176,000.

REPAYMENT OF LOANS AND INTEREST

For an additional amount for "Repayment of loans and interest", $11,059,000.

REPAYMENT OF GENERAL FUND RECOVERY DEBT

(RESCISSION)

Of the funds appropriated under this heading for the fiscal year ending September 30, 1993 in the District of Columbia Appropriations Act, 1993, approved October 5, 1992 (Public Law 102–382; 106 Stat. 1427), $5,000 are rescinded.

RESIZING

For the purpose of funding costs associated with the Temporary Appeals Panel pursuant to D.C. Law 9–47, the District of Columbia Government Merit Personnel Act of 1978 Temporary Amendment Act of 1991, $225,000.

SEVERANCE PAY

For severance pay to employees who are involuntarily separated from service as a result of reductions-in-force or reorganizations, $10,410,000.

PAY ADJUSTMENT

For pay increases and related costs to be transferred by the Mayor of the District of Columbia within the various appropriation headings in this Act from which costs are properly payable, $7,880,000.

FACILITIES RENT/LEASES

The paragraph under the heading "Facilities Rent/Leases" in the District of Columbia Appropriations Act, 1993, approved October 5, 1992 (Public Law 102–382; 106 Stat. 1428), is repealed: *Provided,* That the appropriation of $16,682,000 provided by that paragraph is distributed within the appropriation titles above.

FURLOUGH ADJUSTMENT

Each agency, office, and instrumentality of the District, except the District of Columbia Courts, shall furlough each employee of the respective agency, office, or instrumentality for one day in each month of the fiscal year ending September 30, 1993, or a proportionate number of hours for part-time employees. The personal services spending authority for each agency, office, and instrumentality subject to this section is reduced in an amount equal to the savings resulting from the employee furloughs required by this section, for a total reduction of $36,000,000, which is distributed within the appropriation titles above. The Council shall enact legislation to implement this section which may include but shall not be limited to procedures to ensure that public health and safety functions are carried out.

WITHIN-GRADE SALARY ADJUSTMENTS

Notwithstanding any other provision of law, no employee of any agency, office, or instrumentality of the District shall receive within-grade salary increases during the fiscal year ending September 30, 1993, and no time during the fiscal year ending September 30, 1993 shall accrue toward the waiting period for advancement to the following rate within the grade. The spending authority for each agency, office, and instrumentality is reduced in an amount equal to the savings resulting from the adjustments required by this section, for a total reduction of $13,000,000, which is distributed within the appropriation titles above.

PERSONAL AND NONPERSONAL SERVICES ADJUSTMENTS

The paragraph under the heading "Personal and Nonpersonal Services Adjustments", in the District of Columbia Appropriations Act, 1993, approved October 5, 1992 (Public Law 102–382; 106 Stat. 1428), is repealed: *Provided,* That the reduction of $30,798,600 required by that paragraph is distributed within the appropriation titles above.

CAPITAL OUTLAY

For an additional amount for "Capital outlay", $200,000, to remain available until expended.

WATER AND SEWER ENTERPRISE FUND

(INCLUDING RESCISSION)

For an additional amount for "Water and Sewer Enterprise Fund", $12,717,000: *Provided,* That of the funds appropriated under this heading in the District of Columbia Appropriations Act, 1993, approved October 5, 1992 (Public Law 102–382; 106 Stat. 1429), $41,482,000 are rescinded for a net decrease of $28,765,000.

The following provision under this heading for the fiscal year ending September 30, 1993 in the District of Columbia Appropriations Act, 1993, approved October 5, 1992 (Public Law 102–382; 106 Stat. 1429) is repealed: ", and $12,200,000 collected as payment in lieu of taxes pursuant to the 'Water and Sewer Utility Payment in Lieu of Taxes Act of 1992' shall be transferred to the general fund to provide $10,200,000 for the Mayor's youth and crime initiative, and $2,000,000 for the University of the District of Columbia".

The following provision under this heading for the fiscal year ending September 30, 1993 in the District of Columbia Appropriations Act, 1993, approved October 5, 1992 (Public Law 102–382; 106 Stat. 1430) is repealed: "*Provided further,* That not to exceed $22,705,000 in water and sewer enterprise fund operating revenues shall be available for pay-as-you-go capital projects".

LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

(RESCISSION)

Of the funds appropriated under this heading for the Lottery and Charitable Games Enterprise Fund for the fiscal year ending September 30, 1993 in the District of Columbia Appropriations Act, 1993, approved October 5, 1992 (Public Law 102–382; 106 Stat. 1430), $270,000 are rescinded.

CABLE TELEVISION ENTERPRISE FUND

(INCLUDING RESCISSION)

For an additional amount for "Cable Television Enterprise Fund", $35,000: *Provided,* That of the funds appropriated under this heading for the Cable Television Enterprise Fund for the fiscal year ending September 30, 1993 in the District of Columbia Appropriations Act, 1993, approved October 5, 1992 (Public Law 102–382; 106 Stat. 1430), $300,000 are rescinded and transferred to the general fund for a net decrease of $265,000.

STARPLEX FUND

The paragraph under the heading "Starplex Fund" in the District of Columbia Appropriations Act, 1993, approved October 5, 1992 (Public Law 102–382; 106 Stat. 1430), is amended by inserting after the phrase "shall be transferred to the general fund" the following: "and an additional $200,000 shall be transferred to the University of the District of Columbia".

GENERAL PROVISIONS

SEC. 201. Section 114 of the District of Columbia Appropriations Act, 1993, approved October 5, 1992 (106 Stat. 1432) is repealed.

SEC. 202. Section 134(a)(1) of the District of Columbia Appropriations Act, 1993, approved October 5, 1992 (106 Stat. 1435) is amended by inserting the following after the word "donation": ": *Provided,* That the Council of the District of Columbia may accept and use gifts without prior approval by the Mayor".

SEC. 203. Notwithstanding any other provision of law, appropriations made and authority granted pursuant to this title shall be deemed to be available for the fiscal year ending September 30, 1993.

This title may be cited as the "District of Columbia Supplemental Appropriations and Rescissions Act, 1993".

Approved October 29, 1993.

LEGISLATIVE HISTORY—H.R. 2492:

HOUSE REPORTS: Nos. 103-152 (Comm. on Appropriations), 103-291, and 103-103 (both from Comm. of Conference).
SENATE REPORTS: No. 103-104 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 139 (1993):
June 30, considered and passed House.
July 27, considered and passed Senate, amended.
Oct. 20, House rejected conference report.
Oct. 27, House agreed to conference report; receded and concurred in certain Senate amendments, in others with amendments. Senate agreed to conference report; concurred in House amendments.

Public Law 103-128
103d Congress

Joint Resolution

Making further continuing appropriations for the fiscal year 1994, and for other purposes.

Oct. 29, 1993
[H.J. Res. 283]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 106(c) of Public Law 103-88, as amended by Public Law 103-113, is further amended by striking out "October 28, 1993" and inserting in lieu thereof "November 10, 1993".

Ante, p. 1114.

Approved October 29, 1993.

LEGISLATIVE HISTORY—H.J. Res. 283:

CONGRESSIONAL RECORD, Vol. 139 (1993):
Oct. 28, considered and passed House and Senate.

Public Law 103-129
103d Congress

An Act

Nov. 1, 1993
[H.R. 3123]

To improve the electric and telephone loan programs carried out under the Rural Electrification Act of 1936, and for other purposes.

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

Rural Electrification Loan Restructuring Act of 1993.
7 USC 901 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rural Electrification Loan Restructuring Act of 1993".

SEC. 2. ELECTRIC AND TELEPHONE LOAN PROGRAMS.

(a) INSURED ELECTRIC AND TELEPHONE LOANS.—

(1) IN GENERAL.—Section 305 of the Rural Electrification Act of 1936 (7 U.S.C. 935) is amended—

(A) by striking subsections (b) and (d);

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

(C) by inserting after subsection (b) (as so redesignated) the following new subsections:

"(c) INSURED ELECTRIC LOANS.—

"(1) HARDSHIP LOANS.—

"(A) IN GENERAL.—The Administrator shall make insured electric loans, to the extent of qualifying applications for the loans, at an interest rate of 5 percent per year to any applicant for a loan who meets each of the following requirements:

"(i) The average revenue per kilowatt-hour sold by the applicant is not less than 120 percent of the average revenue per kilowatt-hour sold by all utilities in the State in which the applicant provides service.

"(ii) The average residential revenue per kilowatt-hour sold by the applicant is not less than 120 percent of the average residential revenue per kilowatt-hour sold by all utilities in the State in which the applicant provides service.

"(iii) The average per capita income of the residents receiving electric service from the applicant is less than the average per capita income of the residents of the State in which the applicant provides service, or the median household income of the households receiving electric service from the applicant is less than the median household income of the households in the State.

"(B) SEVERE HARDSHIP LOANS.—In addition to hardship loans that are made under subparagraph (A), the Adminis-

trator may make an insured electric loan at an interest rate of 5 percent per year to an applicant for a loan if, in the sole discretion of the Administrator, the applicant has experienced a severe hardship.

"(C) LIMITATION.—Except as provided in subparagraph (D), the Administrator may not make a loan under this paragraph to an applicant for the purpose of furnishing or improving electric service to a consumer located in an urban area (as defined by the Bureau of the Census) if the average number of consumers per mile of line of the total electric system of the applicant exceeds 17.

"(D) EXTREMELY HIGH RATES.—In addition to hardship loans that are made under subparagraphs (A) and (B), the Administrator shall make insured electric loans, to the extent of qualifying applications for the loans, at an interest rate of 5 percent per year to any applicant for a loan whose residential revenue exceeds 15.0 cents per kilowatt-hour sold. A qualifying application from such an applicant for the purpose of furnishing or improving electric service to a consumer located outside of an urbanized area shall not be subject to the conditions or limitation of subparagraph (A) or (C).

"(2) MUNICIPAL RATE LOANS.—

"(A) IN GENERAL.—The Administrator shall make insured electric loans, to the extent of qualifying applications for the loans, at the interest rate described in subparagraph (B) for the term or terms selected by the applicant pursuant to subparagraph (C).

"(B) INTEREST RATE.—

"(i) IN GENERAL.—Subject to clause (ii), the interest rate described in this subparagraph on a loan to a qualifying applicant shall be—

"(I) the interest rate determined by the Administrator to be equal to the current market yield on outstanding municipal obligations with remaining periods to maturity similar to the term selected by the applicant pursuant to subparagraph (C), but not greater than the rate determined under section 307(a)(3)(A) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1927(a)(3)(A)) that is based on the current market yield on outstanding municipal obligations; plus

"(II) if the applicant for the loan makes an election pursuant to subparagraph (D) to include in the loan agreement the right of the applicant to prepay the loan, a rate equal to the amount by which—

"(aa) the interest rate on commercial loans for a similar period that afford the borrower such a right; exceeds

"(bb) the interest rate on commercial loans for the period that do not afford the borrower such a right.

"(ii) MAXIMUM RATE.—The interest rate described in this subparagraph on a loan to an applicant for the loan shall not exceed 7 percent if—

"(I) the average number of consumers per mile of line of the total electric system of the applicant is less than 5.50; or

"(II)(aa) the average revenue per kilowatt-hour sold by the applicant is more than the average revenue per kilowatt-hour sold by all utilities in the State in which the applicant provides service; and

"(bb) the average per capita income of the residents receiving electric service from the applicant is less than the average per capita income of the residents of the State in which the applicant provides service, or the median household income of the households receiving electric service from the applicant is less than the median household income of the households in the State.

"(iii) EXCEPTION.—Clause (ii) shall not apply to a loan to be made to an applicant for the purpose of furnishing or improving electric service to consumers located in an urban area (as defined by the Bureau of the Census) if the average number of consumers per mile of line of the total electric system of the applicant exceeds 17.

"(C) LOAN TERM.—

"(i) IN GENERAL.—Subject to clause (ii), the applicant for a loan under this paragraph may select the term for which an interest rate shall be determined pursuant to subparagraph (B), and, at the end of the term (and any succeeding term selected by the applicant under this subparagraph), may renew the loan for another term selected by the applicant.

"(ii) MAXIMUM TERM.—

"(I) APPLICANT.—The applicant may not select a term that ends more than 35 years after the beginning of the first term the applicant selects under clause (i).

"(II) ADMINISTRATOR.—The Administrator may prohibit an applicant from selecting a term that would result in the total term of the loan being greater than the expected useful life of the assets being financed.

"(D) CALL PROVISION.—The Administrator shall offer any applicant for a loan under this paragraph the option to include in the loan agreement the right of the applicant to prepay the loan on terms consistent with similar provisions of commercial loans.

"(3) OTHER SOURCE OF CREDIT NOT REQUIRED IN CERTAIN CASES.—The Administrator may not require any applicant for a loan made under this subsection who is eligible for a loan under paragraph (1) to obtain a loan from another source as a condition of approving the application for the loan or advancing any amount under the loan.

"(d) INSURED TELEPHONE LOANS.—

"(1) HARDSHIP LOANS.—

"(A) IN GENERAL.—The Administrator shall make insured telephone loans, to the extent of qualifying applications for the loans, at an interest rate of 5 percent per

year, to any applicant who meets each of the following requirements:

"(i) The average number of subscribers per mile of line in the service area of the applicant is not more than 4.

"(ii) The applicant is capable of producing net income or margins before interest of not less than 100 percent (but not more than 300 percent) of the interest requirements on all of the outstanding and proposed loans of the applicant.

"(iii) The Administrator has approved a telecommunications modernization plan for the State under paragraph (3) and, if the plan was developed by telephone borrowers under this title, the applicant is a participant in the plan.

"(iv) The average number of subscribers per mile of line in the area included in the proposed loan is not more than 17.

"(B) AUTHORITY TO WAIVE TIER REQUIREMENT.—The Administrator may waive the requirement of subparagraph (A)(ii) in any case in which the Administrator determines (and sets forth the reasons for the waiver in writing) that the requirement would prevent emergency restoration of the telephone system of the applicant or result in severe hardship to the applicant.

"(C) EFFECT OF LACK OF FUNDS.—On request of any applicant who is eligible for a loan under this paragraph for which funds are not available, the applicant shall be considered to have applied for a loan under title IV.

"(2) COST-OF-MONEY LOANS.—

"(A) IN GENERAL.—The Administrator may make insured telephone loans for the acquisition, purchase, and installation of telephone lines, systems, and facilities (other than buildings used primarily for administrative purposes, vehicles not used primarily in construction, and customer premise equipment) related to the furnishing, improvement, or extension of rural telecommunications service, at an interest rate equal to the then current cost of money to the Government of the United States for loans of similar maturity, but not more than 7 percent per year, to any applicant for a loan who meets the following requirements:

"(i) The average number of subscribers per mile of line in the service area of the applicant is not more than 15, or the applicant is capable of producing net income or margins before interest of not less than 100 percent (but not more than 500 percent) of the interest requirements on all of the outstanding and proposed loans of the applicant.

"(ii) The Administrator has approved a telecommunications modernization plan for the State under paragraph (3) and, if the plan was developed by telephone borrowers under this title, the applicant is a participant in the plan.

"(B) CONCURRENT LOAN AUTHORITY.—On request of any applicant for a loan under this paragraph during any fiscal year, the Administrator shall—

"(i) consider the application to be for a loan under this paragraph and a loan under section 408; and

"(ii) if the applicant is eligible for a loan, make a loan to the applicant under this paragraph in an amount equal to the amount that bears the same ratio to the total amount of loans for which the applicant is eligible under this paragraph and under section 408, as the amount made available for loans under this paragraph for the fiscal year bears to the total amount made available for loans under this paragraph and under section 408 for the fiscal year.

"(C) EFFECT OF LACK OF FUNDS.—On request of any applicant who is eligible for a loan under this paragraph for which funds are not available, the applicant shall be considered to have applied for a loan guarantee under section 306.

"(3) STATE TELECOMMUNICATIONS MODERNIZATION PLANS.—

"(A) APPROVAL.—If, not later than 1 year after final regulations are promulgated to carry out this paragraph, any State, either by statute or through the public utility commission of the State, develops a telecommunications modernization plan that meets the requirements of subparagraph (B), the Administrator shall approve the plan for the State. If a State does not develop a plan in accordance with the requirements of the preceding sentence, the Administrator shall approve any telecommunications modernization plan for the State that meets the requirements that is developed by a majority of the borrowers of telephone loans made under this title who are located in the State.

"(B) REQUIREMENTS.—For purposes of subparagraph (A), a telecommunications modernization plan must, at a minimum, meet the following objectives:

"(i) The plan must provide for the elimination of party line service.

"(ii) The plan must provide for the availability of telecommunications services for improved business, educational, and medical services.

"(iii) The plan must encourage and improve computer networks and information highways for subscribers in rural areas.

"(iv) The plan must provide for—

"(I) subscribers in rural areas to be able to receive through telephone lines—

"(aa) conference calling;

"(bb) video images; and

"(cc) data at a rate of at least 1,000,000 bits of information per second; and

"(II) the proper routing of information to subscribers.

"(v) The plan must provide for uniform deployment schedules to ensure that advanced services are deployed at the same time in rural and nonrural areas.

"(vi) The plan must provide for such additional requirements for service standards as may be required by the Administrator.

"(C) FINALITY OF APPROVAL.—A telecommunications modernization plan approved under subparagraph (A) may not subsequently be disapproved. Notwithstanding paragraphs (1)(A)(iii) and (2)(A)(iii), and section 408(b)(4)(C), the Administrator and the Governor of the telephone bank may make a loan to a borrower serving a State that does not have a telecommunication modernization plan approved by the Administrator if the loan is made less than 1 year after the Administrator has adopted final regulations implementing this paragraph.".

(2) RURAL TELEPHONE BANK LOAN PROGRAM.—Section 408 of such Act (7 U.S.C. 948) is amended—

(A) in subsection (a), by striking ", (2)" and all that follows through "408 of this Act," and inserting ", (2) for the acquisition, purchase, and installation of telephone lines, systems, and facilities (other than buildings used primarily for administrative purposes, vehicles not used primarily in construction, and customer premise equipment) related to the furnishing, improvement, or extension of rural telecommunications service,";

(B) in subsection (b)—

(i) by striking paragraph (4) and inserting the following new paragraph:

"(4) The Governor of the telephone bank may make a loan under this section only to an applicant for the loan who meets the following requirements:

"(A) The average number of subscribers per mile of line in the service area of the applicant is not more than 15, or the applicant is capable of producing net income or margins before interest of not less than 100 percent (but not more than 500 percent) of the interest requirements on all of the outstanding and proposed loans of the applicant.

"(B) The Administrator has approved, under section 305(d)(3), a telecommunications modernization plan for the State in which the applicant is located and, if the plan was developed by telephone borrowers under title III, the applicant is a participant in the plan.";

(ii) in paragraph (8)—

(I) by inserting "(A)" after "(8)";

(II) by striking "if such prepayment is not made later than September 30, 1988" and inserting "except for any prepayment penalty provided for in a loan agreement entered into before the date of enactment of the Rural Electrification Loan Restructuring Act of 1993"; and

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

"(B) If a borrower prepays part or all of a loan made under this section, then, notwithstanding section 407(b), the Governor of the telephone bank shall—

"(i) use the full amount of the prepayment to repay obligations of the telephone bank issued pursuant to section 407(b) before October 1, 1991, to the extent any such obligations are outstanding; and

"(ii) in repaying the obligations, first repay the advances bearing the greatest rate of interest."; and

(iii) by adding at the end the following new paragraphs:

"(9) On request of any applicant for a loan under this section during any fiscal year, the Governor of the telephone bank shall—

"(A) consider the application to be for a loan under this section and a loan under section 305(d)(2); and

"(B) if the applicant is eligible for a loan, make a loan to the applicant under this section in an amount equal to the amount that bears the same ratio to the total amount of loans for which the applicant is eligible under this section and under section 305(d)(2), as the amount made available for loans under this section for the fiscal year bears to the total amount made available for loans under this section and under section 305(d)(2) for the fiscal year.

"(10) On request of any applicant who is eligible for a loan under this section for which funds are not available, the applicant shall be considered to have applied for a loan under section 305(d)(2)."; and

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

"(e) Loans and advances made under this section on or after November 5, 1990, shall bear interest at a rate determined under this section, taking into account all assets and liabilities of the telephone bank. This subsection shall not apply to loans obligated before the date of enactment of this subsection. Funds are not authorized to be appropriated to carry out this subsection until the funds are appropriated in advance to carry out this subsection.".

(b) FUNDING.—

(1) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—Section 314 of such Act (7 U.S.C. 940d) is amended to read as follows:

"SEC. 314. LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.

"(a) DEFINITION OF ADJUSTMENT PERCENTAGE.—As used in this section, the term 'adjustment percentage' means, with respect to a fiscal year, the percentage (if any) by which—

"(1) the average of the Consumer Price Index (as defined in section 1(f)(5) of the Internal Revenue Code of 1986) for the 1-year period ending on July 31 of the immediately preceding fiscal year; exceeds

"(2) the average of the Consumer Price Index (as so defined) for the 1-year period ending on July 31, 1993.

"(b) FISCAL YEARS 1994 THROUGH 1998.—In the case of each of fiscal years 1994 through 1998, there are authorized to be appropriated to the Administrator such sums as may be necessary for the cost of loans in the following amounts, for the following purposes:

"(1) ELECTRIC HARDSHIP LOANS.—For loans under section 305(c)(1)—

"(A) for fiscal year 1994, $125,000,000; and

"(B) for each of fiscal years 1995 through 1998, $125,000,000, increased by the adjustment percentage for the fiscal year.

"(2) ELECTRIC MUNICIPAL RATE LOANS.—For loans under section 305(c)(2)—

"(A) for fiscal year 1994, $600,000,000; and

"(B) for each of fiscal years 1995 through 1998, $600,000,000, increased by the adjustment percentage for the fiscal year.

"(3) TELEPHONE HARDSHIP LOANS.—For loans under section 305(d)(1)—

"(A) for fiscal year 1994, $125,000,000; and

"(B) for each of fiscal years 1995 through 1998, $125,000,000, increased by the adjustment percentage for the fiscal year.

"(4) TELEPHONE COST-OF-MONEY LOANS.—For loans under section 305(d)(2)—

"(A) for fiscal year 1994, $198,000,000; and

"(B) for each of fiscal years 1995 through 1998, $198,000,000, increased by the adjustment percentage for the fiscal year.

"(c) FUNDING LEVELS.—The Administrator shall make insured loans under this title for the purposes, in the amounts, and for the periods of time specified in subsection (b), as provided in advance in appropriations Acts.

"(d) AVAILABILITY OF FUNDS FOR INSURED LOANS.—Amounts made available for loans under section 305 are authorized to remain available until expended.".

(2) RULE OF INTERPRETATION.—Section 309(a) of such Act (7 U.S.C. 939(a)) is amended by adding at the end the following new sentence: "The preceding sentence shall not be construed to make section 408(b)(2) or 412 applicable to this title.".

(c) MISCELLANEOUS AMENDMENTS.—

(1) LOANS FOR RURAL ELECTRIFICATION.—Section 2 of such Act (7 U.S.C. 902) is amended—

(A) by inserting "(a)" before "The Administrator";

(B) by striking "telephone service in rural areas, as hereinafter provided;" and inserting "electric and telephone service in rural areas, as provided in this Act, and for the purpose of assisting electric borrowers to implement demand side management, energy conservation programs, and on-grid and off-grid renewable energy systems;"; and

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

"(b) By January 1, 1994, the Administrator shall issue interim regulations to implement the authority contained in subsection (a) to make loans for the purpose of assisting electric borrowers to implement demand side management, energy conservation programs, and on-grid and off-grid renewable energy systems. If the regulations are not issued by January 1, 1994, the Administrator shall consider any demand side management, energy conservation, or renewable energy program, system, or activity that is approved by a State agency to be eligible for the loans.". Regulations.

(2) LOANS FOR ELECTRICAL PLANTS AND TRANSMISSION LINES.—Section 4 of such Act (7 U.S.C. 904) is amended by inserting after "central station service" the following: "and for the furnishing and improving of electric service to persons in rural areas, including by assisting electric borrowers to implement demand side management, energy conservation programs, and on-grid and off-grid renewable energy systems".

(3) DEFINITIONS.—Section 13 of such Act (7 U.S.C. 913) is amended—

(A) by inserting ", except as provided in section 203(b)," before "shall be deemed to mean any area"; and

(B) by striking "city, village, or borough having a population in excess of fifteen hundred inhabitants" and inserting "urban area, as defined by the Bureau of the Census".

(4) GENERAL PROHIBITIONS.—Section 18 of such Act (7 U.S.C. 918) is amended—

(A) by inserting "(a) NO CONSIDERATION OF BORROWER'S LEVEL OF GENERAL FUNDS.—" before "The Administrator"; and

(B) by adding at the end the following new subsections:

"(b) LOAN ORIGINATION FEES.—The Administrator and the Governor of the telephone bank may not charge any fee or charge not expressly provided in this Act in connection with any loan made or guaranteed under this Act.

"(c) CONSULTANTS.—

"(1) IN GENERAL.—To facilitate timely action on applications by borrowers for financial assistance under this Act and for approvals required of the Rural Electrification Administration pursuant to the terms of outstanding loan or security instruments or otherwise, the Administrator may use consultants funded by the borrower, paid for out of the general funds of the borrower, for financial, legal, engineering, and other technical advice and services in connection with the review of the application by the Rural Electrification Administration.

"(2) CONFLICTS OF INTEREST.—The Administrator shall establish procedures for the selection and the provision of technical services by consultants to ensure that the consultants have no financial or other conflicts of interest in the outcome of the application of the borrower.

"(3) PAYMENT OF COSTS.—The Administrator may not, without the consent of the borrower, require, as a condition of processing an application for approval, that the borrower agree to pay the costs, fees, and expenses of consultants hired to provide technical or advisory services to the Administrator.

"(4) CONTRACTS, GRANTS, AND AGREEMENTS.—The Administrator may enter into such contracts, grants, or cooperative agreements as are necessary to carry out this section.

"(5) USE OF CONSULTANTS.—Nothing in this subsection shall limit the authority of the Administrator to retain the services of consultants from funds made available to the Administrator or otherwise.".

(5) DEFINITION OF RURAL AREA.—Section 203(b) of such Act (7 U.S.C. 924(b)) is amended by striking "one thousand five hundred" and inserting "5,000".

(6) INSURED LOANS.—Section 305 of such Act (7 U.S.C. 935) (as amended by subsection (a)(1)) is further amended—

(A) by striking "SEC. 305. INSURED LOANS; INTEREST RATES AND LENDING LEVELS.—(a) The" and inserting the following:

"SEC. 305. INSURED LOANS; INTEREST RATES AND LENDING LEVELS.

"(a) IN GENERAL.—The"; and

(B) in subsection (b), by striking "(b) Loans" and inserting "(b) INSURED LOANS.—Loans".

(7) ELIGIBILITY OF DISTRIBUTION BORROWERS; ADMINISTRATIVE PROHIBITIONS.—Title III of such Act is amended by inserting after section 306B (7 U.S.C. 936b) the following new sections:

"SEC. 306D. ELIGIBILITY OF DISTRIBUTION BORROWERS FOR LOANS, LOAN GUARANTEES, AND LIEN ACCOMMODATIONS. 7 USC 936d.

"For the purpose of determining the eligibility of a distribution borrower not in default on the repayment of a loan made or guaranteed under this Act for a loan, loan guarantee, or lien accommodation under this title, a default by a borrower from which the distribution borrower purchases wholesale power shall not—

"(1) be considered a default by the distribution borrower;

"(2) reduce the eligibility of the distribution borrower for assistance under this Act; or

"(3) be the cause, directly or indirectly, of imposing any requirement or restriction on the borrower as a condition of the assistance, except such requirements or restrictions as are necessary to implement a debt restructuring agreed on by the power supply borrower and the Government.

"SEC. 306E. ADMINISTRATIVE PROHIBITIONS APPLICABLE TO ELECTRIC BORROWERS. 7 USC 936e.

"The Administrator may not require prior approval of, impose any requirement, restriction, or prohibition with respect to the operations of, or deny or delay the granting of a lien accommodation to, any electric borrower under this Act whose net worth exceeds 110 percent of the outstanding principal balance on all loans made or guaranteed to the borrower by the Administrator.".

(8) LOANS FROM OTHER CREDIT SOURCES.—Section 307 of such Act (7 U.S.C. 937) is amended by adding at the end the following new sentence: "The Administrator may not request any applicant for an electric loan under this Act to apply for and accept a loan in an amount exceeding 30 percent of the credit needs of the applicant.".

(9) CAPITALIZATION.—Section 406 of such Act (7 U.S.C. 946) is amended by adding at the end the following new subsection:

"(i) The Governor of the telephone bank may invest in obligations of the United States the amounts in the account in the Treasury of the United States numbered 12X8139 (known as the 'RTB Equity Fund').".

(10) REFINANCING OF FFB LOANS.—Section 306C of such Act is amended by— 7 USC 936c.

(A) inserting before the period at the end of subsection (c)(2) the following: ", except that such rate shall not be greater than 7 percent per year, subject to subsection (d)"; and

(B) adding at the end the following new subsection:

"(d) MAXIMUM RATE OPTION.—

"(1) IN GENERAL.—Except as provided in paragraphs (2), (3), and (4), a borrower of a loan or loan advance, or any portion of the loan or advance, that is refinanced under this section shall have the option of ensuring that the interest rate on such loan, loan advance, or portion thereof does not exceed 7 percent per year.

"(2) LIMITATION.—A borrower may not exercise the option under paragraph (1) in the case of a loan or loan advance, or portion thereof, if the total amount of such loans for which such option would be exercised exceeds 50 percent of the outstanding principal balance of the loans made to such borrower and guaranteed under section 306.

"(3) FEE.—A borrower that exercises the maximum rate option under paragraph (1) shall, at the time of exercising such option, pay a fee equal to 1 percent of the outstanding principal balance of such loan or loan advance, or portion thereof, for which such option is exercised. Such fee shall be in addition to the penalties and other payments required under subsection (b).

"(4) SUNSET.—The option provided under paragraph (1) shall not be available in the case of any loan or loan advance, or portion thereof, unless a written request to exercise such option is sent to the Administrator not later than 1 year after the effective date of regulations issued to carry out the Rural Electrification Loan Restructuring Act of 1993.".

SEC. 3. EXPANDED ELIGIBILITY FOR LOANS FOR WATER AND WASTE DISPOSAL FACILITIES.

Section 306(a)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(1)) is amended by inserting after the first sentence the following new sentence: "The Secretary may also make loans to any borrower to whom a loan has been made under the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.), for the conservation, development, use, and control of water, and the installation of drainage or waste disposal facilities, primarily serving farmers, ranchers, farm tenants, farm laborers, rural businesses, and other rural residents.".

SEC. 4. RURAL ECONOMIC DEVELOPMENT.

Section 364 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2006f) is amended by adding at the end the following new subsection:

"(g) RURAL ECONOMIC DEVELOPMENT.—

"(1) IN GENERAL.—A borrower of a loan or loan guarantee under the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.) shall be eligible for assistance under all programs administered by the Rural Development Administration.

"(2) PARTICIPATION.—The Administrator of the Rural Development Administration shall encourage and facilitate the full and equal participation of all entities to participate in programs administered by the Rural Development Administration.".

SEC. 5. PROHIBITION UNDER RURAL DEVELOPMENT PROGRAMS.

The Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) is amended by adding at the end thereof the following new section:

7 USC 2008e.

"SEC. 370. PROHIBITION UNDER RURAL DEVELOPMENT PROGRAMS.

"(a) PROHIBITION.—Assistance under any rural development program administered by the Rural Development Administration, the Farmers Home Administration, the Rural Electrification Administration, or any other agency of the Department of Agriculture shall not be conditioned on any requirement that the recipient of such assistance accept or receive electric service from any particular utility, supplier, or cooperative.

Regulations.

"(b) ENSURING COMPLIANCE.—The Secretary shall establish, by regulation, adequate safeguards to ensure that assistance under such rural development programs is not subject to such a condition. Such safeguards shall include periodic certifications and audits,

and appropriate measures and sanctions against any person violating, or attempting to violate, the prohibition in subsection (a).

"(c) REGULATIONS.—Not later than 6 months after the enactment of this section, the Secretary shall issue interim final regulations to ensure compliance with subsection (a).".

SEC. 6. REGULATIONS.

7 USC 901 note.

Except as provided in section 2(b) of the Rural Electrification Act of 1936 and section 370 of the Consolidated Farm and Rural Development Act, as added by sections 2(c)(1)(C) and 5 of this Act, not later than 45 days after the date of enactment of this Act, interim final regulations shall be issued by—

(1) the Administrator of the Rural Electrification Administration to carry out the amendments made by this Act to programs administered by the Administrator;

(2) the Administrator of the Rural Development Administration to carry out the amendments made by this Act to programs administered by the Administrator; and

(3) the Secretary of Agriculture to carry out the amendments made by this Act to programs administered by the Farmers Home Administration.

Approved November 1, 1993.

LEGISLATIVE HISTORY—H.R. 3123 (S. 1167):

CONGRESSIONAL RECORD, Vol. 139 (1993):
June 24, S. 1167 considered and passed Senate.
Sept. 28, H.R. 3123 considered and passed House.
Oct. 4, considered and passed Senate.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 29 (1993):
Nov. 1, Presidential statement.

Public Law 103-130
103d Congress

An Act

Nov. 1, 1993
[S. 1548]

To amend the National Wool Act of 1954 to reduce the subsidies that wool and mohair producers receive for the 1994 and 1995 marketing years and to eliminate the wool and mohair programs for the 1996 and subsequent marketing years, and for other purposes.

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

Loans.

SECTION 1. SUPPORT PRICE FOR WOOL AND MOHAIR.

Section 703 of the National Wool Act of 1954 (7 U.S.C. 1782) is amended—

(1) by striking subsection (a) and inserting the following new subsection:

"(a) Subject to subsection (b)(3), the Secretary of Agriculture shall, through the Commodity Credit Corporation, make loans and payments to producers of wool and mohair through December 31, 1995.";

(2) in subsection (b)—

(A) in paragraph (2), by striking "1997" and inserting "1995"; and

(B) by striking paragraph (3) and inserting the following new paragraph:

"(3) No loans, purchases, or payments shall be made for the 1996 and subsequent marketing years, except that loans and payments for the 1995 marketing year shall be paid in 1996."; and

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

"(4)(A) Through December 31, 1995, the Secretary shall offer to wool and mohair producers recourse loans under terms and conditions that are prescribed by the Secretary, except that the loans shall be administered at no net cost to the Federal Government.

"(B) A producer who fails to repay a loan made under subparagraph (A) by the end of the following marketing year shall be ineligible for a loan under this Act for that marketing year and subsequent marketing years.".

SEC. 2. REDUCTION IN PAYMENTS.

Section 704(a) of the National Wool Act of 1954 (7 U.S.C. 1783(a)) is amended by inserting after the first sentence the following new sentence: "In the case of each of the 1994 and 1995 marketing years, the payments shall be 75 and 50 percent, respectively, of the amount otherwise determined under the preceding sentence.".

SEC. 3. ELIMINATION OF WOOL AND MOHAIR PROGRAMS.

(a) IN GENERAL.—Effective December 31, 1995, the National Wool Act of 1954 (7 U.S.C. 1781 et seq.) is repealed. Effective date. 7 USC 1782 *et seq.*

(b) APPLICATION.—The repeal made by subsection (a) shall apply to both the wool and mohair programs. 7 USC 1782 note.

(c) PROHIBITION.—Effective beginning December 31, 1995, the Secretary of Agriculture may not provide loans or payments for wool or mohair by using the funds of the Commodity Credit Corporation or under the authority of any law. 7 USC 1447 note.

SEC. 4. REMOVAL OF PRICE SUPPORT REFERENCES.

(a) Section 702 of the National Wool Act of 1954 (7 U.S.C. 1781) is repealed.

(b) Section 703 of such Act (7 U.S.C. 1782) is amended—

(1) by striking the section heading and inserting the following new section heading:

"SUPPORT PRICE FOR WOOL AND MOHAIR";

(2) in subsection (b)(1)(i), by striking "such price support" and inserting "the support price"; and

(3) in subsection (d), by striking "price support" and inserting "support under this section".

(c) Section 704 of such Act (7 U.S.C. 1783) is amended—

(1) by striking the section heading and inserting the following new section heading:

"SEC. 704. PAYMENTS.";

and

(2) in subsection (a), by striking "If payments are utilized as a means of price support, the" and inserting "The".

(d) The first sentence of section 706 of such Act (7 U.S.C. 1785) is amended by striking "price support operations" and inserting "operations under this Act".

SEC. 5. LIABILITY OF PRODUCERS. 7 USC 1782 note.

A provision of this Act may not affect the liability of any person under any provision of law as in effect before the effective date of the provision.

Approved November 1, 1993.

LEGISLATIVE HISTORY—S. 1548:

CONGRESSIONAL RECORD, Vol. 139 (1993):
Oct. 14, considered and passed Senate.
Oct. 15, considered and passed House.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 29 (1993):
Nov. 1, Presidential statement.

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Public Law 103-131
103d Congress

Joint Resolution

Nov. 1, 1993
[S.J. Res. 78]

Designating the beach at 53 degrees 53'51"N, 166 degrees 34'15"W to 53 degrees 53'48"N, 166 degrees 34'21"W on Hog Island, which lies in the Northeast Bay of Unalaska, Alaska as "Arkansas Beach" in commemoration of the 206th regiment of the National Guard, who served during the Japanese attack on Dutch Harbor, Unalaska on June 3 and 4, 1942.

Whereas it is commonly overlooked that the Aleutian Islands are the only part of American territory in history to be invaded and overtaken by an enemy;

Whereas, during World War II, an Arkansas National Guard Regiment, the 206th Coast Artillery, served diligently and bravely on Hog Island, Unalaska;

Whereas the 206th Coast Artillery Regiment of Arkansas was guarding Dutch Harbor during the time of the Japanese attack;

Whereas, during the Japanese invasion of Dutch Harbor, three young soldiers of the 206th Coast Artillery Unit were killed;

Whereas the city of Unalaska, Alaska has passed Res. 92-28, designating the beach at 53 degrees 53'51"N, 166 degrees 34'15"W to 53 degrees 53'48"N, 166 degrees 34'21"W on Hog Island, Unalaska as "Arkansas Beach"; and

Whereas the State of Alaska has passed Sen. Con. Res. 37, as sent to the State Geographic Board, which names this beach "Arkansas Beach": Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the beach at 53 degrees 53'51"N, 166 degrees 34'15"W to 53 degrees 53'48"N, 166 degrees 34'21"W on Hog Island, Unalaska be named "Arkansas Beach" in commemoration of the 206th Coast Artillery Regiment and the men who served and died during the air attacks on Dutch Harbor, Unalaska on June 3 and 4, 1942.

Approved November 1, 1993.

LEGISLATIVE HISTORY—S.J. Res. 78:

HOUSE REPORTS: No. 103-294 (Comm. on Natural Resources).
SENATE REPORTS: No. 103-96 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 139 (1993):
July 21, considered and passed Senate.
Oct. 18, considered and passed House.

Public Law 103-132
103d Congress

An Act

To direct the Secretary of Agriculture to convey certain lands to the town of Taos, New Mexico.

Nov. 2, 1993
[H.R. 328]

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

SECTION. 1. TAOS RANGER DISTRICT.

(a) CONVEYANCE OF PROPERTY.—Not later than 6 months after the date of enactment of this Act, the Secretary of Agriculture shall convey by quit-claim deed to the town of Taos, New Mexico, subject to the terms and conditions stated in subsection (b), all right, title, and interest of the United States in and to the land and improvements thereon described as follows:

That property locally referred to as the "Old Taos Ranger District Office and Warehouse" located in the town of Taos, Taos County, New Mexico, containing approximately 0.633 acres, specifically described in that certain warranty deed dated January 22, 1937, by William T. and Mary E. Hinde, husband and wife, to the United States, as recorded on January 23, 1937, in book A–34, page 415, of the Record of Deeds of Taos County, New Mexico.

(b) TERMS AND CONDITIONS.—

(1) CONSIDERATION.—The conveyance described in subsection (a) shall be in consideration of the amount of $360,000, payable in full within the 6-month period referred to in subsection (a), or, at the option of the town of Taos, in 20 annual payments of $18,000 due on January 1 of the first year following enactment of this Act and annually thereafter until the total amount due has been paid, as agreed upon by the Secretary of Agriculture. The cash so received shall be deposited into a special fund in the Treasury which will remain available, subject to appropriations, until expended by the Secretary for the purpose of acquiring, within the State of New Mexico, lands or administrative facilities on National Forest System lands. The town of Taos shall not be charged interest on amounts owed the United States for such conveyance.

(2) RELEASE.—On transfer of the property under subsection (a) the town of Taos shall release the United States from any liability for claims relating to the property.

(3) REVERSION.—The conveyance described in subsection (a) shall be a conveyance of fee simple title to the property, subject to reversion to the United States if the property is used for other than public purposes or if the compensation requirements described in paragraph (1) are not met.

Approved November 2, 1993.

LEGISLATIVE HISTORY—H.R. 328 (S. 275):

HOUSE REPORTS: No. 103-60 (Comm. on Natural Resources).
SENATE REPORTS: No. 103-13 accompanying S. 275 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 139 (1993):
Mar. 17, S. 275 considered and passed Senate.
Apr. 20, 21, H.R. 328 considered and passed House.
Oct. 20, considered and passed Senate.

Public Law 103-133
103d Congress

Joint Resolution

To approve the extension of nondiscriminatory treatment with respect to the products of Romania.

Nov. 2, 1993
[H.J. Res. 228]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress approves the extension of nondiscriminatory treatment with respect to the products of Romania transmitted by the President to the Congress on July 2, 1993.

Exports and imports.
19 USC 2434 note.

Approved November 2, 1993.

LEGISLATIVE HISTORY—H.J. Res. 228 (S.J. Res. 110):

HOUSE REPORTS: No. 103-279 (Comm. on Ways and Means).
SENATE REPORTS: No. 103-159 accompanying S.J. Res. 110 (Comm. on Finance).
CONGRESSIONAL RECORD, Vol. 139 (1993):
Oct. 12, considered and passed House.
Oct. 21, considered and passed Senate.

Public Law 103-134
103d Congress

An Act

Nov. 8, 1993
[H.R. 927]

To designate the Pittsburgh Aviary in Pittsburgh, Pennsylvania as the National Aviary in Pittsburgh.

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

SECTION 1. DESIGNATION.

The Pittsburgh Aviary in Pittsburgh, Pennsylvania is designated as the "National Aviary in Pittsburgh".

SEC. 2. LEGAL REFERENCES.

Any reference in any law, regulation, document, record, map, or other paper of the United States to the aviary referred to in section 1 is deemed to be a reference to the "National Aviary in Pittsburgh".

Approved November 8, 1993.

LEGISLATIVE HISTORY—H.R. 927:

HOUSE REPORTS: No. 103-169 (Comm. on Merchant Marine and Fisheries).
CONGRESSIONAL RECORD, Vol. 139 (1993):
July 13, considered and passed House.
Oct. 27, considered and passed Senate.

Public Law 103-135
103d Congress

An Act

To modify the project for flood control, James River Basin, Richmond, Virginia.

Nov. 8, 1993
[H.R. 2824]

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

SECTION 1. JAMES RIVER BASIN, RICHMOND, VIRGINIA.

The project for flood control, James River Basin, Richmond, Virginia, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4126) is modified to authorize the Secretary of the Army to construct the project at a total cost of $134,000,000, with an estimated Federal cost of $100,500,000 and an estimated non-Federal cost of $33,500,000.

Approved November 8, 1993.

LEGISLATIVE HISTORY—H.R. 2824:

HOUSE REPORTS: No. 103-235 (Comm. on Public Works and Transportation).
CONGRESSIONAL RECORD, Vol. 139 (1993):
Sept. 13, considered and passed House.
Oct. 27, considered and passed Senate.

Public Law 103-136
103d Congress

Joint Resolution

Nov. 8, 1993
[H.J. Res. 205]

Designating the week beginning October 31, 1993, as "National Health Information Management Week".

Whereas accurate, timely, and complete medical records and related health information are vital in planning and providing for quality health care for the people of the United States;

Whereas such records and information are vital to providing health care to an individual beginning at the birth of the individual and continuing throughout the life of the individual;

Whereas public concern about the quality, appropriateness, and effectiveness of health care is escalating;

Whereas specific skills in evaluating and reporting the results of health care are required to provide public accountability;

Whereas equitable third-party reimbursement for health care is dependent on health information that is collected, analyzed, classified, verified, and disseminated;

Whereas public awareness of patient rights, including the right of a patient to access the patient's own medical information, is increasing;

Whereas the needs and requirements for health information of the health care industry and the use of the information by the industry are changing rapidly;

Whereas the rate of such changes will continue to increase as new health care technology is used and new health care reform policies are promulgated;

Whereas the 35,000 members of the American Health Information Management Association are the health information leaders of the United States; and

Whereas such members have demonstrated commitment to, and expertise in, health information management: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning October 31, 1993, is designated as "National Health Information Management Week", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe the week with appropriate ceremonies and activities.

Approved November 8, 1993.

LEGISLATIVE HISTORY—H.J. Res. 205:

CONGRESSIONAL RECORD, Vol. 139 (1993):
Oct. 26, considered and passed House.
Oct. 28, considered and passed Senate.

Public Law 103-137
103d Congress

Joint Resolution

Designating November 22, 1993, as "National Military Families Recognition Day".

Nov. 8, 1993
[S.J. Res. 115]

Whereas the Congress recognizes and supports the Department of Defense policies to recruit, train, equip, retain, and field a military force that is capable of preserving peace and protecting the vital interests of the United States and its allies;

Whereas military families shoulder the responsibility of providing emotional support for their service members;

Whereas, in times of war and military action, military families have demonstrated their patriotism through their steadfast support and commitment to the Nation;

Whereas the emotional and mental readiness of the United States military personnel around the world is tied to the well-being and satisfaction of their families;

Whereas the quality of life that the Armed Forces provide to military families is a key factor in the retention of military personnel;

Whereas the people of the United States are truly indebted to military families for facing adversities, including extended separations from their service members, frequent household moves due to reassignments, and restrictions on their employment and educational opportunities;

Whereas 74 percent of officers and 55 percent of enlisted personnel in the Armed Forces are married;

Whereas families of active duty military personnel (including individuals other than spouses and children) comprise more than one-half of the active duty community of the Armed Forces, and spouses and children of members of the reserve component of the Armed Forces in paid status comprise more than one-half of the individuals constituting the reserve component of the Armed Forces community;

Whereas hundreds of thousands of spouses, children, and other dependents living abroad with members of the Armed Forces face financial hardship and feelings of cultural isolation;

Whereas the significantly reduced global military tensions following the end of the Cold War have resulted in a down-sizing of the national defense and a refocusing of national priorities on strengthening the American economy and increasing competitiveness in the global marketplace;

Whereas the Congress is grateful for the sacrifices of military families and is committed to assisting the service members and their families who undergo the transition from active duty to civilian life; and

Whereas military families are devoted to the overall mission of the Department of Defense and have supported the role of the United States as the military leader and protector of the Free World: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That November 22, 1993 is designated as "National Military Families Recognition Day" in appreciation of the commitment and devotion of present and former military families and the sacrifices that such families have made on behalf of the Nation and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe the day with appropriate programs, ceremonies, and activities.

Approved November 8, 1993.

LEGISLATIVE HISTORY—S.J. Res. 115:

CONGRESSIONAL RECORD, Vol. 139 (1993):
Oct. 28, considered and passed Senate.
Nov. 2, considered and passed House.

Public Law 103-138
103d Congress

An Act

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1994, and for other purposes.

Nov. 11, 1993
[H.R. 2520]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending September 30, 1994, and for other purposes, namely:

Department of the Interior and Related Agencies Appropriations Act, 1994.

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau of Land Management, $599,860,000, of which the following amounts shall remain available until expended: $1,462,000 to be derived from the special receipt account established by section 4 of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–6a(i)), and $69,418,000 for the Automated Land and Mineral Record System Project: *Provided,* That appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau of Land Management or its contractors; and in addition, $15,300,000 for Mining Law Administration program operations to remain available through September 30, 1994, to be reduced by amounts collected by the Bureau of Land Management and credited to this appropriation from annual mining claim fees so as to result in a final fiscal year 1994 appropriation estimated at not more than $599,860,000: *Provided further,* That in addition to funds otherwise available, not to exceed $5,000,000 from annual mining claim fees shall be credited to this account for the costs of administering the mining claim fee program, and shall remain available until expended.

FIRE PROTECTION

For necessary expenses for fire management, emergency rehabilitation, fire presuppression and preparedness, and other

related emergency actions by the Department of the Interior, $117,143,000, to remain available until expended.

EMERGENCY DEPARTMENT OF THE INTERIOR FIREFIGHTING FUND

For emergency rehabilitation, severity presuppression, and wildfire suppression activities of the Department of the Interior, $116,674,000, to remain available until expended: *Provided,* That such funds also are available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: *Provided further,* That notwithstanding any other provision of law, persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: *Provided further,* That only amounts for emergency rehabilitation and wildfire suppression activities that are in excess of the average of such costs for the previous ten years shall be considered "emergency requirements" pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CONSTRUCTION AND ACCESS

For acquisition of lands and interests therein, and construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, $10,467,000, to remain available until expended.

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976 (31 U.S.C. 6901–07), $104,108,000, of which not to exceed $400,000 shall be available for administrative expenses.

LAND ACQUISITION

For expenses necessary to carry out the provisions of sections 205, 206, and 318(d) of Public Law 94–579 including administrative expenses and acquisition of lands or waters, or interests therein, $12,122,000, to be derived from the Land and Water Conservation Fund, to remain available until expended.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein including existing connecting roads on or adjacent to such grant lands; $83,052,000, to remain available until expended: *Provided,* That 25 per centum of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the provisions of the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 per centum of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $10,025,000, to remain available until expended: *Provided,* That not to exceed $600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under sections 209(b), 304(a), 304(b), 305(a), and 504(g) of the Act approved October 21, 1976 (43 U.S.C. 1701), and sections 101 and 203 of Public Law 93–153, to be immediately available until expended: *Provided,* That notwithstanding any provision to the contrary of section 305(a) of the Act of October 21, 1976 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this or subsequent appropriations Acts by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such forfeiture, compromise, or settlement are used on the exact lands damage to which led to the forfeiture, compromise, or settlement: *Provided further,* That such moneys are in excess of amounts needed to repair damage to the exact land for which collected.

43 USC 1735 note.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing law, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title;

up to $100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau of Land Management; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on his certificate, not to exceed $10,000: *Provided,* That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly-produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For expenses necessary for scientific and economic studies, conservation, management, investigations, protection, and utilization of sport fishery and wildlife resources, except whales, seals, and sea lions, and for the performance of other authorized functions related to such resources; for the general administration of the United States Fish and Wildlife Service; and for maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge; and not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by the Act of August 13, 1970, as amended by Public Law 93–408, $484,313,000, of which $11,799,000 shall be for operation and maintenance of fishery mitigation facilities constructed by the Corps of Engineers under the Lower Snake River Compensation Plan, authorized by the Water Resources Development Act of 1976 (90 Stat. 2921), to compensate for loss of fishery resources from water development projects on the Lower Snake River, and which shall remain available until expended; and of which $2,500,000 shall be provided to the National Fish and Wildlife Foundation for endangered species activities: *Provided,* That such amount shall be matched by at least an equal amount by the National Fish and Wildlife Foundation.

CONSTRUCTION

For construction and acquisition of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of sport fishery and wildlife resources, and the acquisition of lands and interests therein; $73,565,000, to remain available until expended of which $1,800,000 shall be available as a grant from the United States Fish and Wildlife Service to Ducks Unlimited, Inc., for construction of the Federal portion of the dike and pumping station at Metzger Marsh: *Provided,* That notwithstanding any other provision of law a single procurement for the construction of facilities at the Walnut Creek National Wildlife Refuge, Iowa may be issued which includes the full scope of the project: *Provided further,* That the solicitation and the contract shall contain the clause "availability of funds" found at 48 CFR 52.323.18.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION FUND

To conduct natural resource damage assessments and restoration activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601, et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, et seq.), the Oil Pollution Act of 1990 (Public Law 101–380), and the Act of July 27, 1990 (Public Law 101–337); $6,700,000, to remain available until expended: *Provided,* That notwithstanding any other provision of law, any amounts appropriated or credited in fiscal year 1992 and thereafter, may be transferred to any account to carry out the provisions of negotiated legal settlements or other legal actions for restoration activities and to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601, et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, et seq.), the Oil Pollution Act of 1990 (Public Law 101–380), and the Act of July 27, 1990 (Public Law 101–337) for damage assessment activities: *Provided further,* That sums provided by any party are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated or otherwise disposed of by the Secretary and such sums or properties shall be utilized for the restoration of injured resources, and to conduct new damage assessment activities. 43 USC 1474b-1.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4–11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, and for activities authorized under Public Law 98–244 to be carried out by the National Fish and Wildlife Foundation, $82,655,000, to be derived from the Land and Water Conservation Fund, to remain available until expended.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out the provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), as amended by Public Law 100–478, $9,000,000 for Grants to States, to be derived from the Cooperative Endangered Species Conservation Fund, and to remain available until expended.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $12,000,000.

REWARDS AND OPERATIONS

For expenses necessary to carry out the provisions of the African Elephant Conservation Act (16 U.S.C. 4201–4203, 4211–4213, 4221–4225, 4241–4245, and 1538), $1,169,000, to remain available until expended.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, Public Law 101–233, $12,000,000, and in fiscal year 1992 and thereafter, amounts received during the immediately preceding fiscal year under section 6 of the Migratory Bird Treaty Act (16 U.S.C. 707) as penalties or fines or from forfeitures of property or collateral, to remain available until expended.

43 USC 1474c.

WILDLIFE CONSERVATION AND APPRECIATION FUND

For deposit to the Wildlife Conservation and Appreciation Fund, $1,000,000, to remain available until expended, to be available for carrying out the Partnerships for Wildlife Act only to the extent such funds are matched as provided in section 7105 of said Act.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 130 passenger motor vehicles, of which 112 are for replacement only (including 43 for police-type use); not to exceed $400,000 for payment, at the discretion of the Secretary, for information, rewards, or evidence concerning violations of laws administered by the United States Fish and Wildlife Service, and miscellaneous and emergency expenses of enforcement activities, authorized or approved by the Secretary and to be accounted for solely on his certificate; repair of damage to public roads within and adjacent to reservation areas caused by operations of the United States Fish and Wildlife Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the United States Fish and Wildlife Service and to which the United States has title, and which are utilized pursuant to law in connection with management and investigation of fish and wildlife resources: *Provided,* That the United States Fish and Wildlife Service may accept donated aircraft as replacements for existing aircraft.

NATIONAL BIOLOGICAL SURVEY

RESEARCH, INVENTORIES, AND SURVEYS

For expenses necessary for scientific research relating to species biology, population dynamics, and ecosystems; inventory and monitoring activities; technology development and transfer; the operation of Cooperative Research Units; and for the general administration of the National Biological Survey, $163,519,000, of which $162,092,000 shall remain available until September 30, 1995, and of which $1,427,000 shall remain available until expended for construction: *Provided,* That none of the funds under this head shall be used to conduct new surveys on private property unless specifically authorized in writing by the property owner.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, including not to exceed $1,599,000 for the Volunteers-in-Parks program, $38,400 for a lump-sum payment to Marlene Anita Hudson of Washington, District of Columbia, which payment shall be in addition to any other amount that is otherwise payable under any other provision of law based on the death of James A. Hudson, and not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by the Act of August 13, 1970, as amended by Public Law 93–408, $1,061,823,000, without regard to the Act of August 24, 1912, as amended (16 U.S.C. 451), of which not to exceed $78,559,000 to remain available until expended is to be derived from the special fee account established pursuant to title V, section 5201, of Public Law 100–203. Marlene Anita Hudson.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, $42,585,000.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the provisions of the Historic Preservation Act of 1966 (80 Stat. 915), as amended (16 U.S.C. 470), $40,000,000 to be derived from the Historic Preservation Fund, established by section 108 of that Act, as amended, to remain available for obligation until September 30, 1995.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, $201,724,000, to remain available until expended, $4,377,000 to be derived from amounts made available under this head in Public Law 101–512 as a grant for the restoration of the Keith Albee Theatre in Huntington, West Virginia, and $1,844,000 to be derived from amounts made available under this head in Public Law 102–381 for a pedestrian walkway and interpretive park (A Walk on the Mountain): *Provided,* That $2,000,000 for the Boston Public Library and $500,000 for the Penn Center shall be derived from the Historic Preservation Fund pursuant to 16 U.S.C. 470a: *Provided further,* That of the funds provided under this heading, not to exceed $350,000 shall be made available to the City of Hot Springs, Arkansas, to be used as part of the non-Federal share of a cost-shared feasibility study of flood protection for the downtown area which contains a significant amount of National Park Service property and improvements: *Provided further,* That notwithstanding any other provision of law a single procurement for the construction of the Franklin Delano Roosevelt

Memorial may be issued which includes the full scope of the project: *Provided further,* That the solicitation and the contract shall contain the clause "availability of funds" found at 48 CFR 52.323.18: *Provided further,* That for the purpose of performing an environmental impact statement (EIS) on the Paseo del Norte alignment, the National Park Service's proposed Calabacillas alternative road alignment, and any other alternative routes in association with the Petroglyph National Monument in Albuquerque, New Mexico, $400,000 is to be allocated to the City of Albuquerque to perform the EIS, only in the event that the City of Albuquerque and the National Park Service reach mutual agreement, within 75 days of the date of enactment of this Act, on the conditions that must be met for the study, such funds to be derived by transfer from balances available in the "Land acquisition and State assistance" account, National Park Service: *Provided further,* That $1,500,000 for the New England Conservatory shall be derived from the Historic Preservation Fund pursuant to 16 U.S.C. 470a upon designation as a National Historic Landmark.

URBAN PARK AND RECREATION FUND

For expenses necessary to carry out the provisions of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501–2514), $5,000,000, to remain available until expended.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

16 USC 460*l*–10a note.

The contract authority provided for fiscal year 1994 by 16 U.S.C. 460l–10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4–11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with statutory authority applicable to the National Park Service, $95,250,000 to be derived from the Land and Water Conservation Fund, to remain available until expended, of which $28,053,000 is for the State assistance program including $3,303,000 to administer the State assistance program: *Provided,* That of the amounts previously appropriated to the Secretary's contingency fund for grants to States $9,000 shall be available in 1994 for administrative expenses of the State grant program.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

For expenses necessary for operating and maintaining the John F. Kennedy Center for the Performing Arts, $20,629,000, of which $12,697,000 shall remain available until expended.

ILLINOIS AND MICHIGAN CANAL NATIONAL HERITAGE CORRIDOR COMMISSION

For operation of the Illinois and Michigan Canal National Heritage Corridor Commission, $250,000.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 447 passenger motor vehicles, of which 323 shall be for replacement only, including not to exceed 345 for police-type use, 12 buses, and 5 ambulances: *Provided,* That none of the funds in this Act may be used to upgrade the Burr Trail National Rural Scenic Road in Utah except to meet health, safety and environmental concerns: *Provided further,* That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided further,* That notwithstanding any other provision of law, the National Park Service may hereafter recover all costs of providing necessary services associated with special use permits, such reimbursements to be credited to the appropriation current at that time: *Provided further,* That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project.

16 USC 3a.

Reports.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, and the mineral and water resources of the United States, its Territories and possessions, and other areas as authorized by law (43 U.S.C. 31, 1332 and 1340); classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; $584,685,000, of which $63,488,000 shall be available only for cooperation with States or municipalities for water resources investigations: *Provided,* That no part of this appropriation shall be used to pay more than one-half the cost of any topographic mapping or water resources investigations carried on in cooperation with any State or municipality: *Provided further,* That notwithstanding any other provision of law a single procurement for the construction of an addition to the EROS Data Center in Sioux Falls, South Dakota may be issued which includes the full scope of the project: *Provided further,* That the solicitation and the contract shall contain the clause "availability of funds" found at 48 CFR 52.323.18.

43 USC 50.

ADMINISTRATIVE PROVISIONS

The amount appropriated for the United States Geological Survey shall be available for purchase of not to exceed 22 passenger

motor vehicles, for replacement only; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the United States Geological Survey appointed, as authorized by law, to represent the United States in the negotiation and administration of interstate compacts: *Provided,* That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in Public Law 95–224.

MINERALS MANAGEMENT SERVICE

LEASING AND ROYALTY MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only; $193,197,000, of which not less than $65,796,000 shall be available for royalty management activities; and an amount not to exceed $5,000,000 for the Technical Information Management System of Outer Continental Shelf (OCS) Lands Activity, to be credited to this appropriation and to remain available until expended, from additions to current preset receipts and from additional fee collections relating to OCS administrative activities performed by the Minerals Management Service over and above what the Minerals Management Service currently collects to offset its costs for these activities: *Provided,* That $1,500,000 for computer acquisitions shall remain available until September 30, 1995: *Provided further,* That funds appropriated under this Act shall be available for the payment of interest in accordance with 30 U.S.C. 1721 (b) and (d): *Provided further,* That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: *Provided further,* That notwithstanding any other provision of law, $15,000 under this head shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of the Minerals Management Service concurred with the claimed refund due: *Provided further,* That the sixth proviso under the heading "Leasing and Royalty Management" for the Minerals Management Service in Public Law 102–381 (106 Stat. 1385–1386) is amended by striking the words "this account" after the words "shall be credited to" and inserting in lieu thereof "the leasing and royalty management account of the Minerals Management Service".

OIL SPILL RESEARCH

For necessary expenses to carry out the purposes of title I, section 1016, and title VII of the Oil Pollution Act of 1990,

$5,331,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

BUREAU OF MINES

MINES AND MINERALS

For expenses necessary for conducting inquiries, technological investigations, and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs; to foster and encourage private enterprise in the development of mineral resources and the prevention of waste in the mining, minerals, metal, and mineral reclamation industries; to inquire into the economic conditions affecting those industries; to promote health and safety in mines and the mineral industry through research; and for other related purposes as authorized by law, $169,436,000, of which $105,163,000 shall remain available until expended.

ADMINISTRATIVE PROVISIONS

The Secretary is authorized to accept lands, buildings, equipment, other contributions, and fees from public and private sources, and to prosecute projects using such contributions and fees in cooperation with other Federal, State or private agencies: *Provided,* That the Bureau of Mines is authorized, during the current fiscal year, to sell directly or through any Government agency, including corporations, any metal or mineral product that may be manufactured in pilot plants operated by the Bureau of Mines, and the proceeds of such sales shall be covered into the Treasury as miscellaneous receipts. 43 USC 1473a note.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not to exceed 15 passenger motor vehicles for replacement only; $110,552,000, and notwithstanding 31 U.S.C. 3302, an additional amount shall be credited to this account, to remain available until expended, from performance bond forfeitures in fiscal year 1994: *Provided,* That notwithstanding any other provision of law, the Secretary of the Interior, pursuant to regulations, may utilize directly or through grants to States, moneys collected in fiscal year 1994 pursuant to the assessment of civil penalties under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: *Provided further,* That notwithstanding any other provisions of law, appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training. 30 USC 1211 note.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out the provisions of title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not more than 22 passenger motor vehicles for replacement only, $190,107,000 to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended: *Provided,* That of the funds herein provided up to $20,000,000 may be used for the emergency program authorized by section 410 of Public Law 95–87, as amended, of which no more than 25 per centum shall be used for emergency reclamation projects in any one State and funds for Federally-administered emergency reclamation projects under this proviso shall not exceed $12,000,000: *Provided further,* That pursuant to Public Law 97–365, the Department of the Interior is authorized to utilize up to 20 per centum from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For operation of Indian programs by direct expenditure, contracts, cooperative agreements, and grants including expenses necessary to provide education and welfare services for Indians, either directly or in cooperation with States and other organizations, including payment of care, tuition, assistance, and other expenses of Indians in boarding homes, or institutions, or schools; grants and other assistance to needy Indians; maintenance of law and order; management, development, improvement, and protection of resources and appurtenant facilities under the jurisdiction of the Bureau of Indian Affairs, including payment of irrigation assessments and charges; acquisition of water rights; advances for Indian industrial and business enterprises; operation of Indian arts and crafts shops and museums; development of Indian arts and crafts, as authorized by law; for the general administration of the Bureau of Indian Affairs, including such expenses in field offices; maintaining of Indian reservation roads as defined in section 101 of title 23, United States Code; and construction, repair, and improvement of Indian housing, $1,490,805,000, including $316,111,000 for school operations costs of Bureau-funded schools and other education programs which shall become available for obligation on July 1, 1994, and shall remain available for obligation until September 30, 1995, and $49,226,000 for housing and road maintenance programs, to remain available until expended, and of which, payments of funds obligated as grants to schools pursuant to Public Law 100–297 shall be made on July 1 and December 1 in lieu of the payments authorized to be made on October 1 and January 1 of each calendar year, and of which not to exceed $74,764,000 for higher education scholarships, adult vocational training, and assistance to public schools under the Act of April 16, 1934 (48 Stat. 596), as amended (25 U.S.C. 452 et seq.), shall remain available for obligation until September 30, 1995; and the funds made available to tribes and tribal organizations through contracts or grants obligated during fiscal year 1994 as authorized by the Indian Self-Determination Act of 1975 (88 Stat. 2203; 25 U.S.C. 450 et seq.), or grants authorized by the Indian Education Amendments of 1988 (25 U.S.C.

2001 and 2008A) shall remain available until expended by the contractor or grantee; and of which $1,983,000 for litigation support shall remain available until expended, $4,934,000 for self-governance tribal compacts shall be made available on completion and submission of such compacts to the Congress, and shall remain available until expended; and of which $1,179,000 for expenses necessary to carry out the provisions of section 19(a) of Public Law 93–531 (25 U.S.C. 640d–18(a)), shall remain available until expended: *Provided,* That none of the funds appropriated to the Bureau of Indian Affairs shall be expended as matching funds for programs funded under section 103(b)(2) of the Carl D. Perkins Vocational Education Act: *Provided further,* That of the amount appropriated under this head in Public Law 102–381, any unobligated balance as of September 30, 1993 related to the Alaska Native Claims Settlement Act shall remain available until expended and may be obligated under a grant to the Alaska Native Foundation for education, training, and technical assistance to Alaskan village corporations for reconveyance requirements: *Provided further,* That $199,000 of the funds made available in this Act shall be available for cyclical maintenance of tribally owned fish hatcheries and related facilities: *Provided further,* That not to exceed $91,223,000 of the funds in this Act shall be available for payments to tribes and tribal organizations for indirect costs associated with contracts or grants or compacts authorized by the Indian Self-Determination Act of 1975, as amended, for fiscal year 1994 and previous years: *Provided further,* That for the purpose of Indian Reservation road construction, all public Indian reservation roads (as defined in 23 U.S.C. 101), identified in the 1990 Bureau of Indian Affairs Juneau Area Transportation Study (and in any subsequent update of such Transportation Study) shall be included as BIA system adjusted miles in the Bureau of Indian Affairs highway trust fund formula for distribution for fiscal year 1994: *Provided further,* That this provision shall expire upon implementation by the Secretary of the Interior of a relative needs based highway trust fund allocation formula pursuant to 23 U.S.C. 202(d): *Provided further,* That none of the funds in this Act shall be used by the Bureau of Indian Affairs to transfer funds under a contract with any third party for the management of tribal or individual Indian trust funds until the funds held in trust for all such tribes or individuals have been audited and reconciled to the earliest possible date, the results of such reconciliation have been certified by an independent party as the most complete reconciliation of such funds possible, and the affected tribe or individual has been provided with an accounting of such funds: *Provided further,* That notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with the accounting of such funds from which the beneficiary can determine whether there has been a loss: *Provided further,* That $297,000 of the amounts provided for education program management shall be available for a grant to the Close Up Foundation: *Provided further,* That the Task Force on Bureau of Indian Affairs Reorganization shall continue activities under its charter as adopted and amended on April 17, 1991: *Provided further,* That any reorganization proposal shall not be implemented until the Task Force has reviewed it

and recommended its implementation to the Secretary and such proposal has been submitted to and approved by the Committees on Appropriations, except that the Bureau may submit a reorganization proposal related only to management improvements, along with Task Force comments or recommendations to the Committees on Appropriations for review and disposition by the Committees: *Provided further,* That to provide funding uniformity within a Self-Governance Compact, any funds provided in this Act with availability for more than one year may be reprogrammed to one year availability but shall remain available within the Compact until expended: *Provided further,* That notwithstanding any other provision of law, Indian tribal governments may, by appropriate changes in eligibility criteria or by other means, change eligibility for general assistance or change the amount of general assistance payments for individuals within the service area of such tribe who are otherwise deemed eligible for general assistance payments so long as such changes are applied in a consistent manner to individuals similarly situated: *Provided further,* That any savings realized by such changes shall be available for use in meeting other priorities of the tribes: *Provided further,* That any such change must be part of a comprehensive tribal plan for reducing the long-term need for general assistance payments: *Provided further,* That any such tribal plan must incorporate, to the greatest extent feasible, currently existing social service, educational training, and employment assistance resources prior to changing general assistance eligibility or payment standards which would have the effect of increasing the cost of general assistance: *Provided further,* That any net increase in costs to the Federal government which result solely from tribally increased payment levels and which are not part of such a comprehensive tribal plan shall be met exclusively from funds available to the tribe from within its tribal priority allocation: *Provided further,* That any forestry funds allocated to a tribe which remain unobligated as of September 30, 1994, may be transferred during fiscal year 1995 to an Indian forest land assistance account established for the benefit of such tribe within the tribe's trust fund account: *Provided further,* That any such unobligated balances not so transferred shall expire on September 30, 1995: *Provided further,* That notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs, other than the amounts provided herein for assistance to public schools under the Act of April 16, 1934 (48 Stat. 596), as amended (25 U.S.C. 452 et seq.), shall be available to support the operation of any elementary or secondary school in the State of Alaska in fiscal year 1994: *Provided further,* That the Bureau shall form a Joint Task Force with representatives of Alaska Natives and Alaska schools to examine the needs of the schools and formulate recommendations to address those needs in fiscal year 1994: *Provided further,* That any funds provided under this head or previously provided for tribally-controlled community colleges which are distributed prior to September 30, 1994 which have been or are being invested or administered in compliance with section 331 of the Higher Education Act shall be deemed to be in compliance for current and future purposes with title III of the Tribally Controlled Community Colleges Assistance Act.

CONSTRUCTION

For construction, major repair, and improvement of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands and interests in lands; and preparation of lands for farming, $166,979,000, to remain available until expended: *Provided,* That $1,500,000 of the funds made available in this Act shall be available for rehabilitation of tribally owned fish hatcheries and related facilities: *Provided further,* That such amounts as may be available for the construction of the Navajo Indian Irrigation Project and for other water resource development activities related to the Salt River Pima-Maricopa Water Rights Settlement Act, Southern Arizona Water Rights Settlement Act and Fort McDowell Indian Community Water Rights Settlement Act may be transferred to the Bureau of Reclamation: *Provided further,* That not to exceed 6 per centum of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau of Indian Affairs: *Provided further,* That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a non-reimbursable basis.

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For miscellaneous payments to Indian tribes and individuals for implementation of enacted Indian land and water claim settlements pursuant to Public Laws 87–483, 97–293, 100–512, 101–486, 101–602, 101–618, 101–628, 102–441, 102–575, and for implementation of other enacted water rights settlements, and for necessary administrative expenses, $103,259,000, to remain available until expended: *Provided,* That of the funds provided herein, $1,260,000 shall be available pursuant to Public Laws 96–420, 98–500, 99–264, and 100–580; and $3,000,000 shall be available (1) to liquidate obligations owed tribal and individual Indian payees of any checks canceled pursuant to section 1003 of the Competitive Equality Banking Act of 1987 (Public Law 100–86 (101 Stat. 659)), 31 U.S.C. 3334(b), and (2) to restore to Individual Indian Monies trust funds amounts invested in credit unions or defaulted savings and loan associations and which were not Federally insured, including any interest on these amounts that may have been earned, but was not because of the default.

NAVAJO REHABILITATION TRUST FUND

For Navajo tribal rehabilitation and improvement activities in accordance with the provisions of section 32(d) of Public Law 93–531, as amended (25 U.S.C. 640d–30), including necessary administrative expenses, $2,466,000, to remain available until expended.

TECHNICAL ASSISTANCE OF INDIAN ENTERPRISES

For payment of management and technical assistance requests associated with loans and grants approved under the Indian Financing Act of 1974, as amended, $1,970,000.

INDIAN DIRECT LOAN PROGRAM ACCOUNT

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, including the cost of modifying loans, of expert assistance loans authorized by the Act of November 4, 1963, as amended, and the cost of direct loans authorized by the Indian Financing Act of 1974, as amended, $2,484,000: *Provided,* That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $10,890,000.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed loans, $8,784,000, as authorized by the Indian Financing Act of 1974, as amended: *Provided,* That such costs including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further,* That these funds are available to subsidize total loan principal any part of which is to be guaranteed not to exceed $69,000,000.

In addition, for administrative expenses necessary to carry out the guaranteed loan program, $906,000.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans, the Indian loan guarantee and insurance fund, the Technical Assistance of Indian Enterprises account, the Indian Direct Loan Program account, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits, and purchase of not to exceed 260 passenger carrying motor vehicles, of which not to exceed 212 shall be for replacement only.

TERRITORIAL AND INTERNATIONAL AFFAIRS

ADMINISTRATION OF TERRITORIES

For expenses necessary for the administration of territories under the jurisdiction of the Department of the Interior, $81,907,000, of which (1) $77,369,000 shall be available until expended for technical assistance, including maintenance assistance, disaster assistance, drug interdiction and abuse prevention, insular management controls, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94–241; 90 Stat. 272); and (2) $4,538,000 shall be available for salaries and expenses of the Office of Territorial and International Affairs: *Provided,* That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or utilized by such governments, shall be audited by the General Accounting Office, in accordance with chapter 35 of title 31, United States Code: *Provided further,* That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives

48 USC 1409b.

on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 99–396, or any subsequent legislation related to Commonwealth of the Northern Mariana Islands Covenant grant funding, except that should the Secretary of the Interior believe that the performance standards of such agreement are not being met, operations funds may be withheld, but only by Act of Congress as required by Public Law 99–396: *Provided further,* That $1,025,000 of the amounts provided for technical assistance shall be available for a grant to the Close Up Foundation: *Provided further,* That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance of capital infrastructure in American Samoa, Guam, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia through assessments of long-range operations and maintenance needs, improved capability of local operations and maintenance institutions and agencies (including management and vocational education training), and project-specific maintenance (with territorial participation and cost sharing to be determined by the Secretary based on the individual territory's commitment to timely maintenance of its capital assets): *Provided further,* That any appropriation for disaster assistance under this head in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

TRUST TERRITORY OF THE PACIFIC ISLANDS

For expenses necessary for the Department of the Interior in administration of the Trust Territory of the Pacific Islands pursuant to the Trusteeship Agreement approved by joint resolution of July 18, 1947 (61 Stat. 397), and the Act of June 30, 1954 (68 Stat. 330), as amended (90 Stat. 299; 91 Stat. 1159; 92 Stat. 495), and grants to the Trust Territory of the Pacific Islands, in addition to local revenues, for support of governmental functions; $23,838,000, to remain available until expended, including $18,464,000 for operations of the Government of Palau: *Provided,* That all financial transactions of the Trust Territory, including such transactions of all agencies or instrumentalities established or utilized by such Trust Territory, shall be audited by the General Accounting Office in accordance with chapter 35 of title 31, United States Code: *Provided further,* That all Government operations funds appropriated and obligated for the Republic of Palau under this account for fiscal year 1994 shall be credited as an offset against fiscal year 1994 payments made pursuant to the legislation approving the Palau Compact of Free Association (Public Law 99–658), if such Compact is implemented before October 1, 1994: *Provided further,* That not less than $300,000 of the grants to the Republic of Palau, for support of governmental functions, shall be dedicated to the College of Micronesia in accordance with the agreement between the Micronesian entities. 48 USC 1683.

COMPACT OF FREE ASSOCIATION

For economic assistance and necessary expenses for the Federated States of Micronesia and the Republic of the Marshall Islands

as provided for in sections 122, 221, 223, 232, and 233 of the Compacts of Free Association, $22,102,000, to remain available until expended, as authorized by Public Law 99–239: *Provided,* That the effective date of the Palau Compact for purposes of economic assistance pursuant to the Palau Compact of Free Association, Public Law 99–658, shall be the effective date of the Palau Compact as determined pursuant to section 101 of Public Law 101–219.

Effective date.

DEPARTMENTAL OFFICES

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary of the Interior, $64,111,000 of which not to exceed $7,500 may be for official reception and representation expenses.

ECOSYSTEM RESTORATION FUND

For expenses necessary to implement the President's Forest Plan for "Jobs in the Woods" ecosystem restoration in Northern California, Washington, and Oregon, $7,000,000, to remain available until September 30, 1995: *Provided,* That with the approval of the Secretary, such amounts as may be identified in implementation plans may be transferred to the Bureau of Land Management, the Fish and Wildlife Service, and the Bureau of Indian Affairs.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $33,359,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of the Inspector General, $24,283,000.

CONSTRUCTION MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses of the Office of Construction Management, $2,394,000.

NATIONAL INDIAN GAMING COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the National Indian Gaming Commission, pursuant to Public Law 100–497, $1,000,000.

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 18 aircraft, 10 of which shall be for replacement and which may be obtained by donation,

purchase or through available excess surplus property: *Provided,* That notwithstanding any other provision of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft: *Provided further,* That no programs funded with appropriated funds in the "Office of the Secretary", "Office of the Solicitor", and "Office of Inspector General" may be augmented through the Working Capital Fund or the Consolidated Working Fund.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided,* That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: *Provided further,* That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 and must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oilspills; response and natural resource damage assessment activities related to actual oilspills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99–198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95–87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: *Provided,* That appropriations made in this title for fire suppression purposes shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for fire suppression purposes, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further,* That for emergency rehabilitation and wildfire suppression activities, no funds shall be made available under this authority until funds appropriated to the "Emergency Department of the Interior Firefighting Fund" shall have been exhausted: *Provided further,* That all funds used pursuant to this section are hereby designated

by Congress to be "emergency requirements" pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 and must be replenished by a supplemental appropriation which must be requested as promptly as possible: *Provided further,* That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, United States Code: *Provided,* That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902 and D.C. Code 4–204).

SEC. 106. Appropriations made in this title shall be available for obligation in connection with contracts issued by the General Services Administration for services or rentals for periods not in excess of twelve months beginning at any time during the fiscal year.

SEC. 107. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore leasing and related activities placed under restriction in the President's moratorium statement of June 26, 1990, in the areas of Northern, Central, and Southern California; the North Atlantic; Washington and Oregon; and the Eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude.

SEC. 108. No funds provided in this title may be expended by the Department of the Interior for the conduct of leasing, or the approval or permitting of any drilling or other exploration activity, on lands within the North Aleutian Basin planning area.

SEC. 109. No funds provided in this title may be expended by the Department of the Interior for the conduct of preleasing and leasing activities in the Eastern Gulf of Mexico for Outer Continental Shelf Lease Sale 137 or for Sale 151 in the April 1992 proposal for the Outer Continental Shelf Natural Gas and Oil Resource Management Comprehensive Program, 1992–1997.

SEC. 110. No funds provided in this title may be expended by the Department of the Interior for the conduct of preleasing and leasing activities in the Atlantic for Outer Continental Shelf Lease Sale 164 in the April 1992 proposal for the Outer Continental

Shelf Natural Gas and Oil Resource Management Comprehensive Program, 1992–1997.

SEC. 111. None of the funds in this Act may be used to publish a National final rule defining the term "valid existing rights" for purposes of section 522(e) of the Surface Mining Control and Reclamation Act of 1977 or to publish a final rule disapproving any existing State definition of valid existing rights.

SEC. 112. In implementing section 1307 of Public Law 96–487 (94 Stat. 2479), the Secretary shall deem the holder of entry permit LP–GLBA005–93 to be a person who, on or before January 1, 1979, was engaged in adequately providing visitor services of the type authorized in said permit within Glacier Bay National Park.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST RESEARCH

For necessary expenses of forest research as authorized by law, $193,083,000, to remain available until September 30, 1995.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with, and providing technical and financial assistance to States, Territories, possessions, and others; and for forest pest management activities, $168,107,000, to remain available until expended, as authorized by law: *Provided,* That of the funds previously appropriated under this head as a grant to the National Tree Trust Foundation, $2,500,000 shall be provided as a grant to the Texas Reforestation Foundation.

EMERGENCY PEST SUPPRESSION FUND

For necessary expenses for emergency suppression of pests, $15,000,000, to remain available until expended: *Provided,* That these funds, or any portion thereof, shall be available in fiscal year 1994 only to the extent that the President notifies the Congress of his designation of any or all of these amounts as emergency requirements under section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further,* That Congress hereby designates these amounts as emergency requirements pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.

INTERNATIONAL FORESTRY

For necessary expenses of international forestry as authorized by Public Laws 101–513 and 101–624, $6,996,000, to remain available until September 30, 1995.

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, and for administrative expenses associated with the management of funds provided under the heads

"Forest Research", "State and Private Forestry", "National Forest System", "Construction", "Forest Service Fire Protection", "Emergency Forest Service Firefighting Fund", and "Land Acquisition", $1,304,891,000, including not less than $55,552,000 for law enforcement, to remain available for obligation until September 30, 1995, and including 65 per centum of all monies received during the prior fiscal year as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 460l–6a(i)): *Provided,* That unobligated and unexpended balances in the National Forest System account at the end of fiscal year 1993, shall be merged with and made a part of the fiscal year 1994 National Forest System appropriation, and shall remain available for obligation until September 30, 1995: *Provided further,* That timber volume authorized or scheduled for sale during fiscal year 1993, but which remains unsold at the end of fiscal year 1993, shall be offered for sale during fiscal year 1994 in addition to the fiscal year 1994 timber sale volume to the extent possible: *Provided further,* That up to $5,000,000 of the funds provided herein for road maintenance shall be available for the planned obliteration of roads which are no longer needed.

FOREST SERVICE FIRE PROTECTION

For necessary expenses for firefighting on or adjacent to National Forest System lands or other lands under fire protection agreement, and for forest fire management and presuppression on National Forest System lands, $190,108,000, to remain available until expended: *Provided,* That unexpended balances of amounts previously appropriated for this purpose under the heading "Forest Service Firefighting", Forest Service, may be transferred to and merged with this appropriation and accounted for as one appropriation for the same time period as originally enacted.

EMERGENCY FOREST SERVICE FIREFIGHTING FUND

For necessary expenses for emergency rehabilitation, presuppression due to emergencies or economic efficiency, and wildfire suppression activities of the Forest Service, $190,222,000, to remain available until expended: *Provided,* That such funds are available for repayment of advances from other appropriation accounts previously transferred for such purposes.

CONSTRUCTION

For necessary expenses of the Forest Service, not otherwise provided for, for construction, $249,002,000, including road obliteration and watershed restoration, to remain available until expended, of which $20,000,000 is for watershed restoration; $99,347,000 is for construction and acquisition of buildings and other facilities; and $129,655,000 is for construction and repair of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205: *Provided,* That funds becoming available in fiscal year 1994 under the Act of March 4, 1913 (16 U.S.C. 501) shall be transferred to the General Fund of the Treasury of the United States: *Provided further,* That not to exceed $60,000,000, to remain available until expended, may be obligated for the construction of forest roads by timber purchasers.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4–11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, $64,250,000, to be derived from the Land and Water Conservation Fund, to remain available until expended and $300,000 which shall be derived from funds appropriated under this head in Public Law 101–512 for acquisition of land and interests therein at and near the Old Chief Joseph Gravesite and which shall be available for all activities under this heading.

ACQUISITION OF LANDS FOR NATIONAL FORESTS

SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, $1,212,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended.

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 per centum of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the sixteen Western States, pursuant to section 401(b)(1) of Public Law 94–579, as amended, to remain available until expended, of which not to exceed 6 per centum shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), $96,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (a) purchase of not to exceed 182 passenger motor vehicles of which 20 will be used primarily for law enforcement purposes and of which 164 shall be for replacement only, of which acquisition of 122 passenger motor vehicles shall be from excess sources, and hire of such vehicles; operation and maintenance of aircraft, the purchase of not to exceed two for replacement only, and acquisition of 28 aircraft from excess sources; notwith-

standing other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (b) services pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $100,000 for employment under 5 U.S.C. 3109; (c) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (d) acquisition of land, waters, and interests therein, pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); (e) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, 558a note); and (f) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

None of the funds made available under this Act shall be obligated or expended to change the boundaries of any region, to abolish any region, to move or close any regional office for research, State and private forestry, or National Forest System administration of the Forest Service, Department of Agriculture, without the consent of the House and Senate Committees on Appropriations and the Committee on Agriculture, Nutrition, and Forestry in the United States Senate and the Committee on Agriculture in the United States House of Representatives.

Any appropriations or funds available to the Forest Service may be advanced to the Forest Service Firefighting appropriation and may be used for forest firefighting and the emergency rehabilitation of burned-over lands under its jurisdiction: *Provided,* That no funds shall be made available under this authority until funds appropriated to the "Emergency Forest Service Firefighting Fund" shall have been exhausted.

The appropriation structure for the Forest Service may not be altered without advanced approval of the House and Senate Committees on Appropriations.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Office of International Cooperation and Development in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

All funds received for timber salvage sales may be credited to the Forest Service Permanent Appropriations to be expended for timber salvage sales from any national forest, and for timber sales preparation to replace sales lost to fire or other causes, and sales preparation to replace sales inventory on the shelf for any national forest to a level sufficient to maintain new sales availability equal to a rolling five-year average of the total sales offerings, and for design, engineering, and supervision of construction of roads lost to fire or other causes associated with the timber sales programs described above, and for watershed assessment activities: *Provided,* That notwithstanding any other provision of law, monies received from the timber salvage sales program shall be considered as money received for purposes of computing and distributing 25 per centum payments to local governments under 16 U.S.C. 500, as amended.

16 USC 500 note.

None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7

U.S.C. 2257) or 7 U.S.C. 147b unless the proposed transfer is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report 102–116.

No funds appropriated to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture without the approval of the Chief of the Forest Service.

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service may be used to disseminate program information to private and public individuals and organizations through the use of nonmonetary items of nominal value and to provide nonmonetary awards of nominal value and to incur necessary expenses for the nonmonetary recognition of private individuals and organizations that make contributions to Forest Service programs.

Notwithstanding any other provision of law, money collected, in advance or otherwise, by the Forest Service under authority of section 101 of Public Law 93–153 (30 U.S.C. 185(1)) as reimbursement of administrative and other costs incurred in processing pipeline right-of-way or permit applications and for costs incurred in monitoring the construction, operation, maintenance, and termination of any pipeline and related facilities, may be used to reimburse the applicable appropriation to which such costs were originally charged.

Funds available to the Forest Service shall be available to conduct a program of not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by the Act of August 13, 1970, as amended by Public Law 93–408.

None of the funds available in this Act shall be used for timber sale preparation using clearcutting in hardwood stands in excess of 25 percent of the fiscal year 1989 harvested volume in the Wayne National Forest, Ohio: *Provided,* That this limitation shall not apply to hardwood stands damaged by natural disaster: *Provided further,* That landscape architects shall be used to maintain a visually pleasing forest.

None of the funds made available to the Forest Service in this Act shall be expended for the purpose of administering a special use authorization permitting land use and occupancy and surface disturbing activities for any project to be constructed on Rock Creek, Madera County, California, until a study has been completed and submitted to the Congress by the Forest Service in consultation with the United States Fish and Wildlife Service, the United States Army Corps of Engineers, the California State Water Resources Control Board, the California Department of Fish and Game and other interested public parties regarding the project's potential cumulative impacts on the environment, together with a finding that there will be no substantial adverse impact on the environment. Findings from the study must be presented at no less than three public meetings.

Any money collected from the States for fire suppression assistance rendered by the Forest Service on non-Federal lands not in the vicinity of National Forest System lands shall be used to reimburse the applicable appropriation and shall remain available until expended as the Secretary may direct in conducting activities authorized by 16 U.S.C. 2101 (note), 2101–2110, 1606, and 2111.

Of the funds available to the Forest Service, $1,500 is available to the Chief of the Forest Service for official reception and representation expenses.

Notwithstanding any other provision of law, the Forest Service is authorized to employ or otherwise contract with persons at regular rates of pay, as determined by the Service, to perform work occasioned by emergencies such as fires, storms, floods, earthquakes or any other unavoidable cause without regard to Sundays, Federal holidays, and the regular workweek.

To the greatest extent possible, and in accordance with the Final Amendment to the Shawnee National Forest Plan, none of the funds available in this Act shall be used for preparation of timber sales using clearcutting or other forms of even aged management in hardwood stands in the Shawnee National Forest, Illinois.

None of the funds made available in this Act shall be used for timber sale planning or scoping using clearcutting in the Ouachita and Ozark-St. Francis National Forests in Arkansas, except for sales that are necessary as a result of natural disaster or a threat to forest health, or for maintaining or enhancing wildlife habitat, or habitat for endangered and threatened species, or for research purposes.

None of the funds available to the Forest Service in this Act shall be used to plan or conduct timber sales or to plan or build roads in the Rocky Face, Hidden Creek or Johns Mountain areas of the Chattahoochee National Forest, Georgia.

Pursuant to section 405(b), and section 410(b) of Public Law 101–593, funds up to $1,000,000 for matching funds shall be available for the National Forest Foundation.

None of the funds available to the Forest Service in this Act shall be used to begin preparation of timber sales in fiscal year 1994 using the scaling method: *Provided* That this limitation shall not apply to timber salvage sales: *Provided further,* That thinning sales may be prepared using the scaling method if determined by the Regional Forester to be the most effective means of achieving a stated environmental objective: *Provided further,* That this limitation shall not apply to sales prepared pursuant to existing timber contracts: *Provided further,* That any timber sales prepared during fiscal year 1994 which involve the use of the scaling method must be scaled by the Forest Service, or under contracts issued by the Forest Service and paid for using deposits by the timber purchaser.

Total outlays by the Forest Service pursuant to the cooperative work trust funds accounts (12–8028–0–7–302) shall not exceed $279,668,000 in fiscal year 1994.

It is the sense of Congress that the Secretary of Agriculture should issue rules at the earliest practicable date on the issue of below-cost timber sales.

The Secretary of Agriculture, acting through the Forest Service, shall reimburse the Agricultural Stabilization and Conservation Service for administrative costs incurred under the Stewardship Incentive Program for the actual cost of services provided by the Agricultural Stabilization and Conservation Service, except that the actual costs shall not exceed 10 percent of the total annual appropriation for the program.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities for sustainable rural development purposes.

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

The first paragraph under this head in Public Law 101–512, as amended, is further amended by striking the phrase "$150,000,000 on October 1, 1993, and $100,000,000 on October 1, 1994" and inserting "$100,000,000 on October 1, 1993, $100,000,000 on October 1, 1994, and $50,000,000 on October 1, 1995" and by striking the phrase "$250,000,000 on October 1, 1993, and $250,000,000 on October 1, 1994" and inserting "$125,000,000 on October 1, 1993, $275,000,000 on October 1, 1994, and $100,000,000 on October 1, 1995". 104 Stat. 1944.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95–91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, $430,674,000, to remain available until expended: *Provided,* That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas.

ALTERNATIVE FUELS PRODUCTION

(INCLUDING TRANSFER OF FUNDS)

Monies received as investment income on the principal amount in the Great Plains Project Trust at the Norwest Bank of North Dakota, in such sums as are earned as of October 1, 1993, shall be deposited in this account and immediately transferred to the General Fund of the Treasury. Monies received as revenue sharing from the operation of the Great Plains Gasification Plant shall be immediately transferred to the General Fund of the Treasury.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For necessary expenses in carrying out naval petroleum and oil shale reserve activities, $214,772,000, to remain available until expended: *Provided,* That the requirements of 10 U.S.C. 7430(b)(2)(B) shall not apply in fiscal year 1994. 10 USC 7430 note.

ENERGY CONSERVATION

For necessary expenses in carrying out energy conservation activities, $690,375,000, to remain available until expended, including, notwithstanding any other provision of law, the excess amount for fiscal year 1994 determined under the provisions of section 3003(d) of Public Law 99–509 (15 U.S.C. 4502): *Provided,* That $254,025,000 shall be for use in energy conservation programs as defined in section 3008(3) of Public Law 99–509 (15 U.S.C. 4507) and shall not be available until excess amounts are determined under the provisions of section 3003(d) of Public Law 99–509 (15 U.S.C. 4502): *Provided further,* That notwithstanding section 3003(d)(2) of Public Law 99–509 such sums shall be allocated to the eligible programs as follows: $206,800,000 for the weatheriza-

tion assistance program, $18,310,000 for the State energy conservation program, and $28,915,000 for the institutional conservation program: *Provided further,* That $3,000,000 made available in the third proviso under this head in Public Law 102–154 (105 Stat. 1022–1023) shall be available without restriction for use in the weatherization assistance program: *Provided further,* That $19,366,000 of the amount provided under this heading shall be available for continuing research and development efforts begun under title II of the Interior and Related Agencies portion of the joint resolution entitled "Joint Resolution making further continuing appropriations for the fiscal year 1986, and for other purposes", approved December 19, 1985 (Public Law 99–190), and implementation of steel and aluminum research authorized by Public Law 100–680.

ECONOMIC REGULATION

For necessary expenses in carrying out the activities of the Economic Regulatory Administration and the Office of Hearings and Appeals, $12,994,000, to remain available until expended.

EMERGENCY PREPAREDNESS

For necessary expenses in carrying out emergency preparedness activities, $8,901,000, to remain available until expended.

STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), $206,810,000, to remain available until expended: *Provided,* That appropriations herein made shall not be available for leasing of facilities for the storage of crude oil for the Strategic Petroleum Reserve unless the quantity of oil stored in or deliverable to Government-owned storage facilities by virtue of contractual obligations is equal to 700,000,000 barrels: *Provided further,* That the requirements of 42 U.S.C. 6240(g) shall not apply in fiscal year 1994.

42 USC 6240 note.

SPR PETROLEUM ACCOUNT

Notwithstanding 42 U.S.C. 6240(d) the United States share of crude oil in Naval Petroleum Reserve Numbered 1 (Elk Hills) may be sold or otherwise disposed of to other than the Strategic Petroleum Reserve: *Provided,* That outlays in fiscal year 1994 resulting from the use of funds in this account shall not exceed $75,580,000: *Provided further,* That no outlays resulting from appropriations made in fiscal year 1993 for acquisition, transporting, and drawing down oil to be stored in the Strategic Petroleum Reserve for national defense purposes shall be counted against any outlay ceiling established for the SPR petroleum account.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $86,553,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Appropriations under this Act for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase, repair, and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services.

From appropriations under this Act, transfers of sums may be made to other agencies of the Government for the performance of work for which the appropriation is made.

None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriations Act.

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private, or foreign: *Provided,* That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under this Act may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: *Provided further,* That the remainder of revenues after the making of such payments shall be covered into the Treasury as miscellaneous receipts: *Provided further,* That any contract, agreement, or provision thereof entered into by the Secretary pursuant to this authority shall not be executed prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full comprehensive report on such project, including the facts and circumstances relied upon in support of the proposed project. Reports.

The Secretary of Energy may transfer to the Emergency Preparedness appropriation such funds as are necessary to meet any unforeseen emergency needs from any funds available to the Department of Energy from this Act.

No funds provided in this Act may be expended by the Department of Energy to prepare, issue, or process procurement documents for programs or projects for which appropriations have not been made.

The thirty-day waiting period required under this head in Public Law 101–512, Department of Energy Administrative Provisions, relating to a contract, agreement, or arrangement with a profit-making or non-profit entity to conduct activities at the Department of Energy's research facilities at Bartlesville, Oklahoma, is hereby waived.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles III and XXVII and section 208 of the Public Health Service Act with respect to the Indian Health Service, $1,645,877,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 300aaa–2 for services furnished by the Indian Health Service: *Provided,* That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (88 Stat. 2203; 25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further,* That $12,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: *Provided further,* That $337,848,000 for contract medical care shall remain available for obligation until September 30, 1995: *Provided further,* That of the funds provided, not less than $11,526,000 shall be used to carry out the loan repayment program under section 108 of the Indian Health Care Improvement Act, as amended: *Provided further,* That funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: *Provided further,* That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall be available for two fiscal years after the fiscal year in which they were collected, for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): *Provided further,* That of the funds provided, $7,500,000 shall remain available until expended, for the Indian Self-Determination Fund, which shall be available for the transitional costs of initial or expanded tribal contracts, grants or cooperative agreements with the Indian Health Service under the provisions of the Indian Self-Determination Act: *Provided further,* That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available for obligation until September 30, 1995: *Provided further,* That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act, as amended, shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and commu-

nity sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act and the Indian Health Care Improvement Act, and for expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles III and XXVII and section 208 of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, $296,982,000, to remain available until expended: *Provided,* That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities: *Provided further,* That of the funds provided herein, $300,000 is available to initiate planning and design for the replacement facility at Winnebago, Nebraska upon approval of a program justification document by the Assistant Secretary for Health.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901–5902); and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities: *Provided,* That in accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–53) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation: *Provided further,* That notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86–121 (the Indian Sanitation Facilities Act) and Public Law 93–638, as amended: *Provided further,* That funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation: *Provided further,* That the Indian Health Service shall neither bill nor charge those Indians who may have the economic means to pay unless and until such time as Congress has agreed upon a specific policy to do so and has directed the Indian Health Service to implement such a policy: *Provided further,* That, notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant or agreement authorized by Title I of the Indian Self-Deter- 25 USC 1681.

mination and Education Assistance Act of 1975 (88 Stat. 2203; 25 U.S.C. 450), may be deobligated and reobligated to a self-governance funding agreement under Title III of the Indian Self-Determination and Education Assistance Act of 1975 and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further,* That none of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law: *Provided further,* That funds made available in this Act are to be apportioned to the Indian Health Service as appropriated in this Act, and accounted for in the appropriation structure set forth in this Act: *Provided further,* That the appropriation structure for the Indian Health Service may not be altered without the advance approval of the House and Senate Committees on Appropriations.

DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

INDIAN EDUCATION

For necessary expenses to carry out, to the extent not otherwise provided, the Indian Education Act of 1988, $83,500,000, of which $60,304,000 shall be for subpart 1, $19,161,000 shall be for subparts 2 and 3, and $200,000 shall be for collection and analyses of data on Indian education: *Provided,* That $1,735,000 available pursuant to section 5323 of the Act shall remain available for obligation until September 30, 1995.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, $26,936,000, to remain available until expended: *Provided,* That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: *Provided further,* That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: *Provided further,* That no relocatee will be provided with more than one new or replacement home: *Provided further,* That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected

a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d–10.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by Public Law 99–498, as amended (20 U.S.C. 56, Part A), $12,563,000, of which not to exceed $350,000 for Federal matching contributions, to remain available until expended, shall be paid to the Institute endowment fund: *Provided,* That notwithstanding any other provision of law, the annual budget proposal and justification for the Institute shall be submitted to the Congress concurrently with the submission of the President's Budget to the Congress: *Provided further,* That the Institute shall act as its own certifying officer.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed thirty years), and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; up to 5 replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees; $302,349,000, of which not to exceed $24,552,000 for the instrumentation program, collections acquisition, Museum Support Center equipment and move, exhibition reinstallation, the National Museum of the American Indian, and the repatriation of skeletal remains program shall remain available until expended and, including such funds as may be necessary to support American overseas research centers and a total of $125,000 for the Council of American Overseas Research Centers: *Provided,* That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations.

CONSTRUCTION AND IMPROVEMENTS, NATIONAL ZOOLOGICAL PARK

For necessary expenses of planning, construction, remodeling, and equipping of buildings and facilities at the National Zoological Park, by contract or otherwise, $5,400,000, to remain available until expended.

REPAIR AND RESTORATION OF BUILDINGS

For necessary expenses of repair and restoration of buildings owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), including not to exceed $10,000 for services

as authorized by 5 U.S.C. 3109, $24,000,000, to remain available until expended: *Provided*, That contracts awarded for environmental systems, protection systems, and exterior repair or restoration of buildings of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

CONSTRUCTION

For necessary expenses for construction, $10,400,000, to remain available until expended.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $51,908,000, of which not to exceed $3,026,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized $2,831,000, to remain available until expended: *Provided*, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $6,352,000.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and Humanities Act of 1965, as amended, $140,836,000 shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to groups and individuals pursuant to section 5(c) of the Act, and for administering the functions of the Act.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $29,392,000, to remain available until September 30, 1995, to the National Endowment for the Arts, of which $12,858,000 shall be available for purposes of section 5(l): *Provided,* That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the Chairman or by grantees of the Endowment under the provisions of section 10(a)(2), subsections 11(a)(2)(A) and 11(a)(3)(A) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $151,300,000 shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, of which $5,000,000 for the Office of Preservation shall remain available until September 30, 1995.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $26,191,000, to remain available until September 30, 1995, of which $14,228,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): *Provided,* That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the Chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

INSTITUTE OF MUSEUM SERVICES

GRANTS AND ADMINISTRATION

For carrying out title II of the Arts, Humanities, and Cultural Affairs Act of 1976, as amended, $28,777,000.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided,* That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $805,000.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99–190 (99 Stat. 1261; 20 U.S.C. 956(a)), as amended, $7,500,000.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing an Advisory Council on Historic Preservation, Public Law 89–665, as amended, $2,959,000: *Provided,* That none of these funds shall be available for the compensation of Executive Level V or higher positions.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71–71i), including services as authorized by 5 U.S.C. 3109, $5,868,000: *Provided,* That all appointed members will be compensated at a rate equivalent to the rate for Executive Schedule Level IV.

FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Franklin Delano Roosevelt Memorial Commission, established by the Act of August 11, 1955 (69 Stat. 694), as amended by Public Law 92–332 (86 Stat. 401), $49,000, to remain available until September 30, 1995: *Provided,* That funds provided under this head in Public Law 102–381 shall remain available until expended.

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

SALARIES AND EXPENSES

For necessary expenses, as authorized by section 17(a) of Public Law 92–578, as amended, $2,738,000 for operating and administrative expenses of the Corporation.

PUBLIC DEVELOPMENT

For public development activities and projects in accordance with the development plan as authorized by section 17(b) of Public Law 92–578, as amended, $4,289,000, to remain available until expended.

LAND ACQUISITION AND DEVELOPMENT FUND

The Pennsylvania Avenue Development Corporation is authorized to borrow from the Treasury of the United States $7,193,000, pursuant to the terms and conditions in paragraph 10, section 6, of Public Law 92–576, as amended.

UNITED STATES HOLOCAUST MEMORIAL COUNCIL

HOLOCAUST MEMORIAL COUNCIL

For expenses of the Holocaust Memorial Council, as authorized by Public Law 96–388, as amended, $21,679,000.

TITLE III—GENERAL PROVISIONS

Contracts. Public information.

SEC. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 302. No part of any appropriation under this Act shall be available to the Secretary of the Interior or the Secretary of Agriculture for the leasing of oil and natural gas by noncompetitive bidding on publicly owned lands within the boundaries of the Shawnee National Forest, Illinois: *Provided,* That nothing herein is intended to inhibit or otherwise affect the sale, lease, or right to access to minerals owned by private individuals.

SEC. 303. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

SEC. 304. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 305. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

SEC. 306. None of the funds provided in this Act shall be used to evaluate, consider, process, or award oil, gas, or geothermal leases on Federal lands in the Mount Baker-Snoqualmie National Forest, State of Washington, within the hydrographic boundaries of the Cedar River municipal watershed upstream of river mile 21.6, the Green River municipal watershed upstream of river mile 61.0, the North Fork of the Tolt River proposed municipal watershed upstream of river mile 11.7, and the South Fork Tolt River municipal watershed upstream of river mile 8.4.

SEC. 307. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless notice of such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such Committees.

25 USC 450f note.

SEC. 308. Section 314 of Public Law 101–512 (104 Stat. 1959–1960) is amended by striking the words "cooperative agreement" and inserting in lieu thereof: "any other agreement or compact".

SEC. 309. Section 1405, subsection (a) of title 36, United States Code, is amended by striking all of the first sentence through the words "confirmation of the Council and who" and inserting in lieu thereof: "There shall be an Executive Director of the Holocaust Memorial Museum who shall be appointed by the Chairperson of the Council, subject to confirmation of the Council, who may be paid with nonappropriated funds, and who, if paid with appropriated funds,".

SEC. 310. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c; popularly known as the "Buy American Act").

(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 311. The Forest Service and Bureau of Land Management may offer for sale salvageable timber in the Pacific Northwest in fiscal year 1994: *Provided,* That for public lands known to contain

the Northern spotted owl, such salvage sales may be offered as long as the offering of such sale will not render the area unsuitable as habitat for the Northern spotted owl: *Provided further,* That timber salvage activity in spotted owl habitat is to be done in full compliance with all existing environmental and forest management laws.

SEC. 312. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (sequoiadendron giganteum) which are located on National Forest System or Bureau of Land Management lands until an environmental assessment has been completed and the giant sequoia management implementation plan is approved. In any event, timber harvest within the identified groves will be done only to enhance and perpetuate giant sequoia. There will be no harvesting of giant sequoia specimen trees. Removal of hazard, insect, disease and fire killed giant sequoia other than specimen trees is permitted.

Conservation. Forests and forest products.

SEC. 313. None of the funds appropriated in this Act may be used to implement any increase in government housing rental rates in excess of 10 per centum more than the rental rates which were in effect on September 1, 1993, for such housing.

SEC. 314. None of the funds provided in this Act may be used to implement the Bureau of Land Management/United States Forest Service comprehensive strategy for Pacific salmon and steelhead habitat (PACFISH) or to impose interim guidelines for such strategy in the Tongass National Forest: *Provided,* That nothing in this section shall be construed to enlarge or diminish minimum timber no harvest buffer zones required by the Tongass Timber Reform Act or to enlarge or diminish site-specific management prescriptions which increase no harvest fish stream buffer zones applied under the Tongass Land Management Plan and existing standards and guidelines of the Tongass National Forest.

This Act may be cited as the "Department of the Interior and Related Agencies Appropriations Act, 1994".

Approved November 11, 1993.

LEGISLATIVE HISTORY—H.R. 2520:

HOUSE REPORTS: Nos. 103-158 (Comm. on Appropriations) and 103-299 (Comm. of Conference).
SENATE REPORTS: No. 103-114 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 139 (1993):
July 14, 15, considered and passed House.
Sept. 14, 15, considered and passed Senate, amended.
Oct. 20, House agreed to conference report; receded and concurred in certain Senate amendments, in others with amendments; and disagreed to another.
Oct. 21, 26, 28, Senate considered conference report.
Nov. 9, Senate agreed to conference report; concurred in House amendments; and receded from its amendments Nos. 123 and 124. House receded from its amendment to Senate amendment No. 123.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 29 (1993):
Nov. 11, Presidential statement.

Public Law 103-139
103d Congress

An Act

Nov. 11, 1993
[H.R. 3116]

Making appropriations for the Department of Defense for the fiscal year ending September 30, 1994, and for other purposes.

Department of Defense Appropriations Act, 1994.
Armed Forces.
Uniformed services.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1994, for military functions administered by the Department of Defense, and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; $21,296,177,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; $18,330,950,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of

temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; $5,772,317,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; $15,823,030,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 265, 3021, and 3038 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; and for payments to the Department of Defense Military Retirement Fund; $2,149,147,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 265 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; and for payments to the Department of Defense Military Retirement Fund; $1,555,800,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 265 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty,

and for members of the Marine Corps platoon leaders class, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; and for payments to the Department of Defense Military Retirement Fund; $350,890,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 265, 8021, and 8038 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Air Reserve Officers' Training Corps, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; and for payments to the Department of Defense Military Retirement Fund; $781,958,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 265, 3021, or 3496 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 672(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; and for payments to the Department of Defense Military Retirement Fund; $3,340,283,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 265, 8021, or 8496 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 672(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; and for payments to the Department of Defense Military Retirement Fund; $1,223,492,000.

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law;

and not to exceed $14,437,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes; $15,802,057,000 and, in addition, $150,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund: *Provided,* That $450,000 shall be made available only for the 1994 Memorial Day Celebration and $450,000 shall be made available only for the 1994 Capitol Fourth Project: *Provided further,* That of the funds appropriated in this paragraph, not less than $6,500,000 shall be made available only for the Army Environmental Policy Institute, of which $2,000,000 shall be made available only for a study on the effects of depleted uranium on the environment: *Provided further,* That of the funds appropriated in this paragraph, $500,000 shall be available only for a study of the effects of uranium milling, including exposure to radon chemicals and uranium, on the health of those individuals employed in uranium mills in the southwestern United States during the period beginning on January 1, 1947 and ending on December 31, 1971.

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed $4,667,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes; $19,860,309,000 and, in addition, $150,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund: *Provided,* That $350,000 shall be available only to connect residences located in the vicinity of the Naval Air Warfare Center, Warminster, to the Warminster municipal water supply system: *Provided further,* That of the funds appropriated under this heading, not less than $56,442,500 shall be made available only for the Pacific Missile Range Facility, Hawaii: *Provided further,* That for costs associated with the termination of the planned MHC facility in Astoria, Oregon, $2,000,000 shall be made available only to the State of Oregon within 60 days after enactment of this Act for the Marine and Environment Station at South Tongue Point, Oregon, and of this amount, $500,000 shall be made available for program development.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law; $1,857,699,000.

OPERATION AND MAINTENANCE, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed $8,787,000 can be used for emergencies and

extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes; $19,093,805,000 and, in addition, $200,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund: *Provided,* That $15,500,000 shall be used only to operate, maintain and enhance the Tactical Interim CAMS and REMIS Reporting System (TICARRS–92): *Provided further,* That TICARRS–92 be reestablished, with direct maintenance data input, as the supporting system for at least one wing each of F–15, F–16, and F–117A aircraft by no later than May 31, 1994: *Provided further,* That TICARRS–92 be reestablished, with direct maintenance data input, as the supporting system for all F–15, F–16, and F–117A aircraft by no later than August 31, 1994: *Provided further,* That none of the funds appropriated or otherwise made available under this Act shall be used to operate, maintain or otherwise support an automated maintenance management system for F–15, F–16, and F–117A aircraft other than TICARRS–92 after August 31, 1994: *Provided further,* That of the funds appropriated under this heading, not more than $9,538,000 shall be available only for a grant to the Women in Military Service For America Memorial Foundation, Inc., to be used solely to perform the repair, restoration, and preservation of the main gate structures, center plaza, and Homicycle of the Arlington National Cemetery, and these funds shall be made available solely for project costs and none of the funds are for remuneration of any entity or individual associated with fund raising for the project: *Provided further,* That of the funds appropriated under this heading, $5,000,000 shall be made available only for continued environmental restoration of the former Olmsted Air Force Base, Pennsylvania.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law; $9,456,801,000, of which not to exceed $25,000,000 may be available for the CINC initiative fund account; and of which not to exceed $19,422,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: *Provided,* That of the funds appropriated in this paragraph, $10,000,000 shall be made available for activities to support the clearing of landmines for humanitarian purposes: *Provided further,* That of the funds appropriated under this heading, $48,000,000 shall be made available only for aiding school districts in accordance with authority granted under Public Law 81–874: *Provided further,* That of the funds appropriated in this paragraph, not less than $50,000,000 shall be made available only for the Legacy Resource Management Program, of which not less than $200,000 shall be made available for the Legacy Resource Management Program fellowships: *Provided further,* That notwithstanding the provisions of the Federal Cooperative Grant and Agreement Act of 1977 (31 U.S.C. 6303–6308), the Department of Defense may hereafter negotiate and enter into cooperative agreements and grants with public and private agencies, organizations, institutions, individuals or

10 USC 2701 note.

other entities to implement the purposes of the Legacy Resource Management Program: *Provided further,* That of the funds appropriated under this heading, $10,000,000 shall be made available only for the repair and maintenance of federally owned education facilities located on military installations: *Provided further,* That of the funds appropriated under this heading, $1,000,000 shall be made available only for use by the Office of the Secretary of Defense for the exploitation of captured Iraqi Government documents relating to the Kurds and other minorities of northern Iraq: *Provided further,* That the funds in the preceding proviso may be made available for personal service contracts of Arabic-language linguists and may be exempt from competitive bidding requirements: *Provided further,* That of the funds appropriated under this heading, $1,000,000 shall be made available only for the Defense Mapping Agency to evaluate and procure available imagery photographs and materials from successor states of the former Soviet Union: *Provided further,* That the Director of the Defense Mapping Agency shall report to the Congressional Defense Committees the availability of such imagery materials, priorities for acquisition and the process for the dissemination of such materials to Federal agencies, State and local authorities, academic institutions and the private sector not later than March 15, 1994.

Reports.

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $1,075,140,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $763,137,000: *Provided,* That operational control of the Naval Reserve Personnel Center, including its functions and responsibilities, shall be under the command and control of the Commander, Naval Reserve Command.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $83,130,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and

equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $1,335,354,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft); $2,230,419,000: *Provided,* That of the funds appropriated in this paragraph, $10,000,000 shall be made available only for a National Guard Outreach Program in the Los Angeles School District: *Provided further,* That of the funds appropriated under this heading, $3,000,000 shall be made available only for the MEDRETES program.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For operation and maintenance of the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, repair, and other necessary expenses of facilities for the training and administration of the Air National Guard, including repair of facilities, maintenance, operation, and modification of aircraft; transportation of things; hire of passenger motor vehicles; supplies, materials, and equipment, as authorized by law for the Air National Guard; and expenses incident to the maintenance and use of supplies, materials, and equipment, including such as may be furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; $2,632,298,000: *Provided,* That of the funds appropriated under this heading, $10,000,000 shall be made available only for the operation of Air National Guard C–130 operational support aircraft of the 159th Air National Guard Fighter Group, the 169th Air National Guard Fighter Group, and the 118th Airlift Wing.

NATIONAL BOARD FOR THE PROMOTION OF RIFLE PRACTICE, ARMY

For the necessary expenses and personnel services (other than pay and non-travel-related allowances of members of the Armed Forces of the United States, except for members of the reserve components thereof called or ordered to active duty to provide support for the national matches) in accordance with law, for operation and maintenance of rifle ranges; the instruction of citizens

in marksmanship; the promotion of rifle practice; the conduct of the national matches; the sale of ammunition under the authority of title 10, United States Code, sections 4308 and 4311; the travel of rifle teams, military personnel, and individuals attending regional, national, and international competitions; and the payment to competitors at national matches under section 4312 of title 10, United States Code, of subsistence and travel allowances under section 4313 of title 10, United States Code; not to exceed $2,483,000.

COURT OF MILITARY APPEALS, DEFENSE

For salaries and expenses necessary for the United States Court of Military Appeals; $5,855,000, of which not to exceed $2,500 can be used for official representation purposes.

ENVIRONMENTAL RESTORATION, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense; $1,962,300,000, to remain available until transferred: *Provided,* That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes (including programs and operations at sites formerly used by the Department of Defense), transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense as the Secretary may designate, to be merged with and to be available for the same purposes and for the same time period as the appropriations of funds to which transferred: *Provided further,* That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further,* That of the funds provided under this heading, not less than $200,000,000 shall be available only for the expedited cleanup of environmentally contaminated sites and only in accordance with a comprehensive plan submitted to Congress by the Secretary of Defense.

SUMMER OLYMPICS

For logistical support and personnel services (other than pay and nontravel related allowances of members of the Armed Forces of the United States, except for members of the reserve components thereof called or ordered to active duty to provide support for the 1996 Games of the XXVI Olympiad to be held in Atlanta, Georgia) provided by any component of the Department of Defense to the 1996 Games of the XXVI Olympiad; $2,000,000.

WORLD CUP USA 1994

For logistical support and personnel services (other than pay and nontravel related allowances of members of the Armed Forces of the United States, except for members of the reserve components thereof called or ordered to active duty to provide support for the World Cup USA 1994) provided by any component of the Department of Defense to the World Cup USA 1994; $6,000,000.

HUMANITARIAN ASSISTANCE

For transportation for humanitarian relief for the people of Afghanistan, the Kurdish population and other minorities of northern Iraq, and the people of sub-Saharan Africa, acquisition and shipment of transportation assets to assist in the distribution of such relief, and for transportation and distribution of humanitarian relief supplies, and excess non-lethal property; $48,000,000, to remain available for obligation until September 30, 1995: *Provided,* That of the funds appropriated under this heading, $30,000,000 shall be made available only for Kurdish relief activities, of which $15,000,000 shall be made available for a 1993–1994 winterization relief program.

FORMER SOVIET UNION THREAT REDUCTION

For assistance to the republics of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for providing incentives for demilitarization; for establishing programs to prevent the proliferation of weapons, weapons components, and weapons-related technology and expertise; for expansion of military-to-military contacts; for supporting the conversion of military technologies and capabilities into civilian activities; and for retraining military personnel of the former Soviet Union; $400,000,000, to remain available until expended: *Provided,* That of the funds appropriated under this heading, $10,000,000 shall be made available only for the continuing study, assessment, and identification of nuclear waste disposal by the former Soviet Union in the Arctic region: *Provided further,* That the transfer authority provided in section 9110(a) of the Department of Defense Appropriations Act, 1993, shall continue to be in effect during fiscal year 1994: *Provided further,* That any transfer made under the foregoing proviso in this paragraph shall be subject to the limitations and the reporting requirements stipulated in section 8006 of this Act: *Provided further,* That the Director of Central Intelligence shall report to the President and the Congressional defense, foreign affairs, and intelligence committees on the current status of intercontinental ballistic missile development and production in states eligible for assistance under this heading: *Provided further,* That none of the funds appropriated under this heading may be expended or transferred to an otherwise eligible recipient state if the President concludes, and notifies the Congressional defense, foreign affairs, and intelligence committees in a written report, that the potential recipient is currently engaged in the production of a new road mobile or fixed-site land based intercontinental ballistic missile armed with multiple nuclear re-entry vehicles.

Reports.

TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; special-

ized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interest therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $1,320,886,000, to remain available for obligation until September 30, 1996.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $1,094,309,000, to remain available for obligation until September 30, 1996.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $888,817,000, to remain available for obligation until September 30, 1996.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854, title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $735,445,000, to remain available for obligation until September 30, 1996.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and nontracked combat vehicles; the purchase of not to exceed 16 passenger motor vehicles for replacement only; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $2,892,766,000, to remain available for obligation until September 30, 1996.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; $5,704,220,000, to remain available for obligation until September 30, 1996.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, other ordnance and ammunition, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; $2,986,720,000, to remain available for obligation until September 30, 1996: *Provided,* That of the funds appropriated in this paragraph, $1,028,596,000 shall not be obligated or expended for procurement or advance procurement of Trident II missiles unless the President has certified to Congress that the other signatories to the START treaty have rejected a United States proposal to the Joint Compliance and Inspection Commission that "detubing" be accepted as an option for eliminating SLBM launchers under START II or until the President has certified to Congress that such course of action would not be in the national interest.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools

and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

Refueling overhauls, $31,127,000;

DDG–51 destroyer program, $2,642,772,000;

LHD–1 amphibious assault ship program, $893,848,000, and in addition, $50,000,000 for advance procurement on the LHD–7 amphibious assault ship;

Mine warfare command and control ship, $124,175,000;

Oceanographic ship program, $110,049,000;

For craft, outfitting, post delivery, and first destination transportation, $343,104,000;

In all: $4,195,075,000, to remain available for obligation until September 30, 1998: *Provided,* That additional obligations may be incurred after September 30, 1998, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: *Provided further,* That none of the funds herein provided for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: *Provided further,* That none of the funds herein provided shall be used for the construction of any naval vessel in foreign shipyards.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of not to exceed 609 passenger motor vehicles for replacement only; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; $2,994,231,000, to remain available for obligation until September 30, 1996: *Provided,* That notwithstanding any other provision of law, not less than $20,000,000 shall be obligated and expended only for automatic data processing investment equipment and peripheral equipment and related software for the Defense Accounting Office and Naval Computer and Telecommunications Station, New Orleans, the Enlisted Personnel Management Center, the Naval Reserve Personnel Center, and the Naval Reserve Force Information Systems Office: *Provided further,* That the Department of Defense shall establish a central management and control site for local area networks at the Naval Computer and Telecommunications Station, New Orleans: *Provided further,* That the operations and functions of the Reserve Financial Management System and other Reserve specific automation systems shall remain colocated with the Commander, Naval Reserve Force.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, ammunition, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of not to exceed 96 passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired and construction prosecuted thereon prior to approval of title; $441,216,000, to remain available for obligation until September 30, 1996.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; $6,662,934,000, to remain available for obligation until September 30, 1996.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; $3,899,170,000, to remain available for obligation until September 30, 1996.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 2 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $180,000 per vehicle; the purchase of not to exceed 710 passenger motor vehicles of which 695 shall be for replacement only; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the fore-

going purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; $7,637,250,000, to remain available for obligation until September 30, 1996.

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces; $1,200,000,000, to remain available for obligation until September 30, 1996.

PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 1 vehicle required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $180,000 per vehicle; and the purchase of not to exceed 438 passenger motor vehicles, of which 420 shall be for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; $1,810,039,000, to remain available for obligation until September 30, 1996.

DEFENSE PRODUCTION ACT PURCHASES

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061); $200,000,000, to remain available until expended: *Provided*, That none of these funds shall be obligated for any project unless a Presidential determination has been made in accordance with the Defense Production Act: *Provided further*, That the Department of Defense shall notify the Committees on Appropriations of the House of Representatives and the Senate sixty days prior to the release of funds for any project not previously approved by Congress. Notification.

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; $5,427,546,000, to remain available for obligation until September 30, 1995: *Provided*, That $2,000,000 shall be made available only for the Center for Prostate Disease Research at the Walter Reed Army Institute of Research: *Provided further*, That $5,000,000 shall be made available only for the Center of

Excellence in Breast Cancer Research and Training at the National Naval Medical Center, in Bethesda, Maryland: *Provided further,* That not less than $1,000,000 of the funds appropriated in this paragraph shall be made available only to a joint research partnership involving an educational institution, not now engaged in a large volume of basic research, and a biomedical research institute, including a working arrangement with Canadian and German scientists, for the development and testing of a new insulin derivative for the treatment of diabetes and hypoglycemia in the dependents of active duty military members: *Provided further,* That $850,000 of the funds appropriated in this paragraph shall be available for a lyme disease program.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; $8,365,786,000, to remain available for obligation until September 30, 1995: *Provided,* That for continued research and development programs at the National Center for Physical Acoustics, centering on ocean acoustics as it applies to advanced antisubmarine warfare acoustics issues with focus on ocean bottom acoustics, seismic coupling, sea-surface and bottom scattering, oceanic ambient noise, underwater sound propagation, bubble related ambient noise, acoustically active surfaces, machinery noise, propagation physics, solid state acoustics, electrorheological fluids, transducer development, ultrasonic sensors, and other such projects as may be agreed upon, $1,000,000 shall be made available, as a grant, to the Mississippi Resource Development Corporation, of which not to exceed $250,000 of such sum may be used to provide such special equipment as may be required for particular projects: *Provided further,* That none of the funds appropriated in this paragraph may be obligated or expended to develop or purchase equipment for an Aegis destroyer variant (commonly known as "Flight IIA") whose initial operating capability is budgeted to be achieved prior to the initial operating capability of the Ship Self-Defense program, nor to develop sensor, processor, or display capabilities which duplicate in any way those being developed in the Ship Self-Defense program: *Provided further,* That funds appropriated in this paragraph for Aegis Combat System Engineering tactical display simplification may be obligated only to develop equipment on an interim basis which is planned to be installed in Aegis ships prior to the date that the first production unit of the Advanced Display System is planned to be accepted by the Government: *Provided further,* That funds appropriated in this paragraph for Aegis Combat System Engineering tactical display simplification may not be obligated on contracts which include production options for ship installations planned beyond the date that the first production unit of the Advanced Display System is planned to be accepted by the Government: *Provided further,* That funds appropriated in this paragraph for development of E–2C aircraft upgrades may not be obligated until the Under Secretary of Defense for Acquisition submits a plan to the Committees on Appropriations and Armed Services of each House of Congress for development and deployment of a fully participating cooperative engagement capability on E–2 aircraft to be fielded concurrent with and no later than major

computer upgrades for the aircraft: *Provided further,* That funds appropriated in this paragraph for development of the L–X ship may not be obligated unless the baseline design of the ship includes cooperative engagement capability and sufficient own-ship self-defense capability against advanced sea-skimming antiship cruise missiles in the baseline design to achieve an estimated probability of survival from attack by such missiles at a level no less than any other Navy ship.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; $12,314,362,000, to remain available for obligation until September 30, 1995: *Provided,* That not less than $21,000,000 of the funds appropriated in this paragraph shall be made available only for the Joint Seismic Program and Global Seismic Network administrated by the Incorporated Research Institutions for Seismology: *Provided further,* That not less than $40,000,000 of the funds appropriated in this paragraph shall be made available only for the National Center for Manufacturing Sciences (NCMS): *Provided further,* That of the funds appropriated in this paragraph, not less than $15,000,000 of the funds in the Advanced Weapons program element shall be made available only to continue the establishment and operation of an image information processing center supporting the Air Force Maui Space Surveillance Site (MSSS).

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; $8,838,690,000, to remain available for obligation until September 30, 1995: *Provided,* That not less than $97,000,000 of the funds appropriated in this paragraph are available only for the Extended Range Interceptor (ERINT) missile: *Provided further,* That not less than $55,000,000 of the funds appropriated in this paragraph are available only for the Patriot Multimode Missile: *Provided further,* That not less than $56,424,000 of the funds appropriated in this paragraph are available only for the Arrow Continuation Experiments (ACES): *Provided further,* That the Ballistic Missile Defense Organization (BMDO) shall continue its current strategy of flight testing, ground testing, simulations, and other Government analyses of the Patriot Multimode Missile and the Extended Range Interceptor for selection of the best technology in terms of cost, schedule, risk, and performance to meet PAC–3 missile requirements for theater missile defense and that the Director, BMDO, will determine when there is adequate information to proceed to selection for engineering and manufacturing development: *Provided further,* That the Secretary of Defense and the Secretary of Energy shall jointly certify to interested Committees of Congress that activities conducted by the Department of Defense and the Department of Energy in the areas of

Certification.

research, development, demonstration, or commercialization of electric vehicles and the related infrastructure; fuel cell research; and natural gas research are coordinated: *Provided further,* That of the funds appropriated under this heading, not less than $43,000,000 shall be made available only for the Computer-aided Acquisition and Logistics Support (CALS) Shared Resource Center (CSRC) program, which shall be managed only by the Advanced Research Projects Agency (ARPA) and of that amount, not less than $23,000,000 shall be made available only for the continued operation of the original CSRC by the current nonprofit institution or its successor in interest, as the Department's tri-service CALS standards and technologies development, deployment, training, and education hub for the CSRC program; the continued operation of the CSRC Regional Satellite (CRS); and the establishment and continued operation of additional CRSs to be operated by educational or other nonprofit institutions: *Provided further,* That the remaining $20,000,000 shall be made available only for the continued operation of the six original CRSs: *Provided further,* That nothing shall prohibit use of the CSRC or CRSs by industry, associations, other Department of Defense services and agencies, and other government agencies for efforts to be separately negotiated and funded: *Provided further,* That $2,300,000 of the funds appropriated in this paragraph shall be made available only for cell adhesion molecule research: *Provided further,* That of the funds appropriated in this paragraph, not less than $5,000,000 of the funds in the High Performance Computing Modernization program element shall be made available only to upgrade the supercomputing capability and capacity of the Maui High Performance Computing Center.

DEVELOPMENTAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, of independent activities of the Director, Test and Evaluation in the direction and supervision of developmental test and evaluation, including performance and joint developmental testing and evaluation; and administrative expenses in connection therewith; $232,457,000, to remain available for obligation until September 30, 1995.

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith; $12,650,000, to remain available for obligation until September 30, 1995.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

DEFENSE BUSINESS OPERATIONS FUND

For the Defense Business Operations Fund; $1,102,295,000: *Provided,* That none of the funds available in the Defense Business Operations Fund shall be used for any hardware procurement,

new development, or expansion of the Defense Business Management System beyond that required to support fiduciary, management information and other requirements established by law or directive and support existing customers consistent with the provisions of the DBOF Improvement Report.

NATIONAL DEFENSE SEALIFT FUND

(INCLUDING TRANSFER OF FUNDS)

For National Defense Sealift Fund programs, projects, and activities, $1,540,800,000, to remain available until expended: *Provided,* That up to $50,000,000 shall be available for transfer to the Secretary of Transportation: *Provided further,* That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (that is; engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: *Provided further,* That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: *Provided further,* That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense, as authorized by law; $9,626,072,000, of which $9,352,435,000 shall be for Operation and maintenance, of which $273,637,000, to remain available for obligation until September 30, 1996, shall be for Procurement: *Provided,* That the Department shall competitively contract during fiscal year 1994 for mail service pharmacy for at least two multi-state regions in addition to the ongoing solicitations for Florida, South Carolina, Georgia, Delaware, New Jersey, Pennsylvania, and Hawaii, as well as each base closure area not supported by an at-risk managed care plan; that such services shall be procured independent of any other Department managed care contracts; that one multi-state region shall include the State of Kentucky and that one multi-state region shall include the State of New Mexico: *Provided further,* That of the funds appropriated in this Act, such funds as necessary shall be used for the continuation of the cooperative program model being established at Madigan Medical Center for severely behavior disordered students: *Provided further,* That of the funds appropriated under this heading, not less than $1,410,000 shall be made available only for annual incentive pay

Contracts.
Pharmacy.
Postal service.

bonuses for certified nurse anesthetists: *Provided further,* That of the funds appropriated under this heading, not less than $3,000,000 shall be made available only for nursing research programs.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, $389,947,000, of which $291,261,000 shall be for Operation and maintenance, $67,986,000, shall be for Procurement to remain available until September 30, 1996, and $30,700,000, shall be for Research, development, test and evaluation to remain available until September 30, 1995.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for Operation and maintenance; for Procurement; and for Research, development, test and evaluation; $868,200,000: *Provided,* That the funds appropriated by this paragraph shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: *Provided further,* That the transfer authority provided in this paragraph is in addition to any transfer authority contained elsewhere in this Act: *Provided further,* That of the funds appropriated in this paragraph, not less than $3,200,000 shall be available only for the Gulf States Counter-Narcotics Initiative.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended; $137,601,000, of which $136,801,000 shall be for Operation and maintenance, of which not to exceed $400,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on his certificate of necessity for confidential military purposes; and of which $800,000, to remain available until September 30, 1996, shall be for Procurement.

TITLE VII

RELATED AGENCIES

NATIONAL FOREIGN INTELLIGENCE PROGRAM

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System; $182,300,000.

NATIONAL SECURITY EDUCATION TRUST FUND

For the purposes of title VIII of Public Law 102–183, $10,000,000 to be derived from the National Security Education Trust Fund, to remain available until expended.

COMMUNITY MANAGEMENT STAFF

For necessary expenses of the Community Management Staff; $151,288,000.

TITLE VIII

GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

10 USC 1584 note.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: *Provided,* That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: *Provided further,* That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: *Provided further,* That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

Government employees. Wages.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 per centum of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year: *Provided,* That this section shall not apply to obligations for support of active duty training of reserve components or summer

camp training of the Reserve Officers' Training Corps, or the National Board for the Promotion of Rifle Practice, Army.

10 USC 2241 note.

SEC. 8005. Section 9005 of the Department of Defense Appropriations Act, 1993 (Public Law 102–396) is amended by striking out "contained in this Act" and inserting "or any other funds available to the Department of Defense" in lieu thereof.

SEC. 8005A. Title IV of the Department of Defense Appropriations Act, 1993 (Public Law 102–396; 106 Stat. 1890) is amended in the 9th proviso under the heading "Research, Development, Test and Evaluation, Army" by striking "six months" and inserting "18 months".

(TRANSFER OF FUNDS)

SEC. 8006. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $2,500,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided,* That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by Congress: *Provided further,* That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act.

Notification.

(TRANSFER OF FUNDS)

SEC. 8007. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided,* That transfers may be made between such funds and the "Foreign Currency Fluctuations, Defense" and "Operation and Maintenance" appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8008. Using funds available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: *Provided,* That in the City of Kaiserslautern such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: *Provided further,* That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished

Germany. Coal.

heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

SEC. 8009. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in session in advance to the Committees on Appropriations and Armed Services of the Senate and House of Representatives.

SEC. 8010. None of the funds contained in this Act available for the Civilian Health and Medical Program of the Uniformed Services shall be available for payments to physicians and other authorized individual health care providers in excess of the amounts allowed in fiscal year 1993 for similar services, except that: (a) for services for which the Secretary of Defense determines an increase is justified by economic circumstances, the allowable amounts may be increased in accordance with appropriate economic index data similar to that used pursuant to title XVIII of the Social Security Act; and (b) for services the Secretary determines are overpriced based on allowable payments under title XVIII of the Social Security Act, the allowable amounts shall be reduced by not more than 15 percent (except that the reduction may be waived if the Secretary determines that it would impair adequate access to health care services for beneficiaries). The Secretary shall solicit public comment prior to promulgating regulations to implement this section. Such regulations shall include a limitation, similar to that used under title XVIII of the Social Security Act, on the extent to which a provider may bill a beneficiary an actual charge in excess of the allowable amount. Regulations.

SEC. 8011. None of the funds provided in this Act shall be available to initiate (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year of the contract or that includes an unfunded contingent liability in excess of $20,000,000, or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year, unless the Committees on Appropriations and Armed Services of the Senate and House of Representatives have been notified at least thirty days in advance of the proposed contract award: *Provided,* That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: *Provided further,* That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed $500,000,000 unless specifically provided in this Act: *Provided further,* That no multiyear procurement contract can be terminated without 10-day prior notification to the Committees on Appropriations and Armed Services of the House of Representatives and the Senate: *Provided further,* That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement. Contracts.

SEC. 8012. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated 10 USC 401 note.

for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported to Congress on September 30 of each year: *Provided,* That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99–239: *Provided further,* That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

Indians.
Real property.

SEC. 8013. Notwithstanding any other provision of law, governments of Indian tribes shall be treated as State and local governments for the purposes of disposition of real property recommended for closure in the report of the Defense Secretary's Commission on Base Realignments and Closures, December 1988, the report to the President from the Defense Base Closure and Realignment Commission, July 1991, and Public Law 100–526.

SEC. 8014. (a) The provisions of section 115(a)(4) of title 10, United States Code, shall not apply with respect to fiscal year 1994 or with respect to the appropriation of funds for that year.

(b) During fiscal year 1994, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(c) The fiscal year 1995 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 1995 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 1995.

SEC. 8014A. Notwithstanding any other provision of law, none of the funds made available by this Act shall be used by the Department of Defense to exceed, outside the fifty United States, its territories, and the District of Columbia, 131,250 civilian workyears: *Provided,* That workyears shall be applied as defined in the Federal Personnel Manual: *Provided further,* That workyears expended in dependent student hiring programs for disadvantaged youths shall not be included in this workyear limitation.

Labor and employment.

SEC. 8015. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8016. None of the funds appropriated by this Act shall be obligated for the pay of any individual who is initially employed after the date of enactment of this Act as a technician in the administration and training of the Army Reserve and the maintenance and repair of supplies issued to the Army Reserve unless

such individual is also a military member of the Army Reserve troop program unit that he or she is employed to support. Those technicians employed by the Army Reserve in areas other than Army Reserve troop program units need only be members of the Selected Reserve.

SEC. 8017. None of the funds available to the Department of Defense may be used for the floating storage of petroleum or petroleum products except in vessels of or belonging to the United States.

SEC. 8018. Notwithstanding any other provision of law, the Secretaries of the Army and Air Force may authorize the retention in an active status until age sixty of any officer who would otherwise be removed from an active status and who is employed as a National Guard or Reserve technician in a position in which active status in a reserve component of the Army or Air Force is required as a condition of that employment.

SEC. 8019. Notwithstanding any other provision of law, proceeds from the investment of the Fisher House Investment Trust Fund will be used to support the operation and maintenance of Fisher Houses associated with Army medical treatment facilities.

SEC. 8020. (a) None of the funds appropriated by this Act shall be used to make contributions to the Department of Defense Education Benefits Fund pursuant to section 2006(g) of title 10, United States Code, representing the normal cost for future benefits under section 1415(c) of title 38, United States Code, for any member of the armed services who, on or after the date of enactment of this Act—

(1) enlists in the armed services for a period of active duty of less than three years; or

(2) receives an enlistment bonus under section 308a or 308f of title 37, United States Code,

nor shall any amounts representing the normal cost of such future benefits be transferred from the Fund by the Secretary of the Treasury to the Secretary of Veterans Affairs pursuant to section 2006(d) of title 10, United States Code; nor shall the Secretary of Veterans Affairs pay such benefits to any such member: *Provided,* That, in the case of a member covered by clause (1), these limitations shall not apply to members in combat arms skills or to members who enlist in the armed services on or after July 1, 1989, under a program continued or established by the Secretary of Defense in fiscal year 1991 to test the cost-effective use of special recruiting incentives involving not more than nineteen noncombat arms skills approved in advance by the Secretary of Defense: *Provided further,* That this subsection applies only to active components of the Army.

(b) None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: *Provided,* That this subsection shall not apply to those members who have reenlisted with this option prior to October 1, 1987: *Provided further,* That this subsection applies only to active components of the Army.

SEC. 8021. Funds appropriated in this Act shall be available for the payment of not more than 75 percent of the charges of

a postsecondary educational institution for the tuition or expenses of an officer in the Ready Reserve of the Army National Guard or Army Reserve for education or training during his off-duty periods, except that no part of the charges may be paid unless the officer agrees to remain a member of the Ready Reserve for at least four years after completion of such training or education.

SEC. 8022. None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of enactment of this Act, is performed by more than ten Department of Defense civilian employees until a most efficient and cost-effective organization analysis is completed on such activity or function and certification of the analysis is made to the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That this section shall not apply to a commercial or industrial type function of the Department of Defense that: (1) is included on the procurement list established pursuant to section 2 of the Act of June 25, 1938 (41 U.S.C. 47), popularly referred to as the Javits-Wagner-O'Day Act; (2) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or (3) is planned to be converted to performance by a qualified firm under 51 percent Native American ownership.

Blind persons. Individuals with disabilities.

SEC. 8023. None of the funds made available by this Act may be obligated for the acquisition of major automated information systems which have not successfully completed oversight reviews required by Department of Defense regulations: *Provided*, That the automated information systems oversight review board will be independent of any other Department review function and chaired by the Assistant Secretary of Defense for Command, Control, Communications and Intelligence: *Provided further*, That except for those programs to modernize and develop migration and standard automated information systems that have been certified by the Department's senior information resource management (IRM) official as being fully compliant with the Department's information management initiative as defined in Defense Department Directive 8000.1, no funds may be expended for modernization or development of any automated information system (AIS) by the military departments, services, defense agencies, Joint Staff or Military Commands in excess of $2,000,000 unless the senior official of the Office of the Secretary of Defense with primary responsibility for the functions being supported or to be supported certifies to the Assistant Secretary of Defense for Command, Control, Communications and Intelligence that the functional requirement(s) is valid and that the system modernization or development has no unnecessary duplication of other available or planned AISs: *Provided further*, That the Department shall develop the capability for open systems integration of commercial-off-the-shelf (COTS) applications within the Composite Health Care System (CHCS): *Provided further*, That the Department shall limit deployment of the Defense Blood Standard System (DBSS) to existing donor and processing centers, the ten Primary Casualty Receiving Hospitals (PCRHs), and two OCONUS military hospitals, with transfusion services only, and shall procure, install, and integrate by April 1, 1994, at two or more CHCS sites an open system compliant COTS hospital-based blood bank/transfusion application,

with security access by application function and developed in the same application language as CHCS: *Provided further,* That the Department shall procure and install at all CHCS alpha and beta sites by September 1, 1994, an open system integrated anatomic pathology COTS application with security access by application function and developed with the same software application language as CHCS: *Provided further,* That notwithstanding any other provision of law, the one time investment cost, including the procurement or lease of new or reutilized automatic data processing investment equipment, peripheral equipment and related software, for the July 16, 1993 DOD Data Center Consolidation Plan shall not exceed $309,000,000.

SEC. 8024. Notwithstanding any other provision of law, the Secretary of the Navy may use funds appropriated to charter ships to be used as auxiliary minesweepers providing that the owner agrees that these ships may be activated as Navy Reserve ships with Navy Reserve crews used in training exercises conducted in accordance with law and policies governing Naval Reserve forces: *Provided,* That none of the funds appropriated or made available in this Act may be used to inactivate, disestablish, or discontinue the Navy's Craft of Opportunity Program.

10 USC 1073 note.

SEC. 8025. Notwithstanding any other provision of law, to establish region-wide, at-risk, fixed price managed care contracts possessing features similar to those of the CHAMPUS Reform Initiative, the Secretary of Defense shall submit to the Congress a plan to implement a nation-wide managed health care program for the military health services system not later than December 31, 1993: *Provided,* That the program shall include, but not be limited to: (1) a uniform, stabilized benefit structure characterized by a triple option health benefit feature; (2) a regionally-based health care management system; (3) cost minimization incentives including "gatekeeping" and annual enrollment procedures, capitation budgeting, and at-risk managed care support contracts; and (4) full and open competition for all managed care support contracts: *Provided further,* That the implementation of the nation-wide managed care military health services system shall be completed by September 30, 1996: *Provided further,* That the Department shall competitively award contracts in fiscal year 1994 for at least four new region-wide, at-risk, fixed price managed care support contracts consistent with the nation-wide plan, that one such contract shall include the State of Florida (which may include Department of Veterans Affairs' medical facilities with the concurrence of the Secretary of Veterans Affairs), one such contract shall include the States of Washington and Oregon, and one such contract shall include the State of Texas: *Provided further,* That any law or regulation of a State or local government relating to health insurance, prepaid health plans, or other health care delivery, administration, and financing methods shall be preempted and shall not apply to any region-wide, at-risk, fixed price managed care contract entered into pursuant to chapter 55 of title 10, United States Code: *Provided further,* That the Department shall competitively award within 13 months after the date of enactment of this Act two contracts for stand-alone, at-risk managed mental health services in high utilization, high-cost areas, consistent with the management and service delivery features in operation in Department of Defense managed mental health care contracts: *Provided further,* That the Assistant Secretary of Defense for Health Affairs shall, during

Health care.
Contracts.
State listing.

Contracts.
Health care.

the current fiscal year, initiate through competitive procedures a managed health care program for eligible beneficiaries in the area of Homestead Air Force Base with benefits and services substantially identical to those established to serve beneficiary populations in areas where military medical facilities have been terminated, to include retail pharmacy networks available to Medicare-eligible beneficiaries, and shall present a plan to implement this program to the House and Senate Committees on Appropriations not later than January 15, 1994.

SEC. 8026. Funds appropriated or made available in this Act shall be obligated and expended to continue to fully utilize the facilities at the United States Army Engineer's Waterways Experiment Station, including the continued availability of the supercomputer capability: *Provided,* That none of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the Armed Services and Appropriations Committees of Congress that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8027. For the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177) as amended by the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 (Public Law 100–119) and by the Budget Enforcement Act of 1990 (Public Law 101–508), the term program, project, and activity for appropriations contained in this Act shall be defined as the most specific level of budget items identified in the Department of Defense Appropriations Act, 1994, the accompanying House and Senate Committee reports, the conference report and accompanying joint explanatory statement of the managers of the Committee of Conference, the related classified annexes and reports, and the P–1 and R–1 budget justification documents as subsequently modified by Congressional action: *Provided,* That the following exception to the above definition shall apply:

For the Military Personnel and the Operation and Maintenance accounts, the term "program, project, and activity" is defined as the appropriations accounts contained in the Department of Defense Appropriations Act: *Provided further,* That at the time the President submits his budget for fiscal year 1995, the Department of Defense shall transmit to the Committees on Appropriations and the Committees on Armed Services of the Senate and the House of Representatives a budget justification document to be known as the "O–1" which shall identify, at the budget activity, activity group, and subactivity group level, the amounts requested by the President to be appropriated to the Department of Defense for operation and maintenance in any budget request, or amended budget request, for fiscal year 1995.

Federal budget.

SEC. 8028. Of the funds appropriated to the Army, $217,600,000 shall be available only for the Reserve Component Automation System (RCAS): *Provided,* That none of these funds can be expended—

(1) except as approved by the Chief of the National Guard Bureau;

(2) unless RCAS resource management functions are performed by the National Guard Bureau;

(3) to pay the salary of an RCAS program manager who has not been selected and approved by the Chief of the National

Guard Bureau and chartered by the Chief of the National Guard Bureau and the Secretary of the Army;

(4) unless the Program Manager (PM) charter makes the PM accountable to the Chief of the National Guard Bureau and fully defines his authority, responsibility, reporting channels and organizational structure;

(5) to pay the salaries of individuals assigned to the RCAS program management office unless such organization is comprised of personnel chosen jointly by the Chiefs of the National Guard Bureau and the Army Reserve;

(6) to pay contracted costs for the acquisition of RCAS unless RCAS is an integrated system consisting of software, hardware, and communications equipment and unless such contract continues to preclude the use of Government furnished equipment, operating systems, and executive applications software; and

(7) unless RCAS performs its own classified information processing:

Provided further, That notwithstanding any other provision of law, none of the funds appropriated shall be available for procurement of computers for the Army Reserve Component which are used to network or expand the capabilities of existing or future information systems or duplicate functions to be provided under the RCAS contract unless the procurement meets the following criteria: (A) at sites scheduled to receive RCAS equipment prior to September 30, 1995, RCAS ADP equipment may be procured and only in the numbers and types allocated by the RCAS program to each site; and at sites scheduled to receive RCAS equipment after September 30, 1995, RCAS ADP equipment or ADP equipment from a list of RCAS compatible equipment approved by the Chief of the National Guard Bureau or his designee, may be procured and only in the numbers and types allocated by the RCAS program to each site; (B) the requesting organizational element has insufficient ADP equipment to perform administrative functions but not to exceed the number of work stations determined by the RCAS program for that site; (C) replacement equipment will not exceed the minimum required to maintain the reliability of existing capabilities; (D) replacement will be justified on the basis of cost and feasibility of repairs and maintenance of present ADP equipment as compared to the cost of replacement; and (E) the procurement under this policy must be approved by the Chief of the National Guard Bureau or his designee, provided that the procurement is a one for one replacement action of existing equipment.

SEC. 8028A. None of the funds appropriated or otherwise made available by this Act may be obligated or expended for development or procurement of any automated Computer Aided Logistics system unless specific approval for such system is provided in writing to the Committees on Appropriations and Armed Services of the House and Senate by the Principal Deputy Under Secretary of Defense, Acquisition at least 30 days prior to any contract solicitation.

SEC. 8029. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: *Provided,*

That for the purpose of this section manufactured will include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): *Provided further,* That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: *Provided further,* That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8029A. Notwithstanding any other provision of law, none of the funds appropriated in this Act may be used to purchase, install, replace, or otherwise repair any lock on a safe or security container which protects information critical to national security or any other classified materials and which has not been certified as passing the security lock specifications contained in regulation FF–L–2740 dated October 12, 1989, and has not passed all testing criteria and procedures established through February 28, 1992: *Provided,* That the Director of Central Intelligence may waive this provision, on a case-by-case basis only, upon certification that the above cited locks are not adequate for the protection of sensitive intelligence information.

(TRANSFER OF FUNDS)

SEC. 8030. Notwithstanding any other provision of law, the Department of Defense may transfer prior year, unobligated balances and funds appropriated in this Act to the operation and maintenance appropriations for the purpose of providing military technician and Department of Defense medical personnel pay and medical programs (including CHAMPUS) the same exemption from sequestration set forth in the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177) as amended by the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 (Public Law 100–119) and by the Budget Enforcement Act of 1990 (Public Law 101–508) as that granted the other military personnel accounts: *Provided,* That any transfer made pursuant to any use of the authority provided by this provision shall be limited so that the amounts reprogrammed to the operation and maintenance appropriations do not exceed the amounts sequestered under the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177) as amended by the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 (Public Law 100–119) and by the Budget Enforcement Act of 1990 (Public Law 101–508): *Provided further,* That the authority to make transfers pursuant to this section is in addition to the authority to make transfers under other provisions of this Act: *Provided further,* That the Secretary of Defense may proceed with such transfer after notifying the Appropriations Committees of the House of Representatives and the Senate twenty calendar days in session before any such transfer of funds under this provision.

SEC. 8030A. None of the funds available to the Department of the Navy may be used to enter into any contract for the overhaul,

repair, or maintenance of any naval vessel homeported on the West Coast of the United States which includes charges for interport differential as an evaluation factor for award.

SEC. 8031. None of the funds appropriated by this Act available for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) shall be available for the reimbursement of any health care provider for inpatient mental health service for care received when a patient is referred to a provider of inpatient mental health care or residential treatment care by a medical or health care professional having an economic interest in the facility to which the patient is referred: *Provided,* That this limitation does not apply in the case of inpatient mental health services provided under the program for the handicapped under subsection (d) of section 1079 of title 10, United States Code, provided as partial hospital care, or provided pursuant to a waiver authorized by the Secretary of Defense because of medical or psychological circumstances of the patient that are confirmed by a health professional who is not a Federal employee after a review, pursuant to rules prescribed by the Secretary, which takes into account the appropriate level of care for the patient, the intensity of services required by the patient, and the availability of that care.

SEC. 8032. All new Department of Defense procurements shall separately identify software costs in the work breakdown structure defined by MIL–STD–881 in those instances where software is considered to be a major category of cost.

Soviet Union. International agreements. 22 USC 2595 note.

SEC. 8033. During the current fiscal year and thereafter, of the funds appropriated, reimbursable expenses incurred by the Department of Defense on behalf of the Soviet Union or its successor entities in monitoring United States implementation of the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range or Shorter-Range Missiles ("INF Treaty"), concluded December 8, 1987, may be treated as orders received and obligation authority for the applicable appropriation, account, or fund increased accordingly. Likewise, any reimbursements received for such costs may be credited to the same appropriation, account, or fund to which the expenses were charged: *Provided,* That reimbursements which are not received within one hundred and eighty days after submission of an appropriate request for payment shall be subject to interest at the current rate established pursuant to section 2(b)(1)(B) of the Export-Import Bank Act of 1945 (59 Stat. 526). Interest shall begin to accrue on the one hundred and eighty-first day following submission of an appropriate request for payment: *Provided further,* That funds appropriated in this Act may be used to reimburse United States military personnel for reasonable costs of subsistence, at rates to be determined by the Secretary of Defense, incurred while accompanying Soviet Inspection Team members or inspection team members of the successor entities of the Soviet Union engaged in activities related to the INF Treaty: *Provided further,* That this provision includes only the in-country period (referred to in the INF Treaty) and is effective whether such duty is performed at, near, or away from an individual's permanent duty station.

Prisoners of war. Vietnam.

SEC. 8034. Funds available in this Act may be used to provide transportation for the next-of-kin of individuals who have been prisoners of war or missing in action from the Vietnam era to

an annual meeting in the United States, under such regulations as the Secretary of Defense may prescribe.

SEC. 8035. None of the funds available to the Department of Defense shall be obligated or expended for (or to implement) automatic data processing, data processing center, central design activity, DMRD 918, defense information infrastructure, and military or civilian personnel function consolidation plans, consolidations, and disestablishment or realignment plans that impact, in terms of reductions in force or transfers in military and civilian personnel, end strength, billets, functions, or missions, the Enlisted Personnel Management Center, the Naval Computer and Telecommunications Station, New Orleans, and the Naval Reserve Personnel Center until sixty legislative days after the Secretary of Defense submits to the House and Senate Committees on Appropriations a report, including complete review comments and a validation by the Department of Defense Comptroller, justifying and validating that such plans and actions: (1) do not consolidate, plan to consolidate, disestablish or realign Department of Defense or Service data processing functions or centers, central design activities, or military and civilian personnel functions and activities, or claim savings from such function and activity consolidations and disestablishment, realignment, or consolidation plans, that are in more than one defense management report plan or decision or any other Department of Defense or Service consolidation, disestablishment or realignment plan; (2) utilize criteria to evaluate, measure and compare, using objective measurements, how data processing centers, central design activities, military and civilian personnel functions and activities are ranked in terms of operational readiness, customer satisfaction, and the most cost effective and least expensive from a business performance, and regional operations cost standpoint; (3) will provide equal or better service for DOD customers; (4) provide details as to the impacts on the quality of life and benefits of the individual service person, dependents, and civilian personnel; and (5) will not adversely impact the mission and readiness of the Navy and Naval Reserves: *Provided,* That funds made available to the Department of Defense shall be available to implement the 1993 Defense Base Closure and Realignment Commission approved recommendations concerning the Enlisted Personnel Management Center and the Naval Computer and Telecommunications Station, New Orleans.

Wages.

SEC. 8035A. Such sums as may be necessary for fiscal year 1994 pay raises for programs funded by this Act shall be derived from funds within the amounts appropriated in this Act.

SEC. 8036. Notwithstanding any other provision of law, during the current fiscal year, the Secretary of Defense may, by Executive Agreement, establish with host nation governments in NATO member states a separate account into which such residual value amounts negotiated in the return of United States military installations in NATO member states may be deposited, in the currency of the host nation, in lieu of direct monetary transfers to the United States Treasury: *Provided,* That such credits may be utilized only for the construction of facilities to support United States military forces in that host nation, or such real property maintenance and base operating costs that are currently executed through monetary transfers to such host nations: *Provided further,* That the Department of Defense's budget submission for fiscal year 1995 shall identify such sums anticipated in residual value settlements,

and identify such construction, real property maintenance or base operating costs that shall be funded by the host nation through such credits: *Provided further,* That all military construction projects to be executed from such accounts must be previously approved in a prior Act of Congress: *Provided further,* That each such Executive Agreement with a NATO member host nation shall be reported to the Committees on Appropriations and Armed Services of the House of Representatives and the Senate thirty days prior to the conclusion and endorsement of any such agreement established under this provision. Reports.

SEC. 8037. All obligations incurred in anticipation of the appropriations and authority provided in this Act are hereby ratified and confirmed if otherwise in accordance with the provisions of this Act. Ratification.

SEC. 8038. None of the funds available to the Department of Defense in this Act shall be used to demilitarize or dispose of more than 310,784 unserviceable M1 Garand rifles and M1 Carbines.

SEC. 8039. Notwithstanding any other provision of law, none of the funds appropriated by this Act shall be available to pay more than 50 percent of an amount paid to any person under section 308 of title 37, United States Code, in a lump sum.

SEC. 8040. None of the funds appropriated by this Act may be used by the Department of Defense to assign a supervisor's title or grade when the number of people he or she supervises is considered as a basis for this determination: *Provided,* That savings that result from this provision are represented as such in future budget proposals.

SEC. 8041. Of the funds appropriated by this Act, no more than $18,500,000 shall be available for the mental health care demonstration project at Fort Bragg, North Carolina: *Provided,* That adjustments may be made for normal and reasonable price and program growth.

SEC. 8042. None of the funds appropriated by this Act may be used to pay health care providers under the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) for services determined under the CHAMPUS Peer Review Organization (PRO) Program to be not medically or psychologically necessary. The Secretary of Defense may by regulation adopt any quality and utilization review requirements and procedures in effect for the Peer Review Organization Program under title XVIII of the Social Security Act (Medicare) that the Secretary determines necessary, and may adapt the Medicare requirements and procedures to the circumstances of the CHAMPUS PRO Program as the Secretary determines appropriate.

SEC. 8043. None of the funds appropriated by this Act shall be available for payments under the Department of Defense contract with the Louisiana State University Medical Center involving the use of cats for Brain Missile Wound Research, and the Department of Defense shall not make payments under such contract from funds obligated prior to the date of the enactment of this Act, except as necessary for costs incurred by the contractor prior to the enactment of this Act, and until thirty legislative days after the final General Accounting Office report on the aforesaid contract is submitted for review to the Committees on Appropriations of the House of Representatives and the Senate: *Provided,* That funds Animals.

necessary for the care of animals covered by this contract are allowed.

SEC. 8044. None of the funds provided in this Act or any other Act shall be available to conduct bone trauma research at any Army Research Laboratory until the Secretary of the Army certifies that the synthetic compound to be used in the experiments is of such a type that its use will result in a significant medical finding, the research has military application, the research will be conducted in accordance with the standards set by an animal care and use committee, and the research does not duplicate research already conducted by a manufacturer or any other research organization.

10 USC 2687 note.

SEC. 8045. The Secretary of Defense shall include in any base closure and realignment plan submitted to Congress after the date of enactment of this Act, a complete review for the five-year period beginning on October 1, 1993, which shall include expected force structure and levels for such period, expected installation requirements for such period, a budget plan for such period, the cost savings expected to be realized through realignments and closures of military installations during such period, an economics model to identify the critical local economic sectors affected by proposed closures and realignments of military installations and an assessment of the economic impact in each area in which a military installation is to be realigned or closed.

SEC. 8046. No more than $50,000 of the funds appropriated or made available in this Act shall be used for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: *Provided,* That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and Senate that such a relocation is required in the best interest of the Government: *Provided further,* That no funds appropriated or made available in this Act shall be used for the relocation into the National Capital Region of the Air Force Office of Medical Support located at Brooks Air Force Base.

Contracts. Employment.

SEC. 8046A. Notwithstanding any other provision of law, each contract awarded by the Department of Defense in fiscal year 1994 for construction or service performed in whole or in part in a State which is not contiguous with another State and has an unemployment rate in excess of the national average rate of unemployment as determined by the Secretary of Labor shall include a provision requiring the contractor to employ, for the purpose of performing that portion of the contract in such State that is not contiguous with another State, individuals who are residents of such State and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills: *Provided,* That the Secretary of Defense may waive the requirements of this section in the interest of national security.

SEC. 8047. During the current fiscal year, funds appropriated or otherwise available for any Federal agency, the Congress, the judicial branch, or the District of Columbia may be used for the pay, allowances, and benefits of an employee as defined by section 2105 of title 5 or an individual employed by the government of the District of Columbia, permanent or temporary indefinite, who—

(1) is a member of a Reserve component of the armed forces, as described in section 261 of title 10, or the National Guard, as described in section 101 of title 32;

(2) performs, for the purpose of providing military aid to enforce the law or providing assistance to civil authorities in the protection or saving of life or property or prevention of injury—

(A) Federal service under section 331, 332, 333, 3500, or 8500 of title 10, or other provision of law, as applicable, or

(B) full-time military service for his State, the District of Columbia, the Commonwealth of Puerto Rico, or a territory of the United States; and

(3) requests and is granted—

(A) leave under the authority of this section; or

(B) annual leave, which may be granted without regard to the provisions of sections 5519 and 6323(b) of title 5,

if such employee is otherwise entitled to such annual leave: *Provided,* That any employee who requests leave under subsection (3)(A) for service described in subsection (2) of this section is entitled to such leave, subject to the provisions of this section and of the last sentence of section 6323(b) of title 5, and such leave shall be considered leave under section 6323(b) of title 5.

SEC. 8048. None of the funds appropriated by this Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A–76 if the study being performed exceeds a period of twenty-four months after initiation of such study with respect to a single function activity or forty-eight months after initiation of such study for a multi-function activity.

SEC. 8049. Funds appropriated by this Act for the American Forces Information Service shall not be used for any national or international political or psychological activities.

SEC. 8050. Notwithstanding any other provision of law or regulation, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 7455 of title 38, United States Code.

Indians.
Alaska Natives.
Small business.
Contracts.

SEC. 8051. Notwithstanding any other provision of law, a qualified Indian Tribal corporation or Alaska Native Corporation furnishing the product of a responsible small business concern shall not be denied the opportunity to compete for and be awarded a procurement contract pursuant to section 2323 of title 10, United States Code, solely because the Indian Tribal corporation or Alaska Native Corporation is not the actual manufacturer or processor of the product to be supplied under the contract.

SEC. 8052. Of the funds made available in this Act, not less than $11,679,000 shall be available for the Civil Air Patrol, of which $4,642,000 shall be available for Operation and Maintenance.

SEC. 8053. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 815th Weather Squadron of the Air Force Reserve, if such action would reduce the WC–130 Weather Reconnaissance mission below the levels funded in this Act.

SEC. 8054. During the current fiscal year, withdrawal credits may be made by the Defense Business Operations Fund to the credit of current applicable appropriations of an activity of the Department of Defense in connection with the acquisition by that

activity of supplies that are repairable components which are repairable at a repair depot and that are capitalized into the Defense Business Operations Fund as the result of management changes concerning depot level repairable assets charged to an activity of the Department of Defense which is a customer of the Defense Business Operations Fund that became effective on April 1, 1992.

SEC. 8055. (a) Of the funds for the procurement of supplies or services appropriated by this Act, qualified nonprofit agencies for the blind or other severely handicapped shall be afforded the maximum practicable opportunity to participate as subcontractors and suppliers in the performance of contracts let by the Department of Defense.

Small business. Contracts.

(b) During the current fiscal year, a business concern which has negotiated with a military service or defense agency a subcontracting plan for the participation by small business concerns pursuant to section 8(d) of the Small Business Act (15 U.S.C. 637(d)) shall be given credit toward meeting that subcontracting goal for any purchases made from qualified nonprofit agencies for the blind or other severely handicapped.

Definition.

(c) For the purpose of this section, the phrase "qualified nonprofit agency for the blind or other severely handicapped" means a nonprofit agency for the blind or other severely handicapped that has been approved by the Committee for the Purchase from the Blind and Other Severely Handicapped under the Javits-Wagner-O'Day Act (41 U.S.C. 46–48).

21 USC 873 note.

SEC. 8056. During the current fiscal year and thereafter, there is established, under the direction and control of the Attorney General, the National Drug Intelligence Center, whose mission it shall be to coordinate and consolidate drug intelligence from all national security and law enforcement agencies, and produce information regarding the structure, membership, finances, communications, and activities of drug trafficking organizations: *Provided,* That funding for the operation of the National Drug Intelligence Center, including personnel costs associated therewith, shall be provided from the funds appropriated to the Department of Defense.

SEC. 8056A. Notwithstanding any other provision of law, in addition to the funds made available elsewhere in this Act to the Department of the Navy, $60,000,000 to remain available until expended, shall be made available only for obligations incurred in the conveyance, clean-up, and restoration of Kaho'olawe Island.

SEC. 8057. During the current fiscal year and thereafter, the Navy may provide notice to exercise options under the LEASAT program for the next fiscal year, in accordance with the terms of the Aide Memoire, dated January 5, 1981, as amended by the Aide Memoire dated April 30, 1986, and as implemented in the LEASAT contract.

SEC. 8058. During the current fiscal year, net receipts pursuant to collections from third party payers pursuant to section 1095 of title 10, United States Code, shall be made available to the local facility of the uniformed services responsible for the collections and shall be over and above the facility's direct budget amount.

SEC. 8059. None of the funds in this Act shall be obligated for the procurement of Multibeam Sonar Mapping Systems, not manufactured in the United States: *Provided,* That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representa-

tives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8059A. Of the funds made available by this Act in title III, Procurement, $8,000,000, drawn pro rata from each appropriations account in title III, shall be available for incentive payments authorized by section 504 of the Indian Financing Act of 1974, 25 U.S.C. 1544. These payments shall be available only to contractors which have submitted subcontracting plans pursuant to 15 U.S.C. 637(d), and according to regulations which shall be promulgated by the Secretary of Defense within 90 days of the passage of this Act.

SEC. 8060. During the current fiscal year and thereafter, notwithstanding any other provision of law, the Department of Defense is hereby authorized to develop and procure the LANDSAT 7 vehicle. 15 USC 5611 note.

SEC. 8061. None of the funds appropriated in this Act may be used to fill the commander's position at any military medical facility with a health care professional unless the prospective candidate can demonstrate professional administrative skills.

SEC. 8062. Of the funds appropriated by this Act for the Defense Health Program, notwithstanding any other provision of law, the amount payable for services provided under this section shall not be less than the amount calculated under the coordination of benefits reimbursement formula utilized when CHAMPUS is a secondary payor to medical insurance programs other than Medicare, and such appropriations as necessary shall be available (notwithstanding the last sentence of section 1086(c) of title 10, United States Code) to continue Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) benefits, until age 65, under such section for a former member of a uniformed service who is entitled to retired or retainer pay or equivalent pay, or a dependent of such a member, or any other beneficiary described by section 1086(c) of title 10, United States Code, who becomes eligible for hospital insurance benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) solely on the grounds of physical disability, or end stage renal disease: *Provided,* That expenses under this section shall only be covered to the extent that such expenses are not covered under parts A and B of title XVIII of the Social Security Act and are otherwise covered under CHAMPUS: *Provided further,* That no reimbursement shall be made for services provided prior to October 1, 1991.

SEC. 8063. During the current fiscal year, the Secretary of Defense may accept burdensharing contributions in the form of money from Japan, the Republic of Korea, and the State of Kuwait for the costs of local national employees, supplies, and services of the Department of Defense to be credited to applicable Department of Defense operation and maintenance appropriations available for the salaries and benefits of national employees of Japan, the Republic of Korea, and the State of Kuwait, supplies, and services to be merged with and to be available for the same purposes and time period as those appropriations to which credited: *Provided,* That not later than 30 days after the end of each quarter of the fiscal year, the Secretary of Defense shall submit to the Congress a report of contributions accepted by the Secretary under this provision during the preceding quarter. Reports.

SEC. 8064. (a) Funds appropriated in this Act to finance activities of Department of Defense (DOD) Federally Funded Research and Development Centers (FFRDCs) may not be obligated or expended for an FFRDC if a member of its Board of Directors or Trustees simultaneously serves on the Board of Directors or Trustees of a profit-making company under contract to the Department of Defense unless the FFRDC has a DOD approved conflict of interest policy for its members.

(b) None of the funds appropriated in this Act are available to establish a new FFRDC, either as a new entity, or as a separate entity administered by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other nonprofit entities.

(c) Notwithstanding any other provision of law, of the amounts available to the Department of Defense during fiscal year 1994, not more than $1,352,650,000 may be obligated for financing activities of Federally Funded Research and Development Centers.

(d) The total amount appropriated by this Act is hereby reduced by $200,000,000 to reflect the obligation limitation contained in subsection (c).

(e) The total amount appropriated to or for the use of the Department of Defense in titles III and IV of this Act is reduced by $200,000,000 to reflect savings from the decreased use of non-FFRDC consulting services by the Department of Defense.

SEC. 8065. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: *Provided,* That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: *Provided further,* That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further,* That these restrictions shall not apply to contracts which are in being as of the date of enactment of this Act.

SEC. 8065A. None of the funds available to the Department of Defense during the current fiscal year may be obligated or expended to develop for aircraft or helicopter weapons systems an airborne instrumentation system for flight test data acquisition, or to develop or implement modifications to an existing airborne instrumentation system, other than the Common Airborne Instrumentation System under development in the Central Test and Evaluation Investment Development program element funded in the "Developmental Test and Evaluation, Defense" appropriations account.

SEC. 8066. None of the unobligated balances available in the National Defense Stockpile Transaction Fund during the current fiscal year may be obligated or expended to finance any grant or contract to conduct research, development, test and evaluation activities for the development or production of advanced materials,

unless amounts for such purposes are specifically appropriated in a subsequent appropriations Act.

SEC. 8067. For the purposes of this Act, the term "congressional defense committees" means the Committees on Armed Services, the Committees on Appropriations, and the subcommittees on Defense of the Committee on Appropriations, of the Senate and the House of Representatives.

SEC. 8068. Notwithstanding any other provision of law, during the current fiscal year, the Secretary of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: *Provided,* That the Senior Acquisition Executive of the military department or defense agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: *Provided further,* That Office of Management and Budget Circular A–76 shall not apply to competitions conducted under this section.

SEC. 8069. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country. 41 USC 10b–2.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country. Definition.

(b) The Secretary of Defense shall submit to Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 1994. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party. Reports.

(c) For purposes of this section, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

SEC. 8070. (a) Of the funds made available in this Act in title II, Operation and Maintenance, Army, $5,000,000 shall be available only to execute the cleanup of uncontrolled hazardous waste contamination affecting the Sale Parcel at Hamilton Air Force Base, in Novato, in the State of California.

(b) Notwithstanding any other provision of law, in the event that the purchaser of the Sale Parcel exercises its option to withdraw from all or a portion of the sale, as provided in the Agreement and Modification, dated September 25, 1990, between the Department of Defense, the General Services Administration, and the purchaser, as amended, the purchaser's deposit of $4,500,000 shall be returned by the General Services Administration and funds

eligible for reimbursement under the Agreement and Modification, as amended, shall come from the funds made available to the Department of Defense by this Act.

(c) In the event that the purchaser purchases only a portion of the Sale Parcel and exercises its option to withdraw from the sale as to the rest of the Sale Parcel, the portion of the Sale Parcel that is not purchased (other than Landfill 26 and an appropriate buffer area around it and the groundwater treatment facility site), together with any of the land referred to in section 9099(e) of Public Law 102–396 that is not purchased by the purchaser, shall be sold to the City of Novato, in the State of California, for the sum of One Dollar as a public benefit transfer for school, classroom or other educational use, for use as a public park or recreation area or for further conveyance as provided herein, subject to the following restrictions: (1) if the City sells any portion of such land to any third party within ten years after the transfer to the City, which sale may be made without the foregoing use restrictions, any proceeds received by the City in connection with such sale, minus the demonstrated reasonable costs of conducting the sale and of any improvements made by the City to the land following its acquisition of the land (but only to the extent such improvements increase the value of the portion sold), shall be immediately turned over to the Army in reimbursement of the withdrawal payment made by the Army to the contract purchaser and the costs of cleaning up the Landfill and (2) until one year following completion of the cleanup of contaminated soil in the Landfill and completion of the groundwater treatment facilities, the sale must be at a per-acre price for the portion sold that is at least equal to the per-acre contract price paid by the purchaser for the portion of the Sale Parcel purchased under the Agreement and Modification, as amended, and thereafter must be at a price at least equal to the fair market value of the portion sold. The foregoing restrictions shall not apply to a transfer to another public or quasi-public agency for public uses of the kind described above. The deed to the City shall contain a clause providing that, if any of the proceeds referred to in clause (1) are not delivered to the Army within 30 days after sale, or any portion of the land not sold as provided herein is used for other than educational, park or recreational uses, title to the applicable portion of such land shall revert to the United States Government at the election of the General Services Administration. The Army shall agree to deliver into the applicable closing escrow an acknowledgement of receipt of any proceeds described in clause (1) above and a release of the reverter right as to the affected land, effective upon such receipt.

(d) Notwithstanding any other provision of law, the Air Force shall be reimbursed for expenditures in excess of $15,000,000 in connection with the total clean-up of uncontrolled hazardous waste contamination on the aforementioned Sale Parcel from the proceeds collected upon the closing of any portion of the Sale Parcel purchased by the contract purchaser under the Agreement and Modification, as amended.

(e) Notwithstanding any other provision of law, the purchaser's reimbursement claims shall be audited by the Defense Contract Audit Agency for reasonableness and accuracy before the Department of Defense provides any funds under the purchaser's withdrawal and reimbursement rights.

SEC. 8070A. Notwithstanding any other provision of law, any statutorily-required analysis of the impact on the defense technology and industrial base of terminations and significant reductions of major research and development programs and procurement programs of the Department of Defense shall address only those actions recommended by the Defense Department in its annual budget request and amendments thereto, supplemental requests, or proposed rescissions.

SEC. 8071. Notwithstanding any other provision of law, the Secretary of Defense may, when he considers it in the best interest of the United States, cancel any part of an indebtedness, up to $2,500, that is or was owed to the United States by a member or former member of a uniformed service if such indebtedness, as determined by the Secretary, was incurred in connection with Operation Desert Shield/Storm: *Provided,* That the amount of an indebtedness previously paid by a member or former member and cancelled under this section shall be refunded to the member. 10 USC 2774 note.

SEC. 8072. Appropriations contained in this Act that remain available at the end of the current fiscal year as a result of energy cost savings realized by the Department of Defense shall remain available for obligation for the next fiscal year to the extent, and for the purposes, provided in section 2865 of title 10, United States Code.

SEC. 8073. During the current fiscal year, voluntary separation incentives payable under 10 U.S.C. 1175 may be paid in such amounts as are necessary from the assets of the Voluntary Separation Incentive Fund established by section 1175(h)(1).

(INCLUDING TRANSFER OF FUNDS)

SEC. 8074. Amounts deposited during fiscal years 1993 and 1994 to the special account established under 40 U.S.C. 485(h)(2) and to the special account established under 10 U.S.C. 2667(d)(1) are appropriated and shall be available until transferred by the Secretary of Defense to current applicable appropriations or funds of the Department of Defense under the terms and conditions specified by 40 U.S.C. 485(h)(2) (A) and (B) and 10 U.S.C. 2667(d)(1)(B), to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred.

SEC. 8075. In order to maintain an electric furnace capacity in the United States, preference for the purchase of chromite ore and manganese ore authorized for disposal from the National Defense Stockpile shall be given to domestic producers of high carbon ferrochromium and high carbon ferromanganese— Minerals and mining. Manufacturing.

(A) whose primary output during the three preceding years has been ferrochromium or ferromanganese; and

(B) who guarantee to use the chromite and manganese ore for domestic purposes.

SEC. 8075A. None of the funds in this or any other Act shall be available for the preparation of studies on—

(a) the feasibility of removal and transportation of unitary chemical weapons from the eight chemical storage sites within the continental United States: *Provided,* That this prohibition shall not apply to non-stockpile material in the United States or to studies needed for environmental analysis required by the National Environmental Policy Act, or for General Account-

ing Office studies requested by a Member of Congress or a Congressional Committee; and

(b) the potential future uses of the nine chemical disposal facilities other than for the destruction of stockpile chemical munitions and as limited by section 1412(c)(2), Public Law 99–145: *Provided,* That this prohibition does not apply to future use studies for the CAMDS facility at Tooele, Utah.

SEC. 8076. During the current fiscal year, none of the funds available to the Department of Defense may be used to procure or acquire (1) defensive handguns or defensive handgun ammunition unless such handguns or handgun ammunition are the M9 9mm Department of Defense standard handgun or ammunition for such handguns, or (2) offensive handguns and ammunition except for the Special Operations Forces.

SEC. 8077. During the current fiscal year, appropriations available to the Department of Defense may be used to reimburse a member of a reserve component of the Armed Forces who is not otherwise entitled to travel and transportation allowances and who occupies transient government housing while performing active duty for training or inactive duty training: *Provided,* That such members may be provided lodging in kind if transient government quarters are unavailable as if the member was entitled to such allowances under subsection (a) of section 404 of title 37, United States Code: *Provided further,* That if lodging in kind is provided, any authorized service charge or cost of such lodging may be paid directly from funds appropriated for operation and maintenance of the reserve component of the member concerned.

SEC. 8078. For fiscal year 1994, the total amount appropriated to fund the Uniformed Services Treatment Facilities program, operated pursuant to section 911 of Public Law 97–99 (42 U.S.C. 248c), is limited to $291,000,000, of which not more than $265,000,000 may be provided by the funds appropriated by this Act.

SEC. 8079. None of the funds available in this Act may be used to support in any manner, including travel or other related expenses, the "Tailhook Association": *Provided,* That investigations by the Secretary of the Navy or consultation with the Tailhook Association are not prohibited by this provision.

SEC. 8080. During the current fiscal year and thereafter, from funds available to the Department of Defense, the Director of the Air National Guard shall operate a Command, Control, Communications and Intelligence planning office manned by three full-time Air Guard officers in the rank of O–6, O–5, and O–4: *Provided,* That these officers shall be in addition to the strengths authorized in section 524 of title 10, United States Code.

SEC. 8081. None of the funds appropriated in this Act or made available to the Department of Defense and deposited into the Pentagon Reservation Maintenance Revolving Fund may be used for the purpose of constructing a Pentagon Maintenance Facility or a Logistics Support Extension.

President.
Federal budget.
Wages.
10 USC 221 note.

SEC. 8082. The President shall include with each budget for a fiscal year submitted to the Congress under section 1105 of title 31, United States Code, materials that shall identify clearly and separately the amounts requested in the budget for appropriation for that fiscal year for salaries and expenses related to administrative activities of the Department of Defense, the military departments, and the Defense Agencies.

SEC. 8083. None of the funds available to the Department of Defense may be obligated or expended for construction of Ground Wave Emergency Network (GWEN) sites in Fiscal Year 1994.

SEC. 8083A. Notwithstanding any other provision of law, the Naval shipyards of the United States shall be eligible to participate in any manufacturing extension program financed by funds appropriated in this or any other Act.

SEC. 8084. The $15,000,000 made available in section 9088 of the Department of Defense Appropriations Act, 1993 (Public Law 102–396) for payment of claims to United States military and civilian personnel for damages incurred as a result of the volcanic eruption of Mount Pinatubo in the Philippines, shall remain available for obligation until September 30, 1994, notwithstanding section 9003 of that Act: *Provided,* That $5,000,000 of the funds made available by this section shall be available until September 30, 1995 for expenses associated with the construction and modification of facilities to support the relocation of military training programs from installations in the Philippines to sites in the United States.

(TRANSFER OF FUNDS)

SEC. 8085. In addition to any other transfer authority contained in this Act, $100,000,000 appropriated in this Act under the heading "Operation and Maintenance, Defense-Wide" may be transferred to appropriations contained in this Act which are available for the payment of civilian voluntary separation incentives, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred.

SEC. 8086. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act.

SEC. 8087. During the current fiscal year, annual payments granted under the provisions of section 4416 of the National Defense Authorization Act for fiscal year 1993 (Public Law 102–428; 106 Stat. 2714) shall be made from appropriations in this Act which are available for the pay of reserve component personnel.

SEC. 8088. None of the funds appropriated by this Act may be used to relocate the 116th Fighter Wing of the Air National Guard from Dobbins Air Reserve Base to Robins Air Force Base, or to convert that wing from F–15A aircraft to B–1B aircraft.

SEC. 8088A. None of the funds available to the Department of Defense for establishing a Naval East Coast Electronics Engineering Center may be obligated or expended for the establishment of such Headquarters at any location other than Charleston, South Carolina: *Provided,* That no such funds may be obligated or expended for the establishment or operation of subordinate detachments at Portsmouth, Virginia, with manning levels or broader functions than that specifically stated in the 1993 Report to the President of the Defense Base Closure and Realignment Commission: *Provided further,* That no funds may be obligated or expended for the relocation, alteration or modification of the functions specified in the 1993 Report to the President of the Defense Base Closure and Realignment Commission to be maintained at St. Inigoes, Maryland, including all civilian management, support

personnel and management operations associated with these functions that were in existence as of September 20, 1993.

SEC. 8089. (a) IN GENERAL.—Subject to subsection (b), the Secretary of the Army may release, discharge, waive, and quitclaim all right, title, and interest which the United States may have by virtue of the quitclaim deed dated June 18, 1956, in and to approximately 6.89 acres of real property, with improvements thereon, in Harris County, Texas.

(b) CONDITION.—The Secretary may carry out subsection (a) only after obtaining satisfactory assurances that the State of Texas shall obtain, in exchange for the real property referred to in subsection (a), a tract of real property—

(1) which is at least equal in value to the real property referred to in subsection (a), and

(2) which shall be, on the date on which the State obtains it, subject to the same restrictions and covenants with respect to the Federal Government as are applicable on the date of the enactment of this Act to the real property referred to in subsection (a).

(c) LEGAL DESCRIPTION OF REAL PROPERTY.—The exact acreage and legal description of the real property referred to in subsection (a) shall be based upon surveys that are satisfactory to the Secretary.

SEC. 8090. None of the funds appropriated by this Act shall be used to procure aircraft fuel cells unless the fuel cells are produced or manufactured in the United States by a domestic-operated entity: *Provided,* That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

Reports.

SEC. 8090A. None of the funds available to the Department of the Air Force shall be available to establish or support any organic depot maintenance support activity for the B–2 bomber until the Under Secretary of Defense, Acquisition reviews the existing infrastructure for the private sector and Air Force Depot support and maintenance of the B–2 and reports to the Congressional Defense Committees no later than May 15, 1994, the most efficient and cost effective utilization of both public and private facilities to support the B–2.

SEC. 8091. (a) Notwithstanding any other provision of law, not less than $750,000 of the funds appropriated under the heading "Operation and Maintenance, Army" in title II of this Act shall be made available until expended to conduct a demonstration program involving the Army Senior Reserve Officers' Training Corps battalion at Indiana University-Northwest and Army Junior Reserve Officers' Training Corps units near the University. The purpose of the program shall be to encourage minority students in secondary educational institutions to continue their education.

Minorities.
Education.

(b) Under the program, Senior Reserve Officers' Corps cadets may serve as mentors and tutors for students in Junior Reserve Officers' Corps units. Cadets and students may participate in combined activities, including summer camps, field training, and other traditional military activities.

(c) Senior Reserve Officers' Corps cadets who serve as mentors and tutors may be paid a stipend.

(d) After a cadet has satisfactorily served in the program, under criteria established by the Secretary of the Army and for a period of time determined by the Secretary, the cadet may be provided financial assistance tuition, books, laboratory fees, and similar educational expenses if the cadet continues to serve satisfactorily in the program.

SEC. 8092. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than $25,000.

SEC. 8093. None of the funds appropriated by this Act shall be available for direct support of the joint Department of Defense/Department of Energy Safeguard C contingent nuclear testing program.

SEC. 8094. In connection with procurements of petroleum products made by the Department of Defense with appropriated funds, the Secretary shall consider all qualified bids from any eligible country under the Caribbean Basin Economic Recovery Act which is hereby deemed a designated country pursuant to 19 U.S.C. 2511(b).

SEC. 8094A. Of the funds appropriated to the Department of Defense for Operation and Maintenance, Defense-Wide, not less than $8,000,000 shall be made available until expended to the Administration for Native Americans within 90 days of enactment of this Act only for the mitigation of environmental impacts, including the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8095. During the current fiscal year, appropriations available for the pay and allowances of active duty members of the Armed Forces shall be available to pay the retired pay which is payable pursuant to section 4403 of Public Law 102–484 (10 U.S.C. 1293 note) under the terms and conditions provided in section 4403.

(TRANSFER OF FUNDS)

SEC. 8096. In addition to the amounts appropriated or otherwise made available by this Act, $25,000,000 is hereby appropriated to the Department of Defense and shall be available only for transfer to the National Park Service, of which: $10,000,000 shall be available to repair and rehabilitate military structures transferred from the Department of Defense to the National Park Service as part of the Golden Gate National Recreation Area; $10,000,000 shall be available to convert and rehabilitate military structures at Fort Wadsworth for National Park Service's purposes; and $5,000,000 shall be available for cultural cyclic resource programs within the National Park Service system: *Provided,* That these funds shall remain available for obligation until September 30, 1995.

SEC. 8097. (a) During the current fiscal year, none of the appropriations or funds available to the Defense Business Operations Fund shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Defense Business Operations Fund if such an item would not have been chargeable to the Defense

Business Operations Fund during fiscal year 1993 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 1995 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 1995 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 1995 procurement appropriation and not in the supply management business area or any other area or category of the Defense Business Operations Fund.

SEC. 8098. None of the funds provided in this Act shall be available for use by a Military Department to modify an aircraft, weapon, ship or other item of equipment, that the Military Department concerned plans to retire or otherwise dispose of within five years after completion of the modification: *Provided,* That this prohibition shall not apply to safety modifications: *Provided further,* That this prohibition may be waived by the Secretary of a Military Department if the Secretary determines it is in the best national security interest of the country to provide such waiver and so notifies the congressional defense committees in writing.

SEC. 8099. (a) FINDINGS.—The Congress finds that—

(1) the United States Government has not made adequate efforts to seek the payment of compensation by the government of Peru for the death and injuries to United States military personnel resulting from the attack by aircraft of the military forces of Peru on April 24, 1992, against a United States Air Force C–130 aircraft operating off the coast of Peru; and

(2) in failing to make such efforts adequately, the United States Government has failed in its obligation to support the servicemen and their families involved in the incident and generally to support members of the Armed Forces carrying out missions on behalf of the United States.

Peru.
Joseph Beard, Jr.

(b) SEMIANNUAL REPORT.—The Secretary of Defense shall submit a report to Congress on December 1 and June 1 of each year on the efforts made by the Government of the United States during the preceding six-month period to seek the payment of fair and equitable compensation by the Government of Peru (1) to the survivors of Master Sergeant Joseph Beard, Jr., United States Air Force, who was killed in the attack described in subsection (a), and (2) to the other crew members who were wounded in the attack and survived.

(c) TERMINATION OF REPORT REQUIREMENT.—The requirement in subsection (b) shall terminate upon certification by the Secretary of Defense to Congress that the Government of Peru has paid fair and equitable compensation as described in subsection (b).

10 USC 2488 note.

SEC. 8099A. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: *Provided,* That in a case in which the military

installation is located in more than one State, purchases may be made in any State in which the installation is located: *Provided further,* That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: *Provided further,* That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

Alcohol and alcohol abuse.

SEC. 8100. Notwithstanding any other provision of law or regulation, the Department of Defense is directed to use available off the shelf, nondevelopmental items in filling small craft and small boat requirements when at all possible.

Boats and boating.

SEC. 8101. No part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress.

SEC. 8102. None of the funds appropriated by this Act shall be available for payment of the compensation of personnel assigned to or serving in the National Foreign Intelligence Program in excess of 96 percent of such personnel actually assigned to or serving in the National Foreign Intelligence Program on September 30, 1992: *Provided,* That in making any reduction in the number of such personnel that may be required pursuant to this section, the percentage of reductions to Senior Intelligence Service positions shall be equal to or exceed the percentage of reductions to non-Senior Intelligence Service positions: *Provided further,* That in making any reduction in the number of such personnel that may be required pursuant to this section, the percentage of reductions to positions in the National Capital Region shall be equal to or exceed the percentage of reductions to positions outside of the National Capital Region.

SEC. 8102A. (a) Of the amounts available to the Department of Defense for fiscal year 1994, not less than $10,000,000 shall be available for National Defense Science and Engineering Graduate Fellowships to be awarded on a competitive basis by the Secretary of Defense to United States citizens or nationals pursuing advanced degrees in fields of primary concern and interest to the Department.

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

(c) Not less than 50 per centum of the funds necessary to carry out this section shall be derived from the amounts available for the University Research Initiatives Program in "Research, Development, Test and Evaluation, Defense-Wide", and the balance necessary shall be derived from amounts available for Defense Research Sciences under title IV of this Act.

SEC. 8103. None of the funds provided by this Act may be used to pay the salaries of any person or persons who authorize the transfer of obligated and deobligated appropriations into the Reserve for Contingencies of the Central Intelligence Agency.

SEC. 8104. During the current fiscal year and thereafter, funds appropriated for construction projects of the Central Intelligence

50 USC 403j note.

Agency, which are transferred to another Agency for execution, shall remain available until expended.

21 USC 1343 note.

SEC. 8105. During the current fiscal year and thereafter, monetary limitations on the purchase price of a passenger motor vehicle shall not apply to vehicles purchased for intelligence activities conducted pursuant to Executive Order 12333 or successor orders.

SEC. 8106. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 1995.

(TRANSFER OF FUNDS)

50 USC 414 note.

SEC. 8107. During the current fiscal year and thereafter, no funds may be made available through transfer, reprogramming, or other means between the Central Intelligence Agency and the Department of Defense for any intelligence or special activity different from that previously justified to the Congress unless the Director of Central Intelligence or the Secretary of Defense has notified the House and Senate Appropriations Committees of the intent to make such funds available for such activity.

Incorporation. 10 USC 114 note.

SEC. 8108. The classified annex prepared by the Committee on Appropriations to accompany the report on the Department of Defense Appropriations Act, 1994 is hereby incorporated into this Act: *Provided,* That the amounts specified in the classified Annex are not in addition to amounts appropriated by other provisions of this Act: *Provided further,* That the President shall provide for appropriate distribution of the classified Annex, or of appropriate portions of the classified Annex, within the executive branch of the Government.

President.

SEC. 8109. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8110. None of the funds appropriated by this Act shall be available for the planning, programming or actual movement of any component or function of the Defense Mapping Agency Aerospace Center annex from the St. Louis, Missouri, area.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8111. In addition to amounts appropriated or otherwise made available by this Act, $21,700,000 is hereby appropriated to the Department of Defense and shall be available only for transfer to the United States Coast Guard for a 2.2 percent pay increase for uniformed members.

SEC. 8112. Notwithstanding any other provision of law, and in accordance with section 2905 of the Defense Base Closure and Realignment Act of 1990, Public Law 101-510, the Department of Defense shall proceed with implementation of the 1993 Defense Base Closure and Realignment Commission recommendation concerning the consolidation of tactical missile maintenance at Letterkenny Army Depot.

SEC. 8113. In addition to amounts appropriated elsewhere in this Act, $200,000 shall be available only for settlement of claims

and interest thereon, associated with contract numbered N62474–86–C–0253 for construction of a multipurpose range complex at the Marine Corps Air Ground Combat Center in Twentynine Palms, California: *Provided,* That such settlement shall be made pursuant to the recommendation of August 19, 1993, of the Comptroller General of the United States (case B–230871.3): *Provided further,* That such settlement shall be accomplished within thirty days of enactment of this Act.

Claims.

SEC. 8114. Notwithstanding any other provision of law, none of the funds appropriated for fiscal year 1993 and fiscal year 1994 for the DDG–51 destroyer program shall be obligated or expended for procurement of the ring laser gyroscope inertial navigation system under a sole source contract.

SEC. 8115. The Secretary of the Navy shall carry out the establishment of the Mine Warfare Center of Excellence at the naval station at Ingleside, Texas (including the establishment of all subordinate units and the relocation of Navy mine warfare forces), in accordance with the schedule of the Navy for the establishment of such center and without regard to any alteration in that schedule that would otherwise be required pursuant to any other provision of law enacted during the first session of the 103d Congress that applies specifically to the construction and operation of that center or to the relocation of Navy mine warfare forces to Ingleside, Texas.

Establishment.
Texas.

SEC. 8115A. None of the funds appropriated by this Act shall be used to begin closing a military treatment facility unless the Secretary of Defense notifies the Committees on Appropriations of the House of Representatives and the Senate ninety days prior to such action.

SEC. 8116. Unobligated balances of the funds appropriated in Public Law 102–172 and Public Law 102–396 under the headings "World University Games", "Summer Olympics" and "World Cup USA 1994" in title II of those Acts shall, notwithstanding any other section of those Acts, remain available for obligation until September 30, 1995.

SEC. 8116A. Notwithstanding any other provision of law, reimbursements received from the North Atlantic Treaty Organization for the E–3 Airborne Warning and Control System (AWACS) Radar System Improvement Program (RSIP) attributable to development work for fiscal years 1987 through 1992 shall be available to the Air Force until September 30, 1994, for meeting that service's financial commitments for the AWACS RSIP.

SEC. 8117. (a) None of the funds appropriated or otherwise made available in this Act may be used to transport or provide for the transportation of chemical munitions to the Johnston Atoll for the purpose of storing or demilitarizing such munitions.

(b) The prohibition in subsection (a) shall not apply to any obsolete World War II chemical munition of the United States found in the World War II Pacific Theater of Operations.

(c) The President may suspend the application of subsection (a) during a period of war in which the United States is a party.

SEC. 8118. None of the funds available to the Department of Defense may be used to support the relocation of P–3 aircraft squadrons or other aircraft or units from the Naval Air Station at Barbers Point, Hawaii unless such relocation was specifically stated in the 1993 Report to the President of the Defense Base Closure and Realignment Commission.

SEC. 8119. The Secretary of Defense is authorized to use, for foreign military sales otherwise authorized under Chapter 39, title 22, United States Code, or for transfer to United States Army, Army National Guard, or Army Reserves, articles and services procured for the implementation of the Italian air defense agreements: *Provided,* That the term "Italian air defense agreements" has the meaning given such term in section 1050 of Public Law 102–190 (105 Stat. 1469): *Provided further,* That upon notification of the Government of the United States by the Government of Italy of its desire to withdraw from the Italian air defense agreement or 180 days from the enactment of this Act, section 1050 of Public Law 102–190 (105 Stat. 1469) is repealed.

SEC. 8119A. Notwithstanding any other provision of law, funds and credits received from the contractor under contract warranties for the failure of the first ultra high frequency follow-on satellite shall no longer be available for a replacement ultra high frequency satellite but shall be made available to finance a replacement extremely high frequency satellite and its launch.

(TRANSFER OF FUNDS)

SEC. 8120. Upon enactment of this Act, the Secretary of Defense shall make the following transfers of funds: *Provided,* That the amounts transferred shall be available for the same purposes as the appropriations to which transferred, and for the same time period as the appropriation from which transferred: *Provided further,* That the amounts shall be transferred between the following appropriations in the amounts specified:

From:

Under the heading, "Research, Development, Test and Evaluation, Navy, 1993/1994", $3,459,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1986/1990":

MHC coastal mine hunter program, $3,459,000;

From:

Under the heading, "Research, Development, Test and Evaluation, Navy, 1993/1994", $42,936,000;

Under the heading, "Research, Development, Test and Evaluation, Air Force, 1993/1994", $55,500,000;

Under the heading, "Aircraft Procurement, Navy, 1992/1994", $8,000,000;

Under the heading, "National Guard and Reserve Equipment, 1992/1994", $3,400,000;

Under the heading, "National Guard and Reserve Equipment, 1993/1995", $3,618,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1988/1992":

SSN–688 attack submarine program, $26,596,000;

CVN nuclear aircraft carrier program, $83,600,000;

LHD–1 amphibious assault ship program, $3,258,000;

From:

Under the heading, "Aircraft Procurement, Navy, 1992/1994", $57,600,000;

Under the heading, "Weapons Procurement, Navy, 1992/1994", $36,000,000;

Under the heading, "Other Procurement, Navy, 1993/1995", $66,756,000;
To:
Under the heading, "Shipbuilding and Conversion, Navy, 1989/1993":
TRIDENT ballistic missile submarine program, $11,655,000;
SSN–688 attack submarine program, $26,972,000;
SSN–21 attack submarine program, $40,800,000;
DDG–51 destroyer program, $71,500,000;
MHC coastal mine hunter program, $9,429,000;
From:
Under the heading, "Shipbuilding and Conversion, Navy, 1990/1994":
AOE combat support ship program, $3,505,000;
Oceanographic ship program, $538,000;
Craft, outfitting, post delivery, and ship special support equipment, $994,000;
Under the heading, "Weapons Procurement, Navy, 1993/1995", $49,868,000;
Under the heading, "Other Procurement, Navy, 1993/1995", $58,456,000;
To:
Under the heading, "Shipbuilding and Conversion, Navy, 1990/1994":
TRIDENT ballistic missile submarine program, $7,241,000;
DDG–51 destroyer program, $40,100,000;
MCM mine countermeasures program, $7,564,000;
T–AGOS surveillance ship program, $58,456,000;
From:
Under the heading, "Aircraft Procurement, Navy, 1993/1995", $45,700,000;
Under the heading, "National Guard and Reserve Equipment, 1993/1995", $29,282,000;
Under the heading, "Shipbuilding and Conversion, Navy, 1991/1995":
Craft, outfitting, post delivery, and special support equipment, $3,806,000;
Under the heading, "Shipbuilding and Conversion, Navy, 1992/1996":
DDG–51 destroyer program, $41,800,000;
Craft, outfitting, post delivery, and DBOF transfer, $2,560,000;
Under the heading, "Shipbuilding and Conversion, Navy, 1992/1995":
T–AO fleet oiler program, $27,000,000;
Under the heading, "Shipbuilding and Conversion, Navy, 1993/1994":
T–AO fleet oiler program, $13,000,000;
Under the heading, "Shipbuilding and Conversion, Navy, 1993/1996":
T–AO fleet oiler program, $12,129,000;
Under the heading, "Weapons Procurement, Navy, 1993/1995", $55,932,000;
Under the heading, "Other procurement, Navy, 1993/1995", $38,062,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1991/1995":

SSN–21 attack submarine program, $237,971,000;

DDG–51 destroyer program, $31,300,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1993/1996":

T–AO fleet oiler program, $31,371,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1993/1997":

DDG–51 destroyer program, $14,400,000;

Refueling overhauls, $909,000;

MHC coastal mine hunter program, $9,343,000;

Craft, outfitting, post delivery, and first destination transportation, and inflation adjustments, $45,177,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1987/1991":

AO conversion program, $256,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1988/1992":

LSD–41 cargo variant ship program, $28,250,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1989/1993":

T–AO fleet oiler program, $14,184,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1990/1994":

LSD–41 dock landing ship cargo variant program, $30,300,000;

Oceanographic ship program, $410,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1991/1995":

LSD–41 dock landing ship cargo variant program, $27,800,000.

SEC. 8120A. The provision in Public Law 102–396 requiring that not less than $55,500,000 be made available only for the Space Nuclear Thermal Propulsion Program is hereby repealed. 106 Stat. 1876.

SEC. 8121. Notwithstanding any other provision of law, funds appropriated in this Act for the upgrade, purchase, or modernization of supercomputing capability and capacity under the High Performance Computing Modernization program shall only be available for contracts, contract modifications, or contract options which are awarded as the result of open competition based upon the requirements of the users without regard to the architecture or design of the supercomputer system.

SEC. 8122. Amounts collected for the use of the facilities of the National Science Center for Communications and Electronics during the current fiscal year pursuant to section 1459(g) of the Department of Defense Authorization Act, 1986 and deposited to the special account established under subsection 1459(g)(2) of that Act are appropriated and shall be available until expended for the operation and maintenance of the Center as provided for in subsection 1459(g)(2).

Reports.

SEC. 8123. The Secretary of Defense and the Director of Central Intelligence shall deliver, in conjunction with the fiscal year 1995

budget request, a report providing the following information about all research and development projects involving the implementation, monitoring, or verification of current and projected international arms control agreements: (a) annual and total budgets, goals, schedules, and priorities; (b) relationships among related projects being funded by the Department of Defense, the National Foreign Intelligence Program, and other departments and agencies of the Federal Government; and (c) comments by the Arms Control and Disarmament Agency about the relevance of each project to the arms control priorities of the United States.

SEC. 8124. Notwithstanding any other provision of law, none of the funds appropriated in this or any other Act shall be used for the purchase of a totally enclosed lifeboat survival system, which consists of the lifeboat and associated davits and winches, if less than 50 percent of the entire system's components are manufactured in the United States, and if less than 50 percent of the labor in the manufacture and assembly of the entire system is performed in the United States.

SEC. 8125. None of the funds appropriated by this Act may be used (1) to transfer to the United Nations a facility in the continental United States for use as a United Nations peacekeeping facility, or (2) for the renovation of such a facility in preparation for such a transfer.

SEC. 8126. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

Fraud. Business and industry.

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a "Made in America" inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

10 USC 1174a note.

SEC. 8127. In the case of members who separate from active duty or full-time National Guard duty in a military department pursuant to a Special Separation Benefits program (10 U.S.C. Sec. 1174a) or a Voluntary Separation Incentive program (10 U.S.C. Sec. 1175) at any time after the enactment of this Act, the separation payments paid such members who are also paid any bonus provided for in chapter 5, title 37, United States Code, during the same years in which they separate shall be reduced (but in no event to an amount less than zero) by an amount equal to any such bonus: *Provided,* That any future bonus payments to which such members would otherwise be entitled are rescinded: *Provided further,* That this measure will not apply to members who separate during the last year of a bonus paid pursuant to chapter 5, title 37, United States Code: *Provided further,* That civilian employees of the Department of Defense are prohibited from receiving voluntary separation payments if such employees are rehired by another agency of the Federal Government within one hundred and eighty days of separating from the Department of Defense.

SEC. 8128. Under the heading "Research, Development, Test and Evaluation, Army" in the Department of Defense Appropriations Act, 1993 (Public Law 102–396), delete the final proviso and insert in lieu thereof: ": *Provided further,* That of the funds appropriated in this paragraph, $4,000,000 shall be used only for a grant to the Assistive Technology Center at the National Rehabilitation Hospital for laboratory and other efforts associated with research and development and other programs of major importance to the Department of Defense".

SEC. 8129. None of the funds available to the Department of Defense in this Act shall be used by the Secretary of a military department to purchase coal or coke from foreign nations for use at United States defense facilities in Europe when coal from the United States is available.

SEC. 8130. None of the funds appropriated or otherwise made available by this Act may be used for a defense technology reinvestment project that is not selected pursuant to the applicable competitive selection and other procedures set forth in chapter 148 of title 10, United States Code.

SEC. 8131. The appropriation, "Emergency Response Fund, Defense" made under the heading "Emergency Response Fund" by the Department of Defense Appropriations Act, 1990 (Public Law 101–165) is amended by inserting the following immediately after the third sentence: "In addition to the foregoing, upon a determination by the Secretary of Defense that such action is necessary, the Fund may be used, in addition to other funds available to the Department of Defense for such purposes, for expenses of the Department of Defense which are incurred in supplying supplies or services furnished in response to natural or manmade disasters.".

SEC. 8132. None of the funds appropriated by this Act shall be available for a contract for studies, analyses, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines:

(1) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work, or

(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source, or

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support:

Provided, That this limitation shall not apply to contracts in an amount of less than $25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

Real property. South Carolina.

SEC. 8133. Not later than January 1, 1994, the Secretary of the Navy shall transfer, without reimbursement, to the Secretary of State a tract of land consisting of approximately 10 acres, together with improvements thereon, which comprise that portion of the Naval Base, Charleston, South Carolina, bounded by Bainbridge Avenue, Holland Street, and Dyess Avenue and known as

buildings 646, 646A, 647, 643, 645, and 649, excluding building 644, and all walkways and parking areas associated with such buildings: *Provided,* That the real property transferred pursuant to this section shall be used by the Secretary of State in support of diplomatic and consular operations: *Provided further,* That the exact acreage and legal description of the property to be transferred under this section shall be determined by a survey approved by the Secretary of the Navy.

Life insurance. 38 USC 1967 note.

SEC. 8134. (a)(1) The Secretary of Defense shall pay a death gratuity under this section to each beneficiary under a Servicemen's Group Life Insurance policy in the case of each deceased member of the uniformed services described in paragraph (2).

(2) This section applies with respect to any member of the uniformed services—

(A) who died on or after October 29, 1992 (the date of the enactment of the Veterans' Benefits Act of 1992 (Public Law 102–568)), and before December 1, 1992 (the effective date of amendments made by title II of the Act, relating to veterans' life insurance programs); and

(B) whose death was in performance of duty.

(b)(1) The amount of the death gratuity payable to a beneficiary under this section shall be equal to the amount of the life insurance proceeds paid or payable to that beneficiary under section 1967(a) of title 38, United States Code, by reason of death of such member.

(2) In the case of a deceased member of the uniformed services who, before death, affirmatively elected, in writing, to apply for an increase in SGLI coverage in an amount less than $100,000 under subsection (e) of section 1967 of title 38, United States Code, the death gratuity paid under this section shall be equal to the amount of the increase so elected.

(c) A death gratuity may not be paid under this section if the deceased member, before death, affirmatively elected, in writing, to apply for increased SGLI coverage under subsection (e) of section 1967 of title 38, United States Code, and, by reason of a provision of law enacted after October 29, 1992, insurance is payable pursuant to that election.

(d) A death gratuity shall be payable under this section to an SGLI beneficiary upon receipt of a written application for the payment of such gratuity. Any such application must be received by the Secretary of Defense not later than September 30, 1994.

(e) In addition to amounts otherwise appropriated in this Act, the amount of $5,300,000 is hereby appropriated for, and shall be available only for, the payment of death gratuities under this section. Funds provided under this section shall remain available until expended for any valid claims received by the Secretary of Defense not later than September 30, 1994.

(RESCISSIONS)

SEC. 8135. Of the funds provided in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts in the specified amounts:

"Aircraft Procurement, Army, 1993/1995", $42,700,000;

"Procurement of Ammunition, Army, 1992/1994", $30,181,000;

"Procurement of Ammunition, Army, 1993/1995", $52,480,000;

"Other Procurement, Army 1992/1994", $4,000,000;

"Weapons Procurement, Navy, 1992/1994", $15,000,000;
"Weapons Procurement, Navy, 1993/1995", $7,500,000;
"Other Procurement, Navy, 1993/1995", $26,600,000;
"Procurement, Marine Corps, 1992/1994", $8,274,000;
"Procurement, Marine Corps, 1993/1995", $6,508,000;
"Missile Procurement, Air Force, 1993/1995", $6,000,000;
"Other Procurement, Air Force, 1993/1995", $13,706,000;
"Other Procurement, Air Force, 1992/1994", $17,276,000;
"Research, Development, Test and Evaluation, Air Force, 1993/1994", $51,000,000.

SEC. 8136. Not later than May 1, 1994, the Under Secretary of Defense for Acquisition shall submit to the Congressional defense committees the complete results of an independent study of options for accomplishing the functions now performed by the Defense Nuclear Agency (DNA): *Provided,* That of the total amounts available to the Department of Defense for financing the activities of defense federally funded research and development centers during fiscal year 1994, $1,000,000 shall be made available within 30 days after the enactment of this Act for the purposes of the aforementioned study.

Maritime affairs.

SEC. 8137. Notwithstanding any other provision of law, within 30 days from the enactment of this Act, the Department of the Navy shall select and take possession of either LCU–1540 or LCU–1549 from the General Services Administration: *Provided,* That the Navy shall modify or have modified the selected vessel utilizing commercial standards that meet United States Coast Guard certification requirements as safe to operate in open ocean as a cargo vessel: *Provided further,* That upon completion of all modifications and certification by the United States Coast Guard, the Navy shall immediately transfer title of the vessel, at no cost, to the government of American Samoa: *Provided further,* That of the funds appropriated in this Act in title II, Operation and Maintenance, Navy, $1,500,000 shall be available for this purpose: *Provided further,* That notwithstanding any other provision of law, funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to American Samoa.

American Samoa.

SEC. 8138. (a) It is the sense of Congress that—

(1) the Secretary of Defense should not prohibit any military installation described in subsection (b) from bidding on or performing Department of Defense contracts for overhaul services or for depot-level maintenance of material for the Armed Forces that are awarded using competitive procedures;

(2) performance of such a contract by such a military installation should not affect the schedule for closure of the installation;

(3) such a contract should not be entered into for the performance of work at such an installation if the time necessary for performance of the contract extends beyond the date established for closure of the installation or if the performance of the contract at the installation would otherwise affect the schedule for closure of the installation; and

(4) such a contract awarded to a military installation should be terminated for default if the contract is not completed on or before the completion date provided in the contract.

(b) A military installation referred to in subsection (a) is a military installation that (1) has been approved for closure subject

to the provisions of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510), (2) is in the process of implementing a conversion or reuse strategy for the installation to take effect upon closure, and (3) has received some funds from the Department of Defense for the purpose of implementing the conversion or reuse strategy.

SEC. 8139. It is the sense of the Congress that operators of industrial facilities at military installations closed after the date of the enactment of this Act should be permitted to qualify as offerors for (1) proposed Department of Defense contracts for overhaul services for the Armed Forces, and (2) proposed Department of Defense contracts for depot-level maintenance of material for the Armed Forces.

Saudi Arabia.

SEC. 8140. It is the sense of the Senate that the Government of the United States and the Government of Saudi Arabia should work diligently and without delay to resolve satisfactorily the outstanding commercial disputes identified in the Department of Commerce letter; date May 27, 1992: *Provided,* That not later than February 1, 1994, the Secretary of Defense, after consultation with the Secretary of State and the Secretary of Commerce, shall submit a report to the Congress on the status of the process for the resolution of commercial disputes in Saudi Arabia and the prognosis for any of the disputes which remain unresolved.

Reports.

SEC. 8141. It is the sense of the Congress that—

(a) the Secretary of the Air Force consider the comments of the appropriate representatives of the Duck Valley Reservation of the Shoshone-Paiute Tribes in making decisions on use of airspace above such reservation,

(b) the interests of the Duck Valley Reservation of the Shoshone-Paiute Tribes receive the appropriate consideration under any pending or future National Environmental Policy Act process involving airspace over Duck Valley Reservation, and

(c) to the extent practicable, airspace used for military training flights below 15,000 feet above ground level over the Duck Valley Reservation shall be over uninhabited areas of the Reservation.

Somalia.

SEC. 8142. (a) It is the sense of the Congress that, for purposes of section 112 of the Internal Revenue Code of 1986, the President should declare that service in Somalia during the period described in subsection (b) should be treated as service in a combat zone.

(b) The period referred to in subsection (a) is the period beginning on December 10, 1992, and ending on the date on which withdrawal from Somalia of all forces of the Armed Forces of the United States in Somalia has been completed, as declared in a proclamation issued by the President.

SEC. 8143. Notwithstanding any other provision of law, the Secretary of the Navy shall obligate the funds appropriated for fiscal years 1992 and 1993 for the USH–42 Mission Recorder program within the A–6 aircraft program: *Provided,* That the Secretary of the Navy verifies that the mission recorder is required in the future for Navy aircraft for peacetime training and bomb damage assessment in combat: *Provided further,* That the Secretary shall make this verification within thirty days of this Act becoming law: *Provided further,* That the Secretary shall obligate such funds within thirty days of this verification that the mission recorder

Mission recorder.

is required in Navy aircraft for peacetime training and bomb damage assessment in combat.

Reports.

SEC. 8144. The Secretary of Defense shall submit to Congress a report containing information on the cost to the United States of transporting supplies for the Army, Navy, Air Force, or Marine Corps by sea on United States-flag commercial vessels pursuant to the cargo preference laws of the United States, including the amount of the cost savings that could have been realized if such supplies had been transported at competitive international shipping rates available from non-cargo preference vessels, the subsidization of foreign-flag vessels, and the impact on the viability of the United States merchant marine if the cargo preference requirements were ended. The report shall cover a cargo preference year which shall be a 12-month period defined by the Secretary.

SEC. 8145. None of the funds appropriated for the Department of Defense for fiscal year 1994 by this Act may be used for making any progress payment under the C–17 aircraft program that is not consistent with the requirements of section 2307(d)(1) of title 10, United States Code.

Bosnia-Herzegovina.

SEC. 8146. (a) It is the sense of Congress that none of the funds appropriated or otherwise made available by this Act should be available for the purposes of deploying United States Armed Forces to participate in the implementation of a peace settlement in Bosnia-Herzegovina, unless previously authorized by the Congress.

(b) It is the sense of Congress that the limitation set forth in subsection (a) should not preclude missions and operations initiated on or before October 20, 1993, including the provision of any humanitarian assistance by the Department of Defense.

SEC. 8147. SENSE OF CONGRESS ON THE USE OF FUNDS FOR UNITED STATES MILITARY OPERATIONS IN HAITI.—(a) STATEMENT OF POLICY.—It is the sense of the Congress that—

(1) all parties should honor their obligations under the Governors Island Accord of July 3, 1993 and the New York Pact of July 16, 1993;

(2) the United States has a national interest in preventing uncontrolled emigration from Haiti; and

(3) the United States should remain engaged in Haiti to support national reconciliation and further its interest in preventing uncontrolled emigration.

Haiti.
President.

(b) LIMITATION.—It is the sense of Congress that funds appropriated by this Act should not be obligated or expended for United States military operations in Haiti unless—

(1) authorized in advance by the Congress; or

Reports.

(2) the temporary deployment of United States Armed Forces into Haiti is necessary in order to protect or evacuate United States citizens from a situation of imminent danger and the President reports as soon as practicable to Congress after the initiation of the temporary deployment, but in no case later than forty-eight hours after the initiation of the temporary deployment; or

Reports.

(3) the deployment of United States Armed Forces into Haiti is vital to the national security interests of the United States, including but not limited to the protection of American citizens in Haiti, there is not sufficient time to seek and receive Congressional authorization, and the President reports as soon as practicable to Congress after the initiation of the deployment,

but in no case later than forty-eight hours after the initiation of the deployment; or

(4) the President transmits to the Congress a written report pursuant to subsection (c). Reports.

(c) REPORT.—It is the sense of Congress that the limitation in subsection (b) should not apply if the President reports in advance to Congress that the intended deployment of United States Armed Forces into Haiti—

(1) is justified by United States national security interests;

(2) will be undertaken only after necessary steps have been taken to ensure the safety and security of United States Armed Forces, including steps to ensure that United States Armed Forces will not become targets due to the nature of their rules of engagement;

(3) will be undertaken only after an assessment that—

(A) the proposed mission and objectives are most appropriate for the United States Armed Forces rather than civilian personnel or armed forces from other nations, and

(B) that the United States Armed Forces proposed for deployment are necessary and sufficient to accomplish the objectives of the proposed mission;

(4) will be undertaken only after clear objectives for the deployment are established;

(5) will be undertaken only after an exit strategy for ending the deployment has been identified; and

(6) will be undertaken only after the financial costs of the deployment are estimated.

(d) DEFINITION.—As used in this section, the term "United States military operations in Haiti" means the continued deployment, introduction or reintroduction of United States Armed Forces into the land territory of Haiti, irrespective of whether those Armed Forces are under United States or United Nations command, but does not include activities for the collection of foreign intelligence, activities directly related to the operations of United States diplomatic or other United States Government facilities, or operations to counter emigration from Haiti.

SEC. 8148. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2301 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8149. Funding appropriated under the heading "Operation and Maintenance, Defense-Wide" for increasing energy and water efficiency in Federal buildings may be transferred to other appropriations or funds of the Department of Defense, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred.

SEC. 8150. Upon approval by the Secretary of the Navy, clause (2) of section 7308(c) of title 10, United States Code, shall not apply with respect to the transfer of the USS Blueback by the Secretary of the Navy under section 7308(a) of such title.

SEC. 8151. (a) The Congress finds that— Somalia. 50 USC 1541 note.

(1) the United States entered into Operation Restore Hope in December of 1992 for the purpose of relieving mass starvation in Somalia;

(2) the original mission in Somalia, to secure the environment for humanitarian relief, had the unanimous support of the Senate, expressed in Senate Joint Resolution 45, passed on February 4, 1993, and was endorsed by the House when it amended S.J. Res. 45 on May 25, 1993;

(3) Operation Restore Hope was being successfully accomplished by United States forces, working with forces of other nations, when it was replaced by the UNOSOM II mission, assumed by the United Nations on May 4, 1993, pursuant to United Nations Resolution 814 of March 26, 1993;

(4) neither the expanded United Nations mission of national reconciliation, nor the broad mission of disarming the clans, nor any other mission not essential to the performance of the humanitarian mission has been endorsed or approved by the Senate;

(5) the expanded mission of the United Nations was, subsequent to an attack upon United Nations forces, diverted into a mission aimed primarily at capturing certain persons, pursuant to United Nations Security Council Resolution 837, of June 6, 1993;

(6) the actions of hostile elements in Mogadishu, and the United Nations mission to subdue those elements, have resulted in open conflict in the city of Mogadishu and the deaths of 29 Americans, at least 159 wounded, and the capture of American personnel; and

(7) during fiscal years 1992 and 1993, the United States incurred expenses in excess of $1,100,000,000 to support operations in Somalia.

(b) The Congress approves the use of United States Armed Forces in Somalia for the following purposes:

(1) The protection of United States personnel and bases; and

(2) The provision of assistance in securing open lines of communication for the free flow of supplies and relief operations through the provision of—

(A) United States military logistical support services to United Nations forces; and

(B) United States combat forces in a security role and as an interim force protection supplement to United Nations units: *Provided*, That funds appropriated, or otherwise made available, in this or any other Act to the Department of Defense may be obligated for expenses incurred only through March 31, 1994, for the operations of United States Armed Forces in Somalia: *Provided further*, That such date may be extended if so requested by the President and authorized by the Congress: *Provided further*, That funds may be obligated beyond March 31, 1994 to support a limited number of United States military personnel sufficient only to protect American diplomatic facilities and American citizens, and noncombat personnel to advise the United Nations commander in Somalia: *Provided further*, That United States combat forces in Somalia shall be under the command and control of United States commanders under the ultimate direction of the President of the United

States: *Provided further,* That the President should intensify efforts to have United Nations member countries immediately deploy additional troops to Somalia to fulfill previous force commitments made to the United Nations and to deploy additional forces to assume the security missions of United States Armed Forces: *Provided further,* That—

(i) captured United States personnel in Somalia should be treated humanely and fairly; and

(ii) the United States and the United Nations should make all appropriate efforts to ensure the immediate and safe return of any future captured United States personnel: *Provided further,* That the President should ensure that, at all times, United States military personnel in Somalia have the capacity to defend themselves, and American citizens: *Provided further,* That the United States Armed Forces should remain deployed in or around Somalia until such time as all American service personnel missing in action in Somalia are accounted for, and all American service personnel held prisoner in Somalia are released: *Provided further,* That nothing herein shall be deemed to restrict in any way the authority of the President under the Constitution to protect the lives of Americans.

SEC. 8152. Funds appropriated by this Act for intelligence or intelligence-related activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 1994 until the enactment of the Intelligence Authorization Act for fiscal year 1994.

SEC. 8153. (1) Except as provided in subsection (c) below, it is the sense of the Congress that none of the funds appropriated by this Act should be obligated or expended for costs incurred by the United States Armed Forces units serving in any international peacekeeping or peace-enforcement operations under the authority of Chapter VI or Chapter VII of the United Nations Charter and under the authority of a United Nations Security Council Resolution, or for costs incurred by United States Armed Forces serving in any significant international humanitarian, peacekeeping or peace-enforcement operations, unless—

(a) the President initiates consultations with the bi-partisan leadership of Congress, including the leadership of the relevant committees, regarding such operations; these consultations should be initiated at least fifteen days prior to the initial deployment of United States Armed Forces units to participate in such an operation, whenever possible, but in no case later than forty-eight hours after such a deployment; and these consultations should continue on a periodic basis throughout the period of the deployment;

(b) such consultation should include discussion of—

(1) the goals of the operation and the mission of any United States Armed Forces units involved in the operation;

(2) the United States' interests that will be served by the operation;

(3) the estimated cost of the operation;

(4) the strategy by which the President proposes to fund the operation, including possible supplemental appropriations or payments from international organizations, foreign countries or other donors;

(5) the extent of involvement of armed forces and other contributions of personnel from other nations;

(6) the operation's anticipated duration and scope;

(c) subsection (a) does not apply with respect to an international humanitarian assistance operation carried out in response to natural disasters; or to any other international humanitarian assistance operation if the President reports to Congress that the estimated cost of such operation is less than $50,000,000.

(2) Further, it is the sense of the Congress—

(a) that the President should seek a supplemental appropriation to defray the costs of United States military operations in Somalia in order to restore needed operation and maintenance funds for United States Armed Forces;

(b) that the President should seek supplemental appropriations for any significant future deployment of United States Armed Forces when such forces are to perform or have been performing international humanitarian, peacekeeping or peace-enforcement operations.

Contracts.

SEC. 8154. The Department shall ensure that the A–6 rewing contracts are terminated this fiscal year: *Provided,* That none of the funds recouped by the Department through the termination of the A–6 rewing program shall be available for obligation or expenditure during this fiscal year.

SEC. 8155. None of the funds available to the Department of Defense shall be available to make progress payments based on costs to large business concerns at rates in excess of 75 percent on contract solicitations issued after enactment of this Act.

SEC. 8156. Not to exceed $100,000,000 of the funds provided in this Act may be made available for payment to non-United States government entities for logistical support of Somalia operations: *Provided,* That the Congressional Defense Committees are notified in advance of any obligations providing such support: *Provided further,* That any funds obligated pursuant to this authority shall be reimbursed by the United Nations to the Department of Defense to the originating appropriations.

TITLE IX

SEC. 9001. Congress makes the following findings:

(1) The Armed Forces of the United States have conducted combat operations under the operational control of foreign commanders on numerous occasions, including during two World Wars.

(2) Regional security organizations, such as the North Atlantic Treaty Organization, are premised on military operations by the forces of a number of nations under an integrated chain of command consisting of officers from member nations.

(3) The end of the Cold War has seen a substantial increase in the conduct of international "peacekeeping" and "peace enforcement" operations pursuant to decisions of the United Nations Security Council under Chapters VI and VII of the United Nations Charter.

(4) The United Nations has conducted traditional "peacekeeping" operations successfully over the years, but the number and size of such operations has stretched the Organization's management and oversight capabilities thin.

(5) The United Nations has not yet acquired the expertise or infrastructure to enable it to effectively manage "peace enforcement" operations.

(6) Any special agreement negotiated by the President with the United Nations Security Council to make units of the United States Armed Forces available on call to the United Nations must be approved by the Congress pursuant to the United Nations Participation Act, enacted into law in 1945. Congress.

(7) Any decision by the President to place combat forces of the Armed Forces of the United States under the operational control of foreign commanders, other than pursuant to the North Atlantic Treaty and other arrangements in effect at the time of the enactment of this Act, has significant consequences for such forces, the Congress, and the American people.

SEC. 9002. It is the sense of the Congress that—

(1) the Armed Forces of the United States must be under the operational control of qualified commanders; and must have clear and effective command and control arrangements; appropriate rules of engagement; and clear and unambiguous mission statements;

(2) the President should consult with Congress before placing combat forces of the Armed Forces of the United States under the operational control of foreign commanders, other than pursuant to the North Atlantic Treaty and other arrangements in effect at the time of the enactment of this Act; and

(3) the President should submit a report to Congress within 48 hours after placing combat forces of the Armed Forces of the United States under the operational control of foreign commanders, other than pursuant to the North Atlantic Treaty and other arrangements in effect at the time of the enactment of this Act, setting forth— Reports.

(A) the mission of such forces and a clear explanation of the difference, if any, between the mission of such forces and the mission of the forces of other nations participating in the same military operations;

(B) in a case in which the operation is conducted under the auspices of the United Nations, an assessment of the United Nations capability to effectively manage the operation;

(C) an explanation of the United States interest that would be served by and the justification for placing such forces under the operational control of a foreign commander in this instance;

(D) the command and control arrangements for the operation of which the forces of the Armed Forces of the United States are a part;

(E) the number, type and general description of equipment of such forces;

(F) the estimated cost to the United States of the participation of such forces;

(G) the anticipated duration of the participation of such forces;

(H) a general description of the rules of engagement for such forces; and

(I) the foreign commander or commanders involved.

TITLE X

CONVEYANCE OF KAHO'OLAWE ISLAND, HAWAII, TO THE STATE OF HAWAII

SEC. 10001. (a) PURPOSE.—It is timely and in the interest of the United States to recognize and fulfill the commitments made on behalf of the United States to the people of Hawaii and to return to the State of Hawaii the Island of Kaho'olawe. Kaho'olawe Island is among Hawaii's historic lands and has a long, documented history of cultural and natural significance to the people of Hawaii reflected, in part, in the Island's inclusion on the National Register of Historic Places and in the longstanding interest in the return of the Island to State sovereignty, public access and use. Congress finds that control, disposition, use and management of Kaho'olawe is affected with a Federal interest. It also is in the national interest and an obligation undertaken by Congress and the United States under this and other Acts, and in furtherance of the purposes of Executive Order 10436 (1953), to recognize the cultural and humanitarian value of assuring meaningful, safe use of the Island for appropriate cultural, historical, archaeological and educational purposes as determined by the State of Hawaii and to provide for the clearance or removal of unexploded ordnance and for the environmental restoration of the Island for such purposes. Congress also finds it is in the national interest and an essential element in the Federal Government's relationship with the State of Hawaii to ensure that the conveyance, clearance or removal of unexploded ordnance, environmental restoration, control of access to the Island and future use of the Island be undertaken in a manner consistent with the enhancement of that relationship, the Department of Defense's military mission, the Federal interest and applicable provisions of law.

(b) CONVEYANCE.—Subject to section 10001(e) of this Act, the United States, through the Secretary of the Navy (also, hereinafter, "the Secretary"), shall, notwithstanding section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620 (h)) convey and return, without consideration and without conditions other than those set forth in or required by this Act, to the State of Hawaii all right, title and interest of the United States, except that interest set forth in section 10001(d)(2) and section 10001(e) of this Act, in and to that parcel of property consisting of approximately 28,776 acres of land known as Kaho'olawe Island, Hawaii and its surrounding waters. Such conveyance of title shall occur no later than one hundred eighty days from the date of enactment of this Act and the appropriation of funds for such purposes described in this Act.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcel of property to be conveyed under section 10001(b) shall be determined by a survey that is deemed satisfactory by the State of Hawaii in consultation with the Secretary. The cost of the survey shall be borne by the Secretary, making use of funds provided pursuant to this Act.

(d) IMPLEMENTATION.—(1) The Secretary shall carry out the requirements of this Act following consultation with the State of Hawaii as required by section 10002 of this Act and with the technical and logistical support, as needed, of the United States Army Corps of Engineers and other Federal agencies.

(2) Notwithstanding any other provision of this Act, the Secretary shall retain the control of access to the Island, in consultation with the State of Hawaii and prior to and following the entering into force of the Memorandum of Understanding contained in section 10002 of this Act, until either clearance and restoration are completed or within no more than ten years after the date of enactment of this Act, whichever comes first, and control of access is transferred to the State of Hawaii, pursuant to such conditions.

(e) INDEMNIFICATION AND THE CONTROL OF ACCESS.—(1) The Navy shall retain control of the access to the Island during the time period set forth in section 10001(d)(2) of this Act that it is undertaking unexploded ordnance removal and hazardous materials removal activities required in this Act.

(2) During the time period the United States retains control of access to the Island, the United States shall hold harmless, defend and indemnify the State of Hawaii or its political subdivisions from and against all claims, demands, losses, damages, liens, liabilities, injuries, deaths, penalties, fines, lawsuits and other proceedings, judgments, awards and reasonable costs and expenses arising out of, or in any manner predicated upon, the presence, release or threatened release or any munitions, exploded or unexploded ordnance, solid waste associated with such ordnance or hazardous substance, pollutant or contaminant resulting from the activities of the Department of Defense, including the activities of the Department of the Navy and the Department of the Army and any agent, employee, lessee, licensee, independent contractor or other person on the property during such time that the property was and remains under the control of the Department of Defense, Navy, Army or other agencies of the United States Government. Notwithstanding this subsection or any other provision of law, response action contractors shall not be held harmless, defended or indemnified for activities under this title and activities of response action contractors are not included as activities of the Department of Defense under this subsection.

The term "response action contractor" has the meaning given such term in section 119(e)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9619(e)(2)), except that such term includes a person who enters into, and is carrying out, a contract to provide at a facility (including a facility not listed on the National Priorities List) a response action with respect to any release or threatened release from the facility of a hazardous substance or pollutant or contaminant, or a similar action with respect to petroleum or its derivatives.

(3) Nothing in this Act is intended to alter or affect the Federal or State requirements of law governing liability following the transfer of control of access to the State of Hawaii, except that the United States shall remain liable for and retain responsibility for any environmental restoration, remediation, or corrective action required at the property conveyed in paragraph (b).

COOPERATION OF FEDERAL DEPARTMENTS AND THE STATE OF HAWAII AND TRANSFER OF CONTROL OF ACCESS

SEC. 10002. (a)(1) Upon the request of the Secretary or the State of Hawaii, and in accordance with existing laws and requirements, any department or agency of the Federal Government may provide assistance to the Secretary or the State of Hawaii, as the case may be, in carrying out their respective duties under this Act.

(2) Within one hundred eighty days following passage of this Act, and notwithstanding any other provision of law, the Secretary shall consult with and enter into a Memorandum of Understanding with the State of Hawaii governing the terms and conditions of (i) access to the Island for those purposes set forth in sections 10001 and 10002 of this Act and any other cultural, archeological, educational and planning purposes provided for in this title, giving due regard to the risk of harm to public health and the environment and safety involved in providing such access and the need to avoid interference with or disruption of the Navy's clearance, removal and remediation activities; (ii) the timing, planning, methodology and implementation of ordnance clearance or removal and hazardous substance clearance and other waste removal and the protection of historical, cultural and religious sites and artifacts: *Provided*, That all reasonable effort should be made to avoid harm to such sites and artifacts from the detonation of unexploded ordnance, clearance or removal of ordnance, and hazardous substance clearance; (iii) the establishment of a two-tiered standard of restoration and ordnance clearance, removal, restoration and safety, taking into account the purpose for which any geographic area will be used and the nature and purpose of human access to such area, but assuring the protection of human health and the environment; (iv) the means for protecting historical, cultural and religious sites and artifacts from intentional destruction, harm and vandalism; (v) public participation, as appropriate, including the opportunity for public comment and hearing; and (vi) the means for regular interval clean-ups and removal of newly discovered previously undetected ordnance by the Navy. Under any such terms and conditions, the Secretary shall be assured full and necessary access to carry out the obligations of the Secretary arising out of the responsibilities and liabilities of this title. Such terms and conditions shall remain in existence until the completion of the restoration and remediation activities required by section 10002 of this Act and be revised periodically by mutual consent and giving due regard to the importance of access to the Island as the level of clean-up, restoration and remediation moves toward attainment. Nothing in this title is intended to diminish or alter the rights and responsibilities of the Navy to allow access to the Island that existed prior to the enactment of this title.

(3) The United States, through the Secretary of the Navy, shall transfer the control of access to the State of Hawaii within no more than ten years from the date of enactment of this Act or when the activities required by this Act, including ordnance clearance or removal activities and environmental remediation activities are completed, whichever comes first.

(4) Notwithstanding the duties and obligations set forth in this title and notwithstanding the conveyance required under section 10001, the State of Hawaii shall not be liable or responsible

for the conduct of any clean-up and response actions arising from and relating to the use, environmental clean-up and ordnance removal and remediation of Kaho'olawe Island and its adjacent waters.

KAHO'OLAWE ISLAND CONVEYANCE, REMEDIATION, AND ENVIRONMENTAL RESTORATION TRUST FUND

SEC. 10003. (a) There is established on the books of the Treasury of the United States a fund to be known as the "Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Fund" (hereinafter in this subsection referred to as the "Fund"). The Fund shall be administered by the Secretary of the Treasury. The Fund shall be used for the accumulation of funds in order to pay the obligations incurred by the Secretary of the Navy or the Department of Defense in carrying out the purposes of this Act and for properly allocable costs of the Federal Government in the administration of the Fund.

(b) There shall be deposited into the Fund the following, which shall constitute the assets of the Fund:

(1) Amounts paid into the Fund from any source.

(2) Any amount appropriated to the Fund.

(3) Any return on investment of the assets of the Fund.

(c) To the extent provided in appropriation Acts, the assets of the Fund shall be available for obligation by the Secretary of the Navy to carry out the purposes of this Act.

(d) There is authorized to be appropriated into the Fund $400,000,000, which may be appropriated as a lump sum or in annual increments. Of the amounts deposited into the Fund, not less than 11 percent shall be made available to the State of Hawaii to carry out the provisions of section 10002 of this Act.

(e) Amounts appropriated to the Fund shall remain available until obligated or until the Fund is terminated.

(f) Upon payment of all incremental costs associated with the purposes for which the Fund is established, the Fund shall be terminated.

(g) Subject to the provisions of this section, the Secretary is authorized to provide $45,000,000 to the State of Hawaii for the purpose of long term planning and implementation by the State of (i) such long term planning, (ii) environmental restoration activities, and (iii) the terms and conditions set forth in the Memorandum of Understanding required by section 10002 of this Act, concerning Kaho'olawe Island and its adjacent waters. Such funds as are provided by the Secretary for the purpose of carrying out this section shall be made available to the State by the Secretary from funds made available pursuant to this Act and shall be provided to the State of Hawaii.

(h) Funds in addition to those provided pursuant to section 10003(g) may be provided to the State of Hawaii upon the submission of an acceptable plan containing the elements identified in 10003(g) of this Act and demonstrating, to the satisfaction of the Secretary, that such funds are necessary to the proper fulfillment of such elements and the purposes of this Act. The Secretary shall have sole discretion to award such additional funds, however, the award of such funds shall not be unreasonably withheld.

ANNUAL REPORT TO CONGRESS AND RELATED DISPUTE RESOLUTION

Hawaii.

SEC. 10004. (a) The Secretary shall submit annually a report, in detail, describing compliance with the provisions of this Act. Such report shall include the comments of the State of Hawaii and be submitted to the Defense Committees of Congress.

(b) Federal courts shall have jurisdiction to enforce the terms, conditions and provisions of this Act, regarding the activities, duties, and responsibilities of the United States, its departments, agencies, and instrumentalities set forth in this Act and occurring on the Island of Kaho'olawe and in its adjacent waters. In any judicial review under this Act, the United States or the State, or both, if not a party may intervene as a matter of right. The United States, its departments, agencies and instrumentalities shall be subject to only such injunctive relief as may be imposed by the court to enforce compliance with the terms of this Act and the Memorandum of Understanding. Such compliance shall be enforced giving due regard to the need for expeditious clean-up under the terms and conditions of this Act.

This Act may be cited as the "Department of Defense Appropriations Act, 1994".

Approved November 11, 1993.

LEGISLATIVE HISTORY—H.R. 3116:

HOUSE REPORTS: Nos. 103-254 (Comm. on Appropriations) and 103-339 (Comm. of Conference).
SENATE REPORTS: No. 103-153 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 139 (1993):
Sept. 30, considered and passed House.
Oct. 13-15, 18-21, considered and passed Senate, amended.
Nov. 10, House and Senate agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 29 (1993):
Nov. 11, Presidential statement.

○

Public Law 103-140
103d Congress

An Act

To amend title 38, United States Code, to provide a cost-of-living adjustment in the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans.

Nov. 11, 1993
[S. 616]

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

Veterans' Compensation Rates Amendments of 1993.
38 USC 101 note.

SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE.

(a) SHORT TITLE.—This Act may be cited as the "Veterans' Compensation Rates Amendments of 1993".

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. DISABILITY COMPENSATION.

Section 1114 is amended—

(1) by striking out "$85" in subsection (a) and inserting in lieu thereof "$87";

(2) by striking out "$162" in subsection (b) and inserting in lieu thereof "$166";

(3) by striking out "$247" in subsection (c) and inserting in lieu thereof "$253";

(4) by striking out "$352" in subsection (d) and inserting in lieu thereof "$361";

(5) by striking out "$502" in subsection (e) and inserting in lieu thereof "$515";

(6) by striking out "$632" in subsection (f) and inserting in lieu thereof "$648";

(7) by striking out "$799" in subsection (g) and inserting in lieu thereof "$819";

(8) by striking out "$924" in subsection (h) and inserting in lieu thereof "$948";

(9) by striking out "$1,040" in subsection (i) and inserting in lieu thereof "$1,067";

(10) by striking out "$1,730" in subsection (j) and inserting in lieu thereof "$1,774";

(11) by striking out "$2,152" and "$3,015" in subsection (k) and inserting in lieu thereof "$2,207" and "$3,093", respectively;

(12) by striking out "$2,152" in subsection (l) and inserting in lieu thereof "$2,207";

(13) by striking out "$2,371" in subsection (m) and inserting in lieu thereof "$2,432";

(14) by striking out "$2,698" in subsection (n) and inserting in lieu thereof "$2,768";

(15) by striking out "$3,015" each place it appears in subsections (o) and (p) and inserting in lieu thereof "$3,093";

(16) by striking out "$1,295" and "$1,928" in subsection (r) and inserting in lieu thereof "$1,328" and "$1,978", respectively; and

(17) by striking out "$1,935" in subsection (s) and inserting in lieu thereof "$1,985".

SEC. 3. ADDITIONAL COMPENSATION FOR DEPENDENTS.

Section 1115(1) is amended—

(1) by striking out "$103" in clause (A) and inserting in lieu thereof "$105";

(2) by striking out "$174" and "$54" in clause (B) and inserting in lieu thereof "$178" and "$55", respectively;

(3) by striking out "$71" and "$54" in clause (C) and inserting in lieu thereof "$72" and "$55", respectively;

(4) by striking out "$82" in clause (D) and inserting in lieu thereof "$84";

(5) by striking out "$191" in clause (E) and inserting in lieu thereof "$195"; and

(6) by striking out "$160" in clause (F) and inserting in lieu thereof "$164".

SEC. 4. CLOTHING ALLOWANCE FOR CERTAIN DISABLED VETERANS.

Section 1162 is amended by striking out "$466" and inserting in lieu thereof "$478".

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

Section 1311 is amended—

(1) in subsection (a)(1), by striking out "$750" and inserting in lieu thereof "$769";

(2) in subsection (a)(2), by striking out "$165" and inserting in lieu thereof "$169";

(3) in subsection (a)(3), by striking out the table therein and inserting in lieu thereof the following:

"Pay grade	Monthly rate	Pay grade	Monthly rate
E–7	$794	O–3	$897
E–8	838	O–4	948
E–9	[1]875	O–5	1,044
W–1	812	O–6	1,177
W–2	844	O–7	1,271
W–3	869	O–8	1,392
W–4	920	O–9	1,492
O–1	812	O–10	[2]1,636
O–2	838		

"[1] If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps, or master chief petty officer of the Coast Guard, at the applicable time designated by section 1302 of this title, the surviving spouse's rate shall be $943.

"[2] If the veteran served as Chairman or Vice-Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, at the applicable time designated by section 1302 of this title, the surviving spouse's rate shall be $1,753.";

(4) in subsection (c), by striking out "$191" and inserting in lieu thereof "$195"; and

(5) in subsection (d), by striking out "$93" and inserting in lieu thereof "$95".

SEC. 6. DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN.

(a) DIC FOR ORPHAN CHILDREN.—Section 1313(a) is amended—

(1) by striking out "$319" in clause (1) and inserting in lieu thereof "$327";

(2) by striking out "$460" in clause (2) and inserting in lieu thereof "$471";

(3) by striking out "$595" in clause (3) and inserting in lieu thereof "$610"; and

(4) by striking out "$595" and "$117" in clause (4) and inserting in lieu thereof "$610" and "$120", respectively.

(b) SUPPLEMENTAL DIC FOR DISABLED ADULT CHILDREN.—Section 1314 is amended—

(1) by striking out "$191" in subsection (a) and inserting in lieu thereof "$195";

(2) by striking out "$319" in subsection (b) and inserting in lieu thereof "$327"; and

(3) by striking out "$162" in subsection (c) and inserting in lieu thereof "$166".

SEC. 7. EFFECTIVE DATE.

38 USC 1114 note.

The amendments made by this Act shall take effect on December 1, 1993.

Approved November 11, 1993.

LEGISLATIVE HISTORY—S. 616 (H.R. 3340):

HOUSE REPORTS: No. 103-312 accompanying H.R. 3340 (Comm. on Veterans' Affairs).
SENATE REPORTS: No. 103-55 (Comm. on Veterans' Affairs).
CONGRESSIONAL RECORD, Vol. 139 (1993):
July 14, considered and passed Senate.
Nov. 2, H.R. 3340 considered and passed House; S. 616, amended, passed in lieu.
Nov. 4, Senate concurred in House amendments.

Public Law 103-141
103d Congress

An Act

Nov. 16, 1993
[H.R. 1308]

To protect the free exercise of religion.

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

Religious Freedom Restoration Act of 1993.
42 USC 2000bb note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Religious Freedom Restoration Act of 1993".

42 USC 2000bb.

SEC. 2. CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the framers of the Constitution, recognizing free exercise of religion as an unalienable right, secured its protection in the First Amendment to the Constitution;

(2) laws "neutral" toward religion may burden religious exercise as surely as laws intended to interfere with religious exercise;

(3) governments should not substantially burden religious exercise without compelling justification;

(4) in Employment Division v. Smith, 494 U.S. 872 (1990) the Supreme Court virtually eliminated the requirement that the government justify burdens on religious exercise imposed by laws neutral toward religion; and

(5) the compelling interest test as set forth in prior Federal court rulings is a workable test for striking sensible balances between religious liberty and competing prior governmental interests.

(b) PURPOSES.—The purposes of this Act are—

(1) to restore the compelling interest test as set forth in Sherbert v. Verner, 374 U.S. 398 (1963) and Wisconsin v. Yoder, 406 U.S. 205 (1972) and to guarantee its application in all cases where free exercise of religion is substantially burdened; and

(2) to provide a claim or defense to persons whose religious exercise is substantially burdened by government.

42 USC 2000bb-1.

SEC. 3. FREE EXERCISE OF RELIGION PROTECTED.

(a) IN GENERAL.—Government shall not substantially burden a person's exercise of religion even if the burden results from a rule of general applicability, except as provided in subsection (b).

(b) EXCEPTION.—Government may substantially burden a person's exercise of religion only if it demonstrates that application of the burden to the person—

(1) is in furtherance of a compelling governmental interest; and

(2) is the least restrictive means of furthering that compelling governmental interest.

(c) JUDICIAL RELIEF.—A person whose religious exercise has been burdened in violation of this section may assert that violation as a claim or defense in a judicial proceeding and obtain appropriate relief against a government. Standing to assert a claim or defense under this section shall be governed by the general rules of standing under article III of the Constitution.

SEC. 4. ATTORNEYS FEES.

(a) JUDICIAL PROCEEDINGS.—Section 722 of the Revised Statutes (42 U.S.C. 1988) is amended by inserting "the Religious Freedom Restoration Act of 1993," before "or title VI of the Civil Rights Act of 1964".

(b) ADMINISTRATIVE PROCEEDINGS.—Section 504(b)(1)(C) of title 5, United States Code, is amended—

(1) by striking "and" at the end of clause (ii);

(2) by striking the semicolon at the end of clause (iii) and inserting ", and"; and

(3) by inserting "(iv) the Religious Freedom Restoration Act of 1993;" after clause (iii).

SEC. 5. DEFINITIONS.

42 USC 2000bb-2.

As used in this Act—

(1) the term "government" includes a branch, department, agency, instrumentality, and official (or other person acting under color of law) of the United States, a State, or a subdivision of a State;

(2) the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and each territory and possession of the United States;

(3) the term "demonstrates" means meets the burdens of going forward with the evidence and of persuasion; and

(4) the term "exercise of religion" means the exercise of religion under the First Amendment to the Constitution.

SEC. 6. APPLICABILITY.

42 USC 2000bb-3.

(a) IN GENERAL.—This Act applies to all Federal and State law, and the implementation of that law, whether statutory or otherwise, and whether adopted before or after the enactment of this Act.

(b) RULE OF CONSTRUCTION.—Federal statutory law adopted after the date of the enactment of this Act is subject to this Act unless such law explicitly excludes such application by reference to this Act.

(c) RELIGIOUS BELIEF UNAFFECTED.—Nothing in this Act shall be construed to authorize any government to burden any religious belief.

SEC. 7. ESTABLISHMENT CLAUSE UNAFFECTED.

42 USC 2000bb-4.

Nothing in this Act shall be construed to affect, interpret, or in any way address that portion of the First Amendment prohibiting laws respecting the establishment of religion (referred to in this section as the "Establishment Clause"). Granting government funding, benefits, or exemptions, to the extent permissible under the Establishment Clause, shall not constitute a violation of this

Act. As used in this section, the term "granting", used with respect to government funding, benefits, or exemptions, does not include the denial of government funding, benefits, or exemptions.

Approved November 16, 1993.

LEGISLATIVE HISTORY—H.R. 1308 (S. 578):

HOUSE REPORTS: No. 103-88 (Comm. on the Judiciary).
SENATE REPORTS: No. 103-111 accompanying S. 578 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 139 (1993):
May 11, considered and passed House.
Oct. 26, 27, S. 578 considered in Senate; H.R. 1308, amended, passed in lieu.
Nov. 3, House concurred in Senate amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 29 (1993):
Nov. 16, Presidential remarks.

Public Law 103-142
103d Congress

An Act

To amend title 18, United States Code, to authorize the Federal Bureau of Investigation to obtain certain telephone subscriber information.

Nov. 17, 1993
[H.R. 175]

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

Counter-intelligence.

SECTION 1. REQUIRED CERTIFICATION.

Section 2709(b) of title 18, United States Code, is amended to read as follows:

"(b) REQUIRED CERTIFICATION.—The Director of the Federal Bureau of Investigation, or his designee in a position not lower than Deputy Assistant Director, may—

"(1) request the name, address, length of service, and toll billing records of a person or entity if the Director (or his designee in a position not lower than Deputy Assistant Director) certifies in writing to the wire or electronic communication service provider to which the request is made that—

"(A) the name, address, length of service, and toll billing records sought are relevant to an authorized foreign counterintelligence investigation; and

"(B) there are specific and articulable facts giving reason to believe that the person or entity to whom the information sought pertains is a foreign power or an agent of a foreign power as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801); and

"(2) request the name, address, and length of service of a person or entity if the Director (or his designee in a position not lower than Deputy Assistant Director) certifies in writing to the wire or electronic communication service provider to which the request is made that—

"(A) the information sought is relevant to an authorized foreign counterintelligence investigation; and

"(B) there are specific and articulable facts giving reason to believe that communication facilities registered in the name of the person or entity have been used, through the services of such provider, in communication with—

"(i) an individual who is engaging or has engaged in international terrorism as defined in section 101(c) of the Foreign Intelligence Surveillance Act or clandestine intelligence activities that involve or may involve a violation of the criminal statutes of the United States; or

"(ii) a foreign power or an agent of a foreign power under circumstances giving reason to believe that the communication concerned international terrorism as

defined in section 101(c) of the Foreign Intelligence Surveillance Act or clandestine intelligence activities that involve or may involve a violation of the criminal statutes of the United States.".

SEC. 2. REPORT TO JUDICIARY COMMITTEES.

Section 2709(e) of title 18, United States Code, is amended by adding after "Senate" the following: ", and the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate,".

Approved November 17, 1993.

LEGISLATIVE HISTORY—H.R. 175:

HOUSE REPORTS: No. 103-46 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 139 (1993):
Mar. 29, considered and passed House.
Nov. 4, considered and passed Senate.

Public Law 103-143
103d Congress

An Act

To designate the Federal building located at 280 South First Street in San Jose, California, as the "Robert F. Peckham United States Courthouse and Federal Building".

Nov. 17, 1993
[H.R. 1345]

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

SECTION 1. DESIGNATION.

The Federal building located at 280 South First Street in San Jose, California, shall be known and designated as the "Robert F. Peckham United States Courthouse and Federal Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Robert F. Peckham United States Courthouse and Federal Building".

Approved November 17, 1993.

LEGISLATIVE HISTORY—H.R. 1345:

HOUSE REPORTS: No. 103-71 (Comm. on Public Works and Transportation).
SENATE REPORTS: No. 103-162 (Comm. on Environment and Public Works).
CONGRESSIONAL RECORD, Vol. 139 (1993):
May 4, considered and passed House.
Nov. 4, considered and passed Senate.

Public Law 103-144
103d Congress

An Act

Nov. 17, 1993
[S. 836]

To amend the National Trails System Act to provide for a study of El Camino Real de Tierra Adentro (The Royal Road of the Interior Lands), and for other purposes.

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

El Camino Real de Tierra Adentro Study Act of 1993. 16 USC 1241 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "El Camino Real de Tierra Adentro Study Act of 1993".

SEC. 2. FINDINGS.

Congress finds that—

(1) El Camino Real de Tierra Adentro was the primary route for nearly 300 years that was used by clergy, colonists, soldiers, Indians, officials, and trade caravans between Mexico and New Mexico;

(2) from the Spanish colonial period (1598–1821), through the Mexican national period (1821–1848), and through part of the United States Territorial period (1840–1912), El Camino Real de Tierra Adentro extended 1,800 miles from Mexico City through Chihuahua City, El Paso del Norte, and on to Santa Fe in northern New Mexico;

(3) the road was the first to be developed by Europeans in what is now the United States and for a time was one of the longest roads in North America; and

(4) El Camino Real de Tierra Adentro, until the arrival of the railroad in the 1880's, witnessed and stimulated great multi-cultural exchanges and the evolution of nations, peoples, and cultures.

SEC. 3. DESIGNATION OF TRAIL.

Section 5(c) of the National Trails System Act (16 U.S.C. 1244(c)) is amended by adding at the end the following new paragraph:

"(36)(A) El Camino Real de Tierra Adentro, the approximately 1,800 mile route extending from Mexico City, Mexico, across the international border at El Paso, Texas, to Santa Fe, New Mexico.

"(B) The study shall—

"(i) examine changing routes within the general corridor;

"(ii) examine major connecting branch routes; and

"(iii) give due consideration to alternative name designations.

"(C) The Secretary of the Interior is authorized to work in cooperation with the Government of Mexico (including, but not limited to providing technical assistance) to determine the suitability and feasibility of establishing an international historic route along the El Camino Real de Tierra Adentro.".

Approved November 17, 1993.

LEGISLATIVE HISTORY—S. 836:

HOUSE REPORTS: No. 103-326 (Comm. on Natural Resources).
SENATE REPORTS: No. 103-93 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 139 (1993):
July 21, considered and passed Senate.
Nov. 8, considered and passed House.

Public Law 103-145
103d Congress

An Act

Nov. 17, 1993
[S. 983]

To amend the National Trails System Act to direct the Secretary of the Interior to study the El Camino Real Para Los Texas for potential addition to the National Trails System, and for other purposes.

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

El Camino Real Para Los Texas Study Act of 1993.
16 USC 1241 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "El Camino Real Para Los Texas Study Act of 1993".

SEC. 2. FINDINGS.

The Congress finds—

(1) El Camino Real Para Los Texas was the Spanish road established to connect a series of missions and posts extending from Monclova, Mexico to the mission and later Presidio Nuestra de Pilar de los Adaes which served as the Spanish capital of the province of Texas from 1722 to 1772;

(2) El Camino Real, over time, comprised an approximately 1,000-mile corridor of changing routes from Saltillo through Monclova and Guerrero, Mexico; San Antonio and Nacogdoches, Texas and then easterly to the vicinity of Los Adaes in present day Louisiana; and constituted the only major overland route from the Rio Grande to the Red River Valley during the Spanish Colonial Period;

(3) the seventeenth, eighteenth, and early nineteenth century rivalries among the European colonial powers of Spain, France, and England and after their independence, Mexico and the United States, for dominion over lands fronting the Gulf of Mexico were played out along the evolving travel routes across this immense area; and, as well, the future of several American Indian nations were tied to these larger forces and events;

(4) El Camino Real and the subsequent San Antonio Road witnessed a competition that helped determine the United States southern and western boundaries; and

(5) the San Antonio Road, like El Camino Real, was a series of routes established over the same corridor but was not necessarily the same as El Camino Real; and that from the 1830's, waves of American immigrants, many using the Natchez Trace, travelled west to Texas via the San Antonio Road, as did Native Americans attempting to relocate away from the pressures of European settlement.

SEC. 3. STUDY OF TRAIL.

Section 5(c) of the National Trail System Act (16 U.S.C. 1244(c)) is amended by adding the following new paragraph at the end thereof:

"(36)(A) El Camino Real Para Los Texas, the approximate series of routes from Saltillo, Monclova, and Guerrero, Mexico across Texas through San Antonio and Nacogdoches, to the vicinity of Los Adaes, Louisiana, together with the evolving routes later known as the San Antonio Road.

"(B) The study shall—

"(i) examine the changing roads within the historic corridor;

"(ii) examine the major connecting branch routes;

"(iii) determine the individual or combined suitability and feasibility of routes for potential national historic trail designation;

"(iv) consider the preservation heritage plan developed by the Texas Department of Transportation entitled 'A Texas Legacy: The Old San Antonio Road and the Caminos Reales', dated January, 1991; and

"(v) make recommendations concerning the suitability and feasibility of establishing an international historical park where the trail crosses the United States-Mexico border at Maverick County, Texas, and Guerrero, Mexico.

"(C) The Secretary of the Interior is authorized to work in cooperation with the government of Mexico (including, but not limited to providing technical assistance) to detemine the suitability and feasibility of establishing an international historic trail along the El Camino Real Para Los Texas.

"(D) The study shall be undertaken in consultation with the Louisiana Department of Transportation and Development and the Texas Department of Transportation.

"(E) The study shall consider alternative name designations for the trail.

"(F) The study shall be completed no later than two years after the date funds are made available for the study.".

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

Approved November 17, 1993.

LEGISLATIVE HISTORY—S. 983:

HOUSE REPORTS: No. 103-327 (Comm. on Natural Resources).
SENATE REPORTS: No. 103-95 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 139 (1993):
July 21, considered and passed Senate.
Nov. 8, considered and passed House.

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Public Law 103-146
103d Congress

Joint Resolution

Nov. 17, 1993
[S.J. Res. 131]

Designating the week beginning November 14, 1993, and the week beginning November 13, 1994, each as "Geography Awareness Week".

Whereas geography is the study of people and their planet, offering a framework for understanding ourselves, our interdependence with other peoples, our relationship to the Earth, and world events;

Whereas the United States has both worldwide involvements and influence that demand an understanding of geography, different cultures, and foreign languages;

Whereas a thorough knowledge of geography, different cultures, and foreign languages is essential to maintain the Nation's stature in the international community in matters of business, politics, the environment, and global events;

Whereas a geographic perspective is needed to understand the relationship between human activity and the condition of our planet in this time of increasing environmental problems;

Whereas our Nation's Governors, in their National Education Goals, explicitly identified geography along with English, mathematics, science, and history as the 5 core subjects in which American students should demonstrate competency;

Whereas world standards are being developed as benchmarks for student performance in each of the core subjects identified in the National Education Goals; and

Whereas a knowledge of world geography is essential for citizens of the United States to assume a responsible role in the future of an increasingly interconnected and interdependent world: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning November 14, 1993, and the week beginning November 13, 1994, each be designated as "Geography Awareness Week",

and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such weeks with appropriate ceremonies and activities.

Approved November 17, 1993.

LEGISLATIVE HISTORY—S.J. Res. 131:

CONGRESSIONAL RECORD, Vol. 139 (1993):
Oct. 28, considered and passed Senate.
Nov. 10, considered and passed House.

Public Law 103-147
103d Congress

Joint Resolution

Nov. 17, 1993
[S.J. Res. 139]

To designate the third Sunday in November of 1993 as "National Children's Day".

Whereas the people of the United States should celebrate children as the most valuable asset of the Nation;

Whereas children represent the future, hope, and inspiration of the United States;

Whereas the children of the United States should not be allowed to feel that their ideas and dreams will be stifled because adults in the United States do not take time to listen;

Whereas many children face crises of grave proportions, especially as they enter adolescent years;

Whereas it is important for parents to spend time listening to their children on a daily basis;

Whereas modern societal and economic demands often pull the family apart;

Whereas encouragement should be given to families to set aside a special time for all family members to remain at home;

Whereas adults in the United States should have an opportunity to reminisce on their youth to recapture some of the fresh insight, innocence, and dreams that they may have lost through the years;

Whereas the designation of a day to commemorate the children of the United States will provide an opportunity to emphasize to children the importance of developing an ability to make the choices necessary to distance themselves from impropriety;

Whereas the designation of a day to commemorate the children of the Nation will emphasize to the people of the United States the importance of the role of the child within the family;

Whereas the people of the United States should emphasize to children the importance of family life, education, and spiritual qualities; and

Whereas parents, teachers, and community and religious leaders should celebrate the children of the United States, whose questions, laughter, and tears are important to the existence of the United States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the third Sunday in November of 1993 is designated as "National Children's

Day", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe the day with appropriate ceremonies and activities.

Approved November 17, 1993.

LEGISLATIVE HISTORY—S.J. Res. 139:

CONGRESSIONAL RECORD, Vol. 139 (1993):
Oct. 28, considered and passed Senate.
Nov. 8, considered and passed House.

Public Law 103-148
103d Congress

Joint Resolution

Nov. 17, 1993
[S.J. Res. 142]

Designating the week beginning November 7, 1993, and the week beginning November 6, 1994, each as "National Women Veterans Recognition Week".

Whereas there are more than 1,200,000 women veterans in the United States representing 4.6 percent of the total veteran population;

Whereas the number of women serving in the United States Armed Forces and the number of women veterans continue to increase;

Whereas women veterans have contributed greatly to the security of the United States through honorable military service, often involving great hardship and danger;

Whereas the special needs of women veterans, especially in the area of health care, have often been overlooked or inadequately addressed by the Federal Government;

Whereas the lack of attention to the special needs of women veterans has discouraged or prevented many women veterans from taking full advantage of the benefits and services to which they are entitled; and

Whereas designating a week to recognize women veterans will help both to promote important gains made by women veterans and to focus attention on the special needs of women veterans: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the weeks beginning November 7, 1993, and November 6, 1994, respectively, are each designated as "National Women Veterans Recognition Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that week with appropriate ceremonies and activities.

Approved November 17, 1993.

LEGISLATIVE HISTORY—S.J. Res. 142:

CONGRESSIONAL RECORD, Vol. 139 (1993):
Oct. 28, considered and passed Senate.
Nov. 2, considered and passed House, amended.
Nov. 10, Senate concurred in House amendments.

Public Law 103-149
103d Congress

An Act

To support the transition to nonracial democracy in South Africa.

Nov. 23, 1993
[H.R. 3225]

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

South African Democratic Transition Support Act of 1993.
22 USC 5001 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "South African Democratic Transition Support Act of 1993".

22 USC 5001 note.

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) After decades of apartheid, South Africa has entered a new era which presents a historic opportunity for a transition to a peaceful, stable, and democratic future.

(2) The United States policy of economic sanctions toward the apartheid government of South Africa, as expressed in the Comprehensive Anti-Apartheid Act of 1986, helped bring about reforms in that system of government and has facilitated the establishment of a nonracial government.

(3) Through broad and open negotiations, the parties in South Africa have reached a landmark agreement on the future of their country. This agreement includes the establishment of a Transitional Executive Council and the setting of a date for nonracial elections.

(4) The international community has a vital interest in supporting the transition from apartheid toward nonracial democracy.

(5) The success of the transition in South Africa is crucial to the stability and economic development of the southern African region.

(6) Nelson Mandela of the African National Congress and other representative leaders in South Africa have declared that the time has come when the international community should lift all economic sanctions against South Africa.

(7) In light of recent developments, the continuation of these economic sanctions is detrimental to persons disadvantaged by apartheid.

(8) Those calling for the lifting of economic sanctions against South Africa have made clear that they do not seek the immediate termination of the United Nations-sponsored special sanctions relating to arms transfers, nuclear cooperation, and exports of oil. The Ad Hoc Committee on Southern Africa of the Organization of African Unity, for example, has urged that the oil embargo established pursuant to a 1986 General Assembly resolution be lifted after the establishment

and commencement of the work of the Transitional Executive Council.

22 USC 5001 note.

SEC. 3. UNITED STATES POLICY.

It is the sense of the Congress that—

(1) the United States should—

(A) strongly support the Transitional Executive Council in South Africa,

(B) encourage rapid progress toward the establishment of a nonracial democratic government in South Africa, and

(C) support a consolidation of democracy in South Africa through democratic elections for an interim government and a new nonracial constitution;

(2) the United States should continue to provide assistance to support the transition to a nonracial democracy in South Africa, and should urge international financial institutions and other donors to also provide such assistance;

(3) to the maximum extent practicable, the United States should consult closely with international financial institutions, other donors, and South African entities on a coordinated strategy to support the transition to a nonracial democracy in South Africa;

(4) in order to provide ownership and managerial opportunities, professional advancement, training, and employment for disadvantaged South Africans and to respond to the historical inequities created under apartheid, the United States should—

(A) promote the expansion of private enterprise and free markets in South Africa,

(B) encourage the South African private sector to take a special responsibility and interest in providing such opportunities, advancement, training, and employment for disadvantaged South Africans,

(C) encourage United States private sector investment in and trade with South Africa,

(D) urge United States investors to develop a working partnership with representative organs of South African civil society, particularly churches and trade unions, in promoting responsible codes of corporate conduct and other measures to address the historical inequities created under apartheid;

(5) the United States should urge the Government of South Africa to liberalize its trade and investment policies to facilitate the expansion of the economy, and to shift resources to meet the needs of disadvantaged South Africans;

(6) the United States should promote cooperation between South Africa and other countries in the region to foster regional stability and economic growth; and

(7) the United States should demonstrate its support for an expedited transition to, and should adopt a long term policy beneficial to the establishment and perpetuation of, a nonracial democracy in South Africa.

22 USC 5001 note.

SEC. 4. REPEAL OF APARTHEID SANCTIONS LAWS AND OTHER MEASURES DIRECTED AT SOUTH AFRICA.

(a) COMPREHENSIVE ANTI-APARTHEID ACT.—

Effective date.

(1) IN GENERAL.—All provisions of the Comprehensive Anti-Apartheid Act of 1986 (22 U.S.C. 5001 and following) are

repealed as of the date of enactment of this Act, except for the sections specified in paragraph (2).

(2) EFFECTIVE DATE OF REPEAL OF CODE OF CONDUCT REQUIREMENTS.—Sections 1, 3, 203(a), 203(b), 205, 207, 208, 601, 603, and 604 of the Comprehensive Anti-Apartheid Act of 1986 are repealed as of the date on which the President certifies to the Congress that an interim government, elected on a nonracial basis through free and fair elections, has taken office in South Africa. 22 USC 5001 note, 5001, 5031, 5032, 5034, 5035, 5111, 5113, 5114.

(3) CONFORMING AMENDMENTS.—(A) Section 3 of the Comprehensive Anti-Apartheid Act of 1986 is amended by striking paragraphs (2) through (4) and paragraphs (7) through (9), by inserting "and" at the end of paragraph (5), and by striking "; and" at the end of paragraph (6) and inserting a period. 22 USC 5001.

(B) The following provisions of the Foreign Assistance Act of 1961 that were enacted by the Comprehensive Anti-Apartheid Act of 1986 are repealed: subsections (e)(2), (f), and (g) of section 116 (22 U.S.C. 2151n); section 117 (22 U.S.C. 2151o), relating to assistance for disadvantaged South Africans; and section 535 (22 U.S.C. 2346d). Section 116(e)(1) of the Foreign Assistance Act of 1961 is amended by striking "(1)". 22 USC 5161n.

(b) OTHER PROVISIONS.—The following provisions are repealed or amended as follows:

(1) Subsections (c) and (d) of section 802 of the International Security and Development Cooperation Act of 1985 (99 Stat. 261) is repealed.

(2) Section 211 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (99 Stat. 432) is repealed, and section 1(b) of that Act is amended by striking the item in the table of contents relating to section 211.

(3) Sections 1223 and 1224 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (101 Stat. 1415) is repealed, and section 1(b) of that Act is amended by striking the items in the table of contents relating to sections 1223 and 1224.

(4) Section 362 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (105 Stat. 716) is repealed, and section 2 of that Act is amended by striking the item in the table of contents relating to section 362.

(5) Section 2(b)(9) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(9)) is repealed.

(6) Section 43 of the Bretton Woods Agreements Act (22 U.S.C. 286aa) is amended by repealing subsection (b) and by striking "(a)".

(7) Section 330 of H.R. 5205 of the 99th Congress (Department of Transportation and Related Agencies Appropriations Act, 1987) (22 U.S.C. 5056a) as incorporated by reference in section 101(l) of Public Law 99-500 and Public Law 99-591, and made effective as if enacted into law by section 106 of Public Law 100-202, is repealed.

(8)(A) Section 901(j)(2)(C) of the Internal Revenue Code of 1986 (26 U.S.C. 901(j)(2)(C)) is repealed.

(B) Subparagraph (A) shall not be construed as affecting any of the transitional rules contained in Revenue Ruling 92-62 which apply by reason of the termination of the period for which section 901(j) of the Internal Revenue Code of 1986 was applicable to South Africa.

(9) The table in section 502(b) of the Trade Act of 1974 (19 U.S.C. 2462(b)) is amended by striking "Republic of South Africa".

(c) SANCTIONS MEASURES ADOPTED BY STATE OR LOCAL GOVERNMENTS OR PRIVATE ENTITIES.—

(1) POLICY REGARDING RESCISSION.—The Congress urges all State or local governments and all private entities in the United States that have adopted any restriction on economic interactions with South Africa, or any policy discouraging such interaction, to rescind such restriction or policy.

Effective date.

(2) REPEAL OF PROVISIONS RELATING TO WITHHOLDING FEDERAL FUNDS.—Effective October 1, 1995, the following provisions are repealed:

(A) The undesignated paragraph entitled "STATE AND LOCAL ANTI-APARTHEID POLICIES" in chapter IX of the Dire Emergency Supplemental Appropriations and Transfers, Urgent Supplementals, and Correcting Enrollment Errors Act of 1989 (22 U.S.C. 5117).

(B) Section 210 of the Urgent Supplemental Appropriations Act, 1986 (100 Stat. 749).

(d) CONTINUATION OF UN SPECIAL SANCTIONS.—It is the sense of the Congress that the United States should continue to respect United Nations Security Council resolutions on South Africa, including the resolution providing for a mandatory embargo on arms sales to South Africa and the resolutions relating to the import of arms, restricting exports to the South African military and police, and urging states to refrain from nuclear cooperation that would contribute to the manufacture and development by South Africa of nuclear weapons or nuclear devices.

22 USC 5001 note.

SEC. 5. UNITED STATES ASSISTANCE FOR THE TRANSITION TO A NONRACIAL DEMOCRACY.

Disadvantaged.

(a) IN GENERAL.—The President is authorized and encouraged to provide assistance under chapter 10 of part I of the Foreign Assistance Act of 1961 (relating to the Development Fund for Africa) or chapter 4 of part II of that Act (relating to the Economic Support Fund) to support the transition to nonracial democracy in South Africa. Such assistance shall—

(1) focus on building the capacity of disadvantaged South Africans to take their rightful place in the political, social, and economic systems of their country;

(2) give priority to working with and through South African nongovernmental organizations whose leadership and staff represent the majority population and which have the support of the disadvantaged communities being served by such organizations;

(3) in the case of education programs—

(A) be used to increase the capacity of South African institutions to better serve the needs of individuals disadvantaged by apartheid;

(B) emphasize education within South Africa to the extent that assistance takes the form of scholarships for disadvantaged South African students; and

(C) fund nontraditional training activities;

(4) support activities to prepare South Africa for elections, including voter and civic education programs, political party building, and technical electoral assistance;

(5) support activities and entities, such as the Peace Accord structures, which are working to end the violence in South Africa; and

(6) support activities to promote human rights, democratization, and a civil society.

(b) GOVERNMENT OF SOUTH AFRICA.—

(1) LIMITATION ON ASSISTANCE.—Except as provided in paragraph (2), assistance provided in accordance with this section may not be made available to the Government of South Africa, or organizations financed and substantially controlled by that government, unless the President certifies to the Congress that an interim government that was elected on a nonracial basis through free and fair elections has taken office in South Africa.

(2) EXCEPTIONS.—Notwithstanding paragraph (1), assistance may be provided for—

(A) the Transitional Executive Council;

(B) South African higher education institutions, particularly those traditionally disadvantaged by apartheid policies; and

(C) any other organization, entity, or activity if the President determines that the assistance would promote the transition to nonracial democracy in South Africa.

Any determination under subparagraph (C) should be based on consultations with South African individuals and organizations representative of the majority population in South Africa (particularly consultations through the Transitional Executive Council) and consultations with the appropriate congressional committees.

(c) INELIGIBLE ORGANIZATIONS.—

(1) ACTS OF VIOLENCE.—An organization that has engaged in armed struggle or other acts of violence shall not be eligible for assistance provided in accordance with this section unless that organization is committed to a suspension of violence in the context of progress toward nonracial democracy.

(2) VIEWS INCONSISTENT WITH DEMOCRACY AND FREE ENTERPRISE.—Assistance provided in accordance with this section may not be made available to any organization that has espoused views inconsistent with democracy and free enterprise unless such organization is engaged actively and positively in the process of transition to a nonracial democracy and such assistance would advance the United States objective of promoting democracy and free enterprise in South Africa.

SEC. 6. UNITED STATES INVESTMENT AND TRADE.

22 USC 5001 note.

(a) TAX TREATY.—The President should begin immediately to negotiate a tax treaty with South Africa to facilitate United States investment in that country.

(b) OPIC.—The President should immediately initiate negotiations with the Government of South Africa for an agreement authorizing the Overseas Private Investment Corporation to carry out programs with respect to South Africa in order to expand United States investment in that country.

(c) TRADE AND DEVELOPMENT AGENCY.—In carrying out section 661 of the Foreign Assistance Act of 1961, the Director of the Trade and Development Agency should provide additional funds for activities related to projects in South Africa.

(d) EXPORT-IMPORT BANK.—The Export-Import Bank of the United States should expand its activities in connection with exports to South Africa.

(e) PROMOTING DISADVANTAGED ENTERPRISES.—

(1) INVESTMENT AND TRADE PROGRAMS.—Each of the agencies referred to in subsections (b) through (d) should take active steps to encourage the use of its programs to promote business enterprises in South Africa that are majority-owned by South Africans disadvantaged by apartheid.

(2) UNITED STATES GOVERNMENT PROCUREMENT.—To the extent not inconsistent with the obligations of the United States under any international agreement, the Secretary of State and the head of any other department or agency of the United States carrying out activities in South Africa shall, to the maximum extent practicable, in procuring goods or services, make affirmative efforts to assist business enterprises having more than 50 percent beneficial ownership by South African blacks or other nonwhite South Africans, notwithstanding any law relating to the making or performance of, or the expenditure of funds for, United States Government contracts.

22 USC 5001 note.

SEC. 7. INFORMATION AND EDUCATIONAL EXCHANGE PROGRAMS.

The Director of the United States Information Agency should use the authorities of the United States Information and Educational Exchange Act of 1948 to promote the development of a nonracial democracy in South Africa.

22 USC 5001 note.

SEC. 8. OTHER COOPERATIVE AGREEMENTS.

In addition to the actions specified in the preceding sections of this Act, the President should seek to conclude cooperative agreements with South Africa on a range of issues, including cultural and scientific issues.

22 USC 5001 note.

SEC. 9. INTERNATIONAL FINANCIAL INSTITUTIONS AND OTHER DONORS.

(a) IN GENERAL.—The President should encourage other donors, particularly Japan and the European Community countries, to expand their activities in support of the transition to nonracial democracy in South Africa.

(b) INTERNATIONAL FINANCIAL INSTITUTIONS.—The Secretary of the Treasury should instruct the United States Executive Director of each relevant international financial institution, including the International Bank for Reconstruction and Development and the International Development Association, to urge that institution to initiate or expand its lending and other financial assistance activities to South Africa in order to support the transition to nonracial democracy in South Africa.

(c) TECHNICAL ASSISTANCE.—The Secretary of the Treasury should instruct the United States Executive Director of each relevant international financial institution to urge that institution to fund programs to initiate or expand technical assistance to South Africa for the purpose of training the people of South Africa in government management techniques.

SEC. 10. CONSULTATION WITH SOUTH AFRICANS.

22 USC 5001 note.

In carrying out this Act, the President should consult closely with South African individuals and organizations representative of the majority population in South Africa (particularly consultations through the Transitional Executive Council) and others committed to abolishing the remnants of apartheid.

Approved November 23, 1993.

LEGISLATIVE HISTORY—H.R. 3225 (S. 1493):

HOUSE REPORTS: No. 103-296, Pt. 1 (Comm. on Foreign Affairs), Pt. 2 (Comm. on Public Works and Transportation), Pt. 3 (Comm. on Banking, Finance and Urban Affairs), and Pt. 4 (Comm. on Ways and Means).

CONGRESSIONAL RECORD, Vol. 139 (1993):
Sept. 24, S. 1493 considered and passed Senate.
Nov. 19, H.R. 3225 considered and passed House.
Nov. 20, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 29 (1993):
Nov. 23, Presidential remarks.

Public Law 103-150
103d Congress

Joint Resolution

Nov. 23, 1993
[S.J. Res. 19]

To acknowledge the 100th anniversary of the January 17, 1893 overthrow of the Kingdom of Hawaii, and to offer an apology to Native Hawaiians on behalf of the United States for the overthrow of the Kingdom of Hawaii.

Whereas, prior to the arrival of the first Europeans in 1778, the Native Hawaiian people lived in a highly organized, self-sufficient, subsistent social system based on communal land tenure with a sophisticated language, culture, and religion;

Whereas a unified monarchical government of the Hawaiian Islands was established in 1810 under Kamehameha I, the first King of Hawaii;

Whereas, from 1826 until 1893, the United States recognized the independence of the Kingdom of Hawaii, extended full and complete diplomatic recognition to the Hawaiian Government, and entered into treaties and conventions with the Hawaiian monarchs to govern commerce and navigation in 1826, 1842, 1849, 1875, and 1887;

Whereas the Congregational Church (now known as the United Church of Christ), through its American Board of Commissioners for Foreign Missions, sponsored and sent more than 100 missionaries to the Kingdom of Hawaii between 1820 and 1850;

Whereas, on January 14, 1893, John L. Stevens (hereafter referred to in this Resolution as the "United States Minister"), the United States Minister assigned to the sovereign and independent Kingdom of Hawaii conspired with a small group of non-Hawaiian residents of the Kingdom of Hawaii, including citizens of the United States, to overthrow the indigenous and lawful Government of Hawaii;

Whereas, in pursuance of the conspiracy to overthrow the Government of Hawaii, the United States Minister and the naval representatives of the United States caused armed naval forces of the United States to invade the sovereign Hawaiian nation on January 16, 1893, and to position themselves near the Hawaiian Government buildings and the Iolani Palace to intimidate Queen Liliuokalani and her Government;

Whereas, on the afternoon of January 17, 1893, a Committee of Safety that represented the American and European sugar planters, descendents of missionaries, and financiers deposed the Hawaiian monarchy and proclaimed the establishment of a Provisional Government;

Whereas the United States Minister thereupon extended diplomatic recognition to the Provisional Government that was formed by the conspirators without the consent of the Native Hawaiian

people or the lawful Government of Hawaii and in violation of treaties between the two nations and of international law;

Whereas, soon thereafter, when informed of the risk of bloodshed with resistance, Queen Liliuokalani issued the following statement yielding her authority to the United States Government rather than to the Provisional Government:

"I Liliuokalani, by the Grace of God and under the Constitution of the Hawaiian Kingdom, Queen, do hereby solemnly protest against any and all acts done against myself and the Constitutional Government of the Hawaiian Kingdom by certain persons claiming to have established a Provisional Government of and for this Kingdom.

"That I yield to the superior force of the United States of America whose Minister Plenipotentiary, His Excellency John L. Stevens, has caused United States troops to be landed at Honolulu and declared that he would support the Provisional Government.

"Now to avoid any collision of armed forces, and perhaps the loss of life, I do this under protest and impelled by said force yield my authority until such time as the Government of the United States shall, upon facts being presented to it, undo the action of its representatives and reinstate me in the authority which I claim as the Constitutional Sovereign of the Hawaiian Islands.".

Done at Honolulu this 17th day of January, A.D. 1893.;

Whereas, without the active support and intervention by the United States diplomatic and military representatives, the insurrection against the Government of Queen Liliuokalani would have failed for lack of popular support and insufficient arms;

Whereas, on February 1, 1893, the United States Minister raised the American flag and proclaimed Hawaii to be a protectorate of the United States;

Whereas the report of a Presidentially established investigation conducted by former Congressman James Blount into the events surrounding the insurrection and overthrow of January 17, 1893, concluded that the United States diplomatic and military representatives had abused their authority and were responsible for the change in government;

Whereas, as a result of this investigation, the United States Minister to Hawaii was recalled from his diplomatic post and the military commander of the United States armed forces stationed in Hawaii was disciplined and forced to resign his commission;

Whereas, in a message to Congress on December 18, 1893, President Grover Cleveland reported fully and accurately on the illegal acts of the conspirators, described such acts as an "act of war, committed with the participation of a diplomatic representative of the United States and without authority of Congress", and acknowledged that by such acts the government of a peaceful and friendly people was overthrown;

Whereas President Cleveland further concluded that a "substantial wrong has thus been done which a due regard for our national character as well as the rights of the injured people requires we should endeavor to repair" and called for the restoration of the Hawaiian monarchy;

Whereas the Provisional Government protested President Cleveland's call for the restoration of the monarchy and continued to hold state power and pursue annexation to the United States;

Whereas the Provisional Government successfully lobbied the Committee on Foreign Relations of the Senate (hereafter referred

to in this Resolution as the "Committee") to conduct a new investigation into the events surrounding the overthrow of the monarchy;

Whereas the Committee and its chairman, Senator John Morgan, conducted hearings in Washington, D.C., from December 27, 1893, through February 26, 1894, in which members of the Provisional Government justified and condoned the actions of the United States Minister and recommended annexation of Hawaii;

Whereas, although the Provisional Government was able to obscure the role of the United States in the illegal overthrow of the Hawaiian monarchy, it was unable to rally the support from two-thirds of the Senate needed to ratify a treaty of annexation;

Whereas, on July 4, 1894, the Provisional Government declared itself to be the Republic of Hawaii;

Whereas, on January 24, 1895, while imprisoned in Iolani Palace, Queen Liliuokalani was forced by representatives of the Republic of Hawaii to officially abdicate her throne;

Whereas, in the 1896 United States Presidential election, William McKinley replaced Grover Cleveland;

Whereas, on July 7, 1898, as a consequence of the Spanish-American War, President McKinley signed the Newlands Joint Resolution that provided for the annexation of Hawaii;

Whereas, through the Newlands Resolution, the self-declared Republic of Hawaii ceded sovereignty over the Hawaiian Islands to the United States;

Whereas the Republic of Hawaii also ceded 1,800,000 acres of crown, government and public lands of the Kingdom of Hawaii, without the consent of or compensation to the Native Hawaiian people of Hawaii or their sovereign government;

Whereas the Congress, through the Newlands Resolution, ratified the cession, annexed Hawaii as part of the United States, and vested title to the lands in Hawaii in the United States;

Whereas the Newlands Resolution also specified that treaties existing between Hawaii and foreign nations were to immediately cease and be replaced by United States treaties with such nations;

Whereas the Newlands Resolution effected the transaction between the Republic of Hawaii and the United States Government;

Whereas the indigenous Hawaiian people never directly relinquished their claims to their inherent sovereignty as a people or over their national lands to the United States, either through their monarchy or through a plebiscite or referendum;

Whereas, on April 30, 1900, President McKinley signed the Organic Act that provided a government for the territory of Hawaii and defined the political structure and powers of the newly established Territorial Government and its relationship to the United States;

Whereas, on August 21, 1959, Hawaii became the 50th State of the United States;

Whereas the health and well-being of the Native Hawaiian people is intrinsically tied to their deep feelings and attachment to the land;

Whereas the long-range economic and social changes in Hawaii over the nineteenth and early twentieth centuries have been devastating to the population and to the health and well-being of the Hawaiian people;

Whereas the Native Hawaiian people are determined to preserve, develop and transmit to future generations their ancestral territory, and their cultural identity in accordance with their own

spiritual and traditional beliefs, customs, practices, language, and social institutions;

Whereas, in order to promote racial harmony and cultural understanding, the Legislature of the State of Hawaii has determined that the year 1993 should serve Hawaii as a year of special reflection on the rights and dignities of the Native Hawaiians in the Hawaiian and the American societies;

Whereas the Eighteenth General Synod of the United Church of Christ in recognition of the denomination's historical complicity in the illegal overthrow of the Kingdom of Hawaii in 1893 directed the Office of the President of the United Church of Christ to offer a public apology to the Native Hawaiian people and to initiate the process of reconciliation between the United Church of Christ and the Native Hawaiians; and

Whereas it is proper and timely for the Congress on the occasion of the impending one hundredth anniversary of the event, to acknowledge the historic significance of the illegal overthrow of the Kingdom of Hawaii, to express its deep regret to the Native Hawaiian people, and to support the reconciliation efforts of the State of Hawaii and the United Church of Christ with Native Hawaiians: Now, therefore, be it

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

SECTION 1. ACKNOWLEDGMENT AND APOLOGY.

The Congress—

(1) on the occasion of the 100th anniversary of the illegal overthrow of the Kingdom of Hawaii on January 17, 1893, acknowledges the historical significance of this event which resulted in the suppression of the inherent sovereignty of the Native Hawaiian people;

(2) recognizes and commends efforts of reconciliation initiated by the State of Hawaii and the United Church of Christ with Native Hawaiians;

(3) apologizes to Native Hawaiians on behalf of the people of the United States for the overthrow of the Kingdom of Hawaii on January 17, 1893 with the participation of agents and citizens of the United States, and the deprivation of the rights of Native Hawaiians to self-determination;

(4) expresses its commitment to acknowledge the ramifications of the overthrow of the Kingdom of Hawaii, in order to provide a proper foundation for reconciliation between the United States and the Native Hawaiian people; and

(5) urges the President of the United States to also acknowledge the ramifications of the overthrow of the Kingdom of Hawaii and to support reconciliation efforts between the United States and the Native Hawaiian people.

SEC. 2. DEFINITIONS.

As used in this Joint Resolution, the term "Native Hawaiian" means any individual who is a descendent of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now constitutes the State of Hawaii.

SEC. 3. DISCLAIMER.

Nothing in this Joint Resolution is intended to serve as a settlement of any claims against the United States.

Approved November 23, 1993.

LEGISLATIVE HISTORY—S.J. Res. 19:

SENATE REPORTS: No. 103-126 (Comm. on Indian Affairs).
CONGRESSIONAL RECORD, Vol. 139 (1993):
Oct. 27, considered and passed Senate.
Nov. 15, considered and passed House.

Public Law 103-151
103d Congress

An Act

To authorize the Board of Regents of the Smithsonian Institution to plan, design, and construct the West Court of the National Museum of Natural History building.

Nov. 24, 1993
[H.R. 2677]

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

SECTION 1. PLANNING, DESIGN, AND CONSTRUCTION OF WEST COURT OF NATIONAL MUSEUM OF NATURAL HISTORY BUILDING.

20 USC 50 note.

The Board of Regents of the Smithsonian Institution is authorized to plan, design, and construct the West Court of the National Museum of Natural History building.

SEC. 2. FUNDING.

20 USC 50 note.

No appropriated funds may be used to pay any expense of the planning, design, and construction authorized by section 1.

Approved November 24, 1993.

LEGISLATIVE HISTORY—H.R. 2677:

HOUSE REPORTS: No. 103-231, Pt. 1 (Comm. on Public Works and Transportation).
SENATE REPORTS: No. 103-173 (Comm. on Rules and Administration).
CONGRESSIONAL RECORD, Vol. 139 (1993):
Sept. 13, considered and passed House.
Nov. 16, considered and passed Senate.

Public Law 103-152
103d Congress

An Act

Nov. 24, 1993
[H.R. 3167]

To extend the emergency unemployment compensation program, to establish a system of worker profiling, and for other purposes.

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

Unemployment Compensation Amendments of 1993.
26 USC 1 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Unemployment Compensation Amendments of 1993".

SEC. 2. EXTENSION OF EMERGENCY UNEMPLOYMENT COMPENSATION PROGRAM.

(a) GENERAL RULE.—Sections 102(f)(1) and 106(a)(2) of the Emergency Unemployment Compensation Act of 1991 (Public Law 102–164, as amended) are each amended by striking "October 2, 1993" and inserting "February 5, 1994".

26 USC 3304 note.

(b) WEEKS OF BENEFITS AVAILABLE DURING EXTENSION.—

(1) Subparagraph (A) of section 102(b)(2) of such Act is amended—

(A) by redesignating clause (vi) as clause (vii),

(B) by inserting after clause (v) the following new clause:

"(vi) REDUCTION OF WEEKS AFTER OCTOBER 2, 1993.—In the case of weeks beginning after October 2, 1993—

"(I) clause (i) of this subparagraph shall be applied by substituting '13' for '33' and by substituting '7' for '26',

"(II) clauses (ii), (iii), (iv), and (v) of this subparagraph shall not apply, and

"(III) subparagraph A of paragraph (1) shall be applied by substituting '50 percent' for '130 percent'.", and

(C) by striking "or (iv)" in clause (vii) (as redesignated by subparagraph (A)) and inserting "(iv), or (vi)".

(2) Subparagraph (B) of section 102(b)(2) of such Act is amended by striking "and (iv)" and inserting "(iv) and (vi)".

(c) MODIFICATION OF FINAL PHASE-OUT.—Paragraph (2) of section 102(f) of such Act is amended—

(1) by striking "October 2, 1993" and inserting "February 5, 1994", and

(2) by striking "January 15, 1994" and inserting "April 30, 1994".

26 USC 3304 note.

(d) CONFORMING AMENDMENTS.—Section 101(e) of such Act is amended—

(1) by striking "October 2, 1993" each place it appears in paragraph (1) and inserting "February 5, 1994", and

(2) by striking "(and is not triggered off under paragraph (1))" in paragraph (2) and inserting "after February 5, 1994,".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to weeks of unemployment beginning after October 2, 1993. 26 USC 3304 note.

SEC. 3. MODIFICATION TO ELIGIBILITY REQUIREMENTS FOR EMERGENCY UNEMPLOYMENT COMPENSATION.

(a) REPEAL OF DISREGARD OF RIGHTS TO REGULAR COMPENSATION.—Subsection (f) of section 101 of the Emergency Unemployment Compensation Act of 1991 (Public Law 102–164, as amended) is hereby repealed.

(b) EFFECTIVE DATE.—The repeal made by subsection (a) shall apply to weeks of unemployment beginning after the date of the enactment of this Act; except that such repeal shall not apply in determining eligibility for emergency unemployment compensation from an account established before October 2, 1993. 26 USC 3304 note.

SEC. 4. WORKER PROFILING.

Intergovernmental relations.

(a) IN GENERAL.—

(1) ESTABLISHMENT OF PROFILING SYSTEM.—Section 303 of the Social Security Act is amended by adding at the end thereof the following new subsection: 42 USC 503.

"(j)(1) The State agency charged with the administration of the State law shall establish and utilize a system of profiling all new claimants for regular compensation that—

"(A) identifies which claimants will be likely to exhaust regular compensation and will need job search assistance services to make a successful transition to new employment;

"(B) refers claimants identified pursuant to subparagraph (A) to reemployment services, such as job search assistance services, available under any State or Federal law;

"(C) collects follow-up information relating to the services received by such claimants and the employment outcomes for such claimants subsequent to receiving such services and utilizes such information in making identifications pursuant to subparagraph (A); and

"(D) meets such other requirements as the Secretary of Labor determines are appropriate.

"(2) Whenever the Secretary of Labor, after reasonable notice and opportunity for hearing to the State agency charged with the administration of the State law, finds that there is a failure to comply substantially with the requirements of paragraph (1), the Secretary of Labor shall notify such State agency that further payments will not be made to the State until he is satisfied that there is no longer any such failure. Until the Secretary of Labor is so satisfied, he shall make no further certification to the Secretary of the Treasury with respect to such State.".

(2) CONFORMING AMENDMENT.—Section 304(a)(2) of the Social Security Act is amended by striking "or (i)" and inserting "(i), or (j)". 42 USC 504.

(b) PARTICIPATION REQUIREMENT.—Section 303(a) of the Social Security Act is amended—

(1) by striking the period at the end of paragraph (9) and inserting "; and", and

(2) by adding at the end thereof the following new paragraph:

"(10) A requirement that, as a condition of eligibility for regular compensation for any week, any claimant who has been referred to reemployment services pursuant to the profiling system under subsection (j)(1)(B) participate in such services or in similar services unless the State agency charged with the administration of the State law determines—

"(A) such claimant has completed such services; or

"(B) there is justifiable cause for such claimant's failure to participate in such services.".

42 USC 503 note.

(c) TECHNICAL ASSISTANCE.—The Secretary of Labor shall provide technical assistance and advice to assist the States in implementing the profiling system required under the amendments made by subsection (a). Such assistance shall include the development and identification of model profiling systems.

42 USC 503 note.

(d) REPORT TO CONGRESS.—Not later than the date 3 years after the date of enactment of this Act, the Secretary of Labor shall report to the Congress on the operation and effectiveness of the profiling system required under the amendments made by subsection (a) and the participation requirement provided by the amendments made under subsection (b). Such report shall include such recommendations as the Secretary of Labor determines are appropriate.

(e) CONFORMING AMENDMENT.—Section 4 of the Emergency Unemployment Compensation Amendments of 1993 (Public Law 103–6) is hereby repealed.

26 USC 3304 note.

42 USC 503 note.

(f) EFFECTIVE DATES.—

(1) The amendments made by subsections (a) and (b) shall take effect on the date one year after the date of the enactment of this Act.

(2) The provisions of subsections (c), (d), and (e) shall take effect on the date of enactment of this Act.

SEC. 5. TECHNICAL AMENDMENT TO UNEMPLOYMENT TRUST FUND.

42 USC 1105.

Paragraph (1) of section 905(b) of the Social Security Act is amended to read as follows:

"(b)(1) Except as provided in paragraph (3), the Secretary of the Treasury shall transfer (as of the close of each month) from the employment security administration account to the extended unemployment compensation account established by subsection (a), an amount (determined by such Secretary) equal to 20 percent of the amount by which—

"(A) the transfers to the employment security administration account pursuant to section 901(b)(2) during such month, exceed

"(B) the payments during such month from the employment security administration account pursuant to section 901 (b)(3) and (d).

If for any such month the payments referred to in subparagraph (B) exceed the transfers referred to in subparagraph (A), proper adjustments shall be made in the amounts subsequently transferred."

SEC. 6. EXTENSION OF REPORTING DATE FOR ADVISORY COUNCIL.

42 USC 1108.

Section 908(f) of the Social Security Act is amended—

(1) in paragraph (1), by striking "2d year" and inserting "third year"; and

(2) in paragraph (2), by striking "February 1, 1994" and inserting "February 1, 1995".

SEC. 7. TEMPORARY INCREASE IN SPONSORSHIP PERIOD FOR ALIENS UNDER THE SUPPLEMENTAL SECURITY INCOME PROGRAM.

(a) INCREASE IN SPONSORSHIP PERIOD.—

(1) IN GENERAL.—Section 1621 of the Social Security Act (42 U.S.C. 1382j) is amended by striking "three years" each place such term appears and inserting "5 years".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 1994. 42 USC 1382j note.

(b) REINSTATEMENT OF PRIOR LAW.—

(1) IN GENERAL.—Section 1621 of the Social Security Act (42 U.S.C. 1382j), as amended by subsection (a)(1) of this section, is amended by striking "5 years" each place such term appears and inserting "3 years".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on October 1, 1996. 42 USC 1382j note.

SEC. 8. TREATMENT OF RAILROAD WORKERS.

(a) EXTENSION OF PROGRAM.—

(1) IN GENERAL.—Paragraphs (1) and (2) of section 501(b) of the Emergency Unemployment Compensation Act of 1991 (Public Law 102–164, as amended) are each amended by striking "October 2, 1993" and inserting "January 1, 1994". 45 USC 352 note.

(2) CONFORMING AMENDMENT.—Section 501(a) of such Act is amended by striking "October 1993" and inserting "January 1994".

(b) LENGTH OF BENEFITS DURING PERIOD OF EXTENSION.—Section 501(d)(2)(B)(ii) of such Act is amended by striking "on and after the date on which a reduction in benefits is imposed under section 102(b)(2)(A)(iv)" and inserting "after October 2, 1993".

(c) TERMINATION OF BENEFITS.—Section 501(e) of such Act is amended—

(1) by striking "October 2, 1993" and inserting "January 1, 1994", and

(2) by striking "January 15, 1994" and inserting "March 26, 1994".

SEC. 9. EFFECTIVE DATES.

(a) REPEAL OF DISREGARD OF RIGHTS TO REGULAR COMPENSATION.—Notwithstanding the provisions of section 3(b) of this Act, the repeal made by section 3(a) of this Act shall apply to weeks of unemployment beginning after October 2, 1993, except that such repeal shall not apply in determining eligibility for emergency unemployment compensation from an account established before October 3, 1993. 26 USC 3304 note.

(b) RAILROAD WORKERS.—

(1) IN GENERAL.—Paragraphs (1) and (2) of section 501(b) of the Emergency Unemployment Compensation Act of 1991 (Public Law 102–164, as amended), as amended by section 8(a)(1) of this Act, are each amended by striking "January 1, 1994" and inserting "February 5, 1994".

(2) CONFORMING AMENDMENT.—Section 501(a) of such Emergency Unemployment Compensation Act of 1991, as amended by section 8(a)(2) of this Act, is amended by striking "January 1994" and inserting "February 1994".

(3) TERMINATION OF BENEFITS.—Section 501(e) of such Emergency Unemployment Compensation Act of 1991, as amended by section 8(c) of this Act, is amended—

(A) by striking "January 1, 1994" and inserting "February 5, 1994", and

(B) by striking "March 26, 1994" and inserting "April 30, 1994".

Approved November 24, 1993.

LEGISLATIVE HISTORY—H.R. 3167:

HOUSE REPORTS: Nos. 103-268 (Comm. on Ways and Means), 103-333, and 103-404 (both from Comm. of Conference).
CONGRESSIONAL RECORD, Vol. 139 (1993):
Oct. 15, considered and passed House.
Oct. 25-28, considered and passed Senate, amended.
Nov. 9, House recommitted conference report.
Nov. 20, Senate agreed to conference report.
Nov. 23, House agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 29 (1993):
Nov. 24, Presidential statement.

Public Law 103-153
103d Congress

Joint Resolution

To authorize the President to issue a proclamation designating the week beginning on November 21, 1993, and November 20, 1994, as "National Family Week".

Nov. 24, 1993
[H.J. Res. 79]

Whereas the family is the basic strength of any free and orderly society;
Whereas it is appropriate to honor the family as a unit essential to the continued well-being of the United States; and
Whereas it is fitting that official recognition be given to the importance of family loyalties and ties: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation designating the week beginning on November 21, 1993, and November 20, 1994 as "National Family Week".

Approved November 24, 1993.

LEGISLATIVE HISTORY—H.J. Res. 79:

CONGRESSIONAL RECORD, Vol. 139 (1993):
Nov. 8, considered and passed House.
Nov. 10, considered and passed Senate.

Public Law 103-154
103d Congress

Joint Resolution

Nov. 24, 1993
[H.J. Res. 159]

To designate the month of November in 1993 and 1994 as "National Hospice Month".

Whereas hospice care has been demonstrated to be a humanitarian way for terminally ill patients to approach the end of their lives in comfort with appropriate, competent, and compassionate care in an environment of personal individuality and dignity;

Whereas hospice advocates care for the patient and family by attending to their physical, emotional, and spiritual needs and specifically, the pain and grief they experience;

Whereas hospice care is provided by an interdisciplinary team of physicians, nurses, social workers, pharmacists, psychological and spiritual counselors, and community volunteers trained in the hospice concept of care;

Whereas hospice has become a full partner in the Nation's health care system;

Whereas the enactment of a permanent medicare hospice benefit and an optional medicaid hospice benefit makes it possible for many more Americans to have the opportunity to elect to receive hospice care;

Whereas private insurance carriers and employers have recognized the value of hospice care by the inclusion of hospice benefits in health care coverage packages; and

Whereas there remains a great need to increase public awareness of the benefits of hospice care: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of November in 1993 and 1994 is designated as "National Hospice Month". The President is requested to issue a proclamation calling upon all government agencies, the health care community, appropriate private organizations, and people of the United States to observe each of those months with appropriate forums, programs and activities designed to encourage national recognition of and support for hospice care as a humane response to the needs of the terminally ill and as a viable component of the health care system in this country.

Approved November 24, 1993.

LEGISLATIVE HISTORY—H.J. Res. 159:

CONGRESSIONAL RECORD, Vol. 139 (1993):
Nov. 18, considered and passed House.
Nov. 20, considered and passed Senate.

Public Law 103-155
103d Congress

An Act

To amend the Indian Environmental General Assistance Program Act of 1992 to extend the authorization of appropriations.

Nov. 24, 1993
[S. 654]

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

SECTION 1. EXTENSION OF AUTHORIZATION.

Subsection (h) of the Indian Environmental General Assistance Program Act of 1992 (42 U.S.C. 4368b(h)) is amended by striking "and 1994" and inserting ", 1994, 1995, 1996, 1997, and 1998".

SEC. 2. REPORT TO CONGRESS.

The Indian Environmental General Assistance Program Act of 1992 (42 U.S.C. 4368b) is amended by adding at the end the following:

"(i) REPORT TO CONGRESS.—The Administrator shall transmit an annual report to the appropriate Committees of the Congress with jurisdiction over the applicable environmental laws and Indian tribes describing which Indian tribes or intertribal consortia have been granted approval by the Administrator pursuant to law to enforce certain environmental laws and the effectiveness of any such enforcement.".

SEC. 3. MISCELLANEOUS.

(a) GENERAL ASSISTANCE PROGRAM.—Subsection (d)(1) of the Indian Environmental General Assistance Program Act of 1992 (42 U.S.C. 4368b(d)(1)) is amended by inserting "consistent with other applicable provisions of law providing for enforcement of such laws by Indian tribes" after "programs".

(b) EXPENDITURE OF GENERAL ASSISTANCE.—Subsection (f) of the Indian Environmental General Assistance Program Act of 1992 (42 U.S.C. 4368b(f)) is amended by adding at the end the following:

"Such programs and general assistance shall be carried out in accordance with the purposes and requirements of applicable provisions of law, including the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).".

Approved November 24, 1993.

LEGISLATIVE HISTORY—S. 654:

SENATE REPORTS: No. 103-87 (Comm. on Indian Affairs).
CONGRESSIONAL RECORD, Vol. 139 (1993):
July 20, considered and passed Senate.
Nov. 8, considered and passed House, amended.
Nov. 10, Senate concurred in House amendment.

Public Law 103-156
103d Congress

An Act

To amend the United States Grain Standards Act to extend the authority of the Federal Grain Inspection Service to collect fees to cover administrative and supervisory costs, to extend the authorization of appropriations for such Act, and to improve administration of such Act, and for other purposes.

Nov. 24, 1993
[S. 1490]

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

United States Grain Standards Act Amendments of 1993.
7 USC 71 note.

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "United States Grain Standards Act Amendments of 1993".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Limitation on administrative and supervisory costs.
Sec. 3. Authorization of appropriations.
Sec. 4. Inspection and weighing fees; inspection and weighing in Canadian ports.
Sec. 5. Pilot program for performing inspection and weighing at interior locations.
Sec. 6. Licensing of inspectors.
Sec. 7. Prohibited acts.
Sec. 8. Criminal penalties.
Sec. 9. Equipment testing and other services.
Sec. 10. Violation of subpoena.
Sec. 11. Standardizing commercial inspections.
Sec. 12. Elimination of gender-based references.
Sec. 13. Repeal of temporary amendment language; technical amendments.
Sec. 14. Authority to collect fees; termination of advisory committee.
Sec. 15. Comprehensive cost containment plan.
Sec. 16. Effective dates.

SEC. 2. LIMITATION ON ADMINISTRATIVE AND SUPERVISORY COSTS.

Section 7D of the United States Grain Standards Act (7 U.S.C. 79d) is amended—

(1) by striking "inspection and weighing" and inserting "services performed"; and

(2) by striking "1993" and inserting "2000".

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

(a) REAUTHORIZATION.—Section 19 of the United States Grain Standards Act (7 U.S.C. 87h) is amended by striking "during the period beginning October 1, 1988, and ending September 30, 1993" and inserting "1988 through 2000".

(b) LIMITATION.—Such section is further amended by striking "and 17A of this Act" and inserting "7B, 16, and 17A".

SEC. 4. INSPECTION AND WEIGHING FEES; INSPECTION AND WEIGHING IN CANADIAN PORTS.

(a) INSPECTION AUTHORITY.—Section 7 of the United States Grain Standards Act (7 U.S.C. 79) is amended—

(1) in subsection (f)(1)(A)(vi), by striking "or other agricultural programs operated by" and inserting "of"; and

(2) in the second sentence of subsection (i), by inserting before the period at the end "or as otherwise provided by agreement with the Canadian Government".

(b) WEIGHING AUTHORITY.—Section 7A of such Act (7 U.S.C. 79a) is amended—

(1) in the second sentence of subsection (c)(2), by inserting after "shall be deemed to refer to" the words "'official weighing' or";

(2) in the second sentence of subsection (d), by inserting before the period at the end "or as otherwise provided by agreement with the Canadian Government"; and

(3) in the first sentence of subsection (i), by inserting before the period at the end "or as otherwise provided in section 7(i) and subsection (d)".

SEC. 5. PILOT PROGRAM FOR PERFORMING INSPECTION AND WEIGHING AT INTERIOR LOCATIONS.

(a) INSPECTION AUTHORITY.—Section 7(f)(2) of the United States Grain Standards Act (7 U.S.C. 79(f)(2)) is amended by inserting before the period at the end ", except that the Administrator may conduct pilot programs to allow more than 1 official agency to carry out inspections within a single geographical area without undermining the policy stated in section 2".

(b) WEIGHING AUTHORITY.—The second sentence of section 7A(i) of such Act (7 U.S.C. 79a(i)) is amended by inserting before the period at the end ", except that the Administrator may conduct pilot programs to allow more than 1 official agency to carry out the weighing provisions within a single geographic area without undermining the policy stated in section 2".

SEC. 6. LICENSING OF INSPECTORS.

Section 8 of the United States Grain Standards Act (7 U.S.C. 84) is amended—

(1) in subsection (a)—

(A) in paragraph (1) of the first sentence, by inserting after "and is employed" the phrase "(or is supervised under a contractual arrangement)"; and

(B) in the second sentence, by striking "No person" and inserting "Except as otherwise provided in sections 7(i) and 7A(d), no person";

(2) in the first proviso of subsection (b), by striking "independently under the terms of a contract for the conduct of any functions involved in official inspection" and inserting "under the terms of a contract for the conduct of any functions"; and

(3) in subsection (d)—

(A) by inserting after "Persons employed" the words "or supervised under a contractual arrangement"; and

(B) by inserting after "including persons employed" the words "or supervised under a contractual arrangement".

SEC. 7. PROHIBITED ACTS.

Paragraph (11) of section 13(a) of the United States Grain Standards Act (7 U.S.C. 87b(a)(11)) is amended to read as follows:

"(11) violate section 5, 6, 7, 7A, 7B, 8, 11, 12, 16, or 17A;".

SEC. 8. CRIMINAL PENALTIES.

Section 14(a) of the United States Grain Standards Act (7 U.S.C. 87c(a)) is amended by striking "shall be guilty of a misdemeanor and shall, on conviction thereof, be subject to imprisonment for not more than twelve months, or a fine of not more than $10,000, or both such imprisonment and fine; but, for each subsequent offense subject to this subsection, such person".

SEC. 9. EQUIPMENT TESTING AND OTHER SERVICES.

Section 16 of the United States Grain Standards Act (7 U.S.C. 87e) is amended—

(1) in subsection (b), by striking the third sentence; and

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

"(g) TESTING OF CERTAIN WEIGHING EQUIPMENT.—(1) Subject to paragraph (2), the Administrator may provide for the testing of weighing equipment used for purposes other than weighing grain. The testing shall be performed—

"(A) in accordance with such regulations as the Administrator may prescribe; and

"(B) for a reasonable fee established by regulation or contractual agreement and sufficient to cover, as nearly as practicable, the estimated costs of the testing performed.

"(2) Testing performed under paragraph (1) may not conflict with or impede the objectives specified in section 2.

"(h) TESTING OF GRAIN INSPECTION INSTRUMENTS.—(1) Subject to paragraph (2), the Administrator may provide for the testing of grain inspection instruments used for commercial inspection. The testing shall be performed—

"(A) in accordance with such regulations as the Administrator may prescribe; and

"(B) for a reasonable fee established by regulation or contractual agreement and sufficient to cover, as nearly as practicable, the estimated costs of the testing performed.

"(2) Testing performed under paragraph (1) may not conflict with or impede the objectives specified in section 2.

"(i) ADDITIONAL FOR FEE SERVICES.—(1) In accordance with such regulations as the Administrator may provide, the Administrator may perform such other services as the Administrator considers to be appropriate.

"(2) In addition to the fees authorized by sections 7, 7A, 7B, 17A, and this section, the Administrator shall collect reasonable fees to cover the estimated costs of services performed under paragraph (1) other than standardization and foreign monitoring activities.

"(3) To the extent practicable, the fees collected under paragraph (2), together with any proceeds from the sale of any samples, shall cover the costs, including administrative and supervisory costs, of services performed under paragraph (1).

"(j) DEPOSIT OF FEES.—Fees collected under subsections (g), (h), and (i) shall be deposited into the fund created under section 7(j).

"(k) OFFICIAL COURTESIES.—The Administrator may extend appropriate courtesies to official representatives of foreign countries in order to establish and maintain relationships to carry out the policy stated in section 2. No gift offered or accepted pursuant to this subsection shall exceed $20 in value.".

SEC. 10. VIOLATION OF SUBPOENA.

Section 17(e) of the United States Grain Standards Act (7 U.S.C. 87f(e)) is amended by striking "the penalties set forth in subsection (a) of section 14 of this Act" and inserting "imprisonment for not more than 1 year or a fine of not more than $10,000 or both the imprisonment and fine".

SEC. 11. STANDARDIZING COMMERCIAL INSPECTIONS.

Section 22(a) of the United States Grain Standards Act (7 U.S.C. 87k(a)) is amended by striking "and the National Conference on Weights and Measures" and inserting ", the National Conference on Weights and Measures, or other appropriate governmental, scientific, or technical organizations".

SEC. 12. ELIMINATION OF GENDER-BASED REFERENCES.

(a) Section 3 (7 U.S.C. 75) is amended—

(1) in subsection (a), by striking "his delegates" and inserting "delegates of the Secretary"; and

(2) in subsection (z), by striking "his delegates" and inserting "delegates of the Administrator".

(b) Section 4(a)(1) (7 U.S.C. 76(a)(1)) is amended by striking "his judgment" and inserting "the judgment of the Administrator".

(c) Section 5 (7 U.S.C. 77) is amended—

(1) in subsection (a)(1), by striking "his agent" and inserting "the agent of the shipper"; and

(2) in subsection (b), by striking "he" and inserting "the Administrator".

(d) Section 7 (7 U.S.C. 79) is amended—

(1) in subsection (a), by striking "he" and inserting "the Administrator";

(2) in subsection (b)—

(A) by striking "he" and inserting "the Administrator"; and

(B) by striking "his judgment" and inserting "the judgment of the Administrator"; and

(3) in subsection (e)(2)—

(A) by striking "he" and inserting "the Administrator"; and

(B) by striking "his discretion" and inserting "the discretion of the Administrator".

(e) Section 7A(e) (7 U.S.C. 79a(e)) is amended by striking "he" and inserting "the Administrator".

(f) Section 7B(a) (7 U.S.C. 79b(a)) is amended by striking "he" and inserting "the Administrator".

(g) Section 8 (7 U.S.C. 84) is amended—

(1) in subsection (a), by striking "him" and inserting "the Administrator"; and

(2) in subsections (c) and (f), by striking "he" each place it appears and inserting "the Administrator".

(h) Section 9 (7 U.S.C. 85) is amended—

(1) by striking "him" and inserting "the licensee"; and

(2) by striking "his license" and inserting "the license".

(i) Section 10 (7 U.S.C. 86) is amended—

(1) in subsection (a), by striking "he" each place it appears and inserting "the Administrator"; and

(2) in subsection (b), by striking "he" and inserting "the person".

(j) Section 11 (7 U.S.C. 87) is amended—

(1) in subsection (a), by striking "he" and inserting "the Administrator"; and

(2) in subsection (b)—

(A) in paragraph (1), by striking "he" and inserting "the producer"; and

(B) in paragraph (5), by striking "he" each place it appears and inserting "the Administrator".

(k) Section 12 (7 U.S.C. 87a) is amended—

(1) in subsection (b), by striking "his judgment" and inserting "the judgment of the Administrator"; and

(2) in subsection (c), by striking "he" and inserting "the Administrator".

(l) Section 13(a) (7 U.S.C. 87b(a)) is amended—

(1) in paragraph (2), by striking "his representative" and inserting "the representative of the Administrator";

(2) in paragraphs (7) and (8), by striking "his duties" each place it appears and inserting "the duties of the officer, employee, or other person"; and

(3) in paragraph (9), by striking "he" and inserting "the person".

(m) Section 14 (7 U.S.C. 87c) is amended—

(1) in subsection (a), by striking "he" and inserting "the person"; and

(2) in subsection (b), by striking "he" each place it appears and inserting "the Administrator".

(n) Section 15 (7 U.S.C. 87d) is amended by striking "his employment or office" and inserting "the employment or office of the official, agent, or other person".

(o) Section 17(e) (7 U.S.C. 87f(e)) is amended by striking "his power" and inserting "the power of the person".

(p) Section 17A (7 U.S.C. 87f–1) is amended—

(1) in subsection (a)(2), by striking "he" and inserting "the producer"; and

(2) in subsection (c), by striking "he" and inserting "the person".

SEC. 13. REPEAL OF TEMPORARY AMENDMENT LANGUAGE; TECHNICAL AMENDMENTS.

(a) REPEAL.—Section 2 of the United States Grain Standards Act Amendments of 1988 (Public Law 100–518; 102 Stat. 2584) is amended, in the matter preceding paragraph (1), by striking "Effective for the period October 1, 1988, through September 30, 1993, inclusive, the" and inserting "The". Effective date. 7 USC 79 note.

(b) TECHNICAL AMENDMENTS.—(1) Section 21(a) of the United States Grain Standards Act (7 U.S.C. 87j(a)) is amended—

(A) by striking "(1)"; and

(B) by striking paragraph (2).

(2) Section 22(c) of such Act (7 U.S.C. 87k(c)), is amended by striking "subsection (a) and (b)" and inserting "subsections (a) and (b)".

SEC. 14. AUTHORITY TO COLLECT FEES; TERMINATION OF ADVISORY COMMITTEE.

(a) INSPECTION AND SUPERVISORY FEES.—Section 7(j) of the United States Grain Standards Act (7 U.S.C. 79(j)) is amended by adding at the end the following new paragraph:

"(4) The duties imposed by paragraph (2) on designated official agencies and State agencies described in such paragraph and the investment authority provided by paragraph (3) shall expire on September 30, 2000. After that date, the fees established by the Administrator pursuant to paragraph (1) shall not cover administrative and supervisory costs related to the official inspection of grain.".

(b) WEIGHING AND SUPERVISORY FEES.—Section 7A(l) of such Act (7 U.S.C. 79a(l)) is amended by adding at the end the following new paragraph:

"(3) The authority provided to the Administrator by paragraph (1) and the duties imposed by paragraph (2) on agencies and other persons described in such paragraph shall expire on September 30, 2000. After that date, the Administrator shall, under such regulations as the Administrator may prescribe, charge and collect reasonable fees to cover the estimated costs of official weighing and supervision of weighing except when the official weighing or supervision of weighing is performed by a designated official agency or by a State under a delegation of authority. The fees authorized by this paragraph shall, as nearly as practicable, cover the costs of the Service incident to its performance of official weighing and supervision of weighing services in the United States and on United States grain in Canadian ports, excluding administrative and supervisory costs. The fees authorized by this paragraph shall be deposited into a fund which shall be available without fiscal year limitation for the expenses of the Service incident to providing services under this Act.".

(c) ADVISORY COMMITTEE.—Section 21 of such Act (7 U.S.C. 87j) is amended by adding at the end the following new subsection:

"(e) The authority provided to the Secretary for the establishment and maintenance of an advisory committee under this section shall expire on September 30, 2000.".

SEC. 15. COMPREHENSIVE COST CONTAINMENT PLAN.

Section 3A (7 U.S.C. 75a) is amended—

(1) by striking "There is created" and inserting "(a) ESTABLISHMENT.—There is created"; and

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

"(b) COST CONTAINMENT PLAN.—(1) The Administrator shall develop and carry out a comprehensive cost containment plan to streamline and maximize the efficiency of the operations of the Service, including standardization activities, in order to minimize taxpayer expenditures and user fees and encourage the maximum use of official inspection and weighing services at domestic and export locations.

Reports.

"(2) Not later than 180 days after the date of enactment of this subsection, the Administrator shall submit a report that describes actions taken to carry out paragraph (1) to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.".

7 USC 75 note.

SEC. 16. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) SPECIAL EFFECTIVE DATE FOR CERTAIN PROVISIONS.—The amendments made by sections 2, 3, and 13(a) shall take effect as of September 30, 1993.

Approved November 24, 1993.

LEGISLATIVE HISTORY—S. 1490 (H.R. 2689):

HOUSE REPORTS: No. 103-265 accompanying H.R. 2689 (Comm. on Agriculture).
CONGRESSIONAL RECORD, Vol. 139 (1993):
Sept. 28, H.R. 2689 considered and passed House.
Sept. 29, S. 1490 considered and passed Senate.
Nov. 4, considered and passed House, amended.
Nov. 10, Senate concurred in House amendments.

Public Law 103-157
103d Congress

Joint Resolution

Nov. 24, 1993
[S.J. Res. 55]

To designate the periods commencing on November 28, 1993, and ending on December 4, 1993, and commencing on November 27, 1994, and ending on December 3, 1994, as "National Home Care Week".

Whereas organized home care services for the elderly and disabled have existed in the United States since the last quarter of the 18th century;

Whereas home care is an effective and economical alternative to unnecessary institutionalization;

Whereas caring for the ill and disabled in their homes places an emphasis on the dignity and independence of the individual receiving these services;

Whereas since the enactment of the medicare home care program, which provides coverage for skilled nursing services, physical therapy, speech therapy, social services, occupational therapy, and home health aide services, the number of home care agencies in the United States providing these services has increased from fewer than 1,275 to more than 12,000; and

Whereas many private and charitable organizations provide these and similar services to millions of individuals each year, preventing, postponing, and limiting the need for them to become institutionalized to receive these services: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the periods commencing on November 28, 1993, and ending on December 4, 1993, and commencing on November 27, 1994, and ending on December 3, 1994, are each designated as "National Home Care Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such weeks with appropriate ceremonies and activities.

Approved November 24, 1993.

LEGISLATIVE HISTORY—S.J. Res. 55:

CONGRESSIONAL RECORD, Vol. 139 (1993):
Nov. 2, considered and passed Senate.
Nov. 18, considered and passed House.

Public Law 103-158
103d Congress

Joint Resolution

To authorize the placement of a memorial cairn in Arlington National Cemetery, Arlington, Virginia, to honor the 270 victims of the terrorist bombing of Pan Am Flight 103.

Nov. 24, 1993
[S.J. Res. 129]

Whereas Pan Am Flight 103 was destroyed by a bomb during the flight over Lockerbie, Scotland, on December 21, 1988;
Whereas 270 persons from 21 countries were killed in this terrorist bombing;
Whereas 189 of those killed were citizens of the United States including the following citizens from 21 States, the District of Columbia, and United States citizens living abroad:

ARKANSAS: Frederick Sanford Phillips;

CALIFORNIA: Jerry Don Avritt, Surinder Mohan Bhatia, Stacie Denise Franklin, Matthew Kevin Gannon, Paul Isaac Garrett, Barry Joseph Valentino, Jonathan White;

COLORADO: Steven Lee Butler;

CONNECTICUT: Scott Marsh Cory, Patricia Mary Coyle, Shannon Davis, Turhan Ergin, Thomas Britton Schultz, Amy Elizabeth Shapiro;

DISTRICT OF COLUMBIA: Nicholas Andreas Vrenios;

FLORIDA: John Binning Cummock;

ILLINOIS: Janina Jozefa Waido;

KANSAS: Lloyd David Ludlow;

MARYLAND: Michael Stuart Bernstein, Jay Joseph Kingham, Karen Elizabeth Noonan, Anne Lindsey Otenasek, Anita Lynn Reeves, Louise Ann Rogers, George Watterson Williams, Miriam Luby Wolfe;

MASSACHUSETTS: Julian MacBain Benello, Nicole Elise Boulanger, Nicholas Bright, Gary Leonard Colasanti, Joseph Patrick Curry, Mary Lincoln Johnson, Julianne Frances Kelly, Wendy Anne Lincoln, Daniel Emmett O'Connor, Sarah Susannah Buchanan Philipps, James Andrew Campbell Pitt, Cynthia Joan Smith, Thomas Edwin Walker;

MICHIGAN: Lawrence Ray Bennett, Diane Boatman-Fuller, James Ralph Fuller, Kenneth James Gibson, Pamela Elaine Herbert, Khalid Nazir Jaafar, Gregory Kosmowski, Louis Anthony Marengo, Anmol Rattan, Garima Rattan, Suruchi Rattan, Mary Edna Smith, Arva Anthony Thomas, Jonathan Ryan Thomas, Lawanda Thomas;

MINNESOTA: Philip Vernon Bergstrom;

NEW HAMPSHIRE: Stephen John Boland, James Bruce MacQuarrie;

NEW JERSEY: Thomas Joseph Ammerman, Michael Warren Buser, Warren Max Buser, Frank Ciulla, Eric Michael Coker,

Jason Michael Coker, William Allan Daniels, Gretchen Joyce Dater, Michael Joseph Doyle, John Patrick Flynn, Kenneth Raymond Garczynski, William David Giebler, Roger Elwood Hurst, Robert Van Houten Jeck, Timothy Baron Johnson, Patricia Ann Klein, Robert Milton Leckburg, Alexander Lowenstein, Richard Paul Monetti, Martha Owens, Sarah Rebecca Owens, Laura Abigail Owens, Robert Plack Owens, William Pugh, Diane Marie Rencevicz, Saul Mark Rosen, Irving Stanley Sigal, Elia Stratis, Alexia Kathryn Tsairis, Raymond Ronald Wagner, Dedera Lynn Woods, Chelsea Marie Woods, Joe Nathan Woods, Joe Nathan Woods, Jr.;

NEW YORK: John Michael Gerard Ahern, Rachel Maria Asrelsky, Harry Michael Bainbridge, Kenneth John Bissett, Paula Marie Bouckley, Colleen Renee Brunner, Gregory Capasso, Richard Anthony Cawley, Theodora Eugenia Cohen, Joyce Christine Dimauro, Edgar Howard Eggleston III, Arthur Fondiler, Robert Gerard Fortune, Amy Beth Gallagher, Andre Nikolai Guevorgian, Lorraine Buser Halsch, Lynne Carol Hartunian, Katherine Augusta Hollister, Melina Kristina Hudson, Karen Lee Hunt, Kathleen Mary Jermyn, Christopher Andrew Jones, William Chase Leyrer, William Edward Mack, Elizabeth Lillian Marek, Daniel Emmet McCarthy, Suzanne Marie Miazga, Joseph Kenneth Miller, Jewell Courtney Mitchell, Eva Ingeborg Morson, John Mulroy, Mary Denice O'Neill, Robert Italo Pagnucco, Christos Michael Papadopoulos, David Platt, Walter Leonard Porter, Pamela Lynn Posen, Mark Alan Rein, Andrea Victoria Rosenthal, Daniel Peter Rosenthal, Joan Sheanshang, Martin Bernard Carruthers Simpson, James Alvin Smith, James Ralph Stow, Mark Lawrence Tobin, David William Trimmer-Smith, Asaad Eidi Vejdany, Kesha Weedon, Jerome Lee Weston, Bonnie Leigh Williams, Brittany Leigh Williams, Eric Jon Williams, Stephanie Leigh Williams, Mark James Zwynenburg;

NORTH DAKOTA: Steven Russell Berrell;

OHIO: John David Akerstrom, Shanti Dixit, Douglas Eugene Malicote, Wendy Gay Malicote, Peter Raymond Peirce, Michael Pescatore, Peter Vulcu;

PENNSYLVANIA: Martin Lewis Apfelbaum, Timothy Michael Cardwell, David Scott Dornstein, Anne Madelene Gorgacz, Linda Susan Gordon-Gorgacz, Loretta Anne Gorgacz, David J. Gould, Rodney Peter Hilbert, Beth Ann Johnson, Robert Eugene McCollum, Elyse Jeanne Saraceni, Scott Christopher Saunders;

RHODE ISLAND: Bernard Joseph McLaughlin, Robert Thomas Schlageter;

TEXAS: Willis Larry Coursey, Michael Gary Stinnett, Charlotte Ann Stinnett, Stacey Leanne Stinnett;

VIRGINIA: Ronald Albert Lariviere, Charles Dennis McKee;

WEST VIRGINIA: Valerie Canady;

UNITED STATES CITIZENS LIVING ABROAD: Sarah Margaret Aicher, Judith Bernstein Atkinson, William Garretson Atkinson III, Noelle Lydie Berti, Charles Thomas Fisher IV, Lilibeth Tobila Macalolooy, Diane Marie Maslowski, Jane Susan Melber, Jane Ann Morgan, Sean Kevin Mulroy, Jocelyn Reina, Myra Josephine Royal, Irja Syhnove Skabo, Milutin Velimirovich;

Whereas 15 active duty members and at least 10 veterans of the United States Armed Forces and members of their families were among those who lost their lives in this tragedy;

Whereas the terrorist bombing of Flight 103 was unquestionably an attack on the United States;

Whereas a memorial cairn honoring the victims of the bombing of Flight 103 has been donated to the people of the United States by the people of Scotland;

Whereas a small, vacant plot of land, unsuitable for gravesites, has been located in Arlington National Cemetery, Arlington, Virginia; and

Whereas Arlington National Cemetery, Arlington, Virginia, is a fitting and appropriate place for a memorial in honor of those who perished in the Flight 103 bombing: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to place in Arlington National Cemetery, Arlington, Virginia, a memorial cairn, donated by the people of Scotland, honoring the 270 victims of the terrorist bombing of Pan Am Flight 103 who died on December 21, 1988, over Lockerbie, Scotland.

Approved November 24, 1993.

LEGISLATIVE HISTORY—S.J. Res. 129:

CONGRESSIONAL RECORD, Vol. 139 (1993):
Nov. 8, considered and passed Senate.
Nov. 16, considered and passed House.

Public Law 103-159
103d Congress

An Act

Nov. 30, 1993
[H.R. 1025]

To provide for a waiting period before the purchase of a handgun, and for the establishment of a national instant criminal background check system to be contacted by firearms dealers before the transfer of any firearm.

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

Brady Handgun Violence Prevention Act.
Intergovernmental relations.
Law enforcement and crime.
18 USC 921 note.

TITLE I—BRADY HANDGUN CONTROL

SEC. 101. SHORT TITLE.

This title may be cited as the "Brady Handgun Violence Prevention Act".

SEC. 102. FEDERAL FIREARMS LICENSEE REQUIRED TO CONDUCT CRIMINAL BACKGROUND CHECK BEFORE TRANSFER OF FIREARM TO NON-LICENSEE.

(a) INTERIM PROVISION.—

(1) IN GENERAL.—Section 922 of title 18, United States Code, is amended by adding at the end the following:

Effective date.
Termination date.

"(s)(1) Beginning on the date that is 90 days after the date of enactment of this subsection and ending on the day before the date that is 60 months after such date of enactment, it shall be unlawful for any licensed importer, licensed manufacturer, or licensed dealer to sell, deliver, or transfer a handgun to an individual who is not licensed under section 923, unless—

"(A) after the most recent proposal of such transfer by the transferee—

"(i) the transferor has—

"(I) received from the transferee a statement of the transferee containing the information described in paragraph (3);

"(II) verified the identity of the transferee by examining the identification document presented;

"(III) within 1 day after the transferee furnishes the statement, provided notice of the contents of the statement to the chief law enforcement officer of the place of residence of the transferee; and

"(IV) within 1 day after the transferee furnishes the statement, transmitted a copy of the statement

to the chief law enforcement officer of the place of residence of the transferee; and

"(ii)(I) 5 business days (meaning days on which State offices are open) have elapsed from the date the transferor furnished notice of the contents of the statement to the chief law enforcement officer, during which period the transferor has not received information from the chief law enforcement officer that receipt or possession of the handgun by the transferee would be in violation of Federal, State, or local law; or

"(II) the transferor has received notice from the chief law enforcement officer that the officer has no information indicating that receipt or possession of the handgun by the transferee would violate Federal, State, or local law;

"(B) the transferee has presented to the transferor a written statement, issued by the chief law enforcement officer of the place of residence of the transferee during the 10-day period ending on the date of the most recent proposal of such transfer by the transferee, stating that the transferee requires access to a handgun because of a threat to the life of the transferee or of any member of the household of the transferee;

"(C)(i) the transferee has presented to the transferor a permit that—

"(I) allows the transferee to possess or acquire a handgun; and

"(II) was issued not more than 5 years earlier by the State in which the transfer is to take place; and

"(ii) the law of the State provides that such a permit is to be issued only after an authorized government official has verified that the information available to such official does not indicate that possession of a handgun by the transferee would be in violation of the law;

"(D) the law of the State requires that, before any licensed importer, licensed manufacturer, or licensed dealer completes the transfer of a handgun to an individual who is not licensed under section 923, an authorized government official verify that the information available to such official does not indicate that possession of a handgun by the transferee would be in violation of law;

"(E) the Secretary has approved the transfer under section 5812 of the Internal Revenue Code of 1986; or

"(F) on application of the transferor, the Secretary has certified that compliance with subparagraph (A)(i)(III) is impracticable because—

"(i) the ratio of the number of law enforcement officers of the State in which the transfer is to occur to the number of square miles of land area of the State does not exceed 0.0025;

"(ii) the business premises of the transferor at which the transfer is to occur are extremely remote in relation to the chief law enforcement officer; and

"(iii) there is an absence of telecommunications facilities in the geographical area in which the business premises are located.

"(2) A chief law enforcement officer to whom a transferor has provided notice pursuant to paragraph (1)(A)(i)(III) shall make a reasonable effort to ascertain within 5 business days whether

receipt or possession would be in violation of the law, including research in whatever State and local recordkeeping systems are available and in a national system designated by the Attorney General.

"(3) The statement referred to in paragraph (1)(A)(i)(I) shall contain only—

"(A) the name, address, and date of birth appearing on a valid identification document (as defined in section 1028(d)(1)) of the transferee containing a photograph of the transferee and a description of the identification used;

"(B) a statement that the transferee—

"(i) is not under indictment for, and has not been convicted in any court of, a crime punishable by imprisonment for a term exceeding 1 year;

"(ii) is not a fugitive from justice;

"(iii) is not an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act);

"(iv) has not been adjudicated as a mental defective or been committed to a mental institution;

"(v) is not an alien who is illegally or unlawfully in the United States;

"(vi) has not been discharged from the Armed Forces under dishonorable conditions; and

"(vii) is not a person who, having been a citizen of the United States, has renounced such citizenship;

"(C) the date the statement is made; and

"(D) notice that the transferee intends to obtain a handgun from the transferor.

"(4) Any transferor of a handgun who, after such transfer, receives a report from a chief law enforcement officer containing information that receipt or possession of the handgun by the transferee violates Federal, State, or local law shall, within 1 business day after receipt of such request, communicate any information related to the transfer that the transferor has about the transfer and the transferee to—

"(A) the chief law enforcement officer of the place of business of the transferor; and

"(B) the chief law enforcement officer of the place of residence of the transferee.

"(5) Any transferor who receives information, not otherwise available to the public, in a report under this subsection shall not disclose such information except to the transferee, to law enforcement authorities, or pursuant to the direction of a court of law.

"(6)(A) Any transferor who sells, delivers, or otherwise transfers a handgun to a transferee shall retain the copy of the statement of the transferee with respect to the handgun transaction, and shall retain evidence that the transferor has complied with subclauses (III) and (IV) of paragraph (1)(A)(i) with respect to the statement.

"(B) Unless the chief law enforcement officer to whom a statement is transmitted under paragraph (1)(A)(i)(IV) determines that a transaction would violate Federal, State, or local law—

Records.

"(i) the officer shall, within 20 business days after the date the transferee made the statement on the basis of which the notice was provided, destroy the statement, any record

containing information derived from the statement, and any record created as a result of the notice required by paragraph (1)(A)(i)(III);

"(ii) the information contained in the statement shall not be conveyed to any person except a person who has a need to know in order to carry out this subsection; and

"(iii) the information contained in the statement shall not be used for any purpose other than to carry out this subsection.

"(C) If a chief law enforcement officer determines that an individual is ineligible to receive a handgun and the individual requests the officer to provide the reason for such determination, the officer shall provide such reasons to the individual in writing within 20 business days after receipt of the request.

"(7) A chief law enforcement officer or other person responsible for providing criminal history background information pursuant to this subsection shall not be liable in an action at law for damages—

"(A) for failure to prevent the sale or transfer of a handgun to a person whose receipt or possession of the handgun is unlawful under this section; or

"(B) for preventing such a sale or transfer to a person who may lawfully receive or possess a handgun.

"(8) For purposes of this subsection, the term 'chief law enforcement officer' means the chief of police, the sheriff, or an equivalent officer or the designee of any such individual.

"(9) The Secretary shall take necessary actions to ensure that the provisions of this subsection are published and disseminated to licensed dealers, law enforcement officials, and the public.". Publication. Public information.

(2) HANDGUN DEFINED.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

"(29) The term 'handgun' means—

"(A) a firearm which has a short stock and is designed to be held and fired by the use of a single hand; and

"(B) any combination of parts from which a firearm described in subparagraph (A) can be assembled.".

(b) PERMANENT PROVISION.—Section 922 of title 18, United States Code, as amended by subsection (a)(1), is amended by adding at the end the following:

"(t)(1) Beginning on the date that is 30 days after the Attorney General notifies licensees under section 103(d) of the Brady Handgun Violence Prevention Act that the national instant criminal background check system is established, a licensed importer, licensed manufacturer, or licensed dealer shall not transfer a firearm to any other person who is not licensed under this chapter, unless— Effective date.

"(A) before the completion of the transfer, the licensee contacts the national instant criminal background check system established under section 103 of that Act;

"(B)(i) the system provides the licensee with a unique identification number; or

"(ii) 3 business days (meaning a day on which State offices are open) have elapsed since the licensee contacted the system, and the system has not notified the licensee that the receipt of a firearm by such other person would violate subsection (g) or (n) of this section; and

"(C) the transferor has verified the identity of the transferee by examining a valid identification document (as defined in

section 1028(d)(1) of this title) of the transferee containing a photograph of the transferee.

"(2) If receipt of a firearm would not violate section 922 (g) or (n) or State law, the system shall—

"(A) assign a unique identification number to the transfer;

"(B) provide the licensee with the number; and

Records.

"(C) destroy all records of the system with respect to the call (other than the identifying number and the date the number was assigned) and all records of the system relating to the person or the transfer.

"(3) Paragraph (1) shall not apply to a firearm transfer between a licensee and another person if—

"(A)(i) such other person has presented to the licensee a permit that—

"(I) allows such other person to possess or acquire a firearm; and

"(II) was issued not more than 5 years earlier by the State in which the transfer is to take place; and

"(ii) the law of the State provides that such a permit is to be issued only after an authorized government official has verified that the information available to such official does not indicate that possession of a firearm by such other person would be in violation of law;

"(B) the Secretary has approved the transfer under section 5812 of the Internal Revenue Code of 1986; or

"(C) on application of the transferor, the Secretary has certified that compliance with paragraph (1)(A) is impracticable because—

"(i) the ratio of the number of law enforcement officers of the State in which the transfer is to occur to the number of square miles of land area of the State does not exceed 0.0025;

"(ii) the business premises of the licensee at which the transfer is to occur are extremely remote in relation to the chief law enforcement officer (as defined in subsection (s)(8)); and

"(iii) there is an absence of telecommunications facilities in the geographical area in which the business premises are located.

"(4) If the national instant criminal background check system notifies the licensee that the information available to the system does not demonstrate that the receipt of a firearm by such other person would violate subsection (g) or (n) or State law, and the licensee transfers a firearm to such other person, the licensee shall include in the record of the transfer the unique identification number provided by the system with respect to the transfer.

"(5) If the licensee knowingly transfers a firearm to such other person and knowingly fails to comply with paragraph (1) of this subsection with respect to the transfer and, at the time such other person most recently proposed the transfer, the national instant criminal background check system was operating and information was available to the system demonstrating that receipt of a firearm by such other person would violate subsection (g) or (n) of this section or State law, the Secretary may, after notice and opportunity for a hearing, suspend for not more than 6 months or revoke any license issued to the licensee under section 923, and may impose on the licensee a civil fine of not more than $5,000.

"(6) Neither a local government nor an employee of the Federal Government or of any State or local government, responsible for providing information to the national instant criminal background check system shall be liable in an action at law for damages—

"(A) for failure to prevent the sale or transfer of a firearm to a person whose receipt or possession of the firearm is unlawful under this section; or

"(B) for preventing such a sale or transfer to a person who may lawfully receive or possess a firearm.".

(c) PENALTY.—Section 924(a) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking "paragraph (2) or (3) of"; and

(2) by adding at the end the following:

"(5) Whoever knowingly violates subsection (s) or (t) of section 922 shall be fined not more than $1,000, imprisoned for not more than 1 year, or both.".

SEC. 103. NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.

Computers. Records. Telecommunications. 18 USC 922 note.

(a) DETERMINATION OF TIMETABLES.—Not later than 6 months after the date of enactment of this Act, the Attorney General shall—

(1) determine the type of computer hardware and software that will be used to operate the national instant criminal background check system and the means by which State criminal records systems and the telephone or electronic device of licensees will communicate with the national system;

(2) investigate the criminal records system of each State and determine for each State a timetable by which the State should be able to provide criminal records on an on-line capacity basis to the national system; and

(3) notify each State of the determinations made pursuant to paragraphs (1) and (2).

(b) ESTABLISHMENT OF SYSTEM.—Not later than 60 months after the date of the enactment of this Act, the Attorney General shall establish a national instant criminal background check system that any licensee may contact, by telephone or by other electronic means in addition to the telephone, for information, to be supplied immediately, on whether receipt of a firearm by a prospective transferee would violate section 922 of title 18, United States Code, or State law.

(c) EXPEDITED ACTION BY THE ATTORNEY GENERAL.—The Attorney General shall expedite—

(1) the upgrading and indexing of State criminal history records in the Federal criminal records system maintained by the Federal Bureau of Investigation;

(2) the development of hardware and software systems to link State criminal history check systems into the national instant criminal background check system established by the Attorney General pursuant to this section; and

(3) the current revitalization initiatives by the Federal Bureau of Investigation for technologically advanced fingerprint and criminal records identification.

(d) NOTIFICATION OF LICENSEES.—On establishment of the system under this section, the Attorney General shall notify each licensee and the chief law enforcement officer of each State of

the existence and purpose of the system and the means to be used to contact the system.

(e) ADMINISTRATIVE PROVISIONS.—

(1) AUTHORITY TO OBTAIN OFFICIAL INFORMATION.—Notwithstanding any other law, the Attorney General may secure directly from any department or agency of the United States such information on persons for whom receipt of a firearm would violate subsection (g) or (n) of section 922 of title 18, United States Code or State law, as is necessary to enable the system to operate in accordance with this section. On request of the Attorney General, the head of such department or agency shall furnish such information to the system.

(2) OTHER AUTHORITY.—The Attorney General shall develop such computer software, design and obtain such telecommunications and computer hardware, and employ such personnel, as are necessary to establish and operate the system in accordance with this section.

(f) WRITTEN REASONS PROVIDED ON REQUEST.—If the national instant criminal background check system determines that an individual is ineligible to receive a firearm and the individual requests the system to provide the reasons for the determination, the system shall provide such reasons to the individual, in writing, within 5 business days after the date of the request.

(g) CORRECTION OF ERRONEOUS SYSTEM INFORMATION.—If the system established under this section informs an individual contacting the system that receipt of a firearm by a prospective transferee would violate subsection (g) or (n) of section 922 of title 18, United States Code or State law, the prospective transferee may request the Attorney General to provide the prospective transferee with the reasons therefor. Upon receipt of such a request, the Attorney General shall immediately comply with the request. The prospective transferee may submit to the Attorney General information to correct, clarify, or supplement records of the system with respect to the prospective transferee. After receipt of such information, the Attorney General shall immediately consider the information, investigate the matter further, and correct all erroneous Federal records relating to the prospective transferee and give notice of the error to any Federal department or agency or any State that was the source of such erroneous records.

Confidential information.

(h) REGULATIONS.—After 90 days' notice to the public and an opportunity for hearing by interested parties, the Attorney General shall prescribe regulations to ensure the privacy and security of the information of the system established under this section.

(i) PROHIBITION RELATING TO ESTABLISHMENT OF REGISTRATION SYSTEMS WITH RESPECT TO FIREARMS.—No department, agency, officer, or employee of the United States may—

(1) require that any record or portion thereof generated by the system established under this section be recorded at or transferred to a facility owned, managed, or controlled by the United States or any State or political subdivision thereof; or

(2) use the system established under this section to establish any system for the registration of firearms, firearm owners, or firearm transactions or dispositions, except with respect to persons, prohibited by section 922 (g) or (n) of title 18, United States Code or State law, from receiving a firearm.

(j) DEFINITIONS.—As used in this section:

(1) LICENSEE.—The term "licensee" means a licensed importer (as defined in section 921(a)(9) of title 18, United States Code), a licensed manufacturer (as defined in section 921(a)(10) of that title), or a licensed dealer (as defined in section 921(a)(11) of that title).

(2) OTHER TERMS.—The terms "firearm", "handgun", "licensed importer", "licensed manufacturer", and "licensed dealer" have the meanings stated in section 921(a) of title 18, United States Code, as amended by subsection (a)(2).

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, which may be appropriated from the Violent Crime Reduction Trust Fund established by section 1115 of title 31, United States Code, such sums as are necessary to enable the Attorney General to carry out this section.

SEC. 104. REMEDY FOR ERRONEOUS DENIAL OF FIREARM.

(a) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by inserting after section 925 the following new section:

"§ 925A. Remedy for erroneous denial of firearm

"Any person denied a firearm pursuant to subsection (s) or (t) of section 922—

"(1) due to the provision of erroneous information relating to the person by any State or political subdivision thereof, or by the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act; or

"(2) who was not prohibited from receipt of a firearm pursuant to subsection (g) or (n) of section 922,

may bring an action against the State or political subdivision responsible for providing the erroneous information, or responsible for denying the transfer, or against the United States, as the case may be, for an order directing that the erroneous information be corrected or that the transfer be approved, as the case may be. In any action under this section, the court, in its discretion, may allow the prevailing party a reasonable attorney's fee as part of the costs.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 44 of title 18, United States Code, is amended by inserting after the item relating to section 925 the following new item:

"925A. Remedy for erroneous denial of firearm.".

SEC. 105. RULE OF CONSTRUCTION.

18 USC 921 note.

This Act and the amendments made by this Act shall not be construed to alter or impair any right or remedy under section 552a of title 5, United States Code.

SEC. 106. FUNDING FOR IMPROVEMENT OF CRIMINAL RECORDS.

(a) USE OF FORMULA GRANTS.—Section 509(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3759(b)) is amended—

(1) in paragraph (2) by striking "and" after the semicolon;

(2) in paragraph (3) by striking the period and inserting "; and"; and

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

"(4) the improvement of State record systems and the sharing with the Attorney General of all of the records described in paragraphs (1), (2), and (3) of this subsection and the records

required by the Attorney General under section 103 of the Brady Handgun Violence Prevention Act, for the purpose of implementing that Act.".

18 USC 922 note.

(b) ADDITIONAL FUNDING.—

(1) GRANTS FOR THE IMPROVEMENT OF CRIMINAL RECORDS.—The Attorney General, through the Bureau of Justice Statistics, shall, subject to appropriations and with preference to States that as of the date of enactment of this Act have the lowest percent currency of case dispositions in computerized criminal history files, make a grant to each State to be used—

(A) for the creation of a computerized criminal history record system or improvement of an existing system;

(B) to improve accessibility to the national instant criminal background system; and

(C) upon establishment of the national system, to assist the State in the transmittal of criminal records to the national system.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under paragraph (1), which may be appropriated from the Violent Crime Reduction Trust Fund established by section 1115 of title 31, United States Code, a total of $200,000,000 for fiscal year 1994 and all fiscal years thereafter.

TITLE II—MULTIPLE FIREARM PURCHASES TO STATE AND LOCAL POLICE

SEC. 201. REPORTING REQUIREMENT.

Section 923(g)(3) of title 18, United States Code, is amended—

(1) in the second sentence by inserting after "thereon," the following: "and to the department of State police or State law enforcement agency of the State or local law enforcement agency of the local jurisdiction in which the sale or other disposition took place,";

(2) by inserting "(A)" after "(3)"; and

(3) by adding at the end thereof the following:

Records.

"(B) Except in the case of forms and contents thereof regarding a purchaser who is prohibited by subsection (g) or (n) of section 922 of this title from receipt of a firearm, the department of State police or State law enforcement agency or local law enforcement agency of the local jurisdiction shall not disclose any such form or the contents thereof to any person or entity, and shall destroy each such form and any record of the contents thereof no more than 20 days from the date such form is received. No later than the date that is 6 months after the effective date of this subparagraph, and at the end of each 6-month period thereafter, the department of State police or State law enforcement agency or local law enforcement agency of the local jurisdiction shall certify to the Attorney General of the United States that no disclosure contrary to this subparagraph has been made and that all forms and any record of the contents thereof have been destroyed as provided in this subparagraph.".

Certification.

TITLE III—FEDERAL FIREARMS LICENSE REFORM

Federal Firearms License Reform Act of 1993.

SEC. 301. SHORT TITLE.

18 USC 921 note.

This title may be cited as the "Federal Firearms License Reform Act of 1993".

SEC. 302. PREVENTION OF THEFT OF FIREARMS.

(a) COMMON CARRIERS.—Section 922(e) of title 18, United States Code, is amended by adding at the end the following: "No common or contract carrier shall require or cause any label, tag, or other written notice to be placed on the outside of any package, luggage, or other container that such package, luggage, or other container contains a firearm.".

(b) RECEIPT REQUIREMENT.—Section 922(f) of title 18, United States Code, is amended—

(1) by inserting "(1)" after "(f)"; and

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

"(2) It shall be unlawful for any common or contract carrier to deliver in interstate or foreign commerce any firearm without obtaining written acknowledgement of receipt from the recipient of the package or other container in which there is a firearm.".

(c) UNLAWFUL ACTS.—Section 922 of title 18, United States Code, as amended by section 102, is amended by adding at the end the following new subsection:

"(u) It shall be unlawful for a person to steal or unlawfully take or carry away from the person or the premises of a person who is licensed to engage in the business of importing, manufacturing, or dealing in firearms, any firearm in the licensee's business inventory that has been shipped or transported in interstate or foreign commerce.".

(d) PENALTIES.—Section 924 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(i)(1) A person who knowingly violates section 922(u) shall be fined not more than $10,000, imprisoned not more than 10 years, or both.

"(2) Nothing contained in this subsection shall be construed as indicating an intent on the part of Congress to occupy the field in which provisions of this subsection operate to the exclusion of State laws on the same subject matter, nor shall any provision of this subsection be construed as invalidating any provision of State law unless such provision is inconsistent with any of the purposes of this subsection.".

SEC. 303. LICENSE APPLICATION FEES FOR DEALERS IN FIREARMS.

Section 923(a)(3) of title 18, United States Code, is amended—

(1) in subparagraph (A), by adding "or" at the end;

(2) in subparagraph (B) by striking "a pawnbroker dealing in firearms other than" and inserting "not a dealer in";

(3) in subparagraph (B) by striking "$25 per year; or" and inserting "$200 for 3 years, except that the fee for renewal of a valid license shall be $90 for 3 years."; and
(4) by striking subparagraph (C).

Approved November 30, 1993.

LEGISLATIVE HISTORY—H.R. 1025 (S. 414):

HOUSE REPORTS: Nos. 103-344 (Comm. on the Judiciary) and 103-412 (Comm. of Conference).
CONGRESSIONAL RECORD, Vol. 139 (1993):
Nov. 10, considered and passed House.
Nov. 19, 20, considered and passed Senate, amended, in lieu of S. 414.
Nov. 23, House agreed to conference report.
Nov. 24, Senate agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 29 (1993):
Nov. 30, Presidential remarks.

Public Law 103-160
103d Congress

An Act

To authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

Nov. 30, 1993
[H.R. 2401]

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

National Defense Authorization Act for Fiscal Year 1994.

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Defense Authorization Act for Fiscal Year 1994".

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into three divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees defined.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense-wide activities.
Sec. 105. Defense Inspector General.
Sec. 106. Reserve components.
Sec. 107. Chemical demilitarization program.
Sec. 108. National Shipbuilding Initiative.
Sec. 109. Denial of multiyear procurement authorization.

Subtitle B—Army Programs

Sec. 111. Procurement of helicopters.
Sec. 112. Light utility helicopter modernization.
Sec. 113. Nuclear, biological, and chemical protective masks.
Sec. 114. Chemical agent monitoring program.
Sec. 115. Close Combat Tactical Trainer Quickstart program.

Subtitle C—Navy Programs

Sec. 121. Seawolf attack submarine program.
Sec. 122. Trident II (D-5) missile procurement.

Sec. 123. Study of Trident missile submarine program.
Sec. 124. MK–48 ADCAP torpedo program.
Sec. 125. SSN acoustics master plan.
Sec. 126. Long-term lease or charter authority for certain double-hull tankers and oceanographic vessels.
Sec. 127. Long-term lease or charter authority for certain Roll-On/Roll-Off vessels.
Sec. 128. F–14 aircraft upgrade program.

Subtitle D—Air Force Programs

Sec. 131. B–2 bomber aircraft program.
Sec. 132. B–1B bomber aircraft program.
Sec. 133. Full and prompt access by Comptroller General to information on heavy bomber programs.
Sec. 134. C–17 aircraft program progress payments and reports.
Sec. 135. Live-fire survivability testing of the C–17 aircraft.
Sec. 136. Intertheater airlift program.
Sec. 137. Use of F–16 aircraft advance procurement funds for program termination costs.
Sec. 138. Tactical signals intelligence aircraft.
Sec. 139. C–135 aircraft program.

Subtitle E—Other Matters

Sec. 151. ALQ–135 jammer device.
Sec. 152. Global Positioning System.
Sec. 153. Ring laser gyro navigation systems.
Sec. 154. Operational support aircraft.
Sec. 155. Administration of chemical demilitarization program.
Sec. 156. Chemical munitions disposal facilities, Tooele Army Depot, Utah.
Sec. 157. Authority to convey Los Alamos dry dock.
Sec. 158. Sales authority of certain working-capital funded industrial facilities of the Army.
Sec. 159. Space-based missile warning and surveillance programs.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.
Sec. 202. Amount for basic research and exploratory development.
Sec. 203. Strategic Environmental Research and Development Program.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Kinetic Energy Antisatellite Program.
Sec. 212. B–1B bomber program.
Sec. 213. Space launch modernization plan.
Sec. 214. Medical countermeasures against biowarfare threats.
Sec. 215. Federally funded research and development centers.
Sec. 216. Demonstration program for ballistic missile post-launch destruct mechanism.
Sec. 217. High Performance Computing and Communication Initiative.
Sec. 218. Superconducting Magnetic Energy Storage (SMES) program.
Sec. 219. Advanced Self Protection Jammer (ASPJ) Program.
Sec. 220. Electronic combat systems testing.
Sec. 221. Limitation on flight tests of certain missiles.
Sec. 222. Joint Advanced Rocket System.
Sec. 223. Standoff Air-to-Surface munitions technology demonstration.
Sec. 224. Standard extremely high frequency waveform.
Sec. 225. Extension of prohibition on testing Mid-Infrared Advanced Chemical Laser against an object in space.

Subtitle C—Missile Defense Programs

Sec. 231. Funding for ballistic missile defense programs for fiscal year 1994.
Sec. 232. Revisions to Missile Defense Act of 1991.
Sec. 233. Patriot Advanced Capability–3 theater missile defense system.
Sec. 234. Compliance of ballistic missile defense systems and components with ABM Treaty.
Sec. 235. Theater missile defense master plan.
Sec. 236. Limited Defense System development plan.
Sec. 237. Theater and Limited Defense System testing.
Sec. 238. Arrow Tactical Anti-Missile program.
Sec. 239. Report on Arrow Tactical Anti-Missile program.
Sec. 240. Technical amendments to annual report requirement to reflect creation of Ballistic Missile Defense Organization.

Sec. 241. Clementine satellite program.
Sec. 242. Cooperation of United States allies on development of tactical and theater missile defenses.
Sec. 243. Transfer of follow-on technology programs.

Subtitle D—Women's Health Research

Sec. 251. Defense Women's Health Research Center.
Sec. 252. Inclusion of women and minorities in clinical research projects.

Subtitle E—Other Matters

Sec. 261. Nuclear weapons effects testing by Department of Defense.
Sec. 262. One-year delay in transfer of management responsibility for Navy mine countermeasures program to the Director, Defense Research and Engineering.
Sec. 263. Termination, reestablishment, and reconstitution of an Advisory Council on Semiconductor Technology.
Sec. 264. Navy large cavitation channel, Memphis, Tennessee.
Sec. 265. Strategic Environmental Research Council.
Sec. 266. Repeal of requirement for study by Office of Technology Assessment.
Sec. 267. Comprehensive independent study of national cryptography policy.
Sec. 268. Review of assignment of defense research and development categories.
Sec. 269. Authorized use for facility constructed with prior defense grant funds.
Sec. 270. Grant to support research on exposure to hazardous agents and materials by military personnel who served in the Persian Gulf War.
Sec. 271. Research on exposure to depleted uranium by military personnel who served in the Persian Gulf War.
Sec. 272. Sense of Congress on metalcasting and ceramic semiconductor package industries.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.
Sec. 302. Working capital funds.
Sec. 303. Armed Forces Retirement Home.
Sec. 304. National Security Education Trust Fund obligations.
Sec. 305. Transfer from National Defense Stockpile Fund.
Sec. 306. Funds for clearing landmines.

Subtitle B—Limitations

Sec. 311. Prohibition on operation of Naval Air Station, Bermuda.
Sec. 312. Limitation on the use of appropriated funds for Department of Defense golf courses.
Sec. 313. Prohibition on the use of certain cost comparison studies.
Sec. 314. Limitation on contracts with certain ship repair companies for ship repair.
Sec. 315. Requirement of performance in the United States of certain reflagging or repair work.
Sec. 316. Prohibition on joint civil aviation use of Selfridge Air National Guard Base, Michigan.
Sec. 317. Location of certain prepositioning facilities.

Subtitle C—Defense Business Operations Fund

Sec. 331. Extension of authority for use of the Defense Business Operations Fund.
Sec. 332. Implementation of the Defense Business Operations Fund.
Sec. 333. Charges for goods and services provided through the Defense Business Operations Fund.
Sec. 334. Limitation on obligations against the Defense Business Operations Fund.

Subtitle D—Depot-Level Activities

Sec. 341. Department of Defense depot task force.
Sec. 342. Limitation on consolidation of management of depot-level maintenance workload.
Sec. 343. Continuation of certain percentage limitations on the performance of depot-level maintenance.
Sec. 344. Sense of Congress on the performance of certain depot-level work by foreign contractors.
Sec. 345. Sense of Congress on the role of depot-level activities of the Department of Defense.
Sec. 346. Contracts to perform workloads previously performed by depot-level activities of the Department of Defense.

Sec. 347. Authority to waive certain claims of the United States.

Subtitle E—Commissaries and Military Exchanges

Sec. 351. Prohibition on operation of commissary stores by active duty members of the Armed Forces.
Sec. 352. Modernization of automated data processing capability of the Defense Commissary Agency.
Sec. 353. Operation of Stars and Stripes bookstores overseas by the military exchanges.
Sec. 354. Availability of funds for relocation expenses of the Navy Exchange Service Command.

Subtitle F—Other Matters

Sec. 361. Emergency and extraordinary expense authority for the Inspector General of the Department of Defense.
Sec. 362. Authority for civilian employees of the Army to act on reports of survey.
Sec. 363. Extension of guidelines for reductions in civilian positions.
Sec. 364. Authority to extend mailing privileges.
Sec. 365. Extension and modification of pilot program to use National Guard personnel in medically underserved communities.
Sec. 366. Amendments to the Armed Forces Retirement Home Act of 1991.
Sec. 367. Modification of restriction on repair of certain vessels the homeport of which is planned for reassignment.
Sec. 368. Escorts and flags for civilian employees who die while serving in an armed conflict with the Armed Forces.
Sec. 369. Maintenance and repair of Pacific battle monuments.
Sec. 370. One-year extension of certain programs.
Sec. 371. Ships' stores.
Sec. 372. Promotion of civilian marksmanship.
Sec. 373. Assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
Sec. 374. Budget information on Department of Defense recruiting expenditures.
Sec. 375. Revision of authorities on National Security Education Trust Fund.
Sec. 376. Annual assessment of force readiness.
Sec. 377. Reports on transfers of certain funds.
Sec. 378. Report on replacement sites for Army Reserve Facility in Marcus Hook, Pennsylvania.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.
Sec. 402. Temporary variation of end strength limitations for Marine Corps majors and lieutenant colonels.
Sec. 403. Army end strength.
Sec. 404. Report on end strengths necessary to meet levels assumed in Bottom Up Review.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the Reserves.
Sec. 413. Increase in number of members in certain grades authorized to be on active duty in support of the Reserves.
Sec. 414. Force structure allowance for Army National Guard.
Sec. 415. Personnel level for Navy Craft of Opportunity (COOP) Program.

Subtitle C—Military Training Student Loads

Sec. 421. Authorization of training student loads.

Subtitle D—Authorization of Appropriations

Sec. 431. Authorization of appropriations for military personnel.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Active Components

Sec. 501. Years of service for eligibility for separation pay for regular officers involuntarily discharged.
Sec. 502. Expansion of eligibility for Voluntary Separation Incentive and Special Separation Benefits programs.

Sec. 503. Members eligibile for involuntary separation benefits.
Sec. 504. Temporary authority for involuntary separation of certain regular warrant officers.
Sec. 505. Determination of service for warrant officer retirement sanctuary.
Sec. 506. Officers ineligible for consideration by early retirement boards.
Sec. 507. Remedy for ineffective counseling of officers discharged following selection by early discharge boards.
Sec. 508. Two-year extension of authority for temporary promotions of certain Navy lieutenants.
Sec. 509. Award of constructive service credit for advanced education in a health profession upon original appointment as an officer.
Sec. 510. Original appointment as regular officers of certain reserve officers in health professions.

Subtitle B—Reserve Components

Sec. 511. Exception for health care providers to requirement for 12 weeks of basic training before assignment outside United States.
Sec. 512. Number of full-time reserve personnel who may be assigned to ROTC duty.
Sec. 513. Repeal of mandated reduction in Army Reserve component full-time manning end strength.
Sec. 514. Two-year extension of certain reserve officer management authorities.
Sec. 515. Active component support for reserve training.
Sec. 516. Test program for Reserve Combat Maneuver Unit integration.
Sec. 517. Revisions to pilot program for active component support of the reserves.
Sec. 518. Educational assistance for graduate programs for members of the Selected Reserve.
Sec. 519. Frequency of physical examinations of members of the Ready Reserve.
Sec. 520. Revision of certain deadlines under Army National Guard Combat Readiness Reform Act.
Sec. 521. Annual report on implementation of Army National Guard Combat Readiness Reform Act.
Sec. 522. FFRDC study of State and Federal missions of the National Guard.
Sec. 523. Consistency of treatment of National Guard technicians and other members of the National Guard.
Sec. 524. National Guard management initiatives.

Subtitle C—Service Academies

Sec. 531. Congressional nominations.
Sec. 532. Technical amendment related to change in nature of commission of service academy graduates.
Sec. 533. Management of civilian faculty at Military and Air Force Academies.
Sec. 534. Evaluation of requirement that officers and civilian faculty members report violations of Naval Academy regulations.
Sec. 535. Prohibition of transfer of Naval Academy Preparatory School.
Sec. 536. Test program to evaluate use of private preparatory schools for service academy preparatory school mission.

Subtitle D—Women in the Service

Sec. 541. Repeal of the statutory restriction on the assignment of women in the Navy and Marine Corps.
Sec. 542. Notice to Congress of proposed changes in combat assignments to which female members may be assigned.
Sec. 543. Gender-neutral occupational performance standards.

Subtitle E—Victims' Rights and Family Advocacy

Sec. 551. Responsibilities of military law enforcement officials at scenes of domestic violence.
Sec. 552. Improved procedures for notification of victims and witnesses of status of prisoners in military correctional facilities.
Sec. 553. Study of stalking by persons subject to UCMJ.
Sec. 554. Transitional compensation for dependents of members of the Armed Forces discharged for dependent abuse.
Sec. 555. Clarification of eligibility for benefits for dependent victims of abuse by members of the Armed Forces pending loss of retired pay.

Subtitle F—Force Reduction Transition

Sec. 561. Extension through fiscal year 1999 of certain force draw-down transition authorities relating to personnel management and benefits.
Sec. 562. Retention in an active status of enlisted Reserves with between 18 and 20 years of service.

Sec. 563. Authority to order early Reserve retirees to active duty.
Sec. 564. Applicability to Coast Guard Reserve of certain reserve components transition initiatives.

Subtitle G—Other Matters

Sec. 571. Policy concerning homosexuality in the Armed Forces.
Sec. 572. Change in timing of required drug and alcohol testing and evaluation of applicants for appointment as cadet or midshipman and for ROTC graduates.
Sec. 573. Reimbursement requirements for advanced education assistance.
Sec. 574. Recognition by States of military powers of attorney.
Sec. 575. Foreign language proficiency test program.
Sec. 576. Clarification of punitive UCMJ article regarding drunken driving.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Military pay raise for fiscal year 1994.
Sec. 602. Continuation of rate of basic pay applicable to certain members with over 24 years of service.
Sec. 603. Pay for students at service academy preparatory schools.
Sec. 604. Variable housing allowance for certain members who are required to pay child support and who are assigned to sea duty.
Sec. 605. Evacuation advance pay.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. Extension of authority for bonuses and special pay for nurse officer candidates, registered nurses, and nurse anesthetists.
Sec. 612. Extension and modification of certain bonuses for reserve forces.
Sec. 613. Extension of authority relating to payment of other bonuses and special pays.

Subtitle C—Travel and Transportation Allowances

Sec. 621. Reimbursement of temporary lodging expenses.
Sec. 622. Payment of losses incurred or collection of gains realized due to fluctuations in foreign currency in connection with housing members in private housing abroad.

Subtitle D—Other Matters

Sec. 631. Revision of definition of dependents for purposes of allowances.
Sec. 632. Clarification of eligibility for tuition assistance.
Sec. 633. Sense of Congress regarding the provision of excess leave and permissive temporary duty for members from outside the continental United States.
Sec. 634. Special pay for certain disabled members.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Health Care Services

Sec. 701. Primary and preventive health care services for women.
Sec. 702. Revision of definition of dependents for purposes of health benefits.
Sec. 703. Authorization to expand enrollment in the dependents' dental program to certain members returning from overseas assignments.
Sec. 704. Authorization to apply section 1079 payment rules for the spouse and children of a member who dies while on active duty.

Subtitle B—Changes to Existing Laws Regarding Health Care Management

Sec. 711. Codification of CHAMPUS Peer Review Organization program procedures.
Sec. 712. Increased flexibility for personal service contracts in military medical treatment facilities.
Sec. 713. Expansion of the program for the collection of health care costs from third-party payers.
Sec. 714. Alternative resource allocation method for medical facilities of the uniformed services.
Sec. 715. Federal preemption regarding contracts for medical and dental care.
Sec. 716. Specialized treatment facility program authority and issuance of nonavailability of health care statements.
Sec. 717. Delay of termination authority regarding status of certain facilities as Uniformed Services Treatment Facilities.

Sec. 718. Managed-care delivery and reimbursement model for the Uniformed Services Treatment Facilities.
Sec. 719. Flexible deadline for continuation of CHAMPUS reform initiative in Hawaii and California.
Sec. 720. Clarification of conditions on expansion of CHAMPUS reform initiative to other locations.
Sec. 721. Report regarding demonstration programs for the sale of pharmaceuticals.

Subtitle C—Other Matters

Sec. 731. Use of health maintenance organization model as option for military health care.
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[ERRATA]

UNITED STATES STATUTES AT LARGE

CONTAINING THE

LAWS AND CONCURRENT RESOLUTIONS
ENACTED DURING THE FIRST SESSION OF THE
ONE HUNDRED THIRD CONGRESS
OF THE UNITED STATES OF AMERICA

1993

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On Page 7 STAT. 1242 of Public Law 103–123—OCT. 28, 1993, the volume number was printed incorrectly and should read 107 STAT. 1242.

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SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.

For purposes of this Act, the term "congressional defense committees" means the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

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Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 1994 for procurement for the Army as follows:

(1) For aircraft, $1,338,351,000.
(2) For missiles, $1,081,515,000.
(3) For weapons and tracked combat vehicles, $886,717,000.
(4) For ammunition, $619,668,000.
(5) For other procurement, $2,992,077,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 1994 for procurement for the Navy as follows:
(1) For aircraft, $5,793,157,000.
(2) For weapons, including missiles and torpedoes, $2,986,965,000.
(3) For shipbuilding and conversion, $4,265,102,000.
(4) For other procurement, $2,953,605,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 1994 for procurement for the Marine Corps in the amount of $483,621,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 1994 for procurement for the Air Force as follows:
(1) For aircraft, $7,013,938,000.
(2) For missiles, $3,582,743,000.
(3) For other procurement, $7,524,608,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 1994 for Defense-wide procurement in the amount of $3,050,748,000.

SEC. 105. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for fiscal year 1994 for procurement for the Inspector General of the Department of Defense in the amount of $800,000.

SEC. 106. RESERVE COMPONENTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 1994 for procurement of aircraft, vehicles, communications equipment, and other equipment for the reserve components of the Armed Forces as follows:
(1) For the Army National Guard, $210,000,000.
(2) For the Air National Guard, $260,000,000.
(3) For the Army Reserve, $50,000,000.
(4) For the Naval Reserve, $60,000,000.
(5) For the Air Force Reserve, $250,000,000.
(6) For the Marine Corps Reserve, $35,000,000.
(7) For reserve components simulation equipment, $75,000,000.
(8) For National Guard aircraft replacement and modernization, $50,000,000.

(b) MULTIPLE-LAUNCH ROCKET SYSTEM.—Of the total number of Multiple-Launch Rocket System units acquired with funds appropriated pursuant to the authorization of appropriations in section 101 for the Army, the Secretary of the Army shall ensure that one battalion set shall be authorized for and made available to the Army National Guard.

SEC. 107. CHEMICAL DEMILITARIZATION PROGRAM.

(a) AUTHORIZATION.—There is hereby authorized to be appropriated for fiscal year 1994 the amount of $379,561,000 for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare material of the United States that is not covered by section 1412 of such Act.

(b) LIMITATION.—Of the funds specified in subsection (a)—

(1) $280,361,000 is for operations and maintenance;

(2) $72,600,000 is for procurement; and

(3) $26,600,000 is for research and development efforts in support of the nonstockpile chemical weapons program.

(c) CLARIFICATION OF COOPERATIVE AGREEMENT AUTHORITY.—Subsection (c)(3) of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), is amended by striking out "and approving" in the third sentence and inserting in lieu thereof ", approving, and overseeing".

SEC. 108. NATIONAL SHIPBUILDING INITIATIVE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 1994 for the National Shipbuilding Initiative under subtitle D of title XIII in the amount of $147,000,000.

(b) AVAILABILITY FOR OBLIGATION.—Funds appropriated pursuant to subsection (a) shall not be available for obligation for loan guarantees after September 30, 1997.

SEC. 109. DENIAL OF MULTIYEAR PROCUREMENT AUTHORIZATION.

The Secretary of the Navy may not enter into a multiyear procurement contract under section 2306(h) of title 10, United States Code, for the F/A-18C/D aircraft program.

Subtitle B—Army Programs

SEC. 111. PROCUREMENT OF HELICOPTERS.

(a) AH-64 APACHE AIRCRAFT.—The prohibition in section 132(a)(2) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1382) does not apply to the obligation of funds in amounts not to exceed $150,000,000 for the procurement of not more than 10 AH-64 aircraft from funds appropriated for fiscal year 1994 pursuant to section 101.

(b) OH-58D AHIP AIRCRAFT.—The prohibition in section 133(a)(2) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1383) does not apply to the obligation of funds in amounts not to exceed $112,500,000 for the procurement of not more than 18 OH-58D AHIP Scout aircraft from funds appropriated for fiscal year 1994 pursuant to section 101.

SEC. 112. LIGHT UTILITY HELICOPTER MODERNIZATION.

(a) PROGRAM STUDY.—The Secretary of the Army, in coordination with the Chief of the National Guard Bureau, shall conduct a thorough study of the requirements of the Army for light utility helicopter modernization. The study shall include considerations of life-cycle costs, capability requirements, and, if acquisition of new light helicopters is determined to be needed, an appropriate acquisition strategy, including full and open competition.

(b) REQUIREMENT FOR USE OF COMPETITIVE PROCEDURES.—Funds may not be obligated for a light utility helicopter modernization program for a contractor selected through the use of acquisition procedures other than competitive procedures.

(c) LIMITATION ON OBLIGATIONS.—No funds may be obligated for such a program until 30 days after the date on which the Secretary of Defense submits to the congressional defense committees a report setting forth the recommendations of the Secretary for a light helicopter modernization program for the Army based upon the Secretary's review of the results of the study under subsection (a). Reports.

SEC. 113. NUCLEAR, BIOLOGICAL, AND CHEMICAL PROTECTIVE MASKS.

Of the unobligated balance of the funds appropriated for the Army for fiscal year 1993 for other procurement, $9,300,000 shall be available, to the extent provided in appropriations Acts, for procurement of M40/M42 nuclear, biological, and chemical protective masks.

SEC. 114. CHEMICAL AGENT MONITORING PROGRAM.

Funds appropriated for the Army for fiscal year 1993 for other procurement may not be obligated after the date of the enactment of this Act for the Improved Chemical Agent Monitor (ICAM) program.

SEC. 115. CLOSE COMBAT TACTICAL TRAINER QUICKSTART PROGRAM.

Funds authorized to be appropriated for the Army for procurement for fiscal year 1994 by section 101 may be used for long lead procurement of component hardware items to accelerate the Close Combat Tactical Trainer Quickstart program.

Subtitle C—Navy Programs

SEC. 121. SEAWOLF ATTACK SUBMARINE PROGRAM.

(a) LIMITATION ON USE OF CERTAIN FUNDS.—Except as provided in subsection (c), none of the funds described in subsection (b) may be obligated for Seawolf-class attack submarines other than for long-lead components for the vessel designated as SSN–23.

(b) FUNDS SUBJECT TO LIMITATION.—Subsection (a) applies to any unobligated funds remaining on the date of the enactment of this Act from the amount of $540,200,000 originally appropriated for fiscal year 1992 for the Seawolf-class attack submarine program and made available under Public Law 102–298 for the purposes of preserving the industrial base for submarine construction (as specified at page 27 of the report of the committee of conference to accompany the conference report on H.R. 4990 of the 102d Congress (House Report 102–530)).

(c) EXCEPTION.—Subsection (a) does not prohibit the obligation of funds for settlement of claims arising from the termination for the convenience of the Government during fiscal year 1992 of contracts for Seawolf-class submarines or components of Seawolf-class submarines.

SEC. 122. TRIDENT II (D–5) MISSILE PROCUREMENT.

(a) PRODUCTION.—Of amounts appropriated pursuant to section 102 for procurement of weapons (including missiles and torpedoes) for the Navy for fiscal year 1994—

(1) not more than $983,345,000 may be obligated for procurement of Trident II (D–5) missiles; and

(2) not more than $145,251,000 may be obligated for advance procurement for production of D–5 missiles for a fiscal year after fiscal year 1994.

Reports.

(b) OPTIONS FOR ACHIEVING SLBM WARHEAD LIMITATIONS.—Not later than April 1, 1994, the Secretary of Defense shall submit to Congress a report on options available for achieving the limitations on submarine-launched ballistic missile (SLBM) warheads imposed by the START II treaty at significantly reduced costs from the costs planned for fiscal year 1994. The report shall include an examination of the implications for those options of further reductions in the number of such warheads under further strategic arms reduction treaties.

Reports.

SEC. 123. STUDY OF TRIDENT MISSILE SUBMARINE PROGRAM.

The Secretary of Defense shall submit to the congressional defense committees, not later than April 1, 1994, a report comparing (1) modifying Trident I submarines to enable those submarines to be deployed with D–5 missiles, with (2) retaining the Trident I (C–4) missile on the Trident I submarine. In preparing the report, the Secretary shall include considerations of cost effectiveness, force structure requirements, and future strategic flexibility of the Trident I and Trident II submarine programs.

SEC. 124. MK–48 ADCAP TORPEDO PROGRAM.

(a) IN GENERAL.—(1) The Secretary of Defense shall terminate the MK–48 ADCAP torpedo program in accordance with this section.

(2) Except as provided in subsection (b), funds appropriated or otherwise made available to the Department of Defense pursuant to this or any other Act may not be obligated for the procurement of MK–48 ADCAP torpedoes.

(b) EXCEPTIONS.—(1) The prohibition in subsection (a)(2) does not apply to—

(A) the modification of, or the acquisition of, spare or repair parts for MK–48 ADCAP torpedoes described in paragraph (2);

(B) completion of the procurement of MK–48 ADCAP torpedoes described in paragraph (2)(B); and

(C) the obligation of not more than $100,125,000 from funds made available pursuant to section 102(a) for the procurement of 108 MK–48 ADCAP torpedoes and for payment of costs necessary to terminate the MK–48 ADCAP procurement program.

(2) The MK–48 ADCAP torpedoes referred to in paragraph (1)(A) are—

(A) MK–48 ADCAP torpedoes acquired by the Navy on or before the date of the enactment of this Act;

(B) MK–48 ADCAP torpedoes for which funds, other than funds for the procurement of long lead items and other advance procurement, were obligated before the date of the enactment of this Act and which are delivered to the Navy on or after that date; and

(C) 108 MK–48 ADCAP torpedoes for which funds are available in accordance with paragraph (1)(C).

SEC. 125. SSN ACOUSTICS MASTER PLAN.

(a) MASTER PLAN.—The funds described in subsection (b) may not be obligated until the Secretary of the Navy submits to the congressional defense committees a submarine acoustics master plan. The master plan shall include—

(1) current requirements for submarine acoustic sensors and combat systems based on existing and future evolving missions and environment considerations;

(2) a catalogue of existing and future sensors, technologies, and programs and a description of their shortcomings relative to current requirements;

(3) technology application, program plans, and costs for remedying shortcomings in submarine acoustic sensors and combat systems identified under paragraph (2); and

(4) a statement of the specific purposes for which the Navy intends to obligate the funds described in subsection (b).

(b) FUNDS SUBJECT TO LIMITATION.—Subsection (a) applies to $13,000,000 of the amount appropriated pursuant to section 102 for other procurement for the Navy that is available for submarine acoustics.

SEC. 126. LONG-TERM LEASE OR CHARTER AUTHORITY FOR CERTAIN DOUBLE-HULL TANKERS AND OCEANOGRAPHIC VESSELS.

10 USC 2401 note.

(a) AUTHORITY.—The Secretary of the Navy may enter into a long-term lease or charter for any double-hull tanker or oceanographic vessel constructed in a United States shipyard after the date of the enactment of this Act using assistance provided under the National Shipbuilding Initiative.

(b) CONDITIONS ON OBLIGATION OF FUNDS.—Unless budget authority is specifically provided in an appropriations Act for the lease or charter of vessels pursuant to subsection (a), the Secretary may not enter into a contract for a lease or charter pursuant to that subsection unless the contract includes the following provisions:

(1) A statement that the obligation of the United States to make payments under the contract in any fiscal year is subject to appropriations being provided specifically for that fiscal year and specifically for that lease or charter or that kind of vessel lease or charter.

(2) A commitment to obligate the necessary amount for each fiscal year covered by the contract when and to the extent that funds are appropriated for that lease or charter, or that kind of lease or charter, for that fiscal year.

(3) A statement that such a commitment given under paragraph (2) does not constitute an obligation of the United States.

(c) INAPPLICABILITY OF CERTAIN LAWS.—A long-term lease or charter authorized by subsection (a) may be entered into without regard to the provisions of section 2401 of title 10, United States Code, or section 9081 of the Department of Defense Appropriations Act, 1990 (10 U.S.C. 2401 note).

(d) DEFINITION.—For purposes of subsection (a), the term "long-term lease or charter" has the meaning given that term in subparagraph (A) of section 2401(d)(1) of title 10, United States Code.

SEC. 127. LONG-TERM LEASE OR CHARTER AUTHORITY FOR CERTAIN ROLL-ON/ROLL-OFF VESSELS.

(a) AUTHORITY.—The Secretary of the Navy may enter into a long-term lease or charter for vessels described in subsection (b) without regard to the provisions of section 2401 of title 10, United States Code, or section 9081 of the Department of Defense Appropriations Act, 1990 (10 U.S.C. 2401 note). The authority provided in the preceding sentence may not be exercised after June 15, 1995, to enter into a long-term lease or charter for a vessel described in subsection (b)(1).

(b) VESSELS COVERED.—Subsection (a) applies to the following vessels which are required by the Department of the Navy for prepositioning aboard ship or related point-to-point service as follows:

(1) Not more than five roll-on/roll-off (RO/RO) vessels which were constructed before the date of the enactment of this Act and on which, in the case of a vessel for which work is required to make the vessel eligible for such service and for documentation under the laws of the United States, such work is performed in a United States shipyard.

(2) Any roll-on/roll-off (RO/RO) vessel built after the date of the enactment of this Act in a shipyard located in the United States.

(c) LIMITATION ON SOURCE OF FUNDS.—The Secretary may not use funds appropriated for the National Defense Sealift program that are available for construction of vessels to enter into a contract for a lease or charter pursuant to subsection (a).

(d) CONDITIONS ON OBLIGATION OF FUNDS.—Unless budget authority is specifically provided in an appropriations Act for the lease or charter of vessels pursuant to subsection (a), the Secretary may not enter into a contract for a lease or charter pursuant to that subsection unless the contract includes the following provisions:

(1) A statement that the obligation of the United States to make payments under the contract in any fiscal year is subject to appropriations being provided specifically for that fiscal year and specifically for that lease or charter or that kind of vessel lease or charter.

(2) A commitment to obligate the necessary amount for each fiscal year covered by the contract when and to the extent that funds are appropriated for that lease or charter, or that kind of lease or charter, for that fiscal year.

(3) A statement that such a commitment given under paragraph (2) does not constitute an obligation of the United States.

(e) RENEWAL OF CHARTERS.—A long-term lease or charter under subsection (a) for a vessel described in subsection (b)(1) may not be entered into for a term of more than five years. Such a lease or charter may only be renewed or extended subject to the restrictions and authority provided in section 9081 of the Department of Defense Appropriations Act, 1990 (10 U.S.C. 2401 note).

(f) DEFINITION.—For purposes of this section, the term "long-term lease or charter" has the meaning given that term in subparagraph (A) of section 2401(d)(1) of title 10, United States Code.

Reports.

SEC. 128. F-14 AIRCRAFT UPGRADE PROGRAM.

None of the funds appropriated or otherwise made available to the Department of Defense for procurement for fiscal year 1994

may be obligated for the F–14 aircraft upgrade program until 30 days after the date on which the Secretary of the Navy submits to the congressional defense committees a report on that upgrade program that includes the following information:

(1) A description of the F–15E equivalent strike upgrade configuration selected for the F–14D upgrade program.

(2) A schedule for conversion of the F–14D fleet to the upgraded configuration.

(3) A description of the F–14D strike upgrade derivative configuration selected for the F–14A or F–14B upgrade program.

(4) A schedule for conversion of the F–14A and F–14B fleet to an upgraded configuration.

(5) The total number of F–14A and F–14B aircraft to be converted.

(6) A funding plan for implementing the upgrade programs.

Subtitle D—Air Force Programs

SEC. 131. B–2 BOMBER AIRCRAFT PROGRAM.

(a) AMOUNT FOR PROGRAM.—Of the amount appropriated pursuant to section 103 for the Air Force for fiscal year 1994 for procurement of aircraft, not more than $911,300,000 may be obligated for the B–2 bomber aircraft program. Of that amount, not more than $285,100,000 may be obligated for initial spares.

(b) LIMITATION ON OBLIGATION OF FUNDS.—None of the unobligated balances of funds appropriated for procurement of B–2 aircraft for fiscal year 1992, fiscal year 1993, or fiscal year 1994 may be obligated for the B–2 bomber aircraft program until—

(1) the Secretary of the Air Force—

(A) enters into a definitized production contract with the prime contractor for air vehicles 17 through 21; or

(B) submits to the congressional defense committees a report setting forth the reasons that such a contract cannot be entered into; and Reports.

(2) the Secretary of Defense submits to those committees a certification that the Department of the Air Force is in full compliance with the B–2 correction-of-deficiency requirements set forth in section 117(d) of Public Law 101–189 (103 Stat. 1376) in all aspects of deficiency correction.

(c) REAFFIRMATION OF LIMITATION ON NUMBER OF B–2 AIRCRAFT.—As provided in section 151(c) of Public Law 102–484 (106 Stat. 2339), the Secretary of the Air Force may not procure more than 20 deployable B–2 bomber aircraft (plus one test aircraft which may not be made operational).

(d) LIMITATION ON TOTAL PROGRAM COST.—The total amount obligated on or after the date of the enactment of this Act (1) for research, development, test, and evaluation for, and acquisition, modification and retrofitting of, the B–2 bomber aircraft referred to in subsection (c), and (2) for paying the costs associated with termination of the B–2 bomber aircraft program upon completion of the acquisition of those aircraft may not exceed $28,968,000,000 (in fiscal year 1981 constant dollars).

(e) RELEASE OF PRIOR YEAR FUNDS.—Funds previously authorized and appropriated for procurement of the B–2 bomber aircraft program, the obligation of which was limited by section 131(b) of

Public Law 102–190 (105 Stat. 1306) or by section 151(d) of Public Law 102–484 (106 Stat. 2339), may be obligated for that program.

SEC. 132. B–1B BOMBER AIRCRAFT PROGRAM.

(a) AMOUNT FOR PROCUREMENT.—Of the amount authorized to be appropriated pursuant to section 103(1) for the Air Force for fiscal year 1994 for procurement of aircraft, not more than $272,300,000 shall be available for the B–1B bomber program.

(b) REQUIREMENT FOR TEST PLAN.—(1) The Secretary of the Air Force shall develop a plan to test the operational readiness rate of one B–1B bomber wing that could be sustained if that wing were provided the planned complement of base-level spare parts, maintenance equipment, maintenance manpower, and logistic support equipment.

(2) The plan shall also test the operational readiness rates of one squadron of that wing operating at a remote operating location, for a period of not less than two weeks, in a manner consistent with Air Force plans for the use of B–1B bombers in a conventional conflict.

(3) The remote operating location selected for purposes of paragraph (2) shall be at a base other than a base containing or servicing heavy bomber aircraft.

(4) The test plan under paragraph (1) shall be designed to be carried out over a period of not less than six months ending not later than December 1, 1995.

(c) REPORT ON THE TEST PLAN.—(1) The Secretary shall submit to the congressional defense committees a report on the proposed test plan not later than March 31, 1994. The report shall include a copy of the proposed test plan.

(2) The report on the test plan shall include the following elements:

(A) A description of the plans of the Air Force for meeting the test requirements specified in subsection (b), including the period during which the test is proposed to be conducted under this section.

(B) A description of the predicted contribution to mission capable rates that planned reliability and maintenance improvements are expected to make.

(C) A description of the predicted effects of the test on the readiness rates of the B–1B wings not participating in the test if the test is initiated between the date of the enactment of this Act and June 1, 1995.

(D) The earliest date feasible for the implementation of the test plan if a test within the period specified in the description under subparagraph (A) is predicted under subparagraph (C) to have an adverse effect on B–1B fleet readiness.

(d) IMPLEMENTATION OF TEST PLAN.—(1) The Secretary shall notify the congressional defense committees of the start of the test period.

(2) The Secretary shall complete the implementation of the test plan required under subsection (b) not later than December 1, 1995.

(e) WAIVER AUTHORITY.—(1)(A) The Secretary of the Air Force may postpone implementation of the test plan to a period ending after December 1, 1995, if the Secretary determines that, as a result of implementing the planned test within the period specified in subsection (b)(4), the ability of the Air Force to meet operational

readiness rates for B–1B units not participating in the test would be reduced to unacceptable levels.

(B) If the Secretary of the Air Force proposes to use the authority provided in subparagraph (A), the Secretary shall, before using that authority, submit to the congressional defense committees notice in writing of the proposed postponement of the test plan. If the test plan report required under subsection (c) has not been submitted as of the time of the decision to postpone implementation of the test plan, that notice shall be submitted as part of the submission of the test plan report.

(2)(A) The Secretary of Defense may waive implementation of the test plan if the Secretary determines that implementing the test plan would not be in the national security interest of the United States.

(B) If the Secretary of Defense proposes to use the waiver authority provided in subparagraph (A), the Secretary shall, before using that authority, submit to the congressional defense committees notice in writing of the proposed waiver. Upon using that waiver authority, the Secretary shall, not later than 30 days after the date on which the waiver authority is used, submit to the congressional defense committees a report setting forth a detailed explanation of the reasons for the waiver. Reports.

(f) REPORT ON TEST RESULTS.—(1) Unless the Secretary exercises the waiver authority provided in subsection (e)(1)(B), the Secretary shall submit to the congressional defense committees, and to the Comptroller General of the United States, a report on the results obtained from implementation of the test. The report shall be submitted within 90 days after the completion of the test.

(2) The report required under paragraph (1) shall include an assessment of—

(A) the extent to which the provision of planned spares, maintenance manpower, and logistics support will enable the B–1B force to achieve the planned operational readiness rate; and

(B) if the planned readiness rate cannot be achieved with the planned level of spares, maintenance manpower, and logistics support—

(i) an estimate of the operational readiness rate that can be achieved with the planned level of spares, maintenance manpower, and logistics support;

(ii) an estimate of the additional amounts of spares, maintenance manpower, and logistics support and the added costs thereof, to achieve the planned operational readiness rate; and

(iii) an enumeration of those specific factors limiting the achievable operational readiness rate which it would be cost-effective to mitigate, and the increase in operational readiness that would result therefrom.

SEC. 133. FULL AND PROMPT ACCESS BY COMPTROLLER GENERAL TO INFORMATION ON HEAVY BOMBER PROGRAMS.

(a) DUTY OF SECRETARY OF DEFENSE.—The Secretary of Defense shall take all actions necessary to ensure that all components of the Department of Defense, in providing to the Comptroller General of the United States such access to information described in subsection (b) as the Comptroller General may require in order

to carry out the functions of the Comptroller General, provide such access on a full and prompt basis.

(b) INFORMATION COVERED.—Subsection (a) refers to all information (including reports and analyses) generated by or on behalf of the Department of the Air Force (including by Air Force contractors) that relates to (1) operation, maintenance, repair, and modernization of heavy bombers, or (2) the plans of the Air Force for operation, maintenance, repair, and modernization of heavy bombers in the future.

Contracts.

SEC. 134. C-17 AIRCRAFT PROGRAM PROGRESS PAYMENTS AND REPORTS.

(a) WITHHOLDING OF PAYMENTS FOR SOFTWARE NONCOMPLIANCE.—In accepting further delivery of C–17 aircraft that in accordance with existing C–17 contracts require a waiver for software noncompliance, the Secretary of Defense shall withhold from the unliquidated portion of the progress payments for such aircraft an amount not less than 1 percent of the total cost of such aircraft. The withholding shall continue until the Secretary submits to each of the congressional committees named in subsection (e) a report in which the Secretary certifies each of the following:

(1) That C–17 software testing and avionics integration have been completed.

(2) That the costs of waivers for software noncompliance have been identified and are in accordance with the terms of existing C–17 contracts.

(b) CORRECTION OF WING DEFECTS.—Within 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to each of the congressional committees named in subsection (e) a report in which the Secretary certifies that, in accordance with the terms of existing C–17 contracts, the contractor has identified and is bearing each of the following:

(1) The costs related to wing structural deficiencies (including the costs of redesign, static wing failure repair, and retrofit for existing wing sets).

(2) The costs for required redesign, retesting, and manufacture of C–17 slats and flaps to correct identified deficiencies.

(c) ANALYSIS OF RANGE/PAYLOAD DEFICIENCY.—Within 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to each of the congressional committees named in subsection (e) a report containing the following:

(1) An analysis of the operational impacts caused by deficiencies in the range/payload specification, as defined by the C–17 Lot III production contract, including projected operational and maintenance costs, such as the costs of required airborne refueling due to range shortfalls.

(2) A schedule for securing from the contractor, in accordance with the terms of existing C–17 contracts, an equitable recovery for the operational impacts caused by deficiencies in the range/payload specification identified in the analysis required by this section.

(d) REPORT CONTENTS.—Each report required by this section shall include an itemization of the estimated effect on total production costs caused by software noncompliance, wing defects, or range/payload deficiency, as applicable.

(e) CONGRESSIONAL COMMITTEES.—The committees of Congress to which a report required by this section is to be submitted are the following:

(1) The Committees on Armed Services of the Senate and the House of Representatives.

(2) The Committees on Appropriations of the Senate and the House of Representatives.

(3) The Committee on Governmental Affairs of the Senate and the Committee on Government Operations of the House of Representatives.

SEC. 135. LIVE-FIRE SURVIVABILITY TESTING OF THE C–17 AIRCRAFT.

Section 132(d) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2335) is amended by striking out "for fiscal year 1993".

SEC. 136. INTERTHEATER AIRLIFT PROGRAM.

(a) FUNDING FOR PROGRAM.—Of the amount appropriated under section 103 for procurement of aircraft for the Air Force (or otherwise made available for procurement of aircraft for the Air Force for fiscal year 1994), not more than $2,318,000,000 (hereinafter in this section referred to as "fiscal year 1994 intertheater airlift funds") may be made available for the Intertheater Airlift Program, including the C–17 aircraft program. Of that amount—

(1) not more than $1,730,000,000 may be made available for procurement for the C–17 aircraft program (other than for advanced procurement and procurement of spare parts), except as such amount may be increased pursuant to paragraph (4);

(2) not more than $188,000,000 may be made available for advanced procurement for the C–17 aircraft program;

(3) not more than $100,000,000 may be made available for procurement of nondevelopmental wide-body military or commercial cargo variant aircraft as a complement to the C–17 aircraft, except as such amount may be increased pursuant to paragraph (4); and

(4) subject to subsection (h), not more than $300,000,000 may be made available for procurement either as specified in paragraph (1) or as specified in paragraph (3), in addition to the amount specified in that paragraph.

(b) USE OF FUNDS.—(1) Using fiscal year 1994 intertheater airlift funds and subject to the limitations in subsection (a), the Secretary of Defense shall do the following:

(A) Procure C–17 aircraft.

(B) Initiate procurement of nondevelopmental aircraft as a complement to the C–17 aircraft, selected as provided in paragraph (3).

(2) Using fiscal year 1994 intertheater airlift funds and subject to the limitations in subsection (a), the Secretary shall develop an acquisition plan leading to procurement as an airlift aircraft complementary to the C–17 aircraft of either—

(A) a nondevelopmental, wide-body military airlift aircraft; or

(B) a nondevelopmental commercial wide-body cargo variant aircraft.

(3) The Secretary shall choose which, or what mix, of the options specified in paragraph (2) best supports intertheater airlift requirements.

(c) FISCAL YEAR 1994 LIMITATION.—Amounts appropriated under section 103 for procurement of aircraft for the Air Force (or otherwise made available for procurement of aircraft for the Air Force for fiscal year 1994) may not be obligated for procurement of C–17 aircraft (other than for advanced procurement) until—

(1) each limitation and requirement set forth in subsections (b), (c), (d), and (f) of section 134 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2335) has been satisfied; and

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(2) the Secretary of Defense submits to the congressional defense committees a report on the C–17 acquisition program that contains—

(A) the results of the special Defense Acquisition Board review of the program, to include specific changes to requirements recommended by the Joint Requirements Oversight Council (JROC);

(B) a discussion of the corrective actions to be taken by the Air Force with regard to such program;

(C) a proposed resolution of outstanding contractor claims and any requested legislation relating to those claims;

(D) a discussion of the corrective actions to be taken by the contractor with regard to such program; and

(E) the findings and recommendations of the special Defense Science Board group resulting from the investigation of the program by that group.

Reports.

(d) FISCAL YEAR 1995 LIMITATION.—The Secretary of Defense may not obligate any funds that may be appropriated for the Department of Defense for fiscal year 1995 that are made available for the C–17 aircraft program (other than funds made available for advanced procurement) until the Secretary submits to the congressional defense committees a report containing a review (based on an analysis by a federally funded research and development center) of the airlift requirements of the Armed Forces. The review shall reflect consideration of each of the following:

(1) The changes in total airlift requirements of the Armed Forces resulting from the disintegration of the Warsaw Pact and Soviet Union that eliminate any major trans-Atlantic airlift requirement for Europe.

(2) The change in airlift requirements of the Armed Forces from requirements for airlift of large quantities of outsize cargo for reenforcement of North Atlantic Treaty Organization forces to requirements for airlift in connection with such lesser regional contingencies and humanitarian operations as Operation Desert Shield, Operation Desert Storm, and Operation Restore Hope.

(3) The potential contribution that planned strategic sealift improvements can make toward—

(A) reducing the total demand for airlift; and

(B) changing the type of cargo that airlift aircraft must carry.

(4) The declining demand for the conduct of airlift operations in austere airfield environments.

(5) The trade-off between purchasing the type of additional capability that the C–17 aircraft can provide and purchasing and using additional support equipment that would increase the cargo airlift capacity of alternative cargo aircraft.

(e) LIMITATION ON ACQUISITION OF MORE THAN FOUR C–17 AIRCRAFT.—The Secretary of Defense may not obligate C–17 production funds (as defined in subsection (i)) to produce more than four C–17 aircraft until the program meets the following milestones:

(1) Clearance of flight envelope with respect to altitude and speed.

(2) Takeoff of aircraft at gross weight of 580,000 pounds and 160,000 pounds payload within a critical field length of 8,500 feet at sea level and 90 degrees Fahrenheit day conditions (or equivalent results under other conditions).

(3) Backing aircraft up a two degree slope with a gross weight of 510,000 pounds.

(4) Unassisted 180 degree turn of aircraft on paved runway of load classification group IV in less than 90 feet, using three maneuvers.

(5) Completion of static article ultimate load (150 percent of design limit load) test condition S.P. 5030 for wing up bending.

(6) Completion of electromagnetic radiation, electromagnetic compatibility, and lightening tests.

(7) Low velocity air drop of 5,000-pound, 8-foot length platform.

(8) Sequential air drop of multiple simulated paratroop dummies from both paratroop doors.

(9) A minimum unit equivalent assembly rate of 6.0 assemblies per year, as measured by the ratio of annualized standard hours earned to that required to assemble one aircraft from beginning of assembly to the completion of assembly before movement to the ramp at the prime contractor's facilities.

(10) For all aircraft scheduled for delivery in the prior six-month period, delivery of each aircraft within one month of scheduled delivery date.

(f) LIMITATION ON ACQUISITION OF MORE THAN SIX C–17 AIRCRAFT.—The Secretary of Defense may not obligate C–17 production funds (as defined in subsection (i)) to produce more than six aircraft for a fiscal year after fiscal year 1995 until the program meets the following milestones (in addition to the milestones specified in subsection (e)):

(1) Clearance of flight envelope with respect to loads.

(2) Estimate of payload meets 95 percent of the requirement provided in the full-scale development contract for the key performance parameters for payload-to-range systems performance.

(3) Operational clearance for aircraft to be air refueled from operational KC–10 and KC–135 aircraft at standard Air Force refueling speeds for the specific tanker in a single receiver formation.

(4) Demonstration of combat offload with two 463L pallets using the air delivery system rails.

(5) Airdrop of 70 paratroopers on one pass, using both paratroop doors.

(6) Low velocity air drop of 30,000-pound, 24-foot length platform.

(g) LIMITATION ON ACQUISITION OF MORE THAN SIX C–17 Aircraft.—The Secretary of Defense may not obligate C–17 production funds (as defined in subsection (i)) to produce more than six C–17 aircraft for a fiscal year after fiscal year 1996 until the program

meets the following milestones (in addition to the milestones specified in subsections (e) and (f)):

(1) Estimate of payload meets 97.5 percent of the requirement provided in the full-scale development contract for the key performance parameters for payload-to-range systems performance.

(2) Landing of aircraft with a payload of 160,000 pounds and fuel necessary to fly 300 nautical miles on a 3,000-foot long, 90-foot wide, and load classification group IV runway at sea level, 90 degrees Fahrenheit day conditions (or equivalent results under other conditions).

(3) Low altitude parachute extraction system delivery of a 20,000-pound cargo.

(4) Simultaneous and sequential container delivery system airdrop of 30 bundles.

(5) Low velocity air drop of 42,000-pound platform.

(6) Satisfactory completion of one lifetime of testing of durability article.

(7) Air vehicle mean time between removal at cumulative flying hours to date of measurement indicates that the mature requirement established in the full-scale development contract will be met.

(h) FUNDING OUT OF INTERTHEATER AIRLIFT PROGRAM.—Fiscal year 1994 intertheater airlift funds that are referred to in paragraph (4) of subsection (a) may be made available by the Secretary of Defense for procurement for the C–17 program, or for procurement for the complementary nondevelopmental wide-body aircraft, only after—

(1) the Secretary of Defense—

Reports.

(A) submits the report on the C–17 program specified in subsection (c)(2);

(B) determines whether procurement of two additional C–17 aircraft would contribute more to intertheater lift modernization than procurement of additional complementary nondevelopment wide-body aircraft at the same funding level; and

(C) submits to the congressional defense committees notice of the determination described in subparagraph (B) along with notification of the Secretary's intent to transfer up to $300,000,000 as provided in subsection (a)(4) either to the C–17 program or to the nondevelopmental aircraft program specified in subsection (a)(3); and

(2) a period of 30 days has elapsed after the submission of the report referred to in paragraph (1)(A) and the notification required by paragraph (1)(C).

(i) C–17 PRODUCTION FUNDS DEFINED.—For purposes of this section, the term "C–17 production funds" means funds appropriated for the Department of Defense for a fiscal year after fiscal year 1993 that are made available for the intertheater airlift program, including the C–17 aircraft program (other than funds made available for advanced procurement).

SEC. 137. USE OF F–16 AIRCRAFT ADVANCE PROCUREMENT FUNDS FOR PROGRAM TERMINATION COSTS.

(a) FUNDS FOR PROGRAM TERMINATION COSTS.—Of the amount provided in section 103 for procurement of aircraft for the Air

Force, the amount of $70,800,000 shall be available only for program termination costs for the F–16 aircraft program.

(b) PROHIBITION OF FUNDS FOR ADVANCE PROCUREMENT.—None of the funds appropriated pursuant to section 103 for procurement of aircraft for the Air Force shall be available for advance procurement of F–16 aircraft for fiscal year 1995.

SEC. 138. TACTICAL SIGNALS INTELLIGENCE AIRCRAFT.

(a) FISCAL YEAR 1994 FUNDING.—Of the amount authorized to be appropriated for procurement for Defense-wide activities in section 104, $161,225,000 shall be available for tactical signals intelligence aircraft programs as follows:

(1) $34,225,000 for the EP–3 Aries II Phase I modification program.

(2) $33,800,000 for the RC–135 Rivet Joint Block III Baseline Six modification program.

(3) $93,200,000 for a nondevelopmental testbed aircraft incorporating ARSP SIGINT upgrade program architecture.

(b) PRIOR YEAR FUNDS.—(1) Section 141 of Public Law 102–484 (106 Stat. 2338) is repealed.

(2) Amounts made available pursuant to section 141 of Public Law 102–484 that remain available for obligation shall be available for the fiscal year 1993 EP–3 Aries II Phase I modification program and the RC–135 Rivet Joint Block III Baseline Six modification program as provided for in the budget for fiscal year 1993 submitted to Congress pursuant to section 1105 of title 31, United States Code.

(c) LIMITATION.—None of the funds referred to in subsection (a) or (b) may be used for any purpose other than the EP–3 and RC–135 aircraft upgrade programs identified in those subsections.

SEC. 139. C–135 AIRCRAFT PROGRAM.

(a) FISCAL YEAR 1994 FUNDS.—Of the funds authorized to be appropriated in section 103 for procurement of aircraft for the Air Force for fiscal year 1994, $48,000,000 shall be available for reengining two KC–135E aircraft.

(b) FISCAL YEAR 1993 FUNDS.—Of the funds available for C–135 series aircraft modifications for fiscal year 1993 that remain available for obligation, $100,900,000 shall be available for reengining four KC–135E aircraft.

Subtitle E—Other Matters

SEC. 151. ALQ–135 JAMMER DEVICE.

Section 182(b)(2) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1508) is amended by striking out "meets or exceeds all operational criteria established for the program" and inserting in lieu thereof "is operationally effective and suitable".

SEC. 152. GLOBAL POSITIONING SYSTEM.

(a) PROGRAM STUDY REQUIRED.—(1) The Secretary of Defense shall provide for an independent study to be conducted on the management and funding of the Global Positioning System program for the future.

(2) With the agreement of the National Academy of Sciences and the National Academy of Public Administration, the study shall be conducted jointly by those organizations.

(3) Of the amounts authorized to be appropriated to the Department of Defense for fiscal year 1994 and made available for procurement of Global Positioning System user equipment, for procurement of spacecraft, or for operations and maintenance, up to $3,000,000 may be used for carrying out the study required by paragraph (1).

(b) LIMITATION ON PROCUREMENT OF SYSTEMS NOT GPS-EQUIPPED.—After September 30, 2000, funds may not be obligated to modify or procure any Department of Defense aircraft, ship, armored vehicle, or indirect-fire weapon system that is not equipped with a Global Positioning System receiver.

(c) REPORT.—(1) Not later than May 1, 1994, the Secretary of Defense shall submit to the committees specified in paragraph (3) a report on the Global Positioning System. The report shall include a description of each of the following:

(A) The threats, if any, to the health and safety of United States military forces, allied military forces, and the United States and allied civilian populations, and the threats, if any, of damage to property within the United States and allied countries, that will result by the year 2000 from Global Positioning System navigation signals, local and wide-area differential navigation correction signals, kinematic differential correction signals, and commercially available map products based on the Global Positioning System.

(B) The threat, if any, to civil aviation and other transportation operations that will result by the year 2000 from the signal jamming, deception, and other disruptive effects of Global Positioning System navigation signals.

(C) The actions, if any, that can be taken to eliminate or mitigate such threats.

(D) The modifications, if any, of the Global Positioning System and derivative systems that can be made to eliminate or significantly reduce such threats, or to increase the ability of the Department of Defense to mitigate such threats, without interfering with authorized and peaceful uses of the Global Positioning System.

(2) The report under paragraph (1) shall be prepared in coordination with the Director of Central Intelligence.

(3) The committees referred to in paragraph (1) are—

(A) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(B) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate.

SEC. 153. RING LASER GYRO NAVIGATION SYSTEMS.

None of the funds appropriated for fiscal year 1993 or fiscal year 1994 for procurement for the Navy may be obligated or expended for the procurement of ring laser gyro navigation systems for surface ships under a sole-source contract.

SEC. 154. OPERATIONAL SUPPORT AIRCRAFT.

(a) LIMITATION.—None of the funds appropriated for the Department of Defense for fiscal year 1994 may be obligated for a procure-

ment of any operational support aircraft without full and open competition (as defined in section 2302(3) of title 10, United States Code) unless the Under Secretary of Defense for Acquisition and Technology certifies to the congressional defense committees that the procurement is within an exception set forth in section 2304(c) of title 10, United States Code.

(b) AIRLIFT STUDY.—Of the funds appropriated pursuant to section 106, not more than $50,000,000 may be obligated to procure operational support airlift aircraft. None of those funds may be obligated until 60 days after the date on which the study required by subsection (c) is transmitted to the congressional defense committees.

(c) STUDY REQUIRED.—The Secretary of Defense shall undertake a study of operational support airlift aircraft and administrative transport airlift aircraft operated by reserve components of the Department of Defense.

(d) STUDY REQUIREMENTS.—The study required by subsection (c) shall include the following:

(1) An inventory of all operational support airlift aircraft and administrative transport airlift aircraft.

(2) The peacetime utilization rate of such aircraft.

(3) The wartime mission of such aircraft.

(4) The need for such aircraft for the future base force.

(5) The current age, projected service life, and programmed retirement date for such aircraft.

(6) A list of aircraft programmed in the current future-years defense program to be purchased or to be transferred from the active components to the reserve components.

(7) The funds programmed in the current future-years defense program for procurement of replacement operational support and administrative transport airlift aircraft, and the acquisition strategy proposed for each type of replacement aircraft so programmed.

(e) DEFINITION.—For purposes of this section, the term "future-years defense program" means the future-years defense program submitted to Congress pursuant to section 221 of title 10, United States Code.

SEC. 155. ADMINISTRATION OF CHEMICAL DEMILITARIZATION PROGRAM.

(a) SUBMISSION OF REPORTS ON ALTERNATIVE TECHNOLOGIES.—Section 173(b)(1) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2343) is amended by striking out the period at the end and inserting in lieu thereof "and a period of 60 days has passed following the submission of the report. During such 60-day period, each Chemical Demilitarization Citizens' Advisory Commission in existence on the date of the enactment of the National Defense Authorization Act for Fiscal Year 1994 may submit such comments on the report as it considers appropriate to the Committees on Armed Services of the Senate and House of Representatives.".

(b) EXTENSION OF DEADLINE FOR SUBMISSION OF REVISED CONCEPT PLAN.—Section 175(d) of such Act (106 Stat. 2344) is amended by striking out "not later than 180 days" and all that follows and inserting in lieu thereof "during the 120-day period beginning at the end of the 60-day period following the submission of the report of the Secretary required under section 173.". 50 USC 1521 note.

SEC. 156. CHEMICAL MUNITIONS DISPOSAL FACILITIES, TOOELE ARMY DEPOT, UTAH.

(a) LIMITATION PENDING CERTIFICATION.—After January 1, 1994, none of the funds appropriated to the Department of Defense for fiscal year 1993 or 1994 may be obligated for the systemization of chemical munitions disposal facilities at Tooele Army Depot, Utah, until the Secretary of Defense submits to Congress a certification described in subsection (b).

(b) CERTIFICATION REQUIREMENT.—A certification referred to in subsection (a) is a certification submitted by the Secretary of Defense to Congress that—

(1) the operation of the chemical munitions disposal facilities at Tooele Army Depot will not jeopardize the health, safety, or welfare of the community surrounding Tooele Army Depot; and

(2) adequate base support, management, oversight, and security personnel to ensure the public safety in the operation of chemical munitions disposal facilities constructed and operated at Tooele Army Depot will remain at that depot while chemical munitions storage or disposal activities continue.

(c) SUPPORTING REPORT.—The Secretary of Defense shall include with a certification under this section a report specifying all base support, management, oversight, and security personnel to be retained at Tooele Army Depot after the realignment of that depot is completed.

Texas.

SEC. 157. AUTHORITY TO CONVEY LOS ALAMOS DRY DOCK.

(a) AUTHORITY.—The Secretary of the Navy may convey to the Brownsville Navigation District of Brownsville, Texas, all right, title, and interest of the United States in and to the dry dock designated as Los Alamos (AFDB7).

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the Brownsville Navigation District shall permit the Secretary of the Navy—

Real property.

(1) to use real property which is (A) located on and near a ship channel, (B) under the ownership or control of the Brownsville Navigation District, and (C) not used by the Brownsville Navigation District, except that such use shall be only for training purposes and shall be permitted for a five-year period beginning on the date of the transfer;

(2) to use such property under paragraph (1) without reimbursement from the Secretary of the Navy; and

(3) to use the dock for dockage services, without reimbursement from the Secretary of the Navy, except that such use shall be for not more than 45 days each year during the period referred to in paragraph (1) and shall be subject to all applicable Federal and State laws, including laws on maintenance and dredging.

(c) EXTENSION OF USE.—At the end of the five-year period referred to in subsection (b)(1), the Secretary of the Navy and the chief executive officer of the Brownsville Navigation District may enter into an agreement to extend the period during which the Secretary may use real property and dockage under subsection (b).

Contracts.
Claims.

(d) CONDITION.—As a condition of the conveyance authorized by subsection (a), the Secretary shall enter into an agreement with the Brownsville Navigation District under which the Browns-

ville Navigation District agrees to hold the United States harmless for any claim arising with respect to the drydock after the conveyance of the drydock other than as a result of use of the dock by the Navy pursuant to subsection (b) or an agreement under subsection (c).

SEC. 158. SALES AUTHORITY OF CERTAIN WORKING-CAPITAL FUNDED INDUSTRIAL FACILITIES OF THE ARMY.

(a) IN GENERAL.—(1) Chapter 433 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 4543. Army industrial facilities: sales of manufactured articles or services outside Department of Defense

"(a) AUTHORITY TO SELL OUTSIDE DOD.—Regulations under section 2208(h) of this title shall authorize a working-capital funded Army industrial facility (including a Department of the Army arsenal) that manufactures large caliber cannons, gun mounts, recoil mechanisms, ammunition, munitions, or components thereof to sell manufactured nondefense-related commercial articles or services to a person outside the Department of Defense if—

"(1) in the case of an article, the article is sold to a United States manufacturer, assembler, developer, or other concern—

"(A) for use in developing new products;

"(B) for incorporation into items to be sold to, or to be used in a contract with, an agency of the United States;

"(C) for incorporation into items to be sold to, or to be used in a contract with, or to be used for purposes of soliciting a contract with, a friendly foreign government; or

"(D) for use in commercial products;

"(2) in the case of an article, the purchaser is determined by the Department of Defense to be qualified to carry out the proposed work involving the article to be purchased;

"(3) the sale is to be made on a basis that does not interfere with performance of work by the facility for the Department of Defense or for a contractor of the Department of Defense; and

"(4) in the case of services, the services are related to an article authorized to be sold under this section and are to be performed in the United States for the purchaser.

"(b) ADDITIONAL REQUIREMENTS.—The regulations shall also—

"(1) require that the authority to sell articles or services under the regulations be exercised at the level of the commander of the major subordinate command of the Army with responsibility over the facility concerned;

"(2) authorize a purchaser of articles or services to use advance incremental funding to pay for the articles or services; and

"(3) in the case of a sale of commercial articles or commercial services in accordance with subsection (a) by a facility that manufactures large caliber cannons, gun mounts, or recoil mechanisms, or components thereof, authorize such facility—

"(A) to charge the buyer, at a minimum, the variable costs that are associated with the commercial articles or commercial services sold;

"(B) to enter into a firm, fixed-price contract or, if agreed by the buyer, a cost reimbursement contract for the sale; and

"(C) to develop and maintain (from sources other than appropriated funds) working capital to be available for paying design costs, planning costs, procurement costs, and other costs associated with the commercial articles or commercial services sold.

"(c) RELATIONSHIP TO ARMS EXPORT CONTROL ACT.—Nothing in this section shall be construed to affect the application of the export controls provided for in section 38 of the Arms Export Control Act (22 U.S.C. 2778) to items which incorporate or are produced through the use of an article sold under this section.

"(d) DEFINITIONS.—In this section:

"(1) The term 'commercial article' means an article that is usable for a nondefense purpose.

"(2) The term 'commercial service' means a service that is usable for a nondefense purpose.

"(3) The term 'advance incremental funding', with respect to a sale of articles or services, means a series of partial payments for the articles or services that includes—

"(A) one or more partial payments before the commencement of work or the incurring of costs in connection with the production of the articles or the performance of the services, as the case may be; and

"(B) subsequent progress payments that result in full payment being completed as the required work is being completed.

"(4) The term 'variable costs', with respect to sales of articles or services, means the costs that are expected to fluctuate directly with the volume of sales and—

"(A) in the case of articles, the volume of production necessary to satisfy the sales orders; or

"(B) in the case of services, the extent of the services sold.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"4543. Army industrial facilities: sales of manufactured articles or services outside Department of Defense.".

(b) CONFORMING AMENDMENT.—Subsection (i) of section 2208 of such title is amended to read as follows:

10 USC 2208.

"(i) For provisions relating to sales outside the Department of Defense of manufactured articles and services by a working-capital funded Army industrial facility (including a Department of the Army arsenal) that manufactures large caliber cannons, gun mounts, recoil mechanisms, ammunition, munitions, or components thereof, see section 4543 of this title.".

10 USC 4543 note.

(c) DEADLINE FOR REGULATIONS.—Regulations under subsection (b) of section 4543 of title 10, United States Code, as added by subsection (a), shall be prescribed not later than 30 days after the date of the enactment of this Act.

SEC. 159. SPACE-BASED MISSILE WARNING AND SURVEILLANCE PROGRAMS.

(a) AMOUNT FOR PROGRAMS.—Of the amounts authorized to be appropriated by section 104, not to exceed $801,900,000 shall

be available for space-based missile warning and surveillance programs.

(b) TRANSFER AUTHORITY.—To the extent provided in appropriations Acts, during fiscal year 1994 funds may be transferred from the amount available for space-based missile warning and surveillance programs pursuant to subsection (a) to programs specified in subsection (c) as follows:

(1) Before March 1, 1994, up to $250,000,000.

(2) On or after March 1, 1994, any unobligated amount remaining for space-based missile warning and surveillance programs pursuant to subsection (a).

(c) PROGRAMS TO WHICH TRANSFERRED.—A transfer under subsection (b) may be made to any of the following programs:

(1) The Follow-on Early Warning System.

(2) The Defense Support Program.

(3) The Brilliant Eyes Program.

(4) The Cobra Ball Upgrade Program.

(d) RELATIONSHIP TO OTHER TRANSFER AUTHORITY.—The authority to make transfers under subsection (b) is in addition to the authority provided in section 1101.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 1994 for the use of the Department of Defense for research, development, test, and evaluation, as follows:

(1) For the Army, $5,197,467,000.

(2) For the Navy, $8,376,737,000.

(3) For the Air Force, $12,289,211,000.

(4) For Defense-wide activities, $9,042,949,000, of which—

(A) $242,592,000 is authorized for the activities of the Director, Test and Evaluation; and

(B) $12,650,000 is authorized for the Director of Operational Test and Evaluation.

SEC. 202. AMOUNT FOR BASIC RESEARCH AND EXPLORATORY DEVELOPMENT.

(a) FISCAL YEAR 1994.—Of the amounts authorized to be appropriated by section 201, $4,283,935,000 shall be available for basic research and exploratory development projects.

(b) BASIC RESEARCH AND EXPLORATORY DEVELOPMENT DEFINED.—For purposes of this section, the term "basic research and exploratory development" means work funded in program elements for defense research and development under Department of Defense category 6.1 or 6.2.

SEC. 203. STRATEGIC ENVIRONMENTAL RESEARCH AND DEVELOPMENT PROGRAM.

Of the amounts authorized to be appropriated by section 201, $150,000,000 shall be available for the Strategic Environmental Research and Development Program.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. KINETIC ENERGY ANTISATELLITE PROGRAM.

(a) CONVERSION OF PROGRAM.—The Secretary of Defense shall convert the Kinetic Energy Antisatellite (KE–ASAT) Program to a tactical antisatellite technologies program.

(b) LEVEL FUNDING.—Of the amounts authorized to be appropriated in this title, $10,000,000 shall be available for fiscal year 1994 for engineering development under the program.

(c) DEVELOPMENT OF MOST CRITICAL TECHNOLOGIES.—The amount referred to in subsection (b) shall be available for engineering development of the most critical antisatellite technologies.

(d) LIMITATION PENDING SUBMISSION OF REPORT.—No funds appropriated to the Department of Defense for fiscal year 1994 may be obligated for the Kinetic Energy Antisatillite (KE–ASAT) program until the Secretary of Defense submits to Congress the report required by section 1363 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2560) that contains, in addition to the matter required by such section, the Secretary's certification that there is a requirement for an antisatellite program.

SEC. 212. B–1B BOMBER PROGRAM.

Of the amount authorized to be appropriated pursuant to section 201 for the Air Force for fiscal year 1994, not more than $49,000,000 shall be available for the B–1B bomber program.

SEC. 213. SPACE LAUNCH MODERNIZATION PLAN.

(a) PLAN REQUIRED.—(1) The Secretary of Defense shall develop a plan that establishes and clearly defines priorities, goals, and milestones regarding modernization of space launch capabilities for the Department of Defense or, if appropriate, for the Government as a whole. The plan shall specify whether the Secretary intends to allocate funds for a new space launch vehicle or other major space launch development initiative in the next future-years defense program submitted pursuant to section 221 of title 10, United States Code.

(2) The plan shall be developed in consultation with the Director of the Office of Science and Technology Policy.

(3) The Secretary shall submit the plan to Congress at the same time in 1994 that the Secretary submits to Congress the next future-years defense program.

(b) ALLOCATION OF FUNDS.—Of the amount authorized to be appropriated in section 201, $35,000,000 shall be available through the Office of the Undersecretary of Defense for Acquisition and Technology for research, development, test, and evaluation of new non-man-rated space launch systems and technologies. None of that amount may be obligated or expended for any operational

United States space launch vehicle system in existence as of the date of the enactment of this Act. Of that amount—

(1) $17,000,000 shall be available for the single-stage rocket technology (SSRT) program, including—

(A) completion of phase one of the SSRT program begun in the Ballistic Missile Defense Office;

(B) concept studies for new reusable space launch vehicles;

(C) data base development on domestic and foreign launch systems to support design-to-cost, engine development, and reduced life-cycle costs; and

(D) examination of reusable engine thrust chamber component applications to achieve advanced producibility, cost, and durability information needed for improved designs; and

(2) $18,000,000 shall be available for similar tasks related to expendable launch vehicles, including—

(A) concept studies for new expendable space launch vehicles;

(B) data base development on domestic and foreign launch systems to support design-to-cost, engine development, and reduced life-cycle costs; and

(C) examination of expendable engine thrust chamber component applications to achieve advanced producibility, cost, and durability information needed for improved designs.

(c) REQUIREMENTS REGARDING DEVELOPMENT OF NEW LAUNCH VEHICLES.—If the space launch plan under subsection (a) identifies a new, non-man-rated expendable or reusable launch vehicle technology for development or acquisition, the Secretary shall explore innovative government-industry funding, management, and acquisition strategies to minimize the cost and time involved.

(d) COST REDUCTION REQUIREMENT.—The plan shall provide for a means of reducing the cost of producing existing launch vehicles at current and projected production rates below the current estimates of the costs for those production rates.

(e) STUDY OF DIFFERENCES BETWEEN UNITED STATES AND FOREIGN SPACE LAUNCH VEHICLES.—(1) The Secretary of Defense shall conduct a comprehensive study of the differences between existing United States and foreign expendable space launch vehicles in order—

(A) to identify specific differences in the design, manufacture, processing, and overall management and infrastructure of such space launch vehicles; and

(B) to determine the approximate effect of the differences on the relative cost, reliability, and operational efficiency of such space launch vehicles.

(2) The Secretary shall consult with the Administrator of the National Aeronautics and Space Administration and, as appropriate, the heads of other Federal agencies and appropriate personnel of United States industries and academic institutions in carrying out the study.

(3) The Secretary shall submit to Congress a report of the results of the study no later than October 1, 1994. Reports.

SEC. 214. MEDICAL COUNTERMEASURES AGAINST BIOWARFARE THREATS.

(a) IN GENERAL.—Chapter 139 of title 10, United States Code, is amended by inserting after section 2370 the following new section:

"§ 2370a. Medical countermeasures against biowarfare threats: allocation of funding between near-term and other threats

"(a) ALLOCATION BETWEEN NEAR-TERM AND OTHER THREATS.—Of the funds appropriated or otherwise made available for any fiscal year for the medical component of the Biological Defense Research Program (BDRP) of the Department of Defense —

"(1) not more than 80 percent may be obligated and expended for product development, or for research, development, test, or evaluation, of medical countermeasures against near-term validated biowarfare threat agents; and

"(2) not more than 20 percent may be obligated or expended for product development, or for research, development, test, or evaluation, of medical countermeasures against mid-term or far-term validated biowarfare threat agents.

"(b) DEFINITIONS.—In this section:

"(1) The term 'validated biowarfare threat agent' means a biological agent that—

"(A) is named in the biological warfare threat list published by the Defense Intelligence Agency; and

"(B) is identified as a biowarfare threat by the Deputy Chief of Staff of the Army for Intelligence in accordance with Army regulations applicable to intelligence support for the medical component of the Biological Defense Research Program.

"(2) The term 'near-term validated biowarfare threat agent' means a validated biowarfare threat agent that has been, or is being, developed or produced for weaponization within 5 years, as assessed and determined by the Defense Intelligence Agency.

"(3) The term 'mid-term validated biowarfare threat agent' means a validated biowarfare threat agent that is an emerging biowarfare threat, is the object of research by a foreign threat country, and will be ready for weaponization in more than 5 years and less than 10 years, as assessed and determined by the Defense Intelligence Agency.

"(4) The term 'far-term validated biowarfare threat agent' means a validated biowarfare threat agent that is a future biowarfare threat, is the object of research by a foreign threat country, and could be ready for weaponization in more than 10 years and less than 20 years, as assessed and determined by the Defense Intelligence Agency.

"(5) The term 'weaponization' means incorporation into usable ordnance or other militarily useful means of delivery.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2370 the following new item:

"2370a. Medical countermeasures against biowarfare threats: allocation of funding between near-term and other threats.".

SEC. 215. FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS.

(a) CENTERS COVERED.—Funds appropriated or otherwise made available for the Department of Defense for fiscal year 1994 pursuant to an authorization of appropriations in section 201 may be obligated to procure work from a federally funded research and development center only in the case of a center named in the report required by subsection (b) and, in the case of such a center, only in an amount not in excess of the amount of the proposed funding level set forth for that center in such report.

(b) REPORT ON ALLOCATIONS FOR CENTERS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing—

(1) the name of each federally funded research and development center from which work is proposed to be procured for the Department of Defense for fiscal year 1994; and

(2) for each such center, the proposed funding level and the estimated personnel level for fiscal year 1994.

The total of the proposed funding levels set forth in the report for all federally funded research and development centers may not exceed the amount set forth in subsection (d).

(c) LIMITATION PENDING SUBMISSION OF REPORT.—No funds appropriated or otherwise made available for the Department of Defense for fiscal year 1994 may be obligated to obtain work from a federally funded research and development center until the Secretary of Defense submits the report required by subsection (b).

(d) FUNDING.—Of the amounts authorized to be appropriated to the Department of Defense for research, development, test, and evaluation for fiscal year 1994 pursuant to section 201, not more than a total of $1,352,650,000 may be obligated to procure services from the federally funded research and development centers named in the report required by subsection (b).

(e) AUTHORITY TO WAIVE FUNDING LIMITATION.—The Secretary of Defense may waive the limitation regarding the maximum funding amount that applies under subsection (a) to a federally funded research and development center. Whenever the Secretary proposes to make such a waiver, the Secretary shall submit to the congressional defense committees notice of the proposed waiver and the reasons for the waiver. The waiver may then be made only after the end of the 60-day period that begins on the date on which the notice is submitted to those committees, unless the Secretary determines that it is essential to the national security that funds be obligated for work at that center in excess of that limitation before the end of such period and notifies the congressional defense committees of that determination and the reasons for the determination.

(f) UNDISTRIBUTED REDUCTION.—The total amount authorized to be appropriated for research, development, test, and evaluation in section 201 is hereby reduced by $200,000,000.

SEC. 216. DEMONSTRATION PROGRAM FOR BALLISTIC MISSILE POST-LAUNCH DESTRUCT MECHANISM.

(a) DEMONSTRATION PROGRAM.—The Secretary of Defense shall conduct a demonstration program to develop and test a ballistic missile post-launch destruct mechanism. The program shall be carried out through the Advanced Research Projects Agency.

(b) FUNDING.—The amount expended for the demonstration program may not exceed $15,000,000. Subject to the provisions of appropriations Acts, the Secretary may provide $5,000,000 for the program from unexpended balances remaining available for obligation from funds appropriated to the Department of Defense for fiscal year 1993.

(c) WAIVER.—The Secretary of Defense may waive the requirement to conduct a demonstration program under subsection (a) if the Secretary certifies to the congressional defense committees that conducting such a program is not in the national security interest of the United States.

SEC. 217. HIGH PERFORMANCE COMPUTING AND COMMUNICATION INITIATIVE.

(a) INDEPENDENT STUDY.—Within 30 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Director of the Office of Science and Technology Policy, shall request the National Research Council (NRC) to conduct a comprehensive study of the inter-agency High Performance Computing and Communications Initiative (HPCCI).

(b) MATTERS TO BE INCLUDED.—The study shall address (at a minimum) the following aspects of the High Performance Computing and Communications Initiative:

(1) The basic underlying rationale for the program, including the appropriate balance between Federal efforts and private sector efforts.

(2) The appropriateness of the goals and directions of the program.

(3) The balance between various elements of the program.

(4) The likelihood that the various goals of the program will be achieved.

(5) The effectiveness of the mechanisms for obtaining the views of industry and the views of users for the planning and implementation of the program.

(6) The management and coordination of the program.

(7) The relationship of the program to other Federal support of high performance computing and communications, including acquisition of high performance computers by Federal departments and agencies in support of the mission needs of such departments and agencies.

(c) COOPERATION WITH STUDY.—The Director of the Office of Science and Technology Policy shall direct all relevant Federal agencies to cooperate fully with the National Research Council in all aspects of this study. The heads of Federal agencies receiving the directive shall cooperate in accordance with the provisions of the directive.

(d) FUNDING.—The Secretary shall make available from funds available for the High Performance Computing and Communications Program of the Department of Defense amounts not to exceed $500,000 for the National Research Council to conduct the study under subsection (a).

(e) REPORTS.—The Secretary of Defense shall include in an agreement with the National Academy of Sciences that provides for the study, a requirement that the National Research Council submit an interim report and a final report on the results of the study to the Secretary of Defense and to the Director of the Office of Science and Technology Policy. The interim report shall

be submitted not later than July 1, 1994, and the final report shall be submitted not later than February 1, 1995. Promptly after receiving the reports, the Director of the Office of Science and Technology Policy shall submit the reports to Congress and may submit with the reports such additional comments as the Director considers appropriate. The reports shall be submitted to Congress in unclassified form with classified annexes as necessary.

Public information. Classified information.

SEC. 218. SUPERCONDUCTING MAGNETIC ENERGY STORAGE (SMES) PROGRAM.

Establishment.

(a) PROGRAM OFFICE.—The Secretary of Defense shall establish within the Department of the Navy a program office to facilitate research and design studies leading to possible construction of Superconducting Magnetic Energy Storage (SMES) test models.

(b) FUNDING.—Immediately upon enactment of this Act, the Secretary of Defense shall transfer from the Defense Nuclear Agency to the Department of the Navy any funds appropriated for fiscal years before fiscal year 1994 that were designated for the Superconducting Magnetic Energy Storage Project that remain available for obligation. Those funds shall be obligated for (1) continued work for experiments and studies described in section 218(b)(4) of the National Defense Authorization Act of 1993 (Public Law 102–484; 106 Stat. 2353), and (2) study of alternative SMES designs.

(c) COORDINATION WITH DEPARTMENT OF ENERGY.—Research work of the Department of the Navy described in subsection (a) shall be coordinated with emerging Superconducting Magnetic Energy Storage research being carried out within the Department of Energy.

(d) DEADLINE.—The office referred to in subsection (a) shall be created and staffed not later than 30 days after the date of the enactment of this Act.

SEC. 219. ADVANCED SELF PROTECTION JAMMER (ASPJ) PROGRAM.

Notwithstanding section 122 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2334), the Secretary of Defense may carry out material procurement, logistics support, and integration of existing Advanced Self Protection Jammer systems from Department of Defense inventory into the F–14D aircraft for testing and evaluation using funds appropriated to the Department of Defense for fiscal year 1993 and prior years.

SEC. 220. ELECTRONIC COMBAT SYSTEMS TESTING.

(a) DETAILED TEST AND EVALUATION BEFORE INITIAL LOW-RATE PRODUCTION.—The Secretary of Defense shall ensure that any electronic combat system and any command, control, and communications countermeasure system is authorized to proceed into the low-rate initial production stage only upon the completion of an appropriate, rigorous, and structured test and evaluation regime. Such a regime shall include testing and evaluation at each of the following types of facilities: computer simulation and modeling facilities, measurement facilities, system integration laboratories, simulated threat hardware-in-the-loop test facilities, installed system test facilities, and open air ranges.

(b) TIMELY TEST AND EVALUATION REQUIRED.—The Secretary shall ensure that test and evaluation of a system as required by subsection (a) is conducted sufficiently early in the development phase to allow—

(1) a correction-of-deficiency plan to be developed and in place for deficiencies identified by the testing before the system proceeds into low-rate initial production; and

(2) the deficiencies identified by test and evaluation to be corrected before the system proceeds beyond low-rate initial production.

(c) ANNUAL REPORT ON COMPLIANCE.—The Secretary of Defense shall include in the annual Department of Defense Electronic Warfare Plan report a description of compliance with this section during the preceding year. Such a report shall include a description of the test and evaluation process applied to each system, the results of that process, and the adequacy of test and evaluation resources to carry out that process.

(d) FUNDS USED FOR TESTING.—The costs of the testing necessary to carry out this section with respect to any system shall be paid from funds available for that system.

(e) APPLICABILITY.—The provisions of subsections (a) and (b) shall apply to any ACAT I level electronic combat system milestone I program and to any command, control, and communications countermeasure system milestone I program that is initiated after the date of the enactment of this Act.

Utah.

SEC. 221. LIMITATION ON FLIGHT TESTS OF CERTAIN MISSILES.

(a) LIMITATION.—During the one-year period beginning on the date of the enactment of this Act, the Secretary of Defense may not conduct a flight test program of theater missile defense interceptors and sensors if an anticipated result of the launch of a missile under that test program would be release of debris within 50 miles of the Canyonlands National Park, Utah.

(b) DEFINITION OF DEBRIS.—For purposes of subsection (a), the term "debris" does not include particulate matter that is regulated for considerations of air quality.

SEC. 222. JOINT ADVANCED ROCKET SYSTEM.

(a) PROGRAM REQUIREMENT.—None of the funds appropriated pursuant to authorizations in section 201 or otherwise made available for fiscal year 1994 for research, development, test, and evaluation for the Department of Defense may be obligated for any technology for a 2.75-inch rocket or missile program that is inconsistent with the goals and objectives of the joint Advanced Rocket System program or that would otherwise not result in the use of a common 2.75-inch rocket motor by all components of the Department of Defense.

(b) ARMY PROGRAM.—Of the amount authorized for the Army under section 201, $5,500,000 shall be available for participation by the Department of the Army in the Advanced Rocket System program.

(c) FUNDING LIMITATION PENDING REPORT.—Of the amount appropriated pursuant to section 201 for the Department of the Navy for the Advanced Rocket System (program element 604603N) and for the Department of the Army for program element 603313A, not more than 75 percent may be obligated until the end of the 30-day period beginning on the date on which the Secretary of Defense submits to the congressional defense committees a report on the matters specified in subsection (d).

(d) REPORT CONTENTS.—The matters referred to in subsection (c) are the following:

(1) A cost and operational effectiveness analysis (COEA) of 2.75-inch hypervelocity rockets, jointly developed by the military services.

(2) If the analysis referred to in paragraph (1) validates the requirement for such hypervelocity rockets, an evaluation (prepared jointly by the Army and the Navy) of the feasibility of incorporating hypervelocity rocket technology into the Advanced Rocket System.

(3) A plan (prepared jointly by the Army and the Navy) for the transition of total responsibility for 2.75-inch rocket systems to the Rocket Management Office of the Army.

SEC. 223. STANDOFF AIR-TO-SURFACE MUNITIONS TECHNOLOGY DEMONSTRATION.

(a) IN GENERAL.—(1) Of the amounts authorized to be appropriated pursuant to section 201, up to $2,000,000 of the amount for the Navy and up to $2,000,000 of the amount for the Air Force may be used for the conduct of a demonstration of nondevelopmental technology that would enable the use of a single adaptor kit for munitions described in paragraph (2) in order to give those munitions a standoff, near-precision guided capability.

(2) Paragraph (1) applies to unguided, in-inventory munitions of the class of 1,000 pounds and below.

(b) REQUEST FOR INFORMATION.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Navy shall issue a request for information for nondevelopmental munitions adaptor kits for the purpose described in subsection (a).

(c) CONTRACTOR SELECTION.—Not later than 30 days after the closing date of the request for information under subsection (b), the Secretary of the Navy shall determine whether any of the responses received have sufficient technical merit to justify the conduct of a technology demonstration. If the Secretary determines that the conduct of such a technology demonstration is justified, the Secretary shall select the single most promising technology offered, if applicable, for that demonstration.

(d) TECHNOLOGY DEMONSTRATION.—If the Secretary determines under subsection (c) that a technology demonstration is warranted, the Secretary shall require the contractor selected to complete a suitable nondevelopmental item demonstration of the contractor's adaptor kit proposal.

(e) REPORT.—If a contractor is selected in accordance with subsection (c) and a demonstration is accomplished in accordance with subsection (d), the Secretary of the Navy shall submit to the congressional defense committees a report detailing the results and costs of the demonstration and the applicability of the technology demonstrated in providing the Armed Forces with an inexpensive solution to providing near-precision guided munition capability to in-inventory munitions.

SEC. 224. STANDARD EXTREMELY HIGH FREQUENCY WAVEFORM.

The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition and Technology, shall establish a single standard for all components of the Department of Defense for the set of waveforms to be used for medium data rate (MDR) communications using an extremely high frequency (EHF) band. The standard shall be established not later than June 1, 1994.

SEC. 225. EXTENSION OF PROHIBITION ON TESTING MID-INFRARED ADVANCED CHEMICAL LASER AGAINST AN OBJECT IN SPACE.

The Secretary of Defense may not carry out a test of the Mid-Infrared Advanced Chemical Laser (MIRACL) transmitter and associated optics against an object in space during 1994 unless such testing is specifically authorized by law.

Subtitle C—Missile Defense Programs

SEC. 231. FUNDING FOR BALLISTIC MISSILE DEFENSE PROGRAMS FOR FISCAL YEAR 1994.

(a) TOTAL AMOUNT.—Of the amounts appropriated pursuant to section 201 for fiscal year 1994 or otherwise made available to the Department of Defense for research, development, test, and evaluation for fiscal year 1994, not more than $2,638,992,000 may be obligated for programs managed by the Ballistic Missile Defense Organization.

(b) ALLOCATION TO PROGRAM ELEMENTS.—Of the amount specified in subsection (a)—

(1) not more than $1,450,992,000 shall be available for programs, projects, and activities within the Theater Missile Defense program element;

(2) not more than $650,000,000 shall be available for programs, projects, and activities within the Limited Defense System program element; and

(3) a total of not more than $538,000,000 shall be available for programs, projects, and activities within the Research and Support Activities program element, including funding for the Small Business Innovation Research Program and the Small Business Technology Transfer Program.

(c) TRANSFER AUTHORITIES.—(1) Notwithstanding the limitations set forth in paragraphs (1) through (3) of subsection (b), the Secretary of Defense may transfer funds among the program elements managed by the Ballistic Missile Defense Organization. The total amount that may be transferred pursuant to the preceding sentence—

(A) from any program element named in subsection (b) may not exceed 10 percent of the amount specified for that program element in subsection (b); and

(B) to any program element named in subsection (b) may not result in an increase by more than 10 percent of the amount specified for that program element in that subsection.

(2) The authority under paragraph (1) may not be used to transfer funds from the Theater Missile Defense program element.

(3) The authority under paragraph (1) may not be used to transfer funds from the Limited Defense System program element to the program element for Research and Support Activities.

(4) Amounts transferred pursuant to paragraph (1) shall be merged with and be available for the same purposes as the amounts to which transferred.

(d) LIMITATIONS.—None of the funds authorized to be obligated under subsection (a) may be obligated for the Brilliant Eyes space-based sensor program. Such funds may be obligated for the Brilliant Pebbles program only within the Research and Support Activities program element and in an amount not in excess of $35,000,000.

(e) REPORT ON ALLOCATION OF FUNDS.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the allocation of funds appropriated for the ballistic missile defense program for fiscal year 1994. The report—

(1) shall specify the amount of such funds allocated for each program, project, and activity managed by the Ballistic Missile Defense Organization; and

(2) shall list each ballistic missile defense program, project, and activity under the appropriate program element.

SEC. 232. REVISIONS TO MISSILE DEFENSE ACT OF 1991.

The Missile Defense Act of 1991 (part C of title II of Public Law 102-190; 10 U.S.C. 2431 note) is amended as follows:

(1) Section 232(a) is amended—

(A) in paragraph (1), by striking out "while deploying" and inserting in lieu thereof "while developing, and maintaining the option to deploy,"; and

(B) in paragraph (3), by inserting ", as appropriate," before "to friends and allies of the United States".

(2) Section 232(b) is amended—

(A) in paragraph (1), by striking out "the Soviet Union" and inserting in lieu thereof "other nuclear weapons states"; and

(B) in paragraph (2)—

(i) by striking out "the Soviet Union" and inserting in lieu thereof "Russia"; and

(ii) by striking out "Treaty, to include the downloading of multiple warhead ballistic missiles" and inserting in lieu thereof "Treaties, to include the downloading of multiple warhead ballistic missiles, as appropriate".

(3) Section 233(b) is amended—

(A) in paragraph (1), by inserting "in compliance with the ABM Treaty, including any protocol or amendment thereto" after "for deployment";

(B) in paragraph (2), by striking out "develop for deployment" and inserting in lieu thereof "conduct a research and development program to develop and maintain the option to deploy"; and

(C) by striking out paragraph (3).

(4) Subsection (c) of section 233 is amended to read as follows:

"(c) PRESIDENTIAL ACTIONS.—Congress urges the President to pursue immediate discussions with Russia and other successor states of the former Soviet Union, as appropriate, on the feasibility of, and mutual interest in, amendments to the ABM Treaty to permit—

"(1) clarification of the distinctions for the purposes of the ABM Treaty between theater missile defenses and anti-ballistic missile defenses, including interceptors, radars, and other sensors; and

"(2) increased use of space-based sensors for direct battle management.".

(5) Section 235 is amended—

(A) in the section heading, by striking out "STRATEGIC DEFENSE INITIATIVE" and inserting in lieu thereof "BALLISTIC MISSILE DEFENSE PROGRAM";

(B) in subsection (a)—

(i) by striking out "Strategic Defense Initiative" and inserting in lieu thereof "Ballistic Missile Defense program"; and

(ii) by striking out paragraphs (2) and (3) and redesignating paragraph (4) as paragraph (2); and

(C) in subsection (b), by striking out "Strategic Defense Initiative" and inserting in lieu thereof "Ballistic Missile Defense program".

(6) Section 236 is amended—

(A) in the section heading, by striking out "SDI" and inserting in lieu thereof "BMD";

(B) by striking out subsections (b) and (c); and

(C) by redesignating subsection (d) as subsection (b) and in paragraph (1) of that subsection by striking out "within the" and all that follows in that paragraph and inserting in lieu thereof "within the Limited Defense System program element.".

(7) Section 238 is amended by striking out "As deployment" and all that follows through "deployment date," and inserting in lieu thereof "Once development testing of components for a Limited Defense System has begun,".

SEC. 233. PATRIOT ADVANCED CAPABILITY-3 THEATER MISSILE DEFENSE SYSTEM.

(a) COMPETITION FOR MISSILE SELECTION.—The Secretary of Defense shall continue the strategy being carried out by the Ballistic Missile Defense Organization as of October 1, 1993, for selection of the best technology (in terms of cost, schedule, risk, and performance) to meet the missile requirements for the Patriot Advanced Capability–3 (PAC–3) theater missile defense system. That strategy, consisting of flight testing, ground testing, simulations, and other analyses of the weapon systems referred to in subsection (d), shall be continued until the Secretary determines that the Ballistic Missile Defense Organization has adequate information upon which to base a decision as to which missile will be selected to proceed into the Engineering and Manufacturing Development stage.

(b) IMPLICATIONS OF DELAY.—If there is a delay (based upon the schedule in effect in October 1993) in the selection described in subsection (a) of the missile for the Patriot Advanced Capability–3 system, the Secretary of Defense shall ensure that demonstration and validation of both competing systems can continue as needed to support an informed decision for such selection.

(c) FUNDING FOR CERTAIN BALLISTIC MISSILE RDT&E.—If a decision is not made before February 28, 1994, to proceed into the Engineering and Manufacturing Development stage under a weapon system program referred to in subsection (d), the funds appropriated pursuant to the authorization of appropriations in section 201 that are available for engineering and manufacturing development for such a program shall be available for research, development, test, and evaluation of the Patriot PAC–3 Missile program.

(d) COVERED WEAPON SYSTEM PROGRAMS.—For purposes of subsections (a) and (c), the weapon system programs referred to in this subsection are as follows:

(1) The Patriot Multimode Missile Program.

(2) The Extended Range Interceptor (ERINT) missile program.

SEC. 234. COMPLIANCE OF BALLISTIC MISSILE DEFENSE SYSTEMS AND COMPONENTS WITH ABM TREATY.

10 USC 2431 note.

(a) FINDINGS.—Congress makes the following findings:

(1) Section 232(a)(1) of the Missile Defense Act of 1991 (10 U.S.C. 2431 note) establishes a goal for the United States to comply with the ABM Treaty (including any protocol or amendment thereto) and not develop, test, or deploy any ballistic missile defense system, or component thereof, in violation of that treaty (as modified by any protocol or amendment thereto) while deploying an anti-ballistic missile system capable of providing a highly effective defense of the United States against limited attacks of ballistic missiles.

(2) The Department of Defense has conducted no formal compliance review of any of the components or systems scheduled for early deployment as part of either the Theater Missile Defense Initiative or the initial limited defense system to be located at Grand Forks, North Dakota.

(3) The Department of Defense is continuing to obligate hundreds of millions of dollars for the development and testing of systems or components of ballistic missile defense systems before a determination has been made that, if successfully developed, tested, or deployed, those systems and components would be in compliance with the ABM Treaty.

(4) The President requested the authorization and appropriation of additional funds for continued development of such systems and components during fiscal year 1994.

(5) The United States and its allies face existing and expanding threats from ballistic missiles capable of being used as theater weapon systems that are presently possessed by, being developed by, or being acquired by a number of countries, including Iraq, Iran, and North Korea.

(6) Some theater ballistic missiles presently deployed or being developed (such as the Chinese-made CSS–2) have capabilities equal to or greater than the capabilities of missiles which were determined to be strategic missiles more than 20 years ago under the SALT I Interim Agreement of 1972 entered into between the United States and the Soviet Union.

(7) The ABM Treaty was not intended to, and does not, apply to or limit research, development, testing, or deployment of missile defense systems, system upgrades, or system components that are designed to counter modern theater ballistic missiles, regardless of the capabilities of such missiles, unless those systems, system upgrades, or system components are tested against or have demonstrated capabilities to counter modern strategic ballistic missiles.

(8) It is a national security priority of the United States to develop and deploy highly effective theater missile defense systems capable of countering the existing and expanding threats posed by modern theater ballistic missiles as soon as is technically possible.

(9) It is essential that the Secretary of Defense immediately undertake and complete a review for compliance with the ABM Treaty of proposed theater missile defense systems, system upgrades, and system components so as to not delay the development and deployment of such highly effective theater missile defense systems.

(b) REQUIRED COMPLIANCE REVIEW.—(1) The Secretary of Defense shall review the current baseline configuration of each system or system upgrade specified in paragraph (2), and the system components, to determine whether the development, testing, or deployment of that system or system upgrade would be in compliance with the ABM Treaty, including the interpretation of the Treaty set forth in the enclosure to the July 13, 1993, ACDA letter.

(2) The systems and system upgrades to be reviewed pursuant to paragraph (1) are the following:

(A) The Patriot Multimode Missile.

(B) The Extended Range Interceptor (ERINT).

(C) The Ground-Based Radar for theater missile defenses (GBR–T).

(D) The Theater High Altitude Area Defense interceptor missile (THAAD).

(E) The Brilliant Eyes space-based sensor system.

(F) Upgrades to the AEGIS/SPY radar system of the Navy.

(G) Upgrades to the Standard Missile–2 (SM–2) interceptor of the Navy.

Reports.

(3) If during the course of the compliance review under paragraph (1) (or any other such compliance review of a ballistic missile system or system upgrade), an issue arises that appears to indicate that a provision of the ABM Treaty may limit research, development, testing, or deployment by the United States of highly effective theater missile defense systems capable of countering modern theater ballistic missiles, the Secretary of Defense shall immediately submit to the appropriate congressional committees a report on that issue.

(c) REPORT.—(1) For each system and system upgrade specified in paragraph (2) of subsection (b), the Secretary shall submit to the appropriate congressional committees a report on the results of the review required by that subsection. A report may include the results of the reviews of more than one system and system upgrade. For any system or system upgrade determined not to be in compliance with the ABM Treaty, the Secretary shall indicate (A) what changes to the ABM Treaty would be required for the system to be deemed compliant with such modified ABM Treaty, and (B) what changes to the performance capability of the system or system upgrade would be required in order for it to become compliant with the existing Treaty, together with the effect of those performance capability changes on the effectiveness of the planned missile defense architecture.

(2) With regard to the Brilliant Eyes space-based sensor system, the Secretary shall include in the report findings on each of the following issues:

(A) Whether the current baseline configuration of the Brilliant Eyes space-based sensor system would comply with the ABM Treaty if the system were used in conjunction with the planned ground-based radar system and its ground-based interceptors at Grand Forks, North Dakota.

(B) If not, whether design changes or operational changes can be made to the Brilliant Eyes space-based sensor system that—

(i) will result in the sensor system, when employed in conjunction with the planned ground-based radar system and its ground-based interceptors, being in compliance with the ABM Treaty; and

(ii) will not prevent the sensor system from performing its strategic defense missions with a high degree of effectiveness.

(C) If not, whether the Brilliant Eyes space-based sensor system can be made, through design changes or operational changes, for use only with theater missile defense systems and be in compliance with the ABM Treaty.

(D) If so, the extent to which deployment of the Brilliant Eyes space-based sensor system would enhance the capability of upper-tier theater defense systems and lower-tier theater defense systems, respectively.

(d) LIMITATIONS ON FUNDING PENDING SUBMISSION OF REPORT.—(1) Not more than 50 percent of the funds reported pursuant to section 231(e) to be allocated for fiscal year 1994 for a system or system upgrade specified in subsection (b)(2) may be obligated for that system or system upgrade, or any of its components, until the Secretary completes the compliance review of such system or system upgrade required by subsection (b) and submits to the appropriate congressional committees the report on the results of the compliance review of that system or system upgrade as required by subsection (c).

(2) Funds appropriated to the Department of Defense for fiscal year 1994, or otherwise made available to the Department of Defense from any funds appropriated for fiscal year 1994 or for any fiscal year before 1994, may not be obligated or expended—

(A) for any development or testing of anti-ballistic missile systems or components except for development and testing consistent with the interpretation of the ABM Treaty set forth in the enclosure to the July 13, 1993, ACDA letter; or

(B) for the acquisition of any material or equipment (including long lead materials, components, piece parts, or test equipment, or any modified space launch vehicle) required or to be used for the development or testing of anti-ballistic missile systems or components, except for material or equipment required for development or testing consistent with the interpretation of the ABM Treaty set forth in the enclosure to the July 13, 1993, ACDA letter.

(e) DEFINITIONS.—In this section:

(1) The term "July 13, 1993, ACDA letter" means the letter dated July 13, 1993, from the Acting Director of the Arms Control and Disarmament Agency to the chairman of the Committee on Foreign Relations of the Senate relating to the correct interpretation of the ABM Treaty and accompanied by an enclosure setting forth such interpretation.

(2) The term "ABM Treaty" means the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missiles, signed in Moscow on May 26, 1972.

(3) The term "appropriate congressional committees" means—

(A) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate.

10 USC 2431 note.

SEC. 235. THEATER MISSILE DEFENSE MASTER PLAN.

(a) INTEGRATION AND COMPATIBILITY.—In carrying out the Theater Missile Defense Initiative, the Secretary of Defense shall—

(1) seek to maximize the use of existing systems and technologies; and

(2) seek to promote joint use by the military departments of existing and future ballistic missile defense equipment (rather than each military department developing its own systems that would largely overlap in their capabilities).

The Secretaries of the military departments shall seek the maximum integration and compatibility of their ballistic missile defense systems as well as of the respective roles and missions of those systems.

Reports.

(b) TMD MASTER PLAN.—The Secretary of Defense shall submit to Congress a report (which shall constitute the TMD master plan) containing a thorough and complete analysis of the future of theater missile defense programs. The report shall include the following:

(1) A description of the mission and scope of Theater Missile Defense.

(2) A description of the role of each of the Armed Forces in Theater Missile Defense.

(3) A description of how those roles interact and complement each other.

(4) An evaluation of the cost and relative effectiveness of each interceptor and sensor under development as part of a Theater Missile Defense system by the Ballistic Missile Defense Organization.

(5) A detailed acquisition strategy which includes an analysis and comparison of the projected acquisition and life-cycle costs of each Theater Missile Defense system intended for production (shown separately for research, development, test, and evaluation, for procurement, for operation and maintenance, and for personnel costs for each system).

(6) Specification of the baseline production rate for each year of the program through completion of procurement.

(7) An estimate of the unit cost and capabilities of each system.

(8) A description of plans for theater and tactical missile defense doctrine, training, tactics, and force structure.

(c) DESCRIPTION OF TESTING PROGRAM.—The Secretary of Defense shall include in the report under subsection (b)—

(1) a description of the current and projected testing program for Theater Missile Defense systems and major components; and

(2) an evaluation of the adequacy of the testing program to simulate conditions similar to those the systems and components would actually be expected to encounter if and when deployed (such as the ability to track and engage multiple targets with multiple interceptors, to discriminate targets from

decoys and other incoming objects, and to be employed in a shoot-look-shoot firing mode).

(d) RELATIONSHIP TO ARMS CONTROL TREATIES.—The Secretary shall include in the report under subsection (b) a statement of how production and deployment of any projected Theater Missile Defense program will conform to all relevant arms control agreements. The report shall describe any potential noncompliance with any such agreement, when such noncompliance is expected to occur, and whether provisions need to be renegotiated within that agreement to address future contingencies.

(e) SUBMISSION OF REPORT.—The report required by subsection (b) shall be submitted as part of the next annual report of the Secretary submitted to Congress under section 224 of Public Law 101–189 (10 U.S.C. 2431 note).

(f) OBJECTIVES OF PLAN.—In preparing the master plan, the Secretary shall—

(1) seek to maximize the use of existing technologies (such as SM–2, AEGIS, Patriot, and THAAD) rather than develop new systems;

(2) seek to maximize integration and compatibility among the systems, roles, and missions of the military departments; and

(3) seek to promote cross-service use of existing equipment (such as development of Army equipment for the Marine Corps or ground utilization of an air or sea system).

(g) REVIEW AND REPORT ON DEPLOYMENT OF BALLISTIC MISSILE DEFENSES.—(1) The Secretary of Defense shall conduct an intensive and extensive review of opportunities to streamline the weapon systems acquisition process applicable to the development, testing, and deployment of theater ballistic missile defenses with the objective of reducing the cost of deployment and accelerating the schedule for deployment without significantly increasing programmatic risk or concurrency.

(2) In conducting the review, the Secretary shall obtain recommendations and advice from—

(A) the Defense Science Board;

(B) the faculty of the Industrial College of the Armed Forces; and

(C) federally funded research and development centers supporting the Office of the Secretary of Defense.

(3) Not later than May 1, 1994, the Secretary shall submit to the congressional defense committees a report on the Secretary's findings resulting from the review under paragraph (1), together with any recommendations of the Secretary for legislation. The Secretary shall submit the report in unclassified form, but may submit a classified version of the report if necessary to clarify any of the information in the findings or recommendations or any related information. The report may be submitted as part of the next annual report of the Secretary submitted to Congress under section 224 of Public Law 101–189 (10 U.S.C. 2431 note).

Public information.

SEC. 236. LIMITED DEFENSE SYSTEM DEVELOPMENT PLAN.

(a) REQUIREMENT FOR REPORT.—(1) The Secretary of Defense shall submit to the congressional defense committees a report on the development plan for a Limited Defense System covering the period of fiscal years 1994 through 1999.

(2) The report under paragraph (1) shall be submitted not later than May 30, 1994, and may be included in the next annual report on ballistic missile defenses submitted to Congress under section 224 of Public Law 101-189 (10 U.S.C. 2431 note).

(b) ISSUES TO BE ADDRESSED IN REPORT.—The report under subsection (a) shall include discussion of the following matters:

(1) The proposed Limited Defense System architecture.

(2) The systems and components to be developed to implement that architecture.

(3) The extent to which those systems and components can be developed during the period referred to in subsection (a), assuming annual funding for the Limited Defense System averaging $600,000,000 per year.

(4) The additional funding required and the additional time required after fiscal year 1999 in order for initial deployment of a limited, ABM-Treaty-compliant capability at a single site to be implemented.

(5) The variations in both required funding and required time after fiscal year 1999 for the same initial deployment to be implemented—

(A) if funding for a Limited Defense System during fiscal years 1995 through 1999 averages $750,000,000 per year; and

(B) if funding for a Limited Defense System during fiscal years 1995 through 1999 averages $450,000,000 per year.

(6) The extent to which missile defense technologies and components that are developed for Theater Missile Defense systems to be deployed before fiscal year 2000 can reduce the development costs and lead-times for development and deployment of a Limited Defense System.

(7) The extent to which acquisition streamlining can be applied to the development of a Limited Defense System.

(8) The extent to which the testing and simulation infrastructure, the level of engineering and technical support, the extensive reliance on studies and analyses by contractors, and the substantial use of outside contractors for systems engineering and technical analysis which the Ballistic Missile Defense Organization has inherited from the Strategic Defense Initiative Organization can be reduced given the re-evaluation of the Ballistic Missile Defense program that has emerged from the Bottom-Up Review of the Secretary of Defense which was conducted during 1993.

(9) Such other matters as the Secretary considers important.

SEC. 237. THEATER AND LIMITED DEFENSE SYSTEM TESTING.

(a) TESTING OF THEATER MISSILE DEFENSE INTERCEPTORS.—Except for the acquisition of those production representative missiles required for the completion of developmental and operational testing, the Secretary of Defense may not approve a theater missile defense interceptor program proceeding into the Low-Rate Initial Production (Milestone IIIA) acquisition stage until the Secretary certifies to the congressional defense committees that more than two realistic live-fire tests, consistent with section 2366 of title 10, United States Code, have been conducted, the results of which demonstrate the achievement by the interceptors of the weapons

systems performance goals specified in the system baseline document established pursuant to section 2435(a)(1)(A) of title 10, United States Code, before the program entered engineering and manufacturing systems development. The live-fire tests demonstrating such results shall involve multiple interceptors and multiple targets in the presence of realistic countermeasures.

(b) ADVANCE REVIEW AND APPROVAL OF PROPOSED DEVELOPMENTAL TESTS OF LIMITED DEFENSE SYSTEM PROGRAM PROJECTS.—A developmental test may not be conducted under the Limited Defense System program element of the Ballistic Missile Defense Program until the Secretary of Defense reviews and approves (or approves with changes) the test plan for such developmental test.

(c) INDEPENDENT MONITORING OF TESTS.—(1) The Secretary shall provide for monitoring of the implementation of each test plan referred to in subsection (b) by a group composed of persons who—

(A) by reason of education, training, or experience are qualified to monitor the testing covered by the plan; and

(B) are not assigned or detailed to, or otherwise performing duties of, the Ballistic Missile Defense Organization and are otherwise independent of such organization.

(2) The monitoring group shall submit to the Secretary its analysis of, and conclusions regarding, the conduct and results of each test monitored by the group.

SEC. 238. ARROW TACTICAL ANTI-MISSILE PROGRAM. Israel.

(a) ENDORSEMENT OF COOPERATIVE RESEARCH AND DEVELOPMENT.—Congress reiterates its endorsement (previously stated in section 225(a)(5) of Public Law 101–510 (104 Stat. 1515) and section 241(a) of Public Law 102–190 (105 Stat. 1326)) of a continuing program of cooperative research and development, jointly funded by the United States and Israel, on the Arrow Tactical Anti-Missile program.

(b) PROGRAM GOAL.—The goal of the cooperative program is to demonstrate the feasibility and practicality of the Arrow system and to permit the government of Israel to make a decision on its own initiative regarding deployment of that system without financial participation by the United States beyond the research and development stage.

(c) ARROW CONTINUING EXPERIMENTS.—The Secretary of Defense, from amounts appropriated to the Department of Defense pursuant to section 201 for Defense-wide activities and available for the Ballistic Missile Defense Organization, shall fund the United States contribution to the fiscal year 1994 Arrow Continuing Experiments program in an amount not to exceed $56,400,000.

(d) ARROW DEPLOYABILITY INITIATIVE.—(1) Subject to paragraph (2), the Secretary of Defense may obligate funds appropriated pursuant to section 201 in an amount not to exceed $25,000,000 for the purpose of research and development of technologies associated with deploying the Arrow missile in the future (including technologies associated with battle management, lethality, system integration, and test bed systems).

(2) Funds may not be obligated for the purpose stated in paragraph (1) (other than as required to satisfy the conditions set forth in this paragraph) unless the President certifies to Congress that—

(A) the United States and the government of Israel have entered into an agreement governing the conduct and funding of research and development projects for the purpose stated in paragraph (1);

(B) each project in which the United States will join under that agreement (i) will have a benefit for the United States, and (ii) has not been barred by other congressional direction;

(C) the Arrow missile has successfully completed a flight test in which it intercepted a target missile under realistic test conditions; and

(D) the government of Israel is continuing, in accordance with its previous public commitments, to adhere to export controls pursuant to the Guidelines and Annex of the Missile Technology Control Regime.

(e) SENSE OF CONGRESS ON EXPEDITING TEST PROGRAM.—It is the sense of Congress that, in order to expedite the test program for the Arrow missile, the United States should seek to initiate with the government of Israel discussions on the agreement referred to in subsection (d)(2)(A) without waiting for the condition specified in subsection (d)(2)(C) to be met first.

SEC. 239. REPORT ON ARROW TACTICAL ANTI-MISSILE PROGRAM.

(a) REPORT REQUIRED.—Not later than April 1, 1994, the Secretary of Defense shall submit to the congressional defense committees a report on the Arrow Tactical Anti-Missile program. The Secretary shall design the report to provide those committees with the information they need in order to perform their oversight function. The Secretary shall obtain the information for the report from actual program data to which the United States Government has access, to the extent possible, or, if necessary, from the best estimates available to the United States Government.

(b) CONTENT OF REPORT.—The report shall include (at a minimum) the following:

(1) The development and procurement schedules for the program.

(2) The estimated annual and total cost of the program.

(3) The estimated total cost to the United States of involvement in the program, including funding provided through foreign military sales financing under the Arms Export Control Act.

(4) A detailed description of the contract types and cost estimating data for the program.

(5) An assessment of the performance of the Arrow interceptor and the Arrow system.

(6) An evaluation of the development and production risks under the program.

(7) Alternatives to the Arrow interceptor and Arrow system for meeting the tactical ballistic missile defense needs of Israel, including providing Israel with an existing or planned United States weapon system.

(8) For each such alternative—

(A) an assessment of the cost effectiveness of undertaking the alternative;

(B) the technology transfer implications; and

(C) the weapon proliferation implications.

(c) FORM OF REPORT.—The Secretary shall submit the report in classified and unclassified versions.

(d) CONSTRUCTION OF SECTION.—Nothing in this section shall be construed to endorse United States participation in any aspect of the Arrow program beyond the research and development programs authorized by law.

SEC. 240. TECHNICAL AMENDMENTS TO ANNUAL REPORT REQUIREMENT TO REFLECT CREATION OF BALLISTIC MISSILE DEFENSE ORGANIZATION.

Section 224 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (10 U.S.C. 2431 note) is amended—

(1) by striking out "Strategic Defense Initiative" each place it appears (other than in subsection (b)(5)) and inserting in lieu thereof "Ballistic Missile Defense program";

(2) by striking out "Strategic Defense Initiative" in subsection (b)(5) and inserting in lieu thereof "Ballistic Missile Defense";

(3) by striking out "SDI" each place it appears and inserting in lieu thereof "BMD"; and

(4) by striking out the section heading and inserting in lieu thereof the following:

"SEC. 224. ANNUAL REPORT ON BALLISTIC MISSILE DEFENSE PROGRAM.".

SEC. 241. CLEMENTINE SATELLITE PROGRAM.

(a) FINDING.—The Congress finds that the program of the Ballistic Missile Defense Organization that is known as the "Clementine" program, consisting of a satellite space project that will, among other matters, provide valuable information about asteroids in the vicinity of Earth, represents an important opportunity for transfer of Department of Defense technology for civilian purposes and should be supported.

(b) CONGRESSIONAL VIEWS.—The Congress urges the Secretary of Defense—

(1) to identify an appropriate management structure within either the Advanced Research Projects Agency or one of the military departments to which the Clementine program and related programs of general applicability to civilian, commercial, and military space programs might be transferred; and

(2) to consider funding for the Clementine program to be a priority within whatever agency or department is identified as described in paragraph (1) and to provide funds for that program at an appropriate level.

SEC. 242. COOPERATION OF UNITED STATES ALLIES ON DEVELOPMENT OF TACTICAL AND THEATER MISSILE DEFENSES. 10 USC 2431 note.

(a) FINDINGS.—Congress makes the following findings:

(1) Systems to provide effective defense against theater and tactical ballistic missiles that may be developed and deployed by the United States have the potential to make contributions to the national security interests of nations that are allies of the United States that would be equal to or greater than the contributions such systems would make to the national security interests of the United States.

(2) The cost of developing and deploying a broad spectrum of such systems will be several tens of billions of dollars.

(3) A truly cooperative multinational approach to the development and deployment of such systems could substantially reduce the financial burden of such an undertaking on any

one country and would involve additional sources of technological expertise.

(4) While leaders of nations that are allies of the United States have stated an interest in becoming involved, or increasing involvement, in United States tactical missile defense programs, the governments of those nations are unlikely to support programs for theater missile defense development and deployment unless, at a minimum, they can participate in meaningful ways in the planning and execution of such programs, including active participation in research and development and production of the systems involved.

(5) Given the high cost of developing theater ballistic missile defense systems, the participation of United States allies in the efforts to develop tactical missile defenses would result in substantial savings to the United States.

(b) PLAN AND REPORTS.—(1) The Secretary of Defense shall develop a plan to coordinate development and implementation of Theater Missile Defense programs of the United States with theater missile defense programs of United States allies, with the goal of avoiding duplication of effort, increasing interoperability, and reducing costs. The plan shall set forth in detail any financial, in-kind, or other form of participation by each nation in cooperative efforts to plan, develop, produce, and deploy theater ballistic missile defenses for the mutual benefit of the countries involved.

(2) The Secretary shall submit to Congress a report on the plan developed under paragraph (1). The report shall be submitted in both classified and unclassified versions, as appropriate, and may be submitted as a component of the next Theater Missile Defense Initiative report to Congress.

(3) The Secretary shall include in each annual Theater Missile Defense Initiative report to Congress a report on actions taken to implement the plan developed under paragraph (1). Each such report shall set forth the status of discussions between the United States and United States allies for the purposes stated in that paragraph and shall state the status of contributions by those allies to the Theater Missile Defense Cooperation Account, shown separately for each allied country covered by the plan.

(c) RESTRICTION ON FUNDS.—Of the total amount appropriated pursuant to authorizations in this Act for theater ballistic missile defense programs, not more than 80 percent may be obligated until—

(1) the report under subsection (b)(2) is submitted to Congress; and

(2) the President certifies in writing to Congress that representatives of the United States have formally submitted to each of the member nations of the North Atlantic Treaty Organization and to Japan, Israel, and South Korea a proposal concerning the matters described in the report.

The President may submit with such certification a report of similar formal contacts with any other country that the President considers appropriate.

(d) SENSE OF CONGRESS.—It is the sense of Congress that whenever the United States deploys theater ballistic missile defenses to protect another country, or the military forces of another country, that has not provided financial or in-kind support for development of theater ballistic missile defenses, the United States should consider whether it is appropriate to seek reimbursement

from that country to cover at least the incremental cost to the United States of such deployment.

(e) ALLIED PARTICIPATION IN TMD PROGRAMS.—Congress encourages allies of the United States, and particularly those allies that would benefit most from deployment of Theater Missile Defense systems, to participate in, or to increase participation in, cooperative Theater Missile Defense programs of the United States. Congress also encourages participation by the United States in cooperative theater missile defense efforts of allied nations as such programs emerge.

(f) FUND FOR ALLIED CONTRIBUTIONS.—(1) Chapter 155 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2609. Theater Missile Defense: acceptance of contributions from allies; Theater Missile Defense Cooperation Account

"(a) ACCEPTANCE AUTHORITY.—The Secretary of Defense may accept from any allied foreign government or any international organization any contribution of money made by such foreign government or international organization for use by the Department of Defense for Theater Missile Defense programs.

"(b) ESTABLISHMENT OF THEATER MISSILE DEFENSE COOPERATION ACCOUNT.—(1) There is established in the Treasury a special account to be known as the 'Theater Missile Defense Cooperation Account'.

"(2) Contributions accepted by the Secretary of Defense under subsection (a) shall be credited to the Account.

"(c) USE OF THE ACCOUNT.—Funds in the Account are hereby made available for obligation for research, development, test, and evaluation, and for procurement, for Theater Missile Defense programs of the Department of Defense.

"(d) INVESTMENT OF MONEY.—(1) Upon request by the Secretary of Defense, the Secretary of the Treasury may invest money in the Account in securities of the United States or in securities guaranteed as to principal and interest by the United States.

"(2) Any interest or other income that accrues from investment in securities referred to in paragraph (1) shall be deposited to the credit of the Account.

"(e) NOTIFICATION OF CONDITIONS.—The Secretary of Defense shall notify Congress of any condition imposed by the donor on the use of any contribution accepted by the Secretary under the authority of this section.

"(f) ANNUAL AUDIT BY GAO.—The Comptroller General of the United States shall conduct an annual audit of money accepted by the Secretary of Defense under this section and shall submit a copy of the results of each such audit to Congress.

"(g) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out this section.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2609. Theater Missile Defense: acceptance of contributions from allies; Theater Missile Defense Cooperation Account.".

SEC. 243. TRANSFER OF FOLLOW-ON TECHNOLOGY PROGRAMS.

10 USC 2431 note.

(a) MANAGEMENT RESPONSIBILITY.—Except as provided in subsection (b), the Secretary of Defense shall provide that management

and budget responsibility for research and development of any program, project, or activity to develop far-term follow-on technology relating to ballistic missile defense shall be provided through the Advanced Research Projects Agency or the appropriate military department.

(b) WAIVER AUTHORITY.—The Secretary may waive the provisions of subsection (a) in the case of a particular program, project, or activity if the Secretary certifies to the congressional defense committees that it is in the national security interest of the United States to provide management and budget responsibility for that program, project, or activity through the Ballistic Missile Defense Organization.

(c) REPORT REQUIRED.—As a part of the report required by section 231(e), the Secretary shall submit to the congressional defense committees a report identifying—

(1) each program, project, and activity with respect to which the Secretary has transferred management and budget responsibility from the Ballistic Missile Defense Organization in accordance with subsection (a);

(2) the agency or military department to which each such transfer was made; and

(3) the date on which each such transfer was made.

(d) DEFINITION.—For the purposes of this section, the term "far-term follow-on technology" means a technology that is not incorporated into a ballistic missile defense architecture and is not likely to be incorporated within 15 years into a weapon system for ballistic missile defense.

(e) CONFORMING AMENDMENT.—Section 234 of the Missile Defense Act of 1991 is repealed.

10 USC 2431 note.

Subtitle D—Women's Health Research

SEC. 251. DEFENSE WOMEN'S HEALTH RESEARCH CENTER.

(a) AUTHORITY TO ESTABLISH CENTER.—The Secretary of Defense may establish a Defense Women's Health Research Center (hereinafter in this section referred to as the "Center") at an existing Department of Defense medical center to serve as the coordinating agent for multidisciplinary and multi-institutional research within the Department of Defense on women's health issues related to service in the Armed Forces. The Secretary shall determine whether or not to establish the Center not later than May 1, 1994. If established, the Center shall also coordinate with research supported by the Department of Health and Human Services and other agencies that is aimed at improving the health of women.

(b) SUPPORT OF RESEARCH.—The Center shall support health research into matters relating to the service of women in the military, including the following matters:

(1) Combat stress and trauma.

(2) Exposure to toxins and other environmental hazards associated with military equipment.

(3) Psychology related stress in warfare situations.

(4) Mental health, including post-traumatic stress disorder and depression.

(5) Human factor studies related to women in combat areas.

(c) COMPETITION REQUIREMENT RELATING TO ESTABLISHMENT OF CENTER.—The Center may be established only pursuant to a competition among existing Department of Defense medical centers.

(d) IMPLEMENTATION PLAN.—The Secretary of Defense shall prepare a plan for the implementation of subsection (a). The plan shall be submitted to the Committees on Armed Services of the Senate and House of Representatives before May 1, 1994.

(e) ACTIVITIES FOR FISCAL YEAR 1994.—During fiscal year 1994, the Center may address the following:

(1) Program planning, infrastructure development, baseline information gathering, technology infusion, and connectivity.

(2) Management and technical staffing.

(3) Data base development of health issues related to service by women on active duty as compared to service by women in the National Guard or Reserves.

(4) Research protocols, cohort development, health surveillance, and epidemiologic studies, to be developed in coordination with the Centers for Disease Control and the National Institutes of Health whenever possible.

(f) FUNDING.—Of the funds authorized to be appropriated pursuant to section 201, $20,000,000 shall be available for the establishment of the Center or for medical research at existing Department of Defense medical centers into matters relating to service by women in the military.

(g) REPORT.—(1) If the Secretary of Defense determines not to establish a women's health center under subsection (a), the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives, not later than May 1, 1994, a report on the plans of the Secretary for the use of the funds described in subsection (f).

(2) If the Secretary determines to establish the Center, the Secretary shall, not less than 60 days before the establishment of the Center, submit to those committees a report describing the planned location for the Center and the competitive process used in the selection of that location.

SEC. 252. INCLUSION OF WOMEN AND MINORITIES IN CLINICAL RESEARCH PROJECTS.

10 USC 2358 note.

(a) GENERAL RULE.—In conducting or supporting clinical research, the Secretary of Defense shall ensure that—

(1) women who are members of the Armed Forces are included as subjects in each project of such research; and

(2) members of minority groups who are members of the Armed Forces are included as subjects of such research.

(b) WAIVER AUTHORITY.—The requirement in subsection (a) regarding women and members of minority groups who are members of the Armed Forces may be waived by the Secretary of Defense with respect to a project of clinical research if the Secretary determines that the inclusion, as subjects in the project, of women and members of minority groups, respectively—

(1) is inappropriate with respect to the health of the subjects;

(2) is inappropriate with respect to the purpose of the research; or

(3) is inappropriate under such other circumstances as the Secretary of Defense may designate.

(c) REQUIREMENT FOR ANALYSIS OF RESEARCH.—In the case of a project of clinical research in which women or members of minority groups will under subsection (a) be included as subjects of the research, the Secretary of Defense shall ensure that the project is designed and carried out so as to provide for a valid analysis of whether the variables being tested in the research affect women or members of minority groups, as the case may be, differently than other persons who are subjects of the research.

Subtitle E—Other Matters

42 USC 2121 note.

SEC. 261. NUCLEAR WEAPONS EFFECTS TESTING BY DEPARTMENT OF DEFENSE.

(a) LIMITATION ON OBLIGATION OF FUNDS.—The Secretary of Defense may not obligate funds in preparation for any activity of the Department of Defense, including the so-called "Mighty Uncle" test, to study the effects of a nuclear weapon explosion through underground nuclear weapons testing unless that test is permitted in accordance with the provisions of section 507 of Public Law 102–377 (106 Stat. 1343).

(b) CERTAIN ACTIONS NOT PROHIBITED.—Subsection (a) does not preclude the Secretary of Defense, acting through the Director of the Defense Nuclear Agency, from—

(1) proceeding with underground nuclear test tunnel deactivation and environmental cleanup; or

(2) expending funds for infrastructure activities not covered by the limitation in subsection (a).

(c) FUNDING.—Of the funds authorized to be appropriated pursuant to section 201 for Defense-wide activities, not more than $38,000,000 may be used for activities described in subsection (b).

SEC. 262. ONE-YEAR DELAY IN TRANSFER OF MANAGEMENT RESPONSIBILITY FOR NAVY MINE COUNTERMEASURES PROGRAM TO THE DIRECTOR, DEFENSE RESEARCH AND ENGINEERING.

106 Stat. 2352.

Section 216(a) of the National Defense Authorization for Fiscal Years 1992 and 1993 (Public Law 102–190) is amended by striking out "fiscal years 1994 through 1997" and inserting in lieu thereof "fiscal years 1995 through 1999".

SEC. 263. TERMINATION, REESTABLISHMENT, AND RECONSTITUTION OF AN ADVISORY COUNCIL ON SEMICONDUCTOR TECHNOLOGY.

15 USC 4603 note.

(a) TERMINATION OF ADVISORY COUNCIL ON FEDERAL PARTICIPATION IN SEMATECH.—The advisory council known as the Advisory Council on Federal Participation in Sematech, established by section 273 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (15 U.S.C. 4603), is hereby terminated.

(b) SEMICONDUCTOR TECHNOLOGY COUNCIL.—Section 273 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (15 U.S.C. 4603) is amended by striking out the heading and subsections (a) through (c) and inserting in lieu thereof the following:

"SEC. 273. SEMICONDUCTOR TECHNOLOGY COUNCIL.

"(a) ESTABLISHMENT.—There is established the Semiconductor Technology Council.

"(b) PURPOSES AND FUNCTIONS.—(1) The purposes of the Council are the following:

"(A) To link assessment by the semiconductor industry of future market and national security needs to opportunities for technology development through cooperative public and private investment.

"(B) To seek ways to respond to the technology challenges for semiconductors by fostering precompetitive cooperation among industry, the Federal Government, and institutions of higher education.

"(C) To make available judgments, assessments, insights, and recommendations that relate to the opportunities for new research and development efforts and the potential to better rationalize and align industry and government contributions to semiconductor research and development.

"(2) The Council shall carry out the following functions:

"(A) Advise Sematech and the Secretary of Defense on appropriate technology goals and appropriate level of effort for the research and development activities of Sematech.

"(B) Review the emerging markets, technology developments, and core technology challenges for semiconductor research and development and semiconductor manufacturing and explore opportunities for improved coordination among industry, the Federal Government, and institutions of higher education regarding such developments and challenges.

"(C) Assess the effect on the appropriate role of Sematech of public and private sector international agreements in semiconductor research and development.

"(D) Exchange views regarding the competitiveness of United States semiconductor technology and new or emerging semiconductor technologies that could affect national economic and security interests.

"(E) Exchange and update information and identify overlaps and gaps regarding the efforts of industry, the Federal Government, and institutions of higher education in semiconductor research and development.

"(F) Assess technology progress relative to industry requirements and Federal Government requirements, responding as appropriate to the challenges in the national semiconductor technology roadmap developed by representatives of industry, the Federal Government, and institutions of higher education.

"(G) Make recommendations regarding the semiconductor technology development efforts that should be supported by Federal agencies and industry.

"(H) Appoint subgroups as appropriate in connection with the updating of the semiconductor technology roadmap.

"(I) Publish an annual report addressing the semiconductor technology challenges and developments for industry, government, and institutions of higher education and the relationship among the challenges and developments for each, including an evaluation of the role of Sematech. Reports.

"(c) MEMBERSHIP.—The Council shall be composed of 16 members as follows:

"(1) The Under Secretary of Defense for Acquisition and Technology, who shall be Cochairman of the Council.

"(2) The Under Secretary of Energy responsible for science and technology matters.

"(3) The Under Secretary of Commerce for Technology.
"(4) The Director of the Office of Science and Technology Policy.
"(5) The Assistant to the President for Economic Policy.
"(6) The Director of the National Science Foundation.
"(7) Ten members appointed by the President as follows:
"(A) Four individuals who are eminent in the semiconductor device industry, one of whom shall be Cochairman of the Council.
"(B) Two individuals who are eminent in the semiconductor equipment and materials industry.
"(C) Three individuals who are eminent in the semiconductor user industry, including representatives from the telecommunications and computer industries.
"(D) One individual who is eminent in an academic institution.".

(c) CONFORMING AMENDMENTS.—Part F of title II of such Act (15 U.S.C. 4601 et seq.) is amended as follows:

(1) Section 271(c)(1) (15 U.S.C. 4601(c)(1)) is amended by striking out "Advisory Council on Federal Participation in Sematech" and inserting in lieu thereof "Semiconductor Technology Council".

(2) Section 272(b)(1)(B) (15 U.S.C. 4602(b)(1)(B)) is amended by striking out "Advisory Council on Federal Participation in Sematech" and inserting in lieu thereof "Semiconductor Technology Council".

(3) Section 273 (15 U.S.C. 4603) is amended—
(A) in the first sentence of subsection (d)—
(i) by striking out "(c)(6)" and inserting in lieu thereof "(c)(7)"; and
(ii) by striking out "two shall be appointed for a term of two years" and inserting in lieu thereof "five shall be appointed for a term of two years";
(B) in the first sentence of subsection (e), by striking out "(c)(6)" and inserting in lieu thereof "(c)(7)"; and
(C) in subsection (f), by striking out "Seven members" and inserting in lieu thereof "Eleven members".

(d) AUTHORITY TO CALL MEETINGS.—Section 273(g) of such Act (15 U.S.C. 4603(g)) is amended by striking out "the Chairman or a majority of its members" and inserting in lieu thereof "a Cochairman".

(e) SOURCE OF SUPPORT FOR SEMATECH.—Section 273 of such Act (22 U.S.C. 4603) is further amended by adding at the end the following new subsection:

15 USC 4603.

"(j) SUPPORT FOR COUNCIL.—The Council shall use Federal funds made available to Sematech as needed for general and administrative support in accomplishing the Council's purposes.".

(f) FIRST MEETING OF NEW COUNCIL.—The first meeting of the Semiconductor Technology Council shall be held not later than 45 days after the date of the enactment of this Act.

15 USC 4603 note.

(g) REFERENCES TO TERMINATED COUNCIL.—A reference in any provision of law to the Advisory Council on Federal Participation in Sematech shall be deemed to refer to the Semiconductor Technology Council established by section 273 of the National Defense Authorization Act for Fiscal Years 1988 and 1989, as amended by subsection (b).

15 USC 4603 note.

SEC. 264. NAVY LARGE CAVITATION CHANNEL, MEMPHIS, TENNESSEE.

Amounts authorized to be appropriated pursuant to section 201 for the Navy shall be available to the Secretary of the Navy for the acquisition of real property under section 2819 of this Act (related to the Navy Large Cavitation Channel, Memphis, Tennessee).

SEC. 265. STRATEGIC ENVIRONMENTAL RESEARCH COUNCIL.

(a) MEMBERSHIP.—Section 2902(b) of title 10, United States Code, is amended—

(1) by striking out paragraph (1);

(2) by redesignating paragraphs (2), (3), and (4), as paragraphs (1), (2), and (3), respectively;

(3) by inserting after paragraph (3), as so redesignated, the following new paragraph (4):

"(4) The Deputy Under Secretary of Defense responsible for environmental security."; and

(4) by striking out paragraph (6) and inserting in lieu thereof the following new paragraph (6):

"(6) The Assistant Secretary of Energy responsible for environmental restoration and waste management.".

(b) EXTENSION OF AUTHORITY TO ESTABLISH EMPLOYEE PAY RATES.—Section 2903(d)(2) of title 10, United States Code, is amended by striking out "November 5, 1992" and inserting in lieu thereof "September 30, 1995".

SEC. 266. REPEAL OF REQUIREMENT FOR STUDY BY OFFICE OF TECHNOLOGY ASSESSMENT.

Section 802(c) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1414; 10 U.S.C. 2372 note) is repealed.

SEC. 267. COMPREHENSIVE INDEPENDENT STUDY OF NATIONAL CRYPTOGRAPHY POLICY. 10 USC 421 note.

(a) STUDY BY NATIONAL RESEARCH COUNCIL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall request the National Research Council of the National Academy of Sciences to conduct a comprehensive study of cryptographic technologies and national cryptography policy.

(b) MATTERS TO BE ASSESSED IN STUDY.—The study shall assess—

(1) the effect of cryptographic technologies on—

(A) national security interests of the United States Government;

(B) law enforcement interests of the United States Government;

(C) commercial interests of United States industry; and

(D) privacy interests of United States citizens; and

(2) the effect on commercial interests of United States industry of export controls on cryptographic technologies.

(c) INTERAGENCY COOPERATION WITH STUDY.—The Secretary of Defense shall direct the National Security Agency, the Advanced Research Projects Agency, and other appropriate agencies of the Department of Defense to cooperate fully with the National Research Council in its activities in carrying out the study under this section. The Secretary shall request all other appropriate Fed-

eral departments and agencies to provide similar cooperation to the National Research Council.

(d) FUNDING.—Of the amount authorized to be appropriated in section 201 for Defense-wide activities, $800,000 shall be available for the study under this section.

(e) REPORT.—(1) The National Research Council shall complete the study and submit to the Secretary of Defense a report on the study within approximately two years after full processing of security clearances under subsection (f). The report on the study shall set forth the Council's findings and conclusions and the recommendations of the Council for improvements in cryptography policy and procedures.

(2) The Secretary shall submit the report to the Committee on Armed Services, the Committee on the Judiciary, and the Select Committee on Intelligence of the Senate and to the Committee on Armed Services, the Committee on the Judiciary, and the Permanent Select Committee on Intelligence of the House of Representatives not later than 120 days after the day on which the report is submitted to the Secretary. The report shall be submitted to those committees in unclassified form, with classified annexes as necessary.

(f) EXPEDITED PROCESSING OF SECURITY CLEARANCES FOR STUDY.—For the purpose of facilitating the commencement of the study under this section, the Secretary of Defense shall expedite to the fullest degree possible the processing of security clearances that are necessary for the National Research Council to conduct the study.

SEC. 268. REVIEW OF ASSIGNMENT OF DEFENSE RESEARCH AND DEVELOPMENT CATEGORIES.

(a) RESPONSIBLE OFFICIAL.—The Secretary of Defense shall designate an official within the Office of the Secretary of Defense to be responsible for conducting an annual review of program elements for proper categorization to the research and development categories of the Department of Defense designated as 6.1, 6.2, 6.3, 6.4, 6.5, and 6.6.

(b) REVIEW REQUIRED.—The Secretary of Defense shall carry out a review of the general content of the research and development categories specified in subsection (a), including a review of the criteria for assigning programs to those categories. The review shall examine the assignment of current programs to those categories for the purpose of ensuring that those programs are correctly categorized and assigned program element numbers in accordance with existing Department of Defense policy.

(c) REPORT.—The Secretary shall include with the budget justification materials for fiscal year 1995 submitted to Congress by the Secretary in support of the President's budget for that year a report on the implementation of this section. The report—

(1) shall specify the official designated under subsection (a); and

(2) shall include a certification (or an explanation of why the Secretary cannot certify) that current research and development programs are correctly categorized as described in subsection (b).

SEC. 269. AUTHORIZED USE FOR FACILITY CONSTRUCTED WITH PRIOR DEFENSE GRANT FUNDS.

The plasma arc facilities constructed using funds provided under grants made to the South Carolina Research Authority from amounts appropriated in the Department of Defense Appropriations Act, 1988 (Public Law 100–463), and the Department of Defense Appropriations Act, 1991 (Public Law 101–511), may be equipped and operated as prototype materials processing facilities.

SEC. 270. GRANT TO SUPPORT RESEARCH ON EXPOSURE TO HAZARDOUS AGENTS AND MATERIALS BY MILITARY PERSONNEL WHO SERVED IN THE PERSIAN GULF WAR.

(a) FINDINGS.—Congress makes the following findings:

(1) A number of veterans of the Persian Gulf War have reported unexplained illnesses and claim that such illnesses are a consequence of exposure to hazardous agents or materials as a result of service in Southwest Asia during the Persian Gulf War.

(2) Reports indicate that members of the Armed Forces who served in Southwest Asia during the Persian Gulf War may have been exposed to hazardous agents, including chemical warfare agents, biotoxins, and other substances during such service.

(3) It is in the interest of the United States that medical professionals providing care to members of the Armed Forces and to veterans understand the nature of the illnesses that such members and veterans may contract in order to ensure that such professionals have sufficient information to provide proper care to such members and veterans.

(b) GRANT TO SUPPORT ESTABLISHMENT OF RESEARCH FACILITY TO STUDY LOW-LEVEL CHEMICAL SENSITIVITIES.—The Secretary of Defense is authorized to make a grant in the amount of $1,200,000 to a medical research institution for the purpose of constructing and equipping a specialized environmental medical facility at that institution for the conduct of research into the possible health effect of exposure to low levels of hazardous chemicals, including chemical warfare agents and other substances and the individual susceptibility of humans to such exposure under environmentally controlled conditions, and for the conduct of such research, especially among persons who served on active duty in the Southwest Asia theater of operations during the Persian Gulf War. The grant shall be made in consultation with the Secretary of Veterans Affairs and the Secretary of Health and Human Services. The institution to which the grant is to be made shall be selected through established acquisition procedures.

(c) FUNDING SOURCE.—Funds for the grant under subsection (b) shall be made from amounts appropriated to the Department of Defense for fiscal year 1994 for research, development, test, and evaluation.

(d) SELECTION CRITERIA.—To be eligible to be selected for a grant under subsection (b), an institution must meet each of the following requirements:

(1) Be affiliated with an accredited hospital and be affiliated with, and in close proximity to, a Department of Defense medical and a Department of Veterans Affairs medical center.

(2) Enter into an agreement with the Secretary of Defense to ensure that research personnel of those affiliated medical

facilities and other relevant Federal personnel may have access to the facility to carry out research.

(3) Have demonstrated potential or ability to ensure the participation of scientific personnel with expertise in research on possible chemical sensitivities to low-level exposure to hazardous chemicals and other substances.

(4) Have immediate access to sophisticated physiological imaging (including functional brain imaging) and other innovative research technology that could better define the possible health effects of low-level exposure to hazardous chemicals and other substances and lead to new therapies.

(e) PARTICIPATION BY THE DEPARTMENT OF DEFENSE.—The Secretary of Defense shall ensure that each element of the Department of Defense provides to the medical research institution that is awarded the grant under subsection (b) any information possessed by that element on hazardous agents and materials to which members of the Armed Forces may have been exposed as a result of service in Southwest Asia during the Persian Gulf War and on the effects upon humans of such exposure. To the extent available, the information provided shall include unit designations, locations, and times for those instances in which such exposure is alleged to have occurred.

(f) REPORTS TO CONGRESS.—Not later than October 1, 1994, and annually thereafter for the period that research described in subsection (b) is being carried out at the facility constructed with the grant made under this section, the Secretary shall submit to the congressional defense committees a report on the results during the year preceding the report of the research and studies carried out under the grant.

SEC. 271. RESEARCH ON EXPOSURE TO DEPLETED URANIUM BY MILITARY PERSONNEL WHO SERVED IN THE PERSIAN GULF WAR.

(a) GRANT TO SUPPORT RESEARCH ON THE EFFECTS OF DEPLETED URANIUM.—From the funds appropriated or otherwise made available in fiscal year 1994 for research, development, test, and evaluation for the Department of Defense, the Secretary of Defense is authorized to make a competitive award of a grant in the amount of $1,700,000 to a medical research institution for the purpose of studying the possible health effects of battlefield exposure to depleted uranium, including exposure through ingestion, inhalation, or bodily injury. The selection of the institution to which the grant is awarded shall be made in accordance with established defense acquisition procedures.

(b) RESEARCH PROGRAM.—The research to be conducted at the facility for which a grant is made under subsection (a) shall explore the possible short-term and long-term health effects of exposure to depleted uranium, including exposure through ingestion, inhalation, or bodily injury, and the individual susceptibility of service personnel to such exposure. Such research shall focus on (but not be limited to) persons who may have been exposed to depleted uranium while serving on active duty in the theater of operations during the Persian Gulf War. The specific objectives of the study shall include investigation of the pathology of depleted uranium fragments under controlled conditions, including—

(1) assessment of the toxico-kinetic properties of the various chemical forms of depleted uranium that could be inhaled, ingested, or imbedded;

(2) examination of whether there are depleted uranium cancer induction mechanisms similar to those observed in Thorotrast-specific liver cancers;

(3) determination of whether the radiogenic effects described in paragraphs (1) and (2) occur and, if so, at what fragment densities and latent periods;

(4) assessment of long-term, low-dose-rate irradiation of specific tissues, such as those of the nervous system;

(5) determination of the potential for chronic nephrotoxicity as a function of the organ exposed to depleted uranium; and

(6) conduct of pathological studies of tissue surrounding depleted uranium particles.

(c) REPORTS TO CONGRESS.—Not later than October 1, 1994, and annually thereafter for the period that research described in subsection (a) is being carried out under the grant made under this section, the Secretary shall submit to the congressional defense committees a report on the results of such research during the year preceding the report.

SEC. 272. SENSE OF CONGRESS ON METALCASTING AND CERAMIC SEMICONDUCTOR PACKAGE INDUSTRIES.

(a) METALCASTING INDUSTRY.—It is the sense of Congress that—

(1) the health and viability of the metalcasting industry of the United States are at serious risk; and

(2) the Secretary of Defense should seriously consider providing funds, from the funds made available pursuant to section 201, for research and development activities of the metalcasting industry, including the following activities:

(A) Development of casting technologies and techniques.

(B) Improvement of technology transfer within the metalcasting industry in the United States.

(C) Improvement of training for the metalcasting industry workforce.

(b) CERAMIC SEMICONDUCTOR PACKAGE INDUSTRY.—It is the sense of Congress that—

(1) the health and viability of the ceramic semiconductor package industry of the United States are at serious risk, as demonstrated by the action plan relating to the ceramic semiconductor package industry issued by the Secretary of Commerce on August 15, 1993;

(2) advanced ceramic semiconductor packages are critical components under section 107 of the Defense Production Act (50 U.S.C. App. 2077);

(3) the technologies used in producing ceramic and advanced ceramic semiconductor packages are dual-use technologies; and

(4) the Secretary of Defense should provide funds for support of the domestic ceramic semiconductor package industry through the following types of activities:

(A) Research and development.

(B) Procurement by the Department of Defense of ceramic semiconductor packages made in the United States.

(C) Assistance to the industry in meeting qualification specifications of the Department of Defense for procurement solicitations.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 1994 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance in amounts as follows:

(1) For the Army, $15,907,246,000.
(2) For the Navy, $20,076,440,000.
(3) For the Marine Corps, $1,860,056,000.
(4) For the Air Force, $19,330,109,000.
(5) For Defense-wide activities, $9,235,461,000.
(6) For Medical Programs, Defense, $9,379,447,000.
(7) For the Army Reserve, $1,095,590,000.
(8) For the Naval Reserve, $772,706,000.
(9) For the Marine Corps Reserve, $82,950,000.
(10) For the Air Force Reserve, $1,346,292,000.
(11) For the Army National Guard, $2,216,544,000.
(12) For the Air National Guard, $2,639,204,000.
(13) For the National Board for the Promotion of Rifle Practice, $2,483,000.
(14) For the Defense Inspector General, $161,001,000.
(15) For Drug Interdiction and Counter-drug Activities, Defense-wide, $868,200,000.
(16) For the Court of Military Appeals, $6,055,000.
(17) For Environmental Restoration, Defense, $1,962,400,000.
(18) For Humanitarian Assistance, $48,000,000.
(19) For support for the 1996 Summer Olympics, $2,000,000.
(20) For support for the 1994 World Cup Games, $12,000,000.
(21) For Former Soviet Union Threat Reduction, $400,000,000.

SEC. 302. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 1994 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

(1) For the Defense Business Operations Fund, $1,116,095,000.
(2) For the National Defense Sealift Fund, $290,800,000.

SEC. 303. ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 1994 from the Armed Forces Retirement Home Trust Fund the

sum of $61,918,000 for the operation of the Armed Forces Retirement Home, including the United States Soldiers' and Airmen's Home and the Naval Home.

SEC. 304. NATIONAL SECURITY EDUCATION TRUST FUND OBLIGATIONS.

During fiscal year 1994, $24,000,000 is authorized to be obligated from the National Security Education Trust Fund established by section 804(a) of the David L. Boren National Security Education Act of 1991 (Public Law 102–183; 50 U.S.C. 1904(a)).

SEC. 305. TRANSFER FROM NATIONAL DEFENSE STOCKPILE FUND.

(a) TRANSFER AUTHORITY.—To the extent provided in appropriations Acts, not more than $500,000,000 is authorized to be transferred from the National Defense Stockpile Transaction Fund to operation and maintenance accounts for fiscal year 1994 in amounts as follows:

(1) For the Army, $150,000,000.
(2) For the Navy, $150,000,000.
(3) For the Air Force, $200,000,000.

(b) TREATMENT OF TRANSFERS.—Amounts transferred under this section—

(1) shall be merged with and be available for the same purposes and the same period as the amounts in the accounts to which transferred; and

(2) may not be expended for an item that has been denied authorization of appropriations by Congress.

(c) RELATIONSHIP TO OTHER TRANSFER AUTHORITY.—The transfer authority provided in this section is in addition to the transfer authority provided in section 1101.

SEC. 306. FUNDS FOR CLEARING LANDMINES.

(a) LIMITATION.—Of the funds authorized to be appropriated in section 301, not more than $10,000,000 shall be available for activities to support the clearing of landmines for humanitarian purposes (as determined by the Secretary of Defense), including the clearing of landmines in areas in which refugee repatriation programs are on-going.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the implementation of subsection (a). The report shall specify the following:

(1) The amount of the funds made available under subsection (a) that are to be expended.
(2) The purposes for which the funds are to be expended.
(3) The location of the landmine clearing activity.
(4) Any use of United States military personnel or employees of the Department of Defense in the activity.
(5) Any use of non-Federal Government organizations in the activity.
(6) The relationship between the activity and the missions of the Department of Defense.

Subtitle B—Limitations

SEC. 311. PROHIBITION ON OPERATION OF NAVAL AIR STATION, BERMUDA.

(a) PROHIBITION.—No funds available to the Department of Defense for operation and maintenance may be used to operate Naval Air Station, Bermuda after September 1, 1995.

(b) REPORT.—Not later than March 1, 1994, the Secretary of Defense shall submit to the Congress a report that contains a plan for the termination of the operation of Naval Air Station, Bermuda.

(c) OPERATION ON REIMBURSABLE BASIS.—The Secretary of Defense may provide support for airfield operations at Naval Air Station, Bermuda after September 1, 1995, except that any such support shall be provided only on a reimbursable basis.

SEC. 312. LIMITATION ON THE USE OF APPROPRIATED FUNDS FOR DEPARTMENT OF DEFENSE GOLF COURSES.

(a) IN GENERAL.—Subchapter I of chapter 134 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2246. Department of Defense golf courses: limitation on use of appropriated funds

"(a) LIMITATION.—Except as provided in subsection (b), funds appropriated to the Department of Defense may not be used to equip, operate, or maintain a golf course at a facility or installation of the Department of Defense.

"(b) EXCEPTIONS.—(1) Subsection (a) does not apply to a golf course at a facility or installation outside the United States or at a facility or installation inside the United States at a location designated by the Secretary of Defense as a remote and isolated location.

Regulations.

"(2) The Secretary of Defense shall prescribe regulations governing the use of appropriated funds under this subsection.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

"2246. Department of Defense golf courses: limitation on use of appropriated funds.".

SEC. 313. PROHIBITION ON THE USE OF CERTAIN COST COMPARISON STUDIES.

(a) PROHIBITION.—Except as provided in subsection (b), the Secretary of Defense may not, during the period beginning on the date of the enactment of this Act and ending on April 1, 1994, enter into a contract for the performance of a commercial activity if the contract results from a cost comparison study conducted by the Department of Defense under Office of Management and Budget Circular A–76 (or any successor administrative regulation or policy).

(b) EXCEPTIONS FOR CERTAIN CONTRACTS.—Subsection (a) does not apply to—

(1) a contract to be carried out at a location outside the United States at which members of the Armed Forces would otherwise have to be used for the performance of an activity

described in subsection (a) at the expense of unit readiness; or

(2) a contract (or the renewal of a contract) for the performance of an activity under contract on September 30, 1992.

SEC. 314. LIMITATION ON CONTRACTS WITH CERTAIN SHIP REPAIR COMPANIES FOR SHIP REPAIR.

(a) LIMITATION.—The Secretary of the Navy may not enter into a contract having a value greater than $250,000 with a ship repair company referred to in subsection (b) for the overhaul, repair, or maintenance of a naval vessel until the Secretary submits to the Committees on Armed Services of the Senate and House of Representatives the certification referred to in subsection (c).

(b) COVERED SHIP REPAIR COMPANY.—A ship repair company referred to in subsection (a) is a ship repair company located outside the United States that was the subject of a court inquiry into fatalities resulting from ship repairs performed by that company in fiscal year 1990, 1991, 1992, or 1993.

(c) CERTIFICATION.—The certification referred to in subsection (a) is a certification that a ship repair company referred to in subsection (b) has initiated legal proceedings, or other proceedings, to compensate the survivors of each member of the Navy killed as a result of faulty ship repair performed by that company during a fiscal year referred to in such subsection.

(d) WAIVER.—A contract referred to in subsection (a) may be entered into pursuant to a waiver of the limitation in such subsection only after the Secretary of the Navy submits to the Committees on Armed Services of the Senate and House of Representatives a certification that—

(1) the work is for voyage repairs; or

(2) there is a compelling national security reason for the work to be done by the ship repair company.

SEC. 315. REQUIREMENT OF PERFORMANCE IN THE UNITED STATES OF CERTAIN REFLAGGING OR REPAIR WORK.

(a) REQUIREMENT.—Section 2631 of title 10, United States Code, is amended—

(1) by inserting "(a)" before "Only vessels"; and

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

"(b)(1) In each request for proposals to enter into a time-charter contract for the use of a vessel for the transportation of supplies under this section, the Secretary of Defense shall require that any reflagging or repair work on a vessel for which a proposal is submitted in response to the request for proposals be performed in the United States (including any territory of the United States).

"(2) In paragraph (1), the term 'reflagging or repair work' means work performed on a vessel—

"(A) to enable the vessel to meet applicable standards to become a vessel of the United States; or

"(B) to convert the vessel to a more useful military configuration.

"(3) The Secretary of Defense may waive the requirement described in paragraph (1) if the Secretary determines that such waiver is critical to the national security of the United States. The Secretary shall immediately notify the Congress of any such waiver and the reasons for such waiver.".

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply to a vessel for which reflagging or repair work is

10 USC 2631 note.

necessary to be performed after the date of the enactment of this Act.

SEC. 316. PROHIBITION ON JOINT CIVIL AVIATION USE OF SELFRIDGE AIR NATIONAL GUARD BASE, MICHIGAN.

The Secretary of the Air Force may not enter into any agreement that would provide for or permit civil aircraft to regularly use Selfridge Air National Guard Base, Michigan.

South Carolina. Florida.

SEC. 317. LOCATION OF CERTAIN PREPOSITIONING FACILITIES.

(a) SITE FOR ARMY PREPOSITIONING MAINTENANCE FACILITY.—The Secretary of the Army shall establish the Army Prepositioning Maintenance Facility at Charleston, South Carolina.

(b) LIMITATION.—During the two-year period beginning on the date of the enactment of this Act, the Secretary of Defense shall ensure that separate but complementary prepositioning facilities are maintained in Charleston, South Carolina, and Blount Island, Jacksonville, Florida, for the Army and Marine Corps, respectively.

(c) REPORT BEFORE SUBSEQUENT RELOCATION.—After the end of such two-year period, the Secretary of the Navy may not relocate the Marine Prepositioning Forces from Blount Island, Jacksonville, Florida, until the Secretary of Defense has submitted to the Committees on Armed Services of the Senate and House of Representatives a detailed cost analysis and operational analysis explaining the basis of the decision for such relocation.

Subtitle C—Defense Business Operations Fund

SEC. 331. EXTENSION OF AUTHORITY FOR USE OF THE DEFENSE BUSINESS OPERATIONS FUND.

Section 316(a) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (10 U.S.C. 2208 note) is amended by striking out "April 15, 1994" and inserting in lieu thereof "December 31, 1994".

SEC. 332. IMPLEMENTATION OF THE DEFENSE BUSINESS OPERATIONS FUND.

Section 316 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (10 U.S.C. 2208 note) is amended by striking out subsections (d), (e), and (f) and inserting in lieu thereof the following new subsections (d), (e), and (f):

"(d) COMPREHENSIVE MANAGEMENT PLAN.—(1) Not later than 30 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1994, the Secretary of Defense shall submit to the congressional defense committees a comprehensive management plan for the Defense Business Operations Fund. The Secretary shall identify in the plan the actions the Secretary will take to improve the implementation and operation of the Defense Business Operations Fund.

"(2)(A) The plan shall also include the following matters:

"(i) The specific tasks to be performed to address the serious shortcomings that exist in the Fund's implementation and operation.

"(ii) Milestones for starting and completing each task.

"(iii) A statement of the resources needed to complete each task.

"(iv) The specific organizations within the Department of Defense that are responsible for accomplishing each task.

"(v) Department of Defense plans to monitor the implementation of all corrective actions.

"(B) The plan shall also address the following specific areas:

"(i) The management and organizational structure of the Fund.

"(ii) The development and implementation of the policies and procedures, including cash management and internal controls, applicable to the Fund.

"(iii) Management reporting, including financial and operational reporting.

"(iv) Accuracy and reliability of cost accounting data.

"(v) Development and use of performance indicators to measure the efficiency and effectiveness of Fund operations.

"(vi) The status of efforts to develop and implement new financial systems for the Fund.

"(e) PROGRESS REPORT ON IMPLEMENTATION.—Not later than February 1, 1994, the Secretary of Defense shall submit to the congressional defense committees a report on the progress made in implementing the comprehensive management plan required by subsection (d). The report shall describe the progress made in reaching the milestones established in the plan and provide an explanation for the failure to meet any of the milestones. The Secretary shall submit a copy of the report to the Comptroller General of the United States at the same time the Secretary submits the report to the congressional defense committees.

"(f) RESPONSIBILITIES OF THE COMPTROLLER GENERAL.—(1) The Comptroller General shall monitor and evaluate the progress of the Department of Defense in developing and implementing the comprehensive management plan required by subsection (d).

"(2) Not later than March 1, 1994, the Comptroller General shall submit to the congressional defense committees a report containing the following: Reports.

"(A) The findings and conclusions of the Comptroller General resulting from the monitoring and evaluation conducted under paragraph (1).

"(B) An evaluation of the progress report submitted to the congressional defense committees by the Secretary of Defense pursuant to subsection (e).

"(C) Any recommendations for legislation or administrative action concerning the Fund that the Comptroller General considers appropriate.".

SEC. 333. CHARGES FOR GOODS AND SERVICES PROVIDED THROUGH THE DEFENSE BUSINESS OPERATIONS FUND.

(a) IN GENERAL.—Charges for goods and services provided through the Defense Business Operations Fund— 10 USC 2208 note.

(1) shall include amounts necessary to recover the full costs of—

(A) the development, implementation, operation, and maintenance of systems supporting the wholesale supply and maintenance activities of the Department of Defense; and

(B) the use of military personnel in the provision of the goods and services, as computed by calculating, to the maximum extent practicable, such costs if employees of the Department of Defense were used in the provision of the goods and services; and

(2) shall not include amounts necessary to recover the costs of a military construction project (as such term is defined in section 2801(b) of title 10, United States Code), other than a minor construction project financed by the Defense Business Operations Fund pursuant to section 2805(c)(1) of such title.

10 USC 2208 note.

(b) DEFENSE FINANCE ACCOUNTING SERVICES.—The full cost of the operation of the Defense Finance Accounting Service shall be financed within the Defense Business Operations Fund through charges for goods and services provided through the Fund.

(c) MODIFICATION OF CAPITAL ASSET SUBACCOUNT.—Section 342 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 10 U.S.C. 2208 note) is amended—

(1) in subsection (a), by striking out the third sentence;

(2) in subsection (b), by striking out ", to the extent provided for in appropriations Acts"; and

(3) in subsection (d), by striking out ", during fiscal year 1993 and until April 15, 1994,".

SEC. 334. LIMITATION ON OBLIGATIONS AGAINST THE DEFENSE BUSINESS OPERATIONS FUND.

(a) LIMITATION.—(1) The Secretary of Defense may not incur obligations against the supply management divisions of the Defense Business Operations Fund during fiscal year 1994 in a total amount in excess of 65 percent of the total amount derived from sales from such divisions during that fiscal year.

(2) For purposes of determining the amount of obligations incurred against, and sales from, such divisions during fiscal year 1994, the Secretary shall exclude obligations and sales for fuel, commissary and subsistence items, retail operations, repair of equipment and spare parts in support of repair, direct vendor deliveries, foreign military sales, initial outfitting requiring equipment furnished by the Federal Government, and the cost of operations.

(b) EXCEPTION.—The Secretary of Defense may waive the limitation described in subsection (a) if the Secretary determines that such waiver is necessary in order to maintain the readiness and combat effectiveness of the Armed Forces. The Secretary shall immediately notify Congress of any such waiver and the reasons for such waiver.

Subtitle D—Depot-Level Activities

SEC. 341. DEPARTMENT OF DEFENSE DEPOT TASK FORCE.

(a) ESTABLISHMENT.—The Secretary of Defense shall establish a task force to assess the overall performance and management of depot-level activities of the Department of Defense. The assessment shall include the following:

(1) The identification of the depot-level maintenance workloads that were performed during each of fiscal years 1990 through 1993 for the military departments and the Defense Agencies by employees of the Department of Defense and by non-Federal Government personnel.

(2) An estimate of the current capacity to carry out the performance of depot-level maintenance workloads by employees of the Department of Defense and by non-Federal Government personnel.

(3) An identification of the rationale used by the Department of Defense to support a decision to provide for the performance of a depot-level maintenance workload by employees of the Department of Defense or by non-Federal Government personnel.

(4) An evaluation of the cost, manner, and quality of performance of the depot-level maintenance workload by employees of the Department of Defense and by non-Federal Government personnel.

(5) An evaluation of the manner of determining the core workload requirements for depot-level maintenance workloads performed by employees of the Department of Defense.

(6) A comparison of the methods by which the rates and prices for depot-level maintenance workloads performed by employees of the Department of Defense are determined with the methods by which such rates and prices are determined for depot-level maintenance workloads performed by non-Federal Government personnel.

(7) A discussion of the issues involved in determining the balance between the amount of depot-level maintenance workloads assigned for performance by employees of the Department of Defense and the amount of depot-level maintenance workloads assigned for performance by non-Federal Government personnel, including the preservation of surge capabilities and essential industrial base capabilities needed in the event of mobilization.

(8) An identification of the depot-level functions and activities that are suitable for performance by employees of the Department of Defense and the depot-level functions and activities that are suitable for performance by non-Federal Government personnel.

(9) An identification of the management and organizational structure of the Department of Defense necessary for the Department to provide the optimal management of depot-level maintenance and the allocation of related resources.

(b) MEMBERSHIP.—The task force established pursuant to subsection (a) shall be composed of individuals from the Department of Defense and the private sector who—

(1) have expertise in the management of depot-level activities;

(2) have expertise in acquisition;

(3) have expertise in the management of relevant items and weapon systems; and

(4) are or have been users of depot-level maintenance products produced by employees of the Department of Defense and by non-Federal Government personnel.

(c) PAY AND TRAVEL EXPENSES.—(1) Except as provided in paragraph (3), each member of the task force shall be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of the duties of the task force.

(2) Each member of the task force shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(3) Except as provided in paragraph (2), a member of the task force who is an employee of the Department of Defense or a member of the Armed Forces may not receive additional pay, allowances, or benefits by reason of such individual's service on the task force.

(d) ADMINISTRATIVE SUPPORT.—The Secretary of Defense shall provide the task force with the administrative, professional, and technical support required by the task force to carry out its duties under this section.

(e) REPORT.—Not later than April 1, 1994, the task force shall submit to the Secretary of Defense and the congressional defense committees a report on the results of the assessment conducted under subsection (a) and the recommendations of the task force for any legislative and administrative action the task force considers to be appropriate.

(f) TERMINATION.—The task force shall terminate not later than 60 days after submitting its report pursuant to subsection (e).

SEC. 342. LIMITATION ON CONSOLIDATION OF MANAGEMENT OF DEPOT-LEVEL MAINTENANCE WORKLOAD.

The Secretary of Defense may not, during fiscal year 1994, consolidate the management of the depot-level maintenance workload of the Department of Defense under a single Defense-wide entity.

10 USC 2466 note.

SEC. 343. CONTINUATION OF CERTAIN PERCENTAGE LIMITATIONS ON THE PERFORMANCE OF DEPOT-LEVEL MAINTENANCE.

The Secretary of Defense shall ensure that the percentage limitations applicable to the depot-level maintenance workload performed by non-Federal Government personnel set forth in section 2466 of title 10, United States Code, are adhered to.

SEC. 344. SENSE OF CONGRESS ON THE PERFORMANCE OF CERTAIN DEPOT-LEVEL WORK BY FOREIGN CONTRACTORS.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that the Secretary of Defense should not contract for the performance by a person or organization described in subsection (b) of any depot-level maintenance work on equipment located in the United States if the Secretary determines that the work could be performed in the United States on a cost-effective basis and without significant adverse effect on the readiness of the Armed Forces.

(b) COVERED PERSONS AND ORGANIZATIONS.—A person or organization referred to in subsection (a) is a person or organization which is not part of the national technology and industrial base, as such term is defined in section 2491(1) of title 10, United States Code.

SEC. 345. SENSE OF CONGRESS ON THE ROLE OF DEPOT-LEVEL ACTIVITIES OF THE DEPARTMENT OF DEFENSE.

(a) FINDINGS.—The Congress makes the following findings:

(1) The depot-level maintenance and repair activities of the Department of Defense provide the Armed Forces with a critical capacity to respond to the needs of the Armed Forces for depot-level maintenance and repair of weapon systems and equipment.

(2) The depot-level maintenance and repair activities of the Department of Defense provide the Department with capabilities that are uniquely suited to responding to the increased need for repair and maintenance of weapon systems and equipment which may arise in times of national crisis.

(3) The skilled employees and equipment of the depot-level maintenance and repair activities of the Department of Defense are an essential component of the overall defense industrial base of the United States.

(4) The critical role of the depot-level maintenance and repair activities of the Department of Defense is recognized in section 2466 of title 10, United States Code, which provides that the Secretary of a military department and, with respect to a Defense Agency, the Secretary of Defense, may not contract for the performance by non-Federal Government personnel of more than 40 percent of the depot-level maintenance workload for the military department or the Defense Agency.

(5) Maintenance of this critical industrial capability in the Department of Defense requires that an appropriate level of the depot-level maintenance and repair of new weapon systems be assigned to depot-level maintenance and repair activities of the Department of Defense.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that, in order to maintain the critical depot-level maintenance and repair capability for military weapon systems and equipment, the Secretary of Defense shall, to the maximum extent practicable, ensure that a sufficient amount of the depot-level maintenance and repair of new weapon systems and equipment is assigned to depot-level maintenance and repair activities of the Department of Defense, consistent with the requirements of section 2466 of title 10, United States Code.

SEC. 346. CONTRACTS TO PERFORM WORKLOADS PREVIOUSLY PERFORMED BY DEPOT-LEVEL ACTIVITIES OF THE DEPARTMENT OF DEFENSE.

Section 2469 of title 10, United States Code, is amended—

(1) by inserting "(a) REQUIREMENT FOR COMPETITION.—" before "The Secretary of Defense";

(2) by striking out "threshold";

(3) by striking out "unless" and all that follows and inserting in lieu thereof "to performance by a contractor unless the Secretary uses competitive procedures for the selection of the contractor to perform such workload."; and

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

"(b) INAPPLICABILITY OF OMB CIRCULAR A–76.—The use of Office of Management and Budget Circular A–76 shall not apply to a performance change under subsection (a).".

SEC. 347. AUTHORITY TO WAIVE CERTAIN CLAIMS OF THE UNITED STATES.

(a) DESCRIPTION OF CLAIMS INVOLVED.—This section applies with respect to any claim of the United States against an individual which relates to a bonus or other payment awarded to such individual under a productivity gainsharing program based on work performed by such individual as an employee of Naval Aviation Depot, Norfolk, Virginia, or as an employee of Naval Aviation Depot, Jacksonville, Florida, after September 30, 1988, and before October 1, 1992. Virginia. Florida.

(b) WAIVER AUTHORITY AVAILABLE WITHOUT REGARD TO AMOUNT INVOLVED.—Notwithstanding the limitation set forth in section 2774(a)(2)(A) of title 10, United States Code, any waiver authority under section 2774(a)(2) of such title may be exercised, with respect to any claim described in subsection (a) of this section, without regard to the amount involved.

(c) REPORT.—Not later than March 1, 1994, the Secretary of the Navy shall submit to the congressional defense committees a report that specifies—

(1) the circumstances under which each overpayment of a bonus or other payment referred to in subsection (a) was made;

(2) the number of individuals to whom such an overpayment was made;

(3) the total amount of such overpayments; and

(4) any action planned or initiated by the Secretary to prevent the occurrence of similar overpayments in the future.

(d) DEFINITION.—In this section, the term "productivity gainsharing program" means a productivity gainsharing program established under chapter 45 or section 5407 of title 5, United States Code, or Executive Order No. 12637 (31 U.S.C. 501 note).

Subtitle E—Commissaries and Military Exchanges

SEC. 351. PROHIBITION ON OPERATION OF COMMISSARY STORES BY ACTIVE DUTY MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Chapter 49 of title 10, United States Code, is amended by inserting after section 976 the following new section:

"§ 977. Operation of commissary stores: assignment of active duty members generally prohibited

"(a) GENERAL RULE.—A member of the armed forces on active duty may not be assigned to the operation of a commissary store.

"(b) EXCEPTION FOR DCA DIRECTOR.—The Secretary of Defense may assign an officer on the active-duty list to serve as the Director of the Defense Commissary Agency.

"(c) EXCEPTION FOR CERTAIN ADDITIONAL MEMBERS.—Beginning on October 1, 1996, not more than 18 members (in addition to the officer referred to in subsection (b)) of the armed forces on active duty may be assigned to the Defense Commissary Agency. Members who may be assigned under this subsection to regional headquarters of the agency shall be limited to enlisted members assigned to duty as advisors in the regional headquarters responsible for overseas commissaries and to veterinary specialists.

"(d) EXCEPTION FOR CERTAIN NAVY PERSONNEL.—(1) The Secretary of the Navy may assign to the Defense Commissary Agency a member of the Navy on active duty whose assignment afloat is part of the operation of a ship's food service or a ship's store. Any such assignment shall be on a nonreimbursable basis.

"(2) The number of such members assigned to the Defense Commissary Agency during any period before October 1, 1996, may not exceed the number of such members so assigned on October 1, 1993. After September 30, 1996, the number of such members so assigned may not exceed the lesser of (A) the number of members so assigned on October 1, 1993, and (B) 400.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 976 the following new item:

"977. Operation of commissary stores: assignment of active duty members generally prohibited.".

SEC. 352. MODERNIZATION OF AUTOMATED DATA PROCESSING CAPABILITY OF THE DEFENSE COMMISSARY AGENCY.

In order to perform inside the Defense Commissary Agency all automated data processing functions of the Agency as soon as possible, the Secretary of Defense shall, consistent with other applicable law, take any action necessary to expedite the modernization of the automated data processing capability of the Agency, including the adoption of the use of commercial grocery industry practices and financial management programs with respect to such processing.

SEC. 353. OPERATION OF STARS AND STRIPES BOOKSTORES OVERSEAS BY THE MILITARY EXCHANGES.

10 USC 2424 note.

(a) REQUIREMENT.—The Secretary of Defense shall provide for the commencement, not later than October 1, 1994, of the operation of Stars and Stripes bookstores outside of the United States by the military exchanges.

(b) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out subsection (a).

SEC. 354. AVAILABILITY OF FUNDS FOR RELOCATION EXPENSES OF THE NAVY EXCHANGE SERVICE COMMAND.

Of funds authorized to be appropriated under section 301(2), not more than $10,000,000 shall be available to provide for the payment of expenses incurred by the Navy Exchange Service Command to relocate functions and activities from Naval Station, Staten Island, New York, to Norfolk, Virginia.

Subtitle F—Other Matters

SEC. 361. EMERGENCY AND EXTRAORDINARY EXPENSE AUTHORITY FOR THE INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE.

Section 127 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in the first sentence, by inserting ", the Inspector General of the Department of Defense," after "the Secretary of Defense";

(B) in the second sentence, by inserting "or the Inspector General" after "the Secretary concerned"; and

(C) in the third sentence, by inserting "or the Inspector General" after "The Secretary concerned";

(2) in subsection (b), by inserting ", by the Inspector General to any person in the Office of the Inspector General," after "the Department of Defense"; and

(3) in subsection (c)—

(A) by inserting "(1)" after "(c)"; and

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

"(2) The amount of funds expended by the Inspector General of the Department of Defense under subsections (a) and (b) during a fiscal year may not exceed $400,000.".

SEC. 362. AUTHORITY FOR CIVILIAN EMPLOYEES OF THE ARMY TO ACT ON REPORTS OF SURVEY.

Section 4835 of title 10, United States Code, is amended—

(1) in subsection (a), by inserting "or any civilian employee of the Department of the Army" after "any officer of the Army"; and

(2) in subsection (b), by striking out "an officer of the Army designated by him." and inserting in lieu thereof "the Secretary's designee. The Secretary may designate officers of the Army or civilian employees of the Department of the Army to approve such action.".

SEC. 363. EXTENSION OF GUIDELINES FOR REDUCTIONS IN CIVILIAN POSITIONS.

(a) EXTENSION OF GUIDELINES.—Section 1597 of title 10, United States Code, is amended—

(1) in subsection (a), by striking out "during fiscal year 1993" and inserting in lieu thereof "during a fiscal year"; and

(2) in subsection (b), by striking out "for fiscal year 1993".

(b) UPDATE OF MASTER PLAN.—Section 1597(c) of such title is amended—

(1) in paragraph (1), by striking out "for fiscal year 1994" and inserting in lieu thereof "for each fiscal year";

(2) in subparagraph (A) of paragraph (3), by adding at the end the following new clause:

"(vii) The total number of individuals employed by contractors and subcontractors of the Department of Defense under a contract or subcontract entered into pursuant to Office of Management and Budget Circular A–76 to perform commercial activities for the Department of Defense, a military department, a defense agency, or other component."; and

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

Reports.

"(4) The Secretary of Defense shall include in the materials referred to in paragraph (1) a report on the implementation of the master plan for the fiscal year immediately preceding the fiscal year for which such materials are submitted.".

SEC. 364. AUTHORITY TO EXTEND MAILING PRIVILEGES.

Paragraph (1) of section 3401(a) of title 39, United States Code, is amended—

(1) in the matter before subparagraph (A)—

(A) by inserting "an individual who is" before "a member"; and

(B) by inserting "or a civilian, otherwise authorized to use postal services at Armed Forces installations, who holds a position or performs one or more functions in support of military operations, as designated by the military theater commander," after "section 101 of title 10,"; and

(2) in subparagraphs (A) and (B), by striking "the member" and inserting "such individual".

SEC. 365. EXTENSION AND MODIFICATION OF PILOT PROGRAM TO USE NATIONAL GUARD PERSONNEL IN MEDICALLY UNDERSERVED COMMUNITIES.

32 USC 501 note.

(a) PILOT PROGRAM.—Subsection (a) of section 376 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 10 U.S.C. 501 note) is amended—

(1) by striking out "Under regulations prescribed by the Secretary of Defense, the" and inserting in lieu thereof "The";

(2) by inserting ", approved by the Secretary of Defense," after "enter into an agreement"; and

(3) by striking out "fiscal years 1993 and 1994" and inserting in lieu thereof "fiscal years 1993, 1994, and 1995".

(b) FUNDING ASSISTANCE.—Subsection (b) of such section is amended to read as follows:

"(b) FUNDING ASSISTANCE.—Amounts made available from Department of Defense accounts for operation and maintenance and for pay and allowances to carry out the pilot program shall be apportioned by the Chief of the National Guard Bureau among those States with which the Chief has entered into approved agreements. In addition to such amounts, the Chief of the National Guard Bureau may authorize any such State, in order to carry out the pilot program during a fiscal year, to use funds received as part of the operation and maintenance allotments and the pay and allowances allotments for the National Guard of the State for that fiscal year.".

(c) SUPPLIES AND EQUIPMENT.—Such section is further amended—

(1) by redesignating subsections (c), (d), (e), and (f) as subsections (d), (e), (f), and (g), respectively; and

(2) by inserting after subsection (b) the following new subsection (c):

"(c) SUPPLIES AND EQUIPMENT.—(1) Funds made available from Department of Defense operation and maintenance accounts to carry out the pilot program may be used for the purchase of supplies and equipment necessary for the provision of health care under the pilot program.

"(2) In addition to supplies and equipment provided through the use of funds under paragraph (1), supplies and equipment described in such paragraph that are furnished by a State, a Federal agency, a private agency, or an individual may be used to carry out the pilot program.".

(d) SERVICE OF PARTICIPANTS.—Subsection (f) of such section, as redesignated by subsection (c)(1), is amended to read as follows:

"(f) SERVICE OF PARTICIPANTS.—Service in the pilot program by a member of the National Guard shall be considered training in the member's Federal status as a member of the National Guard of a State under section 270 of title 10, United States Code, and section 502 of title 32, United States Code.".

(e) REPORT.—Subsection (g) of such section, as redesignated by subsection (c)(1), is amended by striking out "January 1, 1994" and inserting in lieu thereof "January 1, 1995".

(f) DEFINITIONS.—Such section is further amended by adding at the end the following new subsection:

"(h) DEFINITIONS.—In this section:

"(1) The term 'health care' includes medical care services and dental care services.

"(2) The term 'Governor', with respect to the District of Columbia, means the commanding general of the District of Columbia National Guard.

"(3) The term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.".

SEC. 366. AMENDMENTS TO THE ARMED FORCES RETIREMENT HOME ACT OF 1991.

(a) SUPPORT FOR HOME BY DEPARTMENT OF DEFENSE.—Section 1511 of the Armed Forces Retirement Home Act of 1991 (title XV of Public Law 101–510; 24 U.S.C. 411) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection (e):

"(e) DEPARTMENT OF DEFENSE SUPPORT.—The Secretary of Defense may make available to the Retirement Home, on a nonreimbursable basis, administrative support and office services, legal and policy planning assistance, access to investigative facilities of the Inspector General of the Department of Defense and of the military departments, and any other support necessary to enable the Retirement Home to carry out its functions under this Act.".

(b) AUTHORITY OF RETIREMENT HOME CHAIRMAN.—Paragraph (1) of section 1515(d) of such Act (24 U.S.C. 415(d)) is amended to read as follows:

"(1)(A) The Secretary of Defense shall select one of the members of the Retirement Home Board to serve as chairman. The term of office of the chairman shall be five years. At the discretion of the Secretary a chairman may serve a second five-year term of office as chairman.

"(B) The chairman shall act as the chief executive officer of the Armed Forces Retirement Home and while so acting shall not be responsible to the Secretary of Defense or to the Secretaries of the military departments for direction and management of the Retirement Home or each facility maintained as a separate facility of the Retirement Home.

"(C) The chairman may appoint, in addition to such ad hoc committees as the chairman determines to be appropriate, a standing executive committee to act for, and in the name of, the Retirement Home Board at such times and on such matters as the chairman considers necessary to expedite the efficient and timely management of each facility maintained as a separate facility of the Retirement Home.

"(D) The chairman may appoint an administrative staff to assist the chairman in the performance of the duties of the chairman. The chairman shall determine the rates of pay applicable to such staff, except that a staff member who is a member of the Armed Forces on active duty or who is a full-time officer or employee of the United States shall receive no additional pay by reason of service on the administrative staff.".

(c) HOSPITAL CARE FOR HOME RESIDENTS.—Section 1513(b) of such Act (24 U.S.C. 413(b)) is amended by striking out the second sentence and inserting in lieu thereof the following: "Secondary and tertiary hospital care for residents that is not available at a facility maintained as a separate establishment of the Retirement Home shall, to the extent available, be obtained by agreement with the Secretary of Veterans Affairs or the Secretary of Defense

in a facility administered by such Secretary. The Retirement Home shall not be responsible for the costs incurred for such care by a resident of the Retirement Home who uses a private medical facility for such care.".

(d) DISPOSITION OF ESTATES OF DECEASED PERSONS.—Subsection (a) of section 1520 of such Act (24 U.S.C. 420) is amended to read as follows:

"(a) DISPOSITION OF EFFECTS OF DECEASED PERSONS.—The Director of each facility that is maintained as a separate establishment of the Retirement Home shall safeguard and dispose of the estate and personal effects of deceased residents, including effects delivered to such facility under sections 4712(f) and 9712(f) of title 10, United States Code, and shall ensure the following:

"(1) A will or other instrument of a testamentary nature involving property rights executed by a resident shall be promptly delivered, upon the death of the resident, to the proper court of record.

"(2) If a resident dies intestate and the heirs or legal representative of the deceased cannot be immediately ascertained, the Director shall retain all property left by the decedent for a three-year period beginning on the date of the death. If entitlement to such property is established to the satisfaction of the Director at any time during the three-year period, the Director shall distribute the decedent's property, in equal pro-rata shares when multiple beneficiaries have been identified, to the highest following categories of identified survivors (listed in the order of precedence indicated):

"(A) The surviving spouse or legal representative.

"(B) The children of the deceased.

"(C) The parents of the deceased.

"(D) The siblings of the deceased.

"(E) The next-of-kin of the deceased.".

(e) SALE OF EFFECTS.—Subsection (b) of such section 1520 is amended to read as follows:

"(b) SALE OF EFFECTS.—(1)(A) If the disposition of the estate of a resident of the Retirement Home cannot be accomplished under subsection (a)(2) or if a resident dies testate and the nominated fiduciary, legatees, or heirs of the resident cannot be immediately ascertained, the entirety of the deceased resident's domiciliary estate and the entirety of any ancillary estate that is unclaimed at the end of the three-year period beginning on the date of the death of the resident shall escheat to the Retirement Home.

"(B) Upon the sale of any such unclaimed estate property, the proceeds of the sale shall be deposited in the Retirement Home Trust Fund.

"(C) If a personal representative or other fiduciary is appointed to administer a deceased resident's estate and the administration is completed before the end of such three-year period, the balance of the entire net proceeds of the estate, less expenses, shall be deposited directly in the Retirement Home Trust Fund. The heirs or legatees of the deceased resident may file a claim made with the Comptroller General of the United States to reclaim such proceeds. A determination of the claim by the Comptroller General shall be subject to judicial review exclusively by the United States Court of Federal Claims.

Claims.

Courts.

"(2)(A) The Director of a facility maintained as a separate establishment of the Retirement Home may designate an attorney

to serve as attorney or agent for the facility in any probate proceeding in which the Retirement Home may have a legal interest as nominated fiduciary, testamentary legatee, escheat legatee, or in any other capacity.

"(B) An attorney designated under this paragraph may, in the domiciliary jurisdiction of the deceased resident and in any ancillary jurisdiction, petition for appointment as fiduciary. The attorney shall have priority over any petitioners (other than the deceased resident's nominated fiduciary, named legatees, or heirs) to serve as fiduciary. In a probate proceeding in which the heirs of an intestate deceased resident cannot be located and in a probate proceeding in which the nominated fiduciary, legatees, or heirs of a testate deceased resident cannot be located, the attorney shall be appointed as the fiduciary of the deceased resident's estate.

"(3) The designation of an employee or representative of a facility of the Retirement Home as personal representative of the estate of a resident of the Retirement Home or as a legatee under the will or codicil of the resident shall not disqualify an employee or staff member of that facility from serving as a competent witness to a will or codicil of the resident.

"(4) After the end of the three-year period beginning on the date of the death of a resident of a facility, the Director of the facility shall dispose of all property of the deceased resident that is not otherwise disposed of under this subsection, including personal effects such as decorations, medals, and citations to which a right has not been established under subsection (a). Disposal may be made within the discretion of the Director by—

"(A) retaining such property or effects for the facility;

"(B) offering such items to the Secretary of Veterans Affairs, a State, another military home, a museum, or any other institution having an interest in such items; or

"(C) destroying any items determined by the Director to be valueless.".

(f) APPLICABILITY.—Section 1541 of such Act (24 U.S.C. 401 note) is amended by adding at the end the following new subsection:

"(d) APPLICABILITY.—Section 1520 of this Act shall apply to the estate of each resident of the Armed Forces Retirement Home, including the United States Soldiers' and Airmen's Home and the Naval Home, who dies after November 29, 1989.".

SEC. 367. MODIFICATION OF RESTRICTION ON REPAIR OF CERTAIN VESSELS THE HOMEPORT OF WHICH IS PLANNED FOR REASSIGNMENT.

Subsection (b) of section 7310 of title 10, United States Code, as inserted by section 824(b), is amended to read as follows:

"(b) VESSEL CHANGING HOMEPORTS.—(1) In the case of a naval vessel the homeport of which is not in the United States (or a territory of the United States), the Secretary of the Navy may not during the 15-month period preceding the planned reassignment of the vessel to a homeport in the United States (or a territory of the United States) begin any work for the overhaul, repair, or maintenance of the vessel that is scheduled to be for a period of more than six months.

"(2) In the case of a naval vessel the homeport of which is in the United States (or a territory of the United States), the Secretary of the Navy shall during the 15-month period preceding the planned reassignment of the vessel to a homeport not in the

United States (or a territory of the United States) perform in the United States (or a territory of the United States) any work for the overhaul, repair, or maintenance of the vessel that is scheduled—

"(A) to begin during the 15-month period; and

"(B) to be for a period of more than six months.".

SEC. 368. ESCORTS AND FLAGS FOR CIVILIAN EMPLOYEES WHO DIE WHILE SERVING IN AN ARMED CONFLICT WITH THE ARMED FORCES.

(a) IN GENERAL.—Chapter 75 of title 10, United States Code, is amended by inserting after section 1482 the following new section:

"§ 1482a. Expenses incident to death: Civilian employees serving with an armed force

"(a) PAYMENT OF EXPENSES.—The Secretary concerned may pay the expenses incident to the death of a civilian employee who dies of injuries incurred in connection with the employee's service with an armed force in a contingency operation, or who dies of injuries incurred in connection with a terrorist incident occurring during the employee's service with an armed force, as follows:

"(1) Round-trip transportation and prescribed allowances for one person to escort the remains of the employee to the place authorized under section 5742(b)(1) of title 5.

"(2) Presentation of a flag of the United States to the next of kin of the employee.

"(3) Presentation of a flag of equal size to the flag presented under paragraph (2) to the parents or parent of the employee, if the person to be presented a flag under paragraph (2) is other than the parent of the employee.

"(b) REGULATIONS.—The Secretary of Defense shall prescribe regulations to implement this section. The Secretary of Transportation shall prescribe regulations to implement this section with regard to civilian employees of the Department of Transportation. Regulations under this subsection shall be uniform to the extent possible and shall provide for the Secretary's consideration of the conditions and circumstances surrounding the death of an employee and the nature of the employee's service with the armed force.

"(c) DEFINITIONS.—In this section:

"(1) The term 'civilian employee' means a person employed by the Federal Government, including a person entitled to basic pay in accordance with the General Schedule provided in section 5332 of title 5 or a similar basic pay schedule of the Federal Government.

"(2) The term 'contingency operation' includes humanitarian operations, peacekeeping operations, and similar operations.

"(3) The term 'parent' has the meaning given such term in section 1482(a)(11) of this title.

"(4) The term 'Secretary concerned' includes the Secretary of Defense with respect to employees of the Department of Defense who are not employees of a military department.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 75 of such title is amended by inserting after the item relating to section 1482 the following new item:

"1482a. Expenses incident to death: Civilian employees serving with an armed force.".

10 USC 1482a note.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the payment of incidental expenses for civilian employees who die while serving in a contingency operation that occurs after the date of the enactment of this Act.

36 USC 125 note.

SEC. 369. MAINTENANCE AND REPAIR OF PACIFIC BATTLE MONUMENTS.

(a) AUTHORITY.—The Commandant of the Marine Corps may provide necessary minor maintenance and repairs to the Pacific battle monuments until such time as the Secretary of the American Battle Monuments Commission and the Commandant of the Marine Corps agree that the repair and maintenance will be performed by the American Battle Monuments Commission.

(b) FUNDING.—Of the amounts authorized to be appropriated to the Marine Corps for operation and maintenance in a fiscal year, not more than $15,000 may be made available to repair and maintain Pacific battle monuments, except that of the amounts available to the Marine Corps for operation and maintenance in fiscal year 1994, $150,000 may be made available to repair and relocate a monument located on Iwo Jima commemorating the heroic efforts of United States military personnel during World War II.

SEC. 370. ONE-YEAR EXTENSION OF CERTAIN PROGRAMS.

(a) DEMONSTRATION PROJECT FOR USE OF PROCEEDS FROM THE SALE OF CERTAIN PROPERTY.—(1) Section 343(d)(1) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1344) is amended by striking out "terminate at the end of the two-year period beginning on the date of the enactment of this Act" and inserting in lieu thereof "terminate on December 5, 1994".

(2) Section 343(e) of such Act is amended by striking out "60 days after the end of the two-year period described in subsection (d)" and inserting in lieu thereof "February 3, 1995".

(b) AUTHORITY FOR AVIATION DEPOTS AND NAVAL SHIPYARDS TO ENGAGE IN DEFENSE-RELATED PRODUCTION AND SERVICES.—Section 1425(e) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1684) is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1994".

(c) AUTHORITY OF BASE COMMANDERS OVER CONTRACTING FOR COMMERCIAL ACTIVITIES.—Section 2468(f) of title 10, United States Code, is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1994".

SEC. 371. SHIPS' STORES.

10 USC 7604 note.

(a) CONVERSION TO OPERATION AS NONAPPROPRIATED FUND INSTRUMENTALITIES.—Not later than October 1, 1994, the Secretary of the Navy shall convert the operation of all ships' stores from operation as an activity funded by direct appropriations to operation by the Navy Exchange Service Command as an activity funded from sources other than appropriated funds.

(b) TRANSFER OF FUNDS.—To facilitate the conversion required under subsection (a), the Secretary of the Navy shall transfer to the Navy Exchange Service Command, without cost to the Navy Exchange Service Command, from— 10 USC 7604 note.

(1) the Navy Stock Fund, an amount equal to the value of existing ships' stores assets in that Fund; and

(2) the Ships' Stores Profits, Navy Fund, residual cash in that Fund.

(c) CODIFICATION.—Section 7604 of title 10, United States Code, is amended—

(1) by inserting "(a) IN GENERAL.—" before "Under such regulations"; and

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

"(b) INCIDENTAL SERVICES.—The Secretary of the Navy may provide financial services, space, utilities, and labor to ships' stores on a nonreimbursable basis.

"(c) ITEMS SOLD.—Merchandise sold by ship stores afloat shall include items in the following categories:

"(1) Health, beauty, and barber items.

"(2) Prerecorded music and videos.

"(3) Photographic batteries and related supplies.

"(4) Appliances and accessories.

"(5) Uniform items, emblematic and athletic clothing, and equipment.

"(6) Luggage and leather goods.

"(7) Stationery, magazines, books, and supplies.

"(8) Sundry, games, and souvenirs.

"(9) Beverages and related food and snacks.

"(10) Laundry, tailor, and cleaning supplies.

"(11) Tobacco products.".

(d) EFFECTIVE DATE.—Subsections (b) and (c) of section 7604 of title 10, United States Code, as added by subsection (c), shall take effect on the date on which the Secretary of the Navy completes the conversion referred to in subsection (a). 10 USC 7604 note.

SEC. 372. PROMOTION OF CIVILIAN MARKSMANSHIP.

Section 4308(c) of title 10, United States Code, is amended by adding at the end the following: "Notwithstanding any other provision of law, such amounts shall remain available until expended.".

SEC. 373. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—Section 386(c) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 20 U.S.C. 238 note) is amended—

(1) by striking out "or" at the end of paragraph (1);

(2) by redesignating paragraph (2) as paragraph (3);

(3) by inserting after paragraph (1) the following new paragraph (2):

"(2) there has been a significant increase, as determined by the Secretary of Defense, in the number of military dependent students in average daily attendance in the schools of that agency as a result of a relocation of Armed Forces personnel or civilian employees of the Department of Defense or

as a result of a realignment of one or more military installations; or"; and

(4) in paragraph (3), as redesignated by paragraph (2), by inserting "or (2)" before the period at the end.

20 USC 238 note. (b) TECHNICAL CORRECTION.—Section 386 of such Act is amended—

(1) by redesignating the second subsection (e), relating to definitions, as subsection (h); and

(2) by transferring such subsection, as so redesignated, to the end of such section.

20 USC 238 note. (c) EFFECTIVE DATE OF AMENDMENTS.—The amendments made by subsections (a) and (b) shall take effect as of October 23, 1992, as if section 386 of Public Law 102–484 had been enacted as amended by such subsections.

(d) AVAILABILITY OF FUNDS.—Of the amounts authorized to be appropriated pursuant to section 301(5)—

(1) $50,000,000 shall be available for providing assistance to local educational agencies under subsection (b) of section 386 of Public Law 102–484; and

(2) $8,000,000 shall be available for making payments to local educational agencies under subsection (d) of such section.

(e) NOTIFICATION AND DISBURSAL.—(1) On or before June 30, 1994, the Secretary of Defense (with respect to assistance provided in subsection (b) of section 386 of Public Law 102–484) and the Secretary of Education (with respect to payments made under subsection (d) of such section) shall notify each local educational agency eligible for assistance under subsections (b) and (d) of such section, respectively, for fiscal year 1994 of such agency's eligibility for such assistance and the amount of such assistance.

(2) The Secretary of Defense (with respect to funds made available under subsection (d)(1)) and the Secretary of Education (with respect to funds made available under subsection (d)(2)) shall disburse such funds not later than 30 days after notification to eligible local education agencies.

SEC. 374. BUDGET INFORMATION ON DEPARTMENT OF DEFENSE RECRUITING EXPENDITURES.

(a) IN GENERAL.—Chapter 9 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 227. Recruiting costs

"The Secretary of Defense shall include in the budget justification documents submitted to Congress each year in connection with the submission of the budget pursuant to section 1105 of title 31 the following matters:

"(1) The amount requested for the recruitment of persons for enlistment or appointment into the armed forces, including—

"(A) the personnel costs for Department of Defense personnel whose duties include—

"(i) recruitment;

"(ii) the management of Department of Defense personnel performing recruitment duties; or

"(iii) supporting Department of Defense personnel in the performance of duties referred to in clause (i) or (ii);

"(B) the cost of providing support for such personnel for the performance of those duties;

"(C) operation and maintenance costs associated with recruitment, including the costs of paid advertising and facilities;

"(D) the costs of incentives, including—

"(i) amounts paid under sections 302d, 308a, 308c, 308f, 308g, 308h (for a first enlistment), and 308i of title 37, relating to bonuses and other incentives;

"(ii) amounts deposited in the Department of Defense Education Benefits Fund pursuant to section 2006(g) of this title; and

"(iii) payments under the provisions of chapters 105, 107, and 109 of this title and chapter 30 of title 38; and

"(E) costs associated with military entrance processing.

"(2) The appropriation accounts from which such costs are to be paid.

"(3) The estimated average total annual cost of recruiting a person for enlistment or appointment into the armed forces for the fiscal year covered by the budget, determined and shown separately for—

"(A) each armed force;

"(B) the active component of each armed force;

"(C) each of the reserve components of each armed force; and

"(D) for all of the armed forces.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"227. Recruiting costs.".

SEC. 375. REVISION OF AUTHORITIES ON NATIONAL SECURITY EDUCATION TRUST FUND.

(a) CREDITING OF GIFTS TO THE NATIONAL SECURITY EDUCATION TRUST FUND.—Section 804(e) of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1904(e)) is amended by adding at the end the following:

"(3) Any gifts of money shall be credited to and form a part of the Fund.".

(b) REPEAL OF AUTHORIZATION REQUIREMENT.—Section 804(b) of such Act is amended—

(1) by striking out paragraph (2);

(2) by striking out "(1)"; and

(3) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

SEC. 376. ANNUAL ASSESSMENT OF FORCE READINESS. 10 USC 153 note.

(a) ANNUAL ASSESSMENT REQUIRED.—Not later than March 1 of each of 1994, 1995, and 1996, the Chairman of the Joint Chiefs of Staff shall submit to the Congress an assessment of—

(1) the readiness and capability of the Armed Forces to carry out the full range of the missions assigned to the Armed Forces; and

(2) the associated level or degree of risk for the Armed Forces in responding to current and anticipated threats to national security interests of the United States.

(b) CONTENT OF ASSESSMENT.—Each assessment shall include, for the five-year period described in subsection (c), the following matters:

(1) An unclassified description of the current and projected readiness and capability of the Armed Forces taking into consideration each of the following areas:

(A) Personnel.

(B) Training and exercises.

(C) Logistics, including equipment maintenance and supply availability.

(D) Equipment modernization.

(E) Installations, real property, and facilities.

(F) Munitions.

(G) Mobility.

(H) Wartime sustainability.

(2) The personal assessment of the Chairman of the Joint Chiefs of Staff regarding the readiness and capabilities of the Armed Forces, together with the Chairman's personal judgment on whether there are significant problems or risks regarding the readiness and capabilities of the Armed Forces.

(3) Any factors that the Chairman or any other member of the Joint Chiefs of Staff believes may lead to a decrease in force readiness or a degradation in the overall capability of the Armed Forces.

(4) Any recommended actions that the Chairman of the Joint Chiefs of Staff considers appropriate.

(5) Any classified annexes that the Chairman of the Joint Chiefs of Staff considers appropriate.

(c) PERIOD ASSESSED.—The assessment shall include information for the fiscal year in which the assessment is submitted, the three preceding fiscal years, and projections for the subsequent fiscal year.

(d) INTERIM ASSESSMENTS.—If, at any time between submissions of assessments to the Congress under subsection (a), the Chairman of the Joint Chiefs of Staff determines that there is a significant change in the projected readiness or capability of the Armed Forces from the readiness or capability projected in the most recent annual assessment, the Chairman shall submit to the Congress a revised assessment that reflects each such significant change.

SEC. 377. REPORTS ON TRANSFERS OF CERTAIN FUNDS.

(a) ANNUAL REPORTS.—In each of 1994, 1995, and 1996, the Secretary of Defense shall submit to the congressional defense committees, not later than the date on which the President submits the budget pursuant to section 1105 of title 31, United States Code, in that year, a report on each transfer of funds that was made from an operation and maintenance account of the Department of Defense for operating forces during the preceding fiscal year. The report shall include the reason for the transfer.

(b) MIDYEAR REPORTS.—On May 1 of each of 1994, 1995, and 1996, the Secretary of Defense shall submit to the congressional defense committees a report on each transfer of funds that was made from an operation and maintenance account of the Department of Defense for operating forces during the first six months of the fiscal year in which such report is submitted. The report shall include the reason for the transfer.

SEC. 378. REPORT ON REPLACEMENT SITES FOR ARMY RESERVE FACILITY IN MARCUS HOOK, PENNSYLVANIA.

Not later than March 1, 1994, the Secretary of the Army shall submit to the Congress a report evaluating the suitability of each site within a 100-mile radius of the Army Reserve Facility in Marcus Hook, Pennsylvania, that may be considered by the Secretary as a replacement facility for the Army Reserve Facility. The report shall include a detailed accounting of—

(1) the pier and building space required at the replacement facility and the pier and building space available at each alternative site;

(2) the cost of operating a facility comparable to the Army Reserve Facility at each alternative site;

(3) the other entities, if any, carrying out activities at each alternative site and the pier and building space required by such entities at each alternative site; and

(4) the advantages and disadvantages of locating the facility at each alternative site.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES. 10 USC 115 note.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 1994, as follows:

(1) The Army, 540,000.
(2) The Navy, 480,800.
(3) The Marine Corps, 177,000.
(4) The Air Force, 425,700.

SEC. 402. TEMPORARY VARIATION OF END STRENGTH LIMITATIONS FOR MARINE CORPS MAJORS AND LIEUTENANT COLONELS. 10 USC 523 note.

(a) VARIATION AUTHORIZED.—In the administration of the limitation under section 523(a)(1) of title 10, United States Code, for fiscal years 1994 and 1995, the numbers applicable to officers of the Marine Corps serving on active duty in the grades of major and lieutenant colonel shall be the numbers set forth for that fiscal year in subsection (b) (rather than the numbers determined in accordance with the table in that section).

(b) NUMBERS FOR FISCAL YEARS 1994 AND 1995.—The numbers referred to in subsection (a) are as follows:

Fiscal year:	Number of officers who may be serving on active duty in the grade of:	
	Major	Lieutenant colonel
1994	3,023	1,578
1995	3,157	1,634.

10 USC 115 note.

SEC. 403. ARMY END STRENGTH.

(a) TIMING OF REDUCTION.—The number of active duty members of the Army may not be reduced (from the number as of the date of the enactment of this Act) to a number below 555,000 until after April 30, 1994.

Reports.

(b) CONDITIONS ON REDUCTION.—After April 30, 1994, the number of active duty members of the Army may be reduced below 555,000 only if—

(1) the Secretary of Defense has submitted to Congress a report setting forth in detail—

(A) the method by which the force structure of the Army in the Bottom Up Review was derived and the projected active duty end strength for the Army for each of fiscal years 1995 through 1999;

(B) how the forces recommended in the Bottom Up Review for the Army for future fiscal years will be able to carry out the two major regional conflicts strategy; and

(C) what effect peacekeeping operations, peace making operations, peace enforcing operations, disaster relief operations, and other operations other than war have on the ability of the Army to carry out the two major regional conflicts strategy;

President.

(2) the President (after receiving a report from the Secretary of the Army containing the assessment of the Secretary on the capabilities of the Army) has submitted to Congress a report—

(A) containing a certification that the Army is capable of providing sufficient forces (excluding forces engaged in peacekeeping operations and other operations other than war) to carry out two major regional conflicts nearly simultaneously, in accordance with the National Military Strategy;

(B) specifying the active Army units anticipated to deploy within the first 75 days in response to a major regional conflict that are at the time of the submission of the report engaged in peacekeeping operations and other operations other than war; and

(C) containing the President's estimate of the time required to redeploy and retrain the forces specified in subparagraph (B) and subsequently to commit them to combat in a major regional contingency; and

(3) the President has submitted the report on multinational peacekeeping and peace enforcement required by section 1502.

(c) LIMITATION ON REDUCTIONS.—If the conditions specified in subsection (b) are met, the number of active duty members of the Army may not during fiscal year 1994 be reduced below the end strength for the Army specified in section 401.

President.
Reports.

(d) CERTIFICATION UPON PARTICIPATION IN PEACETIME CONTINGENCY OPERATIONS.—Whenever, at a time when the number of active duty members of the Army is below 555,000, the President makes a decision to commit elements of the Army to (1) a peacekeeping operation, a peace making operation, or a peace enforcing operation, or (2) any other operation during peacetime that would require assignment of a large contingent of personnel or that would consume significant resources, the President shall submit to Congress a report containing a certification specified in subsection

(b)(2)(A). Any such report shall be submitted not later than the date on which the execution of the operation begins.

(e) END STRENGTH WITHOUT CERTIFICATION.—If the conditions specified in subsection (b) have not been met as of September 30, 1994, the limitation as of that date for the Army under section 401 shall be 555,000 (rather than the number specified in that section for the Army).

(f) ACTIVE DUTY MEMBERS OF THE ARMY.—For purposes of this section, active duty members of the Army are those members of the Army who are on active duty and are counted for purposes of the active duty end strength limitation under section 401.

(g) BOTTOM UP REVIEW.—For purposes of this section, the term "Bottom Up Review" means the internal study of the Department of Defense conducted during 1993 at the direction of the Secretary of Defense, the results of which were published in October 1993 in the report entitled "Report on the Bottom-Up Review".

SEC. 404. REPORT ON END STRENGTHS NECESSARY TO MEET LEVELS ASSUMED IN BOTTOM UP REVIEW.

(a) REPORT REQUIRED.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the personnel management actions programmed to be carried out in order to reach the military force strength levels assumed as of the end of fiscal year 1999 in the Bottom Up Review study carried out in the Department of Defense during 1993.

(b) MATTERS TO BE INCLUDED.—The report under subsection (a) shall include the following, shown separately for each of the Army, Navy, Air Force, and Marine Corps:

(1) The active-duty and Selected Reserve end strengths programmed for each fiscal year through fiscal year 1999.

(2) The number of accessions (shown by type of accession) programmed for each fiscal year through fiscal year 1999.

(3) The number of separations, shown by category of separation for both voluntary and involuntary separations, and shown separately for officers and enlisted personnel, programmed for each fiscal year through fiscal year 1999.

(4) A description of any other personnel management action programmed for the purpose stated in subsection (a).

(c) DEADLINE FOR REPORT.—The report under subsection (a) shall be submitted not later than February 15, 1994.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE. 10 USC 261 note.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 1994, as follows:

(1) The Army National Guard of the United States, 410,000.
(2) The Army Reserve, 260,000.
(3) The Naval Reserve, 118,000.
(4) The Marine Corps Reserve, 42,200.
(5) The Air National Guard of the United States, 117,700.
(6) The Air Force Reserve, 81,500.
(7) The Coast Guard Reserve, 10,000.

(b) WAIVER AUTHORITY.—The Secretary of Defense may increase the end strength authorized by subsection (a) by not more than 2 percent.

(c) ADJUSTMENTS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be reduced proportionately by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year, and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be increased proportionately by the total authorized strengths of such units and by the total number of such individual members.

10 USC 261 note.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 1994, the following number of Reserves to be serving on full-time active duty or, in the case of members of the National Guard, full-time National Guard duty for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 24,180.
(2) The Army Reserve, 12,542.
(3) The Naval Reserve, 19,718.
(4) The Marine Corps Reserve, 2,285.
(5) The Air National Guard of the United States, 9,389.
(6) The Air Force Reserve, 648.

SEC. 413. INCREASE IN NUMBER OF MEMBERS IN CERTAIN GRADES AUTHORIZED TO BE ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

(a) SENIOR ENLISTED MEMBERS.—The table in section 517(b) of title 10, United States Code, is amended to read as follows:

"Grade	Army	Navy	Air Force	Marine Corps
E–9	569	202	328	14
E–8	2,585	429	840	74".

(b) OFFICERS.—The table in section 524(a) of such title is amended to read as follows:

"Grade	Army	Navy	Air Force	Marine Corps
Major or Lieutenant Commander	3,219	1,071	575	110

"Grade	Army	Navy	Air Force	Marine Corps
Lieutenant Colonel or Commander	1,524	520	636	75
Colonel or Navy Captain	372	188	274	25".

SEC. 414. FORCE STRUCTURE ALLOWANCE FOR ARMY NATIONAL GUARD.

(a) MINIMUM FORCE STRUCTURE LEVEL.—The force structure allowance for the Army National Guard of the United States for fiscal year 1994 shall be not less than 420,000.

(b) FORCE STRUCTURE ALLOWANCE DEFINED.—For purposes of this section, the force structure allowance for a reserve component is the allowance prescribed for that reserve component by the Secretary of the military department concerned pursuant to section 413 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2400).

SEC. 415. PERSONNEL LEVEL FOR NAVY CRAFT OF OPPORTUNITY (COOP) PROGRAM.

(a) FISCAL YEAR 1994.—The Secretary of the Navy shall ensure that none of the end strength reduction projected for the Naval Reserve in this Act shall be derived from personnel authorizations assigned to the Craft of Opportunity mission.

(b) PERMANENT STAFFING LEVEL.—The number of personnel authorizations assigned to the Craft of Opportunity mission shall be maintained during fiscal year 1994 and thereafter at not less than the level in effect on September 30, 1991.

Subtitle C—Military Training Student Loads

SEC. 421. AUTHORIZATION OF TRAINING STUDENT LOADS.

(a) IN GENERAL.—For fiscal year 1994, the Armed Forces are authorized average military training student loads as follows:

(1) The Army, 75,220.
(2) The Navy, 45,269.
(3) The Marine Corps, 22,753.
(4) The Air Force, 33,439.

(b) SCOPE.—The average military training student load authorized for an armed force under subsection (a) applies to the active and reserve components of that armed force.

(c) ADJUSTMENTS.—The average military training student loads authorized in subsection (a) shall be adjusted consistent with the end strengths authorized in subtitles A and B. The Secretary of Defense shall prescribe the manner in which such adjustments shall be apportioned.

Subtitle D—Authorization of Appropriations

SEC. 431. AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 1994 a total of $70,183,770,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 1994.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

SEC. 501. YEARS OF SERVICE FOR ELIGIBILITY FOR SEPARATION PAY FOR REGULAR OFFICERS INVOLUNTARILY DISCHARGED.

(a) PERIOD OF SERVICE REQUIRED FOR ELIGIBILITY.—Section 1174(a)(1) of title 10, United States Code, is amended by striking out "five" and inserting in lieu thereof "six".

10 USC 1174 note.

(b) EFFECTIVE DATE.—(1) Except as provided in paragraph (2), the amendment made by subsection (a) shall apply with respect to any regular officer who is discharged after the date of the enactment of this Act.

(2) The amendment made by subsection (a) shall not apply with respect to an officer who on the date of the enactment of this Act has five or more, but less than six, years of active service in the Armed Forces.

SEC. 502. EXPANSION OF ELIGIBILITY FOR VOLUNTARY SEPARATION INCENTIVE AND SPECIAL SEPARATION BENEFITS PROGRAMS.

Sections 1174a(c)(2) and 1175(d)(1) of title 10, United States Code, are amended by striking out "before December 5, 1991".

SEC. 503. MEMBERS ELIGIBILE FOR INVOLUNTARY SEPARATION BENEFITS.

Section 1141 of title 10, United States Code, is amended by inserting "or on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1994" after "September 30, 1990,".

SEC. 504. TEMPORARY AUTHORITY FOR INVOLUNTARY SEPARATION OF CERTAIN REGULAR WARRANT OFFICERS.

(a) IN GENERAL.—Chapter 33A of title 10, United States Code, is amended by inserting after section 580 the following new section:

"§ 580a. Enhanced authority for selective early discharges

"(a) The Secretary of Defense may authorize the Secretary of a military department, during the period beginning on the date of the enactment of this section and ending on October 1, 1999, to take the action set forth in subsection (b) with respect to regular warrant officers of an armed force under the jurisdiction of that Secretary.

"(b) The Secretary of a military department may, with respect to regular warrant officers of an armed force, when authorized to do so under subsection (a), convene selection boards under section 573(c) of this title to consider for discharge regular warrant officers on the warrant officer active-duty list—

"(1) who have served at least one year of active duty in the grade currently held;

"(2) whose names are not on a list of warrant officers recommended for promotion; and

"(3) who are not eligible to be retired under any provision of law and are not within two years of becoming so eligible.

"(c)(1) In the case of an action under subsection (b), the Secretary of the military department concerned may submit to a selection board convened pursuant to that subsection—

"(A) the names of all regular warrant officers described in that subsection in a particular grade and competitive category; or

"(B) the names of all regular warrant officers described in that subsection in a particular grade and competitive category who also are in particular year groups or specialties, or both, within that competitive category.

"(2) The Secretary concerned shall specify the total number of warrant officers to be recommended for discharge by a selection board convened pursuant to subsection (b). That number may not be more than 30 percent of the number of officers considered—

"(A) in each grade in each competitive category; or

"(B) in each grade, year group, or specialty (or combination thereof) in each competitive category.

"(3) The total number of regular warrant officers described in subsection (b) from any of the armed forces (or from any of the armed forces in a particular grade) who may be recommended during a fiscal year for discharge by a selection board convened pursuant to the authority of that subsection may not exceed 70 percent of the decrease, as compared to the preceding fiscal year, in the number of warrant officers of that armed force (or the number of warrant officers of that armed force in that grade) authorized to be serving on active duty as of the end of that fiscal year.

"(4) A warrant officer who is recommended for discharge by a selection board convened pursuant to subsection (b) and whose discharge is approved by the Secretary concerned shall be discharged on a date specified by the Secretary concerned.

"(5) Selection of warrant officers for discharge under this subsection shall be based on the needs of the service.

"(d) The discharge of any warrant officer pursuant to this section shall be considered involuntary for purposes of any other provision of law.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 580 the following new item:

"580a. Enhanced authority for selective early discharges.".

SEC. 505. DETERMINATION OF SERVICE FOR WARRANT OFFICER RETIREMENT SANCTUARY.

(a) EQUITY WITH OTHER MEMBERS.—Section 580(a)(4) of title 10, United States Code, is amended—

(1) by inserting "(except as provided in subparagraph (C))" in subparagraph (A) after "shall be separated"; and

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

"(C) If on the date on which a warrant officer is to be separated under subparagraph (A) the warrant officer has at least 18 years of creditable active service, the warrant officer shall be retained on active duty until retired under paragraph (3) in the same manner as if the warrant officer had had at least 18 years of service on the applicable date under subparagraph (A) or (B) of that paragraph.".

10 USC 580 note.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to warrant officers who have not been separated pursuant to section 580(a)(4) of title 10, United States Code, before the date of enactment of this Act.

SEC. 506. OFFICERS INELIGIBLE FOR CONSIDERATION BY EARLY RETIREMENT BOARDS.

Section 638(e)(2)(B) of title 10, United States Code, is amended—

(1) by inserting "(i)" after "grade and competitive category";

(2) by inserting "(ii)" after "of this title, or"; and

(3) by striking out the comma after "any provision of law".

10 USC 1174a note.

SEC. 507. REMEDY FOR INEFFECTIVE COUNSELING OF OFFICERS DISCHARGED FOLLOWING SELECTION BY EARLY DISCHARGE BOARDS.

Reports.

(a) PROCEDURE FOR REVIEW.—(1) The Secretary of each military department shall establish a procedure for the review of the individual circumstances of an officer described in paragraph (2) who is discharged, or who the Secretary concerned approves for discharge, following the report of a selection board convened by the Secretary to select officers for separation. The procedure established by the Secretary of a military department under this section shall provide that each review under that procedure be carried out by the Board for the Correction of Military Records of that military department.

(2) This section applies in the case of any officer (including a warrant officer) who, having been offered the opportunity to be discharged or otherwise separated from active duty through the programs provided under section 1174a and 1175 of title 10, United States Code—

(A) elected not to accept such discharge or separation; and

(B) submits an application under subsection (b) during the two-year period beginning on the later of the date of the enactment of this Act and the date of such discharge or separation.

(b) APPLICATION.—A review under this section shall be conducted in any case submitted to the Secretary concerned by application from the officer or former officer under regulations prescribed by the Secretary.

(c) PURPOSE OF REVIEW.—(1) The review under this section shall be designed to evaluate the effectiveness of the counseling of the officer before the convening of the board to ensure that the officer was properly informed that selection for discharge or other separation from active duty was a potential result of being within the group of officers to be considered by the board and

that the officer was not improperly informed that such selection in that officer's personal case was unlikely.

(2) The Board for the Correction of Military Records of a military department shall render a decision in each case under this section not later than 60 days after receipt by the Secretary concerned of an application under subsection (b).

(d) REMEDY.—Upon a finding of ineffective counseling under subsection (c), the Secretary shall provide the officer the opportunity to participate, at the officer's option, in any one of the following programs for which the officer meets all eligibility criteria:

(1) The Special Separation Benefits program under section 1174a of title 10, United States Code.

(2) The Voluntary Separation Incentive program under section 1175 of such title.

(3) Retirement under the authority provided by section 4403 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2702; 10 U.S.C. 1293).

(e) EFFECTIVE DATE.—This section shall apply with respect to officers separated after September 30, 1990.

SEC. 508. TWO-YEAR EXTENSION OF AUTHORITY FOR TEMPORARY PROMOTION OF CERTAIN NAVY LIEUTENANTS.

(a) EXTENSION.—Section 5721(f) of title 10, United States Code, is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as of September 30, 1993. 10 USC 5721 note.

SEC. 509. AWARD OF CONSTRUCTIVE SERVICE CREDIT FOR ADVANCED EDUCATION IN A HEALTH PROFESSION UPON ORIGINAL APPOINTMENT AS AN OFFICER.

(a) CREDIT UPON APPOINTMENT IN A REGULAR COMPONENT.—Section 533(b)(1) of title 10, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking out "Except as provided in clause (E), in" at the beginning of the second sentence and inserting in lieu thereof "In"; and

(B) by striking out "postsecondary education in excess of four that are" in the second sentence and inserting in lieu thereof "advanced education";

(2) by striking out subparagraph (E); and

(3) by redesignating subparagraph (F) as subparagraph (E).

(b) CREDIT UPON APPOINTMENT AS RESERVE OFFICER IN THE ARMY.—Section 3353(b)(1) of title 10, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking out "Except as provided in clause (E), in" at the beginning of the second sentence and inserting in lieu thereof "In"; and

(B) by striking out "postsecondary education in excess of four that are" in the second sentence and inserting in lieu thereof "advanced education";

(2) by striking out subparagraph (E); and

(3) by redesignating subparagraph (F) as subparagraph (E).

(c) CREDIT UPON APPOINTMENT AS OFFICER IN NAVAL RESERVE OR MARINE CORPS RESERVE.—Section 5600(b)(1) of title 10, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking out "Except as provided in clause (E), in" at the beginning of the second sentence and inserting in lieu thereof "In"; and

(B) by striking out "postsecondary education in excess of four that are" in the second sentence and inserting in lieu thereof "advanced education";

(2) by striking out subparagraph (E); and

(3) by redesignating subparagraph (F) as subparagraph (E).

(d) CREDIT UPON APPOINTMENT AS RESERVE OFFICER IN THE AIR FORCE.—Section 8353(b)(1) of title 10, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking out "Except as provided in clause (E), in" at the beginning of the second sentence and inserting in lieu thereof "In"; and

(B) by striking out "postsecondary education in excess of four that are" in the second sentence and inserting in lieu thereof "advanced education";

(2) by striking out subparagraph (E); and

(3) by redesignating subparagraph (F) as subparagraph (E).

10 USC 533 note.

(e) RATIFICATION OF PRIOR CREDIT.—To the extent that service credit awarded before the date of the enactment of this Act under section 533, 3353, 5600, or 8353 of title 10, United States Code, based on advanced education in medicine or dentistry was awarded consistent with that section as amended by this section (whether or not properly awarded under that section as in effect before such amendment), the awarding of that service credit is hereby ratified.

SEC. 510. ORIGINAL APPOINTMENT AS REGULAR OFFICERS OF CERTAIN RESERVE OFFICERS IN HEALTH PROFESSIONS.

Section 532(d) of title 10, United States Code, is amended—

(1) by inserting "(1)" after "(d)"; and

(2) by adding at the end the following:

"(2) A reserve commissioned officer appointed in a medical skill other than as a medical officer or dental officer (as defined in regulations prescribed by the Secretary of Defense) is not subject to clause (2) of subsection (a).".

Subtitle B—Reserve Components

SEC. 511. EXCEPTION FOR HEALTH CARE PROVIDERS TO REQUIREMENT FOR 12 WEEKS OF BASIC TRAINING BEFORE ASSIGNMENT OUTSIDE UNITED STATES.

Section 671 of title 10, United States Code, is amended—

(1) by inserting "(except as provided in subsection (c))" in subsection (b) after "may not"; and

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

"(c)(1) A period of basic training (or equivalent training) shorter than 12 weeks may be established by the Secretary concerned

for members of the armed forces who have been credentialed in a medical profession or occupation and are serving in a health-care occupational specialty, as determined under regulations prescribed under paragraph (2). Any such period shall be established under regulations prescribed under paragraph (2) and may be established notwithstanding section 4(a) of the Military Selective Service Act (50 U.S.C. App. 454(a)).

"(2) The Secretary of Defense, and the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, shall prescribe regulations for the purposes of paragraph (1). The regulations prescribed by the Secretary of Defense shall apply uniformly to the military departments.". Regulations.

SEC. 512. NUMBER OF FULL-TIME RESERVE PERSONNEL WHO MAY BE ASSIGNED TO ROTC DUTY.

Section 690 of title 10, United States Code, is amended by striking out "may not exceed 200" and inserting in lieu thereof "may not exceed 275".

SEC. 513. REPEAL OF MANDATED REDUCTION IN ARMY RESERVE COMPONENT FULL-TIME MANNING END STRENGTH.

Section 412 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 261 note) is amended by striking out subsections (b) and (c).

SEC. 514. TWO-YEAR EXTENSION OF CERTAIN RESERVE OFFICER MANAGEMENT AUTHORITIES.

(a) GRADE DETERMINATION AUTHORITY FOR CERTAIN RESERVE MEDICAL OFFICERS.—Sections 3359(b) and 8359(b) of title 10, United States Code, are each amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(b) PROMOTION AUTHORITY FOR CERTAIN RESERVE OFFICERS SERVING ON ACTIVE DUTY.—Sections 3380(d) and 8380(d) of such title are each amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(c) YEARS OF SERVICE FOR MANDATORY TRANSFER TO THE RETIRED RESERVE.—Section 1016(d) of the Department of Defense Authorization Act, 1984 (10 U.S.C. 3360 note) is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(d) EFFECTIVE DATE.—(1) The amendments made by this section shall take effect as of September 30, 1993. 10 USC 3359 note.

(2) The Secretary of the Army or the Secretary of the Air Force, as appropriate, shall provide, in the case of a Reserve officer appointed to a higher grade on or after the date of the enactment of this Act under an appointment described in paragraph (3), that the date of rank of such officer under that appointment shall be the date of rank that would have applied to the appointment had the authority referred to in that paragraph not lapsed. 10 USC 3380 note.

(3) An appointment referred to in paragraph (2) is an appointment under section 3380 or 8380 of title 10, United States Code, that (as determined by the Secretary concerned) would have been made during the period beginning on October 1, 1993, and ending on the date of the enactment of this Act had the authority to make appointments under that section not lapsed during such period. 10 USC 3380 note.

10 USC 3077 note.

SEC. 515. ACTIVE COMPONENT SUPPORT FOR RESERVE TRAINING.

(a) REQUIREMENT TO ESTABLISH.—The Secretary of the Army shall, not later than September 30, 1995, establish one or more active-component units of the Army with the primary mission of providing training support to reserve units. Each such unit shall be part of the active Army force structure and shall have a commander who is on the active-duty list of the Army.

(b) IMPLEMENTATION PLAN.—The Secretary of the Army shall during fiscal year 1994 submit to the Committees on Armed Services of the Senate and House of Representatives a plan to meet the requirement in subsection (a). The plan shall include a proposal for any statutory changes that the Secretary considers to be necessary for the implementation of the plan.

10 USC 3077 note.

SEC. 516. TEST PROGRAM FOR RESERVE COMBAT MANEUVER UNIT INTEGRATION.

(a) PLAN FOR TEST PROGRAM.—The Secretary of the Army shall prepare a plan for carrying out a test program to determine the feasibility and advisability of applying the roundout and roundup models for integration of active and reserve component Army units at the battalion and company levels.

(b) PURPOSE OF TEST PROGRAM.—The purpose of the test program shall be to evaluate whether the roundout and roundup concepts if applied at the battalion and company levels would—

(1) decrease post-mobilization training time;

(2) increase the capabilities of reserve component leaders;

(3) improve the integration of the active and reserve components; and

(4) provide a more efficient means for future expansion of the Army in a period of emergency or increasing international threats to the vital interests of the United States.

(c) REPORT ON PLAN.—The Secretary of the Army shall submit to Congress not later than March 31, 1994, a report that includes the plan for the test program required under subsection (a).

(d) DEFINITIONS.—For purposes of this section, the terms "roundout" and "roundup" refer to two approaches for integrating Army National Guard and Army Reserve combat units into active Army corps, divisions, brigades, and battalions after mobilization. The roundout approach is the method of bringing an incomplete active unit up to full strength by assigning one or more reserve component units to it. The roundup approach is the use of reserve component units to augment or expand active units that are already at full strength.

SEC. 517. REVISIONS TO PILOT PROGRAM FOR ACTIVE COMPONENT SUPPORT OF THE RESERVES.

(a) ACTIVE COMPONENT ADVISERS.—(1) Subsection (c) of section 414 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 10 U.S.C. 261 note) is amended to read as follows:

"(c) PERSONNEL TO BE ASSIGNED.—The Secretary shall assign not less than 2,000 active component personnel to serve as advisers under the program. After September 30, 1994, the number under the preceding sentence shall be increased to not less than 5,000.".

(2) Subsection (d) of such section is amended by striking out the period at the end of the second sentence and inserting in lieu thereof ", together with a proposal for any statutory changes

that the Secretary considers necessary to implement the program on a permanent basis.".

(b) ANNUAL REPORT ON IMPLEMENTATION.—(1) The Secretary of the Army shall include in the annual report of the Secretary to Congress known as the Army Posture Statement a presentation relating to the implementation of the Pilot Program for Active Component Support of the Reserves under section 414 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 10 U.S.C. 261 note), as amended by subsection (a). 10 USC 261 note.

(2) Each such presentation shall include, with respect to the period covered by the report, the following information:

(A) The promotion rate for officers considered for promotion from within the promotion zone who are serving as active component advisers to units of the Selected Reserve of the Ready Reserve (in accordance with that program) compared with the promotion rate for other officers considered for promotion from within the promotion zone in the same pay grade and the same competitive category, shown for all officers of the Army.

(B) The promotion rate for officers considered for promotion from below the promotion zone who are serving as active component advisers to units of the Selected Reserve of the Ready Reserve (in accordance with that program) compared in the same manner as specified in subparagraph (A).

SEC. 518. EDUCATIONAL ASSISTANCE FOR GRADUATE PROGRAMS FOR MEMBERS OF THE SELECTED RESERVE.

Section 2131 of title 10, United States Code, is amended—

(1) in subsection (c)(1), by striking out "other than" and all that follows through "level." and inserting in lieu thereof a period; and

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

"(i) A program of education in a course of instruction beyond the baccalaureate degree level shall be provided under this chapter, subject to the availability of appropriations.".

SEC. 519. FREQUENCY OF PHYSICAL EXAMINATIONS OF MEMBERS OF THE READY RESERVE.

Section 1004(a)(1) of title 10, United States Code, is amended by striking out "four years" and inserting in lieu thereof "five years".

SEC. 520. REVISION OF CERTAIN DEADLINES UNDER ARMY NATIONAL GUARD COMBAT READINESS REFORM ACT.

(a) DELAY IN MINIMUM PERCENTAGE OF PRIOR ACTIVE-DUTY PERSONNEL.—(1) Subsection (b) of section 1111 of the Army National Guard Combat Readiness Reform Act of 1992 (title XI of Public Law 102–484; 10 U.S.C. 3077 note; 106 Stat. 2537) is amended by striking out "fiscal years 1993 through 1997" and inserting in lieu thereof "fiscal years 1994 through 1997".

(2) Subsection (d) of such section is amended by striking out "March 15, 1993" and "April 1, 1993" and inserting in lieu thereof "December 15, 1993" and "January 15, 1994", respectively.

(b) REPORT ON DENTAL READINESS OF MEMBERS OF EARLY DEPLOYING UNITS.—Section 1118(b) of such Act (106 Stat. 2539) is amended by striking out "February 15, 1993" and inserting in lieu thereof "December 1, 1993". 10 USC 3077 note.

SEC. 521. ANNUAL REPORT ON IMPLEMENTATION OF ARMY NATIONAL GUARD COMBAT READINESS REFORM ACT.

(a) IN GENERAL.—Chapter 307 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 3082. Army National Guard combat readiness reform: annual report

"(a) IN GENERAL.—The Secretary of the Army shall include in the annual report of the Secretary to Congress known as the Army Posture Statement a detailed presentation concerning the Army National Guard, including particularly information relating to the implementation of the Army National Guard Combat Readiness Reform Act of 1992 (title XI of Public Law 102–484; 106 Stat. 2536) (hereinafter in this section referred to as 'ANGCRRA').

"(b) MATTERS TO BE INCLUDED IN REPORT.—Each presentation under subsection (a) shall include, with respect to the period covered by the report, the following information concerning the Army National Guard:

"(1) The number and percentage of officers with at least two years of active-duty before becoming a member of the Army National Guard.

"(2) The number and percentage of enlisted personnel with at least two years of active-duty before becoming a member of the Army National Guard.

"(3) The number of officers who are graduates of one of the service academies and were released from active duty before the completion of their active-duty service obligation and, of those officers—

"(A) the number who are serving the remaining period of their active-duty service obligation as a member of the Selected Reserve pursuant to section 1112(a)(1) of ANGCRRA; and

"(B) the number for whom waivers were granted by the Secretary under section 1112(a)(2) of ANGCRRA, together with the reason for each waiver.

"(4) The number of officers who were commissioned as distinguished Reserve Officers' Training Corps graduates and were released from active duty before the completion of their active-duty service obligation and, of those officers—

"(A) the number who are serving the remaining period of their active-duty service obligation as a member of the Selected Reserve pursuant to section 1112(a)(1) of ANGCRRA; and

"(B) the number for whom waivers were granted by the Secretary under section 1112(a)(2) of ANGCRRA, together with the reason for each waiver.

"(5) The number of officers who are graduates of the Reserve Officers' Training Corps program and who are performing their minimum period of obligated service in accordance with section 1112(b) of ANGCRRA by a combination of (A) two years of active duty, and (B) such additional period of service as is necessary to complete the remainder of such obligation served in the National Guard and, of those officers, the number for whom permission to perform their minimum period of obligated service in accordance with that section was granted during the preceding fiscal year.

"(6) The number of officers for whom recommendations were made during the preceding fiscal year for a unit vacancy promotion to a grade above first lieutenant and, of those recommendations, the number and percentage that were concurred in by an active-duty officer under section 1113(a) of ANGCRRA, shown separately for each of the three categories of officers set forth in section 1113(b) of ANGCRRA.

"(7) The number of waivers during the preceding fiscal year under section 1114(a) of ANGCRRA of any standard prescribed by the Secretary establishing a military education requirement for noncommissioned officers and the reason for each such waiver.

"(8) The number and distribution by grade, shown for each State, of personnel in the initial entry training and nondeployability personnel accounting category established under section 1115 of ANGCRRA for members of the Army National Guard who have not completed the minimum training required for deployment or who are otherwise not available for deployment.

"(9) The number of members of the Army National Guard, shown for each State, that were discharged during the previous fiscal year pursuant to section 1115(c)(1) of ANGCRRA for not completing the minimum training required for deployment within 24 months after entering the National Guard.

"(10) The number of waivers, shown for each State, that were granted by the Secretary during the previous fiscal year under section 1115(c)(2) of ANGCRRA of the requirement in section 1115(c)(1) of ANGCRRA described in paragraph (9), together with the reason for each waiver.

"(11) The number of members, shown for each State, who were screened during the preceding fiscal year to determine whether they meet minimum physical profile standards required for deployment and, of those members—

"(A) the number and percentage who did not meet minimum physical profile standards required for deployment; and

"(B) the number and percentage who were transferred pursuant to section 1116 of ANGCRRA to the personnel accounting category described in paragraph (8).

"(12) The number of members, and the percentage of the total membership, of the Army National Guard, shown for each State, who underwent a medical screening during the previous fiscal year as provided in section 1117 of ANGCRRA.

"(13) The number of members, and the percentage of the total membership, of the Army National Guard, shown for each State, who underwent a dental screening during the previous fiscal year as provided in section 1117 of ANGCRRA.

"(14) The number of members, and the percentage of the total membership, of the Army National Guard, shown for each State, over the age of 40 who underwent a full physical examination during the previous fiscal year for purposes of section 1117 of ANGCRRA.

"(15) The number of units of the Army National Guard that are scheduled for early deployment in the event of a mobilization and, of those units, the number that are dentally ready for deployment in accordance with section 1118 of ANGCRRA.

"(16) The estimated post-mobilization training time for each Army National Guard combat unit, and a description, displayed in broad categories and by State, of what training would need to be accomplished for Army National Guard combat units in a post-mobilization period for purposes of section 1119 of ANGCRRA.

"(17) A description of the measures taken during the preceding fiscal year to comply with the requirement in section 1120 of ANGCRRA to expand the use of simulations, simulators, and advanced training devices and technologies for members and units of the Army National Guard.

"(18) Summary tables of unit readiness, shown for each State, and drawn from the unit readiness rating system as required by section 1121 of ANGCRRA, including the personnel readiness rating information and the equipment readiness assessment information required by that section, together with—

"(A) explanations of the information shown in the table; and

"(B) based on the information shown in the tables, the Secretary's overall assessment of the deployability of units of the Army National Guard, including a discussion of personnel deficiencies and equipment shortfalls in accordance with such section 1121.

"(19) Summary tables, shown for each State, of the results of inspections of units of the Army National Guard by inspectors general or other commissioned officers of the Regular Army under the provisions of section 105 of title 32, together with explanations of the information shown in the tables, and including display of—

"(A) the number of such inspections;

"(B) identification of the entity conducting each inspection;

"(C) the number of units inspected; and

"(D) the overall results of such inspections, including the inspector's determination for each inspected unit of whether the unit met deployability standards and, for those units not meeting deployability standards, the reasons for such failure and the status of corrective actions.

"(20) A listing, for each Army National Guard combat unit, of the active-duty combat unit associated with that Army National Guard unit in accordance with section 1131(a) of ANGCRRA, shown by State and to be accompanied, for each such National Guard unit, by—

"(A) the assessment of the commander of that associated active-duty unit of the manpower, equipment, and training resource requirements of that National Guard unit in accordance with section 1131(b)(3) of ANGCRRA; and

"(B) the results of the validation by the commander of that associated active-duty unit of the compatibility of that National Guard unit with active duty forces in accordance with section 1131(b)(4) of ANGCRRA.

"(21) A specification of the active-duty personnel assigned to units of the Selected Reserve pursuant to section 414(c) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (10 U.S.C. 261 note), shown (A) by State, (B) by rank of officers, warrant officers, and enlisted members

assigned, and (C) by unit or other organizational entity of assignment.

"(c) IMPLEMENTATION.—The requirement to include in a presentation required by subsection (a) information under any paragraph of subsection (b) shall take effect with respect to the year following the year in which the provision of ANGCRRA to which that paragraph pertains has taken effect. Before then, in the case of any such paragraph, the Secretary shall include any information that may be available concerning the topic covered by that paragraph.

"(d) DEFINITION.—In this section, the term 'State' includes the District of Columbia, Puerto Rico, Guam, and the Virgin Islands.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"3082. Army National Guard combat readiness reform: annual report.".

SEC. 522. FFRDC STUDY OF STATE AND FEDERAL MISSIONS OF THE NATIONAL GUARD. 32 USC 104 note.

(a) STUDY REQUIRED.—The Secretary of Defense shall provide for a study of the State and Federal missions of the National Guard to be carried out by a federally funded research and development center. The study shall consider both the separate and integrated requirements (including requirements pertaining to personnel, weapons, equipment, and facilities) that derive from those missions.

(b) MATTERS TO BE INCLUDED.—The Secretary shall require that the matters to be considered under the study include the following:

(1) Whether the currently projected size for the National Guard after the completion of the reductions in the national defense structure planned through fiscal year 1999 will be adequate for the National Guard to fulfill both its State and Federal missions.

(2) Whether the system of assigning Federal missions to State Guard units could be altered to optimize the Federal as well as the State capabilities of the National Guard.

(3) Whether alternative arrangements, such as cooperative development of National Guard capabilities among the States grouped as regions, are advisable and feasible.

(4) Whether alternative Federal-State cost-sharing arrangements should be implemented for National Guard units whose principal function is to support State missions.

(5) Such other matters related to the missions of the National Guard and the corresponding requirements related to those missions as the Secretary may specify or the center carrying out the study may determine necessary.

(c) FFRDC REPORTS.—(1) The Secretary shall require the center carrying out the study to submit an interim report not later than May 1, 1994, and a final report not later than November 15, 1994. Each report shall include the findings, conclusions, and recommendations of the center concerning each of the matters referred to in subsection (b).

(2) The Secretary shall submit each such report to the Committees on Armed Services of the Senate and House of Representatives not later than 15 days after the date on which it is received by the Secretary.

(d) EVALUATION AND REPORT OF FINAL FFRDC REPORT.—(1) After the center carrying out the study submits its final report, the Secretary of Defense, together with the Secretary of the Army and the Secretary of the Air Force, shall conduct an evaluation of the assumptions, analysis, findings, and recommendations of that study.

(2) Not later than February 1, 1995, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the evaluation under paragraph (1). The report shall be accompanied by any recommendations for legislative action that the Secretary considers necessary as a result of the study and evaluation required by this section.

(e) COOPERATION.—The Secretary shall ensure that the center carrying out the study under this section has full access to such information as the center requires for the purposes of the study and that the center otherwise receives full cooperation from all officials and entities of the Department of Defense, including the National Guard, in carrying out the study.

SEC. 523. CONSISTENCY OF TREATMENT OF NATIONAL GUARD TECHNICIANS AND OTHER MEMBERS OF THE NATIONAL GUARD.

(a) FEDERAL RECOGNITION QUALIFICATIONS FOR TECHNICIANS.—Section 709 of title 32, United States Code, is amended by adding at the end the following new subsection:

"(i) The Secretary concerned may not prescribe for purposes of eligibility for Federal recognition under section 301 of this title a qualification applicable to technicians employed under subsection (a) that is not applicable pursuant to that section to the other members of the National Guard in the same grade, branch, position, and type of unit or organization involved.".

(b) MILITARY EDUCATION.—The following provisions of law are repealed:

(1) Section 523 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456; 102 Stat. 1974; 32 U.S.C. 709 note).

(2) Section 506 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1438; 32 U.S.C. 709 note).

32 USC 709 note.

(c) SAVINGS PROVISION.—A civilian technician of the Army National Guard serving in an active status on the date of the enactment of this Act who under the provisions of law repealed by subsection (b) (or under other Department of the Army policy in effect on the day before such date of enactment) was granted credit on the technician's military record for the completion of certain education and training courses shall retain such credit, notwithstanding the provisions of subsections (a) and (b), for a period determined by the Secretary of the Army. Such a period may not terminate, in the case of any such civilian technician, before the effective date of such civilian technician's next mililitary promotion.

SEC. 524. NATIONAL GUARD MANAGEMENT INITIATIVES.

(a) CLARIFICATION REGARDING FEMALE MEMBERS OF THE NATIONAL GUARD AS MEMBERS OF THE MILITIA.—Section 311(a) of title 10, United States Code, is amended by striking out "commissioned officers" and inserting in lieu thereof "members".

(b) INCREASED PERIOD FOR COMPLETION OF UNIT TRAINING.—Section 502(b) of title 32, United States Code, is amended by striking out "30 consecutive days" in the second sentence and inserting in lieu thereof "90 consecutive days".

(c) EXCEPTIONS TO 30-DAY NOTICE FOR TERMINATION OF EMPLOYMENT OF TECHNICIANS.—Section 709(e)(6) of title 32, United States Code, is amended by inserting after "termination of employment as a technician and" the following: ", unless the technician is serving under a temporary appointment, is serving in a trial or probationary period, or has voluntarily ceased to be a member of the National Guard when such membership is a condition of employment,".

(d) REPEAL OF LIMIT ON NUMBER OF TECHNICIANS EMPLOYED CONCURRENTLY.—Section 709(h) of title 32, United States Code, is repealed.

(e) PERSONNEL AUTHORIZED TO MAKE UNSERVICEABILITY FINDINGS.—Section 710(f) of title 32, United States Code, is amended—

(1) by inserting "(1)" after "(f)";

(2) by striking out "subsections (b)-(d)" and inserting in lieu thereof "subsections (b), (c), and (d)";

(3) by striking out "of the Regular Army or the Regular Air Force, as the case may be,"; and

(4) by adding at the end the following:

"(2) In designating an officer to conduct inspections and make findings for purposes of paragraph (1), the Secretary concerned shall designate—

"(A) in the case of the Army National Guard, a commissioned officer of the Regular Army or a commissioned officer of the Army National Guard who is also a commissioned officer of the Army National Guard of the United States; and

"(B) in the case of the Air National Guard, a commissioned officer of the Regular Air Force or a commissioned officer of the Air National Guard who is also a commissioned officer of the Air National Guard of the United States.".

Subtitle C—Service Academies

SEC. 531. CONGRESSIONAL NOMINATIONS.

Sections 4342(a), 6954(a), and 9342(a) of title 10, United States Code, are each amended—

(1) in the sentence following paragraph (9), by striking out "a principal candidate and nine alternates" and inserting in lieu thereof "10 persons"; and

(2) by inserting after such sentence the following: "Nominees may be submitted without ranking or with a principal candidate and 9 ranked or unranked alternates. Qualified nominees not selected for appointment under this subsection shall be considered qualified alternates for the purposes of selection under other provisions of this chapter.".

SEC. 532. TECHNICAL AMENDMENT RELATED TO CHANGE IN NATURE OF COMMISSION OF SERVICE ACADEMY GRADUATES.

Section 702(a) of title 10, United States Code, is amended by striking out "regular" in the first sentence.

SEC. 533. MANAGEMENT OF CIVILIAN FACULTY AT MILITARY AND AIR FORCE ACADEMIES.

(a) RECODIFICATION OF MILITARY ACADEMY AUTHORITY.—(1) Chapter 403 of title 10, United States Code, is amended by inserting after section 4337 the following new section:

"§ 4338. Civilian faculty: number; compensation

"(a) The Secretary of the Army may employ as many civilians as professors, instructors, and lecturers at the Academy as the Secretary considers necessary.

"(b) The compensation of persons employed under this section is as prescribed by the Secretary.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 4337 the following new item:

"4338. Civilian faculty: number; compensation.".

(3) Section 4331 of such title is amended by striking out subsection (c).

(b) RECODIFICATION OF AIR FORCE ACADEMY AUTHORITY.—(1) Chapter 903 of title 10, United States Code, is amended by inserting after section 9337 the following new section:

"§ 9338. Civilian faculty: number; compensation

"(a) The Secretary of the Air Force may employ as many civilians as professors, instructors, and lecturers at the Academy as the Secretary considers necessary.

"(b) The compensation of persons employed under this section is as prescribed by the Secretary.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 9337 the following new item:

"9338. Civilian faculty: number; compensation.".

(3) Section 9331 of such title is amended by striking out subsection (c).

(c) CONFORMING AMENDMENT.—Section 5102(c)(10) of title 5, United States Code, is amended by striking out "at the Naval Academy whose pay is fixed under section 6952 of title 10" and inserting in lieu thereof "at the Military Academy, the Naval Academy, and the Air Force Academy whose pay is fixed under sections 4338, 6952, and 9338, respectively, of title 10".

SEC. 534. EVALUATION OF REQUIREMENT THAT OFFICERS AND CIVILIAN FACULTY MEMBERS REPORT VIOLATIONS OF NAVAL ACADEMY REGULATIONS.

(a) REPORT REQUIREMENT.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report evaluating the administration of section 6965 of title 10, United States Code. The report shall include any recommendations of the Secretary as to amendments or repeal of that section or whether the provisions of that section should be applied to the United States Military Academy and the United States Air Force Academy.

(b) SUBMISSION OF REPORT.—The report shall be submitted not later than 90 days after the date of the enactment of this Act.

SEC. 535. PROHIBITION OF TRANSFER OF NAVAL ACADEMY PREPARATORY SCHOOL.

During fiscal year 1994, the Secretary of the Navy may not transfer the Naval Academy Preparatory School from Newport, Rhode Island, to Annapolis, Maryland, or expend any funds for any work (including preparation of an architectural engineering study, design work, or construction or modification of any structure) in preparation for such a transfer.

SEC. 536. TEST PROGRAM TO EVALUATE USE OF PRIVATE PREPARATORY SCHOOLS FOR SERVICE ACADEMY PREPARATORY SCHOOL MISSION. 10 USC 4331 note.

(a) TEST PROGRAM.—The Secretary of Defense shall conduct a test program to determine the efficiency and cost effectiveness of using schools in the private sector as an alternative to the existing schools used for the mission of operating a military preparatory school program for one or more of the service academies. The Secretary shall carry out the test program through the Under Secretary of Defense for Personnel and Readiness.

(b) PRIORITY.—The test program shall be carried out so as to give priority to the goal of enhancing opportunities for minorities, women, and prior enlisted personnel to attend service academies. Minorities. Women.

(c) EXCLUSION FROM ACADEMY STRENGTH LIMITATIONS.—Any individual who is admitted to one of the three service academies following completion of a program of instruction at a private sector preparatory school under the test program shall be excluded from the computation of the size of the corps of cadets or brigade of midshipmen, as the case may be, for purposes of strength ceilings imposed by law.

Subtitle D—Women in the Service

SEC. 541. REPEAL OF THE STATUTORY RESTRICTION ON THE ASSIGNMENT OF WOMEN IN THE NAVY AND MARINE CORPS.

(a) IN GENERAL.—Section 6015 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 555 of such title is amended by striking out the item relating to section 6015.

SEC. 542. NOTICE TO CONGRESS OF PROPOSED CHANGES IN COMBAT ASSIGNMENTS TO WHICH FEMALE MEMBERS MAY BE ASSIGNED. 10 USC 113 note.

(a) IN GENERAL.—(1) Except in a case covered by subsection (b), whenever the Secretary of Defense proposes to change military personnel policies in order to make available to female members of the Armed Forces assignment to any type of combat unit, class of combat vessel, or type of combat platform that is not open to such assignments, the Secretary shall, not less than 30 days before such change is implemented, transmit to the Committees on Armed Services of the Senate and House of Representatives notice of the proposed change in personnel policy.

(2) If before the date of the enactment of this Act the Secretary made any change to military personnel policies in order to make available to female members of the Armed Forces assignment to any type of combat unit, class of combat vessel, or type of combat platform that was not previously open to such assignments, the

Secretary shall, not later than 30 days after the date of the enactment of this Act, transmit to the Committees on Armed Services of the Senate and House of Representatives notice of that change in personnel policy.

Reports.

(b) SPECIAL RULE FOR GROUND COMBAT EXCLUSION POLICY.—(1) If the Secretary of Defense proposes to make any change described in paragraph (2) to the ground combat exclusion policy, the Secretary shall, not less than 90 days before any such change is implemented, submit to Congress a report providing notice of the proposed change.

(2) A change referred to in paragraph (1) is a change that either—

(A) closes to female members of the Armed Forces any category of unit or position that at that time is open to service by such members; or

(B) opens to service by such members any category of unit or position that at that time is closed to service by such members.

(3) The Secretary shall include in any report under paragraph (1)—

(A) a detailed description of, and justification for, the proposed change to the ground combat exclusion policy; and

(B) a detailed analysis of legal implication of the proposed change with respect to the constitutionality of the application of the Military Selective Service Act to males only.

(4) For purposes of this subsection, the term "ground combat exclusion policy" means the military personnel policies of the Department of Defense and the military departments, as in effect on January 1, 1993, by which female members of the Armed Forces are restricted from assignment to units and positions whose mission requires routine engagement in direct combat on the ground.

10 USC 113 note.

SEC. 543. GENDER-NEUTRAL OCCUPATIONAL PERFORMANCE STANDARDS.

(a) GENDER NEUTRALITY REQUIREMENT.—In the case of any military occupational career field that is open to both male and female members of the Armed Forces, the Secretary of Defense—

(1) shall ensure that qualification of members of the Armed Forces for, and continuance of members of the Armed Forces in, that occupational career field is evaluated on the basis of common, relevant performance standards, without differential standards or evaluation on the basis of gender;

(2) may not use any gender quota, goal, or ceiling except as specifically authorized by law; and

(3) may not change an occupational performance standard for the purpose of increasing or decreasing the number of women in that occupational career field.

(b) REQUIREMENTS RELATING TO USE OF SPECIFIC PHYSICAL REQUIREMENTS.—(1) For any military occupational specialty for which the Secretary of Defense determines that specific physical requirements for muscular strength and endurance and cardiovascular capacity are essential to the performance of duties, the Secretary shall prescribe specific physical requirements for members in that specialty and shall ensure (in the case of an occupational specialty that is open to both male and female members of the Armed Forces) that those requirements are applied on a gender-neutral basis.

(2) Whenever the Secretary establishes or revises a physical requirement for an occupational specialty, a member serving in that occupational specialty when the new requirement becomes effective, who is otherwise considered to be a satisfactory performer, shall be provided a reasonable period, as determined under regulations prescribed by the Secretary, to meet the standard established by the new requirement. During that period, the new physical requirement may not be used to disqualify the member from continued service in that specialty.

(c) NOTICE TO CONGRESS OF CHANGES.—Whenever the Secretary of Defense proposes to implement changes to the occupational standards for a military occupational field that are expected to result in an increase, or in a decrease, of at least 10 percent in the number of female members of the Armed Forces who enter, or are assigned to, that occupational field, the Secretary of Defense shall submit to Congress a report providing notice of the change and the justification and rationale for the change. Such changes may then be implemented only after the end of the 60-day period beginning on the date on which such report is submitted. Reports.

Subtitle E—Victims' Rights and Family Advocacy

SEC. 551. RESPONSIBILITIES OF MILITARY LAW ENFORCEMENT OFFICIALS AT SCENES OF DOMESTIC VIOLENCE.

(a) IN GENERAL.—(1) Section 53 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1058. Responsibilities of military law enforcement officials at scenes of domestic violence Regulations.

"(a) IMMEDIATE ACTIONS REQUIRED.—Under regulations prescribed pursuant to subsection (c), the Secretary concerned shall ensure, in any case of domestic violence in which a military law enforcement official at the scene determines that physical injury has been inflicted or a deadly weapon or dangerous instrument has been used, that military law enforcement officials—

"(1) take immediate measures to reduce the potential for further violence at the scene; and

"(2) within 24 hours of the incident, provide a report of the domestic violence to the appropriate commander and to a local military family advocacy representative exercising responsibility over the area in which the incident took place.

"(b) FAMILY ADVOCACY COMMITTEE.—Under regulations prescribed pursuant to subsection (c), the Secretary concerned shall ensure that, whenever a report is provided to a commander under subsection (a)(2), a multidisciplinary family advocacy committee meets, with all due practicable speed, to review the situation and to make recommendations to the commander for appropriate action.

"(c) REGULATIONS.—The Secretary of Defense, and the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, shall prescribe by regulation the definition of 'domestic violence' for purposes of this section and such other regulations as may be necessary for purposes of this section.

"(d) MILITARY LAW ENFORCEMENT OFFICIAL.—In this section, the term 'military law enforcement official' means a person author-

ized under regulations governing the armed forces to apprehend persons subject to this chapter or to trial thereunder.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1058. Responsibilities of military law enforcement officials at scenes of domestic violence.".

10 USC 1058 note.

(b) DEADLINE FOR PRESCRIBING PROCEDURES.—The Secretary of Defense shall prescribe procedures to carry out section 1058 of title 10, United States Code, as added by subsection (a), not later than six months after the date of the enactment of this Act.

10 USC 951 note.

SEC. 552. IMPROVED PROCEDURES FOR NOTIFICATION OF VICTIMS AND WITNESSES OF STATUS OF PRISONERS IN MILITARY CORRECTIONAL FACILITIES.

(a) IN GENERAL.—The Secretary of Defense shall prescribe procedures and implement a centralized system for notice of the status of offenders confined in military correctional facilities to be provided to victims and witnesses. Such procedures shall, to the maximum extent practicable, be consistent with procedures of the Federal Bureau of Prisons for victim and witness notification.

(b) DEADLINE FOR PRESCRIBING PROCEDURES.—The Secretary of Defense—

(1) shall prescribe the procedures required by subsection (a) not later than six months after the date of the enactment of this Act; and

(2) shall implement the centralized system required by that section not later than six months after those procedures are prescribed.

(c) NOTIFICATION AND REPORTING REQUIREMENT.—(1) Upon implementation of the centralized system of notice under subsection (a), the Secretary shall notify Congress of such implementation.

(2) After such system has been in operation for one year, the Secretary shall submit to Congress a report detailing the lessons learned during the first year of operation.

(d) TERMINATION OF REQUIREMENT.—The requirement to establish procedures and implement a centralized system of notice under subsection (a) shall expire 90 days after the receipt of the report required by subsection (c)(2).

SEC. 553. STUDY OF STALKING BY PERSONS SUBJECT TO UCMJ.

(a) REPORT REQUIRED.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the problem of stalking by persons subject to the Uniform Code of Military Justice (chapter 47 of title 10, United States Code). In the report, the Secretary shall describe the scope of the problem of stalking within the Armed Forces and shall address whether existing procedures and punitive articles under the Uniform Code of Military Justice adequately protect members of the Armed Forces, and dependents of members of the Armed Forces, who are threatened with stalking. The Secretary shall include in the report such recommendations for changes to law and regulations as the Secretary determines to be necessary.

(b) STALKING.—For purposes of the report under subsection (a), stalking shall be considered to include actions of a person

in repeatedly following or harassing another person in a manner to induce in a reasonable person a fear of sexual battery, bodily injury, or death of that person or a member of that person's immediate family.

SEC. 554. TRANSITIONAL COMPENSATION FOR DEPENDENTS OF MEMBERS OF THE ARMED FORCES SEPARATED FOR DEPENDENT ABUSE.

(a) IN GENERAL.—(1) Chapter 53 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1058. Dependents of members separated for dependent abuse: transitional compensation

"(a) AUTHORITY TO PAY COMPENSATION.—The Secretary of Defense, with respect to the armed forces (other than the Coast Guard when it is not operating as a service in the Navy), and the Secretary of Transportation, with respect to the Coast Guard when it is not operating as a service in the Navy, may each establish a program to pay monthly transitional compensation in accordance with this section to dependents or former dependents of a member of the armed forces described in subsection (b).

"(b) PUNITIVE AND OTHER ADVERSE ACTIONS COVERED.—This section applies in the case of a member of the armed forces on active duty for a period of more than 30 days—

"(1) who is convicted of a dependent-abuse offense (as defined in subsection (c)) and whose conviction results in the member—

"(A) being separated from active duty pursuant to a sentence of a court-martial; or

"(B) forfeiting all pay and allowances pursuant to a sentence of a court-martial; or

"(2) who is administratively separated from active duty in accordance with applicable regulations if the basis for the separation includes a dependent-abuse offense.

"(c) DEPENDENT-ABUSE OFFENSES.—For purposes of this section, a dependent-abuse offense is conduct by an individual while a member of the armed forces on active duty for a period of more than 30 days—

"(1) that involves abuse of the spouse or a dependent child of the member; and

"(2) that is a criminal offense specified in regulations prescribed by the Secretary of Defense under subsection (j).

"(d) RECIPIENTS OF PAYMENTS.—In any case of a separation from active duty as described in subsection (b), the Secretary shall pay such compensation to dependents or former dependents of the former member as follows:

"(1) If the former member was married at the time of the commission of the dependent-abuse offense resulting in the separation, such compensation shall (except as otherwise provided in this subsection) be paid to the spouse or former spouse to whom the member was married at that time.

"(2) If there is a spouse or former spouse who (but for subsection (g)) would be eligible for compensation under this section and if there is a dependent child of the former member who does not reside in the same household as that spouse or former spouse, such compensation shall be paid to each

such dependent child of the former member who does not reside in that household.

"(3) If there is no spouse or former spouse who is (or but for subsection (g) would be) eligible under paragraph (1), such compensation shall be paid to the dependent children of the former member.

"(4) For purposes of paragraphs (2) and (3), an individual's status as a 'dependent child' shall be determined as of the date on which the member is convicted of the dependent-abuse offense or, in a case described in subsection (b)(2), as of the date on which the member is separated from active duty.

"(e) COMMENCEMENT AND DURATION OF PAYMENT.—(1) Payment of transitional compensation under this section shall commence as of the date of the discontinuance of the member's pay and allowances pursuant to the separation or sentencing of the member and, except as provided in paragraph (2), shall be paid for a period of 36 months.

"(2) If as of the date on which payment of transitional compensation commences the unserved portion of the member's period of obligated active duty service is less than 36 months, the period for which transitional compensation is paid shall be equal to the greater of—

"(A) the unserved portion of the member's period of obligated active duty service; or

"(B) 12 months.

"(f) AMOUNT OF PAYMENT.—(1) Payment to a spouse or former spouse under this section for any month shall be at the rate in effect for that month for the payment of dependency and indemnity compensation under section 1311(a)(1) of title 38.

"(2) If a spouse or former spouse to whom compensation is paid under this section has custody of a dependent child or children of the member, the amount of such compensation paid for any month shall be increased for each such dependent child by the amount in effect for that month under section 1311(b) of title 38.

"(3) If compensation is paid under this section to a child or children pursuant to subsection (d)(2) or (d)(3), such compensation shall be paid in equal shares, with the amount of such compensation for any month determined in accordance with the rates in effect for that month under section 1313 of title 38.

"(g) SPOUSE AND FORMER SPOUSE FORFEITURE PROVISIONS.—(1) If a former spouse receiving compensation under this section remarries, the Secretary shall terminate payment of such compensation, effective as of the date of such marriage. The Secretary may not renew payment of compensation under this section to such former spouse in the event of the termination of such subsequent marriage.

"(2) If after a punitive or other adverse action is executed in the case of a former member as described in subsection (b) the former member resides in the same household as the spouse or former spouse, or dependent child, to whom compensation is otherwise payable under this section, the Secretary shall terminate payment of such compensation, effective as of the time the former member begins residing in such household. Compensation paid for a period after the former member's separation, but before the former member resides in the household, shall not be recouped. If the former member subsequently ceases to reside in such house-

hold before the end of the period of eligibility for such payments, the Secretary may not resume such payments.

"(3) In a case in which the victim of the dependent-abuse offense resulting in a punitive or other adverse action described in subsection (b) was a dependent child, the Secretary concerned may not pay compensation under this section to a spouse or former spouse who would otherwise be eligible to receive such compensation if the Secretary determines (under regulations prescribed under subsection (j)) that the spouse or former spouse was an active participant in the conduct constituting the dependent-abuse offense.

"(h) EFFECT OF CONTINUATION OF MILITARY PAY.—In the case of payment of transitional compensation by reason of a total forfeiture of pay and allowances pursuant to a sentence of a court-martial, payment of transitional compensation shall not be made for any period for which an order—

"(1) suspends, in whole or in part, that part of a sentence that includes forfeiture of the member's pay and allowance; or

"(2) otherwise results in continuation, in whole or in part, of the member's pay and allowances.

"(i) COORDINATION OF BENEFITS.—The Secretary concerned may not make payments to a spouse or former spouse under both this section and section 1408(h)(1) of this title. In the case of a spouse or former spouse for whom a court order provides for payments by the Secretary pursuant to section 1408(h)(1) of this title and to whom the Secretary offers payments under this section, the spouse or former spouse shall elect which to receive.

"(j) REGULATIONS.—(1) The Secretary of Defense shall prescribe regulations to carry out this section with respect to the armed forces (other than the Coast Guard when it is not operating as a service in the Navy). The Secretary of Transportation shall prescribe regulations to carry out this section with respect to the Coast Guard when it is not operating as a service in the Navy.

"(2) Regulations prescribed under paragraph (1) shall include the criminal offenses, or categories of offenses, under the Uniform Code of Military Justice (chapter 47 of this title), Federal criminal law, the criminal laws of the States and other jurisdictions of the United States, and the laws of other nations that are to be considered to be dependent-abuse offenses for the purposes of this section.

"(k) DEPENDENT CHILD DEFINED.—In this section, the term 'dependent child', with respect to a member or former member of the armed forces referred to in subsection (b), means an unmarried child, including an adopted child or a stepchild, who was residing with the member at the time of the dependent-abuse offense resulting in the separation of the former member and—

"(1) who is under 18 years of age;

"(2) who is 18 years of age or older and is incapable of self-support because of a mental or physical incapacity that existed before the age of 18 and who is (or, at the time a punitive or other adverse action was executed in the case of the former member as described in subsection (b), was) dependent on the former member for over one-half of the child's support; or

"(3) who is 18 years of age or older but less than 23 years of age, is enrolled in a full-time course of study in an institution of higher learning approved by the Secretary of

Defense and who is (or, at the time a punitive or other adverse action was executed in the case of the former member as described in subsection (b), was) dependent on the former member for over one-half of the child's support.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1056 the following new item:

"1058. Dependents of members separated for dependent abuse: transitional compensation.".

10 USC 1058 note.

(b) EFFECTIVE DATE.—(1) Section 1058 of title 10, United States Code, as added by subsection (a), shall apply with respect to a member of the Armed Forces who, on or after the date of the enactment of this Act—

(A) is separated from active duty as described in subsection (b) of such section; or

(B) forfeits all pay and allowances as described in such subsection.

(2) Notwithstanding paragraph (1), no payment may be made under such section 1058 with respect to any period before April 1, 1994.

SEC. 555. CLARIFICATION OF ELIGIBILITY FOR BENEFITS FOR DEPENDENT VICTIMS OF ABUSE BY MEMBERS OF THE ARMED FORCES PENDING LOSS OF RETIRED PAY.

(a) PAYMENT REQUIRED.—Subsection (h) of section 1408 of title 10, United States Code, is amended—

(1) by redesignating paragraph (10) as paragraph (11); and

(2) by inserting after paragraph (9) the following new paragraph (10):

"(10)(A) For purposes of this subsection, in the case of a member of the armed forces who has been sentenced by a court-martial to receive a punishment that will terminate the eligibility of that member to receive retired pay if executed, the eligibility of that member to receive retired pay may, as determined by the Secretary concerned, be considered terminated effective upon the approval of that sentence by the person acting under section 860(c) of this title (article 60(c) of the Uniform Code of Military Justice).

"(B) If each form of the punishment that would result in the termination of eligibility to receive retired pay is later remitted, set aside, or mitigated to a punishment that does not result in the termination of that eligibility, a payment of benefits to the eligible recipient under this subsection that is based on the punishment so vacated, set aside, or mitigated shall cease. The cessation of payments shall be effective as of the first day of the first month following the month in which the Secretary concerned notifies the recipient of such benefits in writing that payment of the benefits will cease. The recipient may not be required to repay the benefits received before that effective date (except to the extent necessary to recoup any amount that was erroneous when paid).".

(b) ADMINISTRATION FOR THE COAST GUARD.—Such subsection is further amended—

(1) in paragraph (2)(A), by inserting after "Secretary of Defense" the following: "or, for the Coast Guard when it is not operating as a service in the Navy, by the Secretary of Transportation"; and

(2) in paragraph (8), by inserting before the period at the end the following: "or, in the case of the Coast Guard, out of funds appropriated to the Department of Transportation for payment of retired pay for the Coast Guard".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as of October 23, 1992, and shall apply as if the provisions of the paragraph (10) of section 1408(h) of title 10, United States Code, added by such subsection were included in the amendment made by section 653(a)(2) of Public Law 102–484 (106 Stat. 2426). 10 USC 1408 note.

Subtitle F—Force Reduction Transition

SEC. 561. EXTENSION THROUGH FISCAL YEAR 1999 OF CERTAIN FORCE DRAW-DOWN TRANSITION AUTHORITIES RELATING TO PERSONNEL MANAGEMENT AND BENEFITS.

(a) EARLY RETIREMENT AUTHORITY FOR ACTIVE DUTY MEMBERS.—Section 4403(i) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2704; 10 U.S.C. 1293 note) is amended by striking out "October 1, 1995" and inserting in lieu thereof "October 1, 1999".

(b) SELECTIVE EARLY RETIREMENT BOARDS.—Section 638a(a) of title 10, United States Code, is amended by striking out "five-year period" and inserting in lieu thereof "nine-year period".

(c) REQUIRED LENGTH OF COMMISSIONED SERVICE FOR VOLUNTARY RETIREMENT AS AN OFFICER.—Sections 3911(b), 6323(a)(2), and 8911(b) of title 10, United States Code, are each amended by striking out "five-year period" and inserting in lieu thereof "nine-year period".

(d) REDUCTION OF TIME-IN-GRADE REQUIREMENT FOR RETENTION OF GRADE UPON VOLUNTARY RETIREMENT.—Section 1370(a)(2)(A) of title 10, United States Code, is amended by striking out "five-year period" and inserting in lieu thereof "nine-year period".

(e) RETIREMENT OF CERTAIN LIMITED DUTY OFFICERS OF THE NAVY.—Sections 633 and 634, and subsection (a)(5) and (i) of section 6383, of title 10, United States Code, are each amended by striking out "October 1, 1995" and inserting in lieu thereof "October 1, 1999".

(f) GUARD AND RESERVE TRANSITION INITIATIVES.—(1) Section 4411 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2712; 10 U.S.C. 1162 note) is amended by striking out "September 30, 1995" and inserting in lieu thereof "September 30, 1999".

(2) Section 4416 of such Act (106 Stat. 2714; 10 U.S.C. 1162 note) is amended—

(A) in subsection (b)—

(i) in the matter preceding paragraph (1), by striking out "the period referred to in subsection (c)" and inserting in lieu thereof "the force reduction transition period";

(ii) in paragraph (1), by striking out "October 1, 1995," and inserting in lieu thereof "October 1, 1999,"; and

(iii) in paragraph (3), by striking out "Retired Reserve—" and all that follows in that paragraph and inserting in lieu thereof "Retired Reserve."; and

(B) by striking out subsection (c).

(3) Section 4418(a) of such Act (106 Stat. 2717; 10 U.S.C. 1162 note) is amended by inserting "during the force reduction transition period" before "is entitled to separation pay".

(4) Section 1331a of title 10, United States Code, is amended—

(A) in subsection (a)(1)(B), by striking out "October 1, 1995" and inserting in lieu thereof "October 1, 1999";

(B) in subsection (a)(2), by striking out "within one year after the date of the notification referred to in paragraph (1)"; and

(C) in subsection (b), by striking out "October 1, 1995" and inserting in lieu thereof "October 1, 1999".

(g) SPECIAL SEPARATION BENEFIT.—Section 1174a(h) of title 10, United States Code, is amended by striking out "September 30, 1995" and inserting in lieu thereof "September 30, 1999".

(h) VOLUNTARY SEPARATION INCENTIVE.—Section 1175 of title 10, United States Code, is amended—

(1) in subsections (d)(3) and (h)(6), by striking out "September 30, 1995" each place it appears and inserting in lieu thereof "September 30, 1999"; and

(2) in subsection (h)(7)(A), by striking out "fiscal year 1996" and inserting in lieu thereof "fiscal year 1999".

(i) HEALTH, COMMISSARY, AND FAMILY HOUSING BENEFITS.—Sections 1145(a)(1), 1145(c)(1), 1146, and 1147(a) of title 10, United States Code, are each amended by striking out "five-year period" and inserting in lieu thereof "nine-year period".

(j) GUARD AND RESERVE AFFILIATION PREFERENCE.—Section 1150(a) of title 10, United States Code, is amended by striking out "five-year period" and inserting in lieu thereof "nine-year period".

(k) ASSISTANCE TO OBTAIN EMPLOYMENT AS TEACHER.—Section 1151(c)(1)(A) of title 10, United States Code, is amended by striking out "five-year period" and inserting in lieu thereof "seven-year period".

(l) TRAVEL AND TRANSPORTATION ALLOWANCES AND STORAGE OF BAGGAGE AND HOUSEHOLD EFFECTS FOR CERTAIN MEMBERS BEING INVOLUNTARILY SEPARATED.—(1) Sections 404(c)(1)(C), 404(f)(2)(B)(v), 406(a)(2)(B)(v), and 406(g)(1)(C) of title 37, United States Code, are each amended by striking out "five-year period" and inserting in lieu thereof "nine-year period".

(2) Section 503(c) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 37 U.S.C. 406 note) is amended by striking out "five-year period" and inserting in lieu thereof "nine-year period".

(m) WAIVER OF SERVICE REQUIREMENT FOR CERTAIN RESERVISTS UNDER MONTGOMERY GI BILL.—Section 2133(b)(1)(B) of title 10, United States Code, and section 3012(b)(1)(B)(iii) of title 38, United States Code, are each amended by striking out "September 30, 1995," and inserting in lieu thereof "September 30, 1999,".

(n) CONTINUED ENROLLMENT OF DEPENDENTS IN DEFENSE DEPENDENTS' EDUCATION SYSTEM.—Section 1407(c)(1) of the Defense Dependents' Education Act of 1978 (20 U.S.C. 926(c)(1)) is amended by striking out "five-year period" and inserting in lieu thereof "nine-year period".

(o) PROGRAM OF EDUCATIONAL LEAVE RELATING TO CONTINUING PUBLIC AND COMMUNITY SERVICE.—Section 4463(f) of the National Defense Authorization Act for Fiscal Year 1993 (106 Stat. 2741;

10 U.S.C. 1143a note) is amended by striking out "September 30, 1995" and inserting in lieu thereof "September 30, 1999".

SEC. 562. RETENTION IN AN ACTIVE STATUS OF ENLISTED RESERVES WITH BETWEEN 18 AND 20 YEARS OF SERVICE.

(a) SANCTUARY FOR RESERVE MEMBERS.—Section 1176 of title 10, United States Code, is amended by striking out subsection (b) and inserting in lieu thereof the following:

"(b) RESERVE MEMBERS IN ACTIVE STATUS.—A reserve enlisted member serving in an active status who is selected to be involuntarily separated (other than for physical disability or for cause), or whose term of enlistment expires and who is denied reenlistment (other than for physical disability or for cause), and who on the date on which the member is to be discharged or transferred from an active status is entitled to be credited with at least 18 but less than 20 years of service computed under section 1332 of this title, may not be discharged, denied reenlistment, or transferred from an active status without the member's consent before the earlier of the following:

"(1) If as of the date on which the member is to be discharged or transferred from an active status the member has at least 18, but less than 19, years of service computed under section 1332 of this title—

"(A) the date on which the member is entitled to be credited with 20 years of service computed under section 1332 of this title; or

"(B) the third anniversary of the date on which the member would otherwise be discharged or transferred from an active status.

"(2) If as of the date on which the member is to be discharged or transferred from an active status the member has at least 19, but less than 20, years of service computed under section 1332 of this title—

"(A) the date on which the member is entitled to be credited with 20 years of service computed under section 1332 of this title; or

"(B) the second anniversary of the date on which the member would otherwise be discharged or transferred from an active status.".

(b) EFFECTIVE DATE.—Subsection (b) of section 1176 of title 10, United States Code, as added by subsection (a), shall take effect as of October 23, 1992. 10 USC 1176 note.

SEC. 563. AUTHORITY TO ORDER EARLY RESERVE RETIREES TO ACTIVE DUTY.

Section 688(a) of title 10, United States Code, is amended by striking out "who has completed at least 20 years of active service" and inserting in lieu thereof "who was retired under section 1293, 3911, 3914, 6323, 8911, or 8914 of this title".

SEC. 564. APPLICABILITY TO COAST GUARD RESERVE OF CERTAIN RESERVE COMPONENTS TRANSITION INITIATIVES.

(a) APPLICABILITY OF CERTAIN BENEFITS.—The Secretary of Transportation shall prescribe such regulations as necessary so as to apply to the members of the Coast Guard Reserve the provisions of subtitle B of title XLIV of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102–484; 106 Stat. 2712), including the amendments made Regulations. 14 USC 702 note.

by those provisions. For purposes of the application of any of such provisions to the Coast Guard Reserve, any reference in those provisions to the Secretary of Defense or Secretary of a military department shall be treated as referring to the Secretary of Transportation.

14 USC 702 note.

(b) REGULATIONS.—Regulations prescribed for the purposes of this section shall to the extent practicable be identical to the regulations prescribed by the Secretary of Defense under those provisions.

(c) TEMPORARY SPECIAL RETIREMENT AUTHORITY.—Section 1331a of title 10, United States Code, is amended—

(1) in subsection (a), by striking out "Secretary of a military department" and inserting in lieu thereof "Secretary concerned"; and

(2) in subsection (c), by striking out "of the military department"; and

(3) in subsection (e), by striking out the period at the end and inserting in lieu thereof "and by the Secretary of Transportation with respect to the Coast Guard.".

Subtitle G—Other Matters

SEC. 571. POLICY CONCERNING HOMOSEXUALITY IN THE ARMED FORCES.

(a) CODIFICATION.—(1) Chapter 37 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 654. Policy concerning homosexuality in the armed forces

"(a) FINDINGS.—Congress makes the following findings:

"(1) Section 8 of article I of the Constitution of the United States commits exclusively to the Congress the powers to raise and support armies, provide and maintain a Navy, and make rules for the government and regulation of the land and naval forces.

"(2) There is no constitutional right to serve in the armed forces.

"(3) Pursuant to the powers conferred by section 8 of article I of the Constitution of the United States, it lies within the discretion of the Congress to establish qualifications for and conditions of service in the armed forces.

"(4) The primary purpose of the armed forces is to prepare for and to prevail in combat should the need arise.

"(5) The conduct of military operations requires members of the armed forces to make extraordinary sacrifices, including the ultimate sacrifice, in order to provide for the common defense.

"(6) Success in combat requires military units that are characterized by high morale, good order and discipline, and unit cohesion.

"(7) One of the most critical elements in combat capability is unit cohesion, that is, the bonds of trust among individual service members that make the combat effectiveness of a military unit greater than the sum of the combat effectiveness of the individual unit members.

"(8) Military life is fundamentally different from civilian life in that—

"(A) the extraordinary responsibilities of the armed forces, the unique conditions of military service, and the critical role of unit cohesion, require that the military community, while subject to civilian control, exist as a specialized society; and

"(B) the military society is characterized by its own laws, rules, customs, and traditions, including numerous restrictions on personal behavior, that would not be acceptable in civilian society.

"(9) The standards of conduct for members of the armed forces regulate a member's life for 24 hours each day beginning at the moment the member enters military status and not ending until that person is discharged or otherwise separated from the armed forces.

"(10) Those standards of conduct, including the Uniform Code of Military Justice, apply to a member of the armed forces at all times that the member has a military status, whether the member is on base or off base, and whether the member is on duty or off duty.

"(11) The pervasive application of the standards of conduct is necessary because members of the armed forces must be ready at all times for worldwide deployment to a combat environment.

"(12) The worldwide deployment of United States military forces, the international responsibilities of the United States, and the potential for involvement of the armed forces in actual combat routinely make it necessary for members of the armed forces involuntarily to accept living conditions and working conditions that are often spartan, primitive, and characterized by forced intimacy with little or no privacy.

"(13) The prohibition against homosexual conduct is a long-standing element of military law that continues to be necessary in the unique circumstances of military service.

"(14) The armed forces must maintain personnel policies that exclude persons whose presence in the armed forces would create an unacceptable risk to the armed forces' high standards of morale, good order and discipline, and unit cohesion that are the essence of military capability.

"(15) The presence in the armed forces of persons who demonstrate a propensity or intent to engage in homosexual acts would create an unacceptable risk to the high standards of morale, good order and discipline, and unit cohesion that are the essence of military capability.

"(b) POLICY.—A member of the armed forces shall be separated from the armed forces under regulations prescribed by the Secretary of Defense if one or more of the following findings is made and approved in accordance with procedures set forth in such regulations: Regulations.

"(1) That the member has engaged in, attempted to engage in, or solicited another to engage in a homosexual act or acts unless there are further findings, made and approved in accordance with procedures set forth in such regulations, that the member has demonstrated that—

"(A) such conduct is a departure from the member's usual and customary behavior;

"(B) such conduct, under all the circumstances, is unlikely to recur;

"(C) such conduct was not accomplished by use of force, coercion, or intimidation;

"(D) under the particular circumstances of the case, the member's continued presence in the armed forces is consistent with the interests of the armed forces in proper discipline, good order, and morale; and

"(E) the member does not have a propensity or intent to engage in homosexual acts.

"(2) That the member has stated that he or she is a homosexual or bisexual, or words to that effect, unless there is a further finding, made and approved in accordance with procedures set forth in the regulations, that the member has demonstrated that he or she is not a person who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts.

"(3) That the member has married or attempted to marry a person known to be of the same biological sex.

"(c) ENTRY STANDARDS AND DOCUMENTS.—(1) The Secretary of Defense shall ensure that the standards for enlistment and appointment of members of the armed forces reflect the policies set forth in subsection (b).

"(2) The documents used to effectuate the enlistment or appointment of a person as a member of the armed forces shall set forth the provisions of subsection (b).

"(d) REQUIRED BRIEFINGS.—The briefings that members of the armed forces receive upon entry into the armed forces and periodically thereafter under section 937 of this title (article 137 of the Uniform Code of Military Justice) shall include a detailed explanation of the applicable laws and regulations governing sexual conduct by members of the armed forces, including the policies prescribed under subsection (b).

"(e) RULE OF CONSTRUCTION.—Nothing in subsection (b) shall be construed to require that a member of the armed forces be processed for separation from the armed forces when a determination is made in accordance with regulations prescribed by the Secretary of Defense that—

"(1) the member engaged in conduct or made statements for the purpose of avoiding or terminating military service; and

"(2) separation of the member would not be in the best interest of the armed forces.

"(f) DEFINITIONS.—In this section:

"(1) The term 'homosexual' means a person, regardless of sex, who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts, and includes the terms 'gay' and 'lesbian'.

"(2) The term 'bisexual' means a person who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual and heterosexual acts.

"(3) The term 'homosexual act' means—

"(A) any bodily contact, actively undertaken or passively permitted, between members of the same sex for the purpose of satisfying sexual desires; and

"(B) any bodily contact which a reasonable person would understand to demonstrate a propensity or intent to engage in an act described in subparagraph (A).".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"654. Policy concerning homosexuality in the armed forces.".

(b) REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary of Defense shall revise Department of Defense regulations, and issue such new regulations as may be necessary, to implement section 654 of title 10, United States Code, as added by subsection (a). 10 USC 654 note.

(c) SAVINGS PROVISION.—Nothing in this section or section 654 of title 10, United States Code, as added by subsection (a), may be construed to invalidate any inquiry, investigation, administrative action or proceeding, court-martial, or judicial proceeding conducted before the effective date of regulations issued by the Secretary of Defense to implement such section 654. 10 USC 654 note.

(d) SENSE OF CONGRESS.—It is the sense of Congress that— 10 USC 654 note.

(1) the suspension of questioning concerning homosexuality as part of the processing of individuals for accession into the Armed Forces under the interim policy of January 29, 1993, should be continued, but the Secretary of Defense may reinstate that questioning with such questions or such revised questions as he considers appropriate if the Secretary determines that it is necessary to do so in order to effectuate the policy set forth in section 654 of title 10, United States Code, as added by subsection (a); and

(2) the Secretary of Defense should consider issuing guidance governing the circumstances under which members of the Armed Forces questioned about homosexuality for administrative purposes should be afforded warnings similar to the warnings under section 831(b) of title 10, United States Code (article 31(b) of the Uniform Code of Military Justice).

SEC. 572. CHANGE IN TIMING OF REQUIRED DRUG AND ALCOHOL TESTING AND EVALUATION OF APPLICANTS FOR APPOINTMENT AS CADET OR MIDSHIPMAN AND FOR ROTC GRADUATES.

Section 978(a)(3) of title 10, United States Code, is amended—

(1) in the first sentence, by striking out "during the physical examination given the applicant before such appointment" and inserting in lieu thereof "within 72 hours of such appointment"; and

(2) in the second sentence, by striking out "during the precommissioning physical examination given such person" and inserting in lieu thereof "before such an appointment is executed".

SEC. 573. REIMBURSEMENT REQUIREMENTS FOR ADVANCED EDUCATION ASSISTANCE.

(a) IN GENERAL.—Section 2005 of title 10, United States Code, is amended by adding at the end the following new subsections:

"(g)(1) In any case in which the Secretary concerned determines that a person who entered into an agreement under this section failed to complete the period of active duty specified in the agreement (or failed to fulfill any other term or condition prescribed in the agreement) and, by reason of the provision of the agreement required under subsection (a)(3), may owe a debt to the United States and in which that person disputes that such a debt is owed, the Secretary shall designate a member of the armed forces

or a civilian employee under the jurisdiction of the Secretary to investigate the facts of the case and hear evidence presented by the person who may owe the debt and other parties, as appropriate, in order to determine the validity of the debt. That official shall report the official's findings and recommendations to the Secretary concerned. If the justification for the debt investigated includes an allegation of misconduct, the investigating official shall state in the report the official's assessment as to whether the individual behavior that resulted in the separation of the person who may owe the debt qualifies as misconduct under subsection (a)(3).

"(2) The Secretary of each military department shall ensure that a member of the armed forces who may be subject to a reimbursement requirement under this section is advised of such requirement before (1) submitting a request for voluntary separation, or (2) making a decision on a course of action regarding personal involvement in administrative, nonjudicial, and judicial action resulting from alleged misconduct.

"(h) The Secretary concerned may, at any time before October 1, 1998, modify an agreement described in subsection (a) to reduce the active duty service obligation specified in the agreement if the Secretary determines that it is in the best interests of the United States to do so. In such a case, the Secretary shall reduce the amount required to be reimbursed to the United States proportionately with the reduction in the period of obligated active duty service.".

10 USC 2005 note.

(b) EFFECTIVE DATES.—(1) Subsection (g) of section 2005 of title 10, United States Code, as added by subsection (a), shall apply with respect to persons separated from the Armed Forces after the end of the six-month period beginning on the date of the enactment of this Act.

(2) Subsection (h) of such section, as added by subsection (a), shall apply with respect to persons separated from the Armed Forces after the date of the enactment of this Act.

SEC. 574. RECOGNITION BY STATES OF MILITARY POWERS OF ATTORNEY.

(a) IN GENERAL.—Chapter 53 of title 10, United States Code, is amended by inserting after section 1044a the following new section:

"§ 1044b. Military powers of attorney: requirement for recognition by States

"(a) INSTRUMENTS TO BE GIVEN LEGAL EFFECT WITHOUT REGARD TO STATE LAW.—A military power of attorney—

"(1) is exempt from any requirement of form, substance, formality, or recording that is provided for powers of attorney under the laws of a State; and

"(2) shall be given the same legal effect as a power of attorney prepared and executed in accordance with the laws of the State concerned.

"(b) MILITARY POWER OF ATTORNEY.—For purposes of this section, a military power of attorney is any general or special power of attorney that is notarized in accordance with section 1044a of this title or other applicable State or Federal law.

Regulations.

"(c) STATEMENT TO BE INCLUDED.—(1) Under regulations prescribed by the Secretary concerned, each military power of attorney

shall contain a statement that sets forth the provisions of subsection (a).

"(2) Paragraph (1) shall not be construed to make inapplicable the provisions of subsection (a) to a military power of attorney that does not include a statement described in that paragraph.

"(d) STATE DEFINED.—In this section, the term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, and a possession of the United States.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1044a the following:

"1044b. Military powers of attorney: requirement for recognition by States.".

SEC. 575. FOREIGN LANGUAGE PROFICIENCY TEST PROGRAM. 10 USC 113 note.

(a) TEST PROGRAM.—The Secretary of Defense shall develop and carry out a test program for improving foreign language proficiency in the Department of Defense through improved management and other measures. The test program shall be designed to evaluate the findings and recommendations of—

(1) the June 1993 inspection report of the Inspector General of the Department of Defense on the Defense Foreign Language Program (report numbered 93–INS–10);

(2) the report of the Sixth Quadrennial Review of Military Compensation (August 1988); and

(3) any other recent study of the foreign language proficiency program of the Department of Defense.

(b) EVALUATION OF PRIOR RECOMMENDATIONS.—The test program shall include an evaluation of the following possible changes to current practice identified in the reports referred to in subsection (a):

(1) Management of linguist billets and personnel for the active and reserve components from a Total Force perspective.

(2) Improvement of linguist training programs, both resident and nonresident, to provide greater flexibility, to accommodate missions other than signals intelligence, and to improve the provision of resources for nonresident programs.

(3) Centralized responsibility within the Office of the Secretary of Defense to provide coordinated oversight of all foreign language issues and programs, including a centralized process for determination, validation, and documentation of foreign language requirements for different services and missions.

(4) Revised policies of each of the military departments to foster maintenance of highly perishable linguistic skills through improved management of the careers of language-trained personnel, including more effective use of language skills, improved career opportunities within the linguistics field, and specific linkage of language proficiency to promotions.

(5) In the case of language-trained members of the reserve components—

(A) the use of additional training assemblies (ATAs) as a means of sustaining linguistic proficiency and enhancing retention; and

(B) the use of larger enlistment and reenlistment bonuses, Special Duty Assignment Pay, and educational incentives.

(6) Such other management changes as the Secretary may consider necessary.

(c) EVALUATION OF ADJUSTMENT IN FOREIGN LANGUAGE PROFICIENCY PAY.—(1) The Secretary shall include in the test program an evaluation of adjustments in foreign language proficiency pay for active and reserve component personnel (which may be adjusted for purposes of the test program without regard to section 316(b) of title 37, United States Code).

(2) Before any adjustment in foreign language proficiency pay is included in the test program as authorized by paragraph (1), the Secretary shall submit to the committees named in subsection (d)(2) the following information related to proficiency pay adjustments:

(A) The response of the Secretary to the findings of the Inspector General in the report on the Defense Foreign Language Program referred to in subsection (a)(1), specifically including the following matters raised in that report:

(i) Inadequate centralized oversight of planning, policy, roles, responsibilities, and funding for foreign language programs.

(ii) Inadequate management and validation of the requirements process for foreign language programs.

(iii) Inadequate uniform career management of language-trained personnel, including failure to take sufficient advantage of language skills and to recoup investment of training dollars.

(iv) Inadequate training programs, both resident and nonresident.

(B) The current manning of linguistic billets (shown by service, by active or reserve component, and by career field).

(C) The rates of retention in the service for language-trained personnel (shown by service, by active or reserve component, and by career field).

(D) The rates of retention by career field for language-trained personnel (shown by service and by active or reserve component).

(E) The rates of language proficiency for personnel serving in linguistic billets (shown by service, by active or reserve component, and by career field).

(F) Trends in performance ratings for personnel serving in linguistic billets (shown by service, by active or reserve component, and by career field).

(G) Promotion rates for personnel serving in linguistic billets (shown by service, by active or reserve component, and by career field).

(H) The estimated cost of foreign language proficiency pay as proposed to be paid at the adjusted rates for the test program under paragraph (1)—

(i) for each year of the test program; and

(ii) for five years, if those rates are subsequently applied to the entire Department of Defense.

(3) The rates for adjusted foreign language proficiency pay as proposed to be paid for the test program under paragraph (1) may not take effect for the test program unless the senior official responsible for personnel matters in the Office of the Secretary of Defense determines that—

(A) the foreign language proficiency pay levels established for the test program are consistent with proficiency pay levels for other functions throughout the Department of Defense; and

(B) the terms and conditions for receiving foreign language proficiency pay conform to current policies and practices within the Department of Defense.

(d) REPORT ON PLAN FOR TEST PROGRAM.—(1) The Secretary of Defense shall submit to the committees named in paragraph (2) a report containing a plan for the test program required in subsection (a), an explanation of the plan, and a discussion of the matters stated in subsection (c)(2). The report shall be submitted not later than April 1, 1994.

(2) The committees referred to in paragraph (1) are—

(A) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives; and

(B) the Committee on Armed Services and the Select Committee on Intelligence of the Senate.

(e) PERIOD OF TEST PROGRAM.—(1) The test program required by subsection (a) shall begin on October 1, 1994. However, if the report required by subsection (d) is not submitted by the date specified in that subsection for the submission of the report, the test program shall begin at the end of a period of 180 days (as computed under paragraph (2)) beginning on the date on which such report is submitted.

(2) For purposes of paragraph (1), days on which either House is not in session because of an adjournment of more than 3 days to a day certain or because of an adjournment sine die shall be excluded in the computation of such 180-day period.

(3) The test program shall terminate two years after it begins.

SEC. 576. CLARIFICATION OF PUNITIVE UCMJ ARTICLE REGARDING DRUNKEN DRIVING.

(a) CLARIFICATION.—Paragraph (2) of section 911 of title 10, United States Code (article 111 of the Uniform Code of Military Justice), is amended by inserting "or more" after "0.10 grams" both places such term appears.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the amendment to section 911 of title 10, United States Code, made by section 1066(a)(1) of Public Law 102-484 on October 23, 1992. 10 USC 911 note.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

SEC. 601. MILITARY PAY RAISE FOR FISCAL YEAR 1994. 37 USC 1009 note.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—Any adjustment required by section 1009 of title 37, United States Code, in elements of compensation of members of the uniformed services to become effective during fiscal year 1994 shall not be made.

(b) INCREASE IN BASIC PAY, BAS, AND BAQ.—Effective on January 1, 1994, the rates of basic pay, basic allowance for subsistence, and basic allowance for quarters of members of the uniformed services are increased by 2.2 percent.

SEC. 602. CONTINUATION OF RATE OF BASIC PAY APPLICABLE TO CERTAIN MEMBERS WITH OVER 24 YEARS OF SERVICE.

(a) CONTINUATION OF RATE.—Section 4402 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2701; 37 U.S.C. 1009 note) is amended—

(1) in subsection (a)—

(A) by striking out "TEMPORARY" in the subsection heading; and

(B) by striking out "**Temporary**" in the heading of the table; and

(2) in subsection (b)—

(A) by striking out "TEMPORARY" in the subsection heading; and

(B) by striking out "December 31, 1992," and all that follows through the period at the end and inserting in lieu thereof "December 31, 1992.".

(b) CONFORMING AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"SEC. 4402. RATE OF BASIC PAY APPLICABLE TO CERTAIN MEMBERS WITH OVER 24 YEARS OF SERVICE.".

(2) The item relating to such section in the table of contents in section 2(b) of such Act (Public Law 102–484; 106 Stat. 2329) is amended to read as follows:

"Sec. 4402. Rate of basic pay applicable to certain members with over 24 years of service.".

SEC. 603. PAY FOR STUDENTS AT SERVICE ACADEMY PREPARATORY SCHOOLS.

(a) RATES OF PAY.—Section 203 of title 37, United States Code, is amended by adding at the end the following new subsection:

"(e)(1) A student at the United States Military Academy Preparatory School, the United States Naval Academy Preparatory School, or the United States Air Force Academy Preparatory School who was selected to attend the preparatory school from civilian life is entitled to monthly student pay at the same rate as provided for cadets and midshipmen under subsection (c).

"(2) A student at a preparatory school referred to in paragraph (1) who, at the time of the student's selection to attend the preparatory school, was an enlisted member of the uniformed services on active duty for a period of more than 30 days shall continue to receive monthly basic pay at the rate prescribed for the student's pay grade and years of service as an enlisted member.

"(3) The monthly student pay of a student described in paragraph (1) shall be treated for purposes of the accrual charge for the Department of Defense Military Retirement Fund established under section 1461 of title 10 in the same manner as monthly cadet pay or midshipman pay under subsection (c).".

37 USC 203 note.

(b) APPLICATION OF AMENDMENT.—The amendment made by subsection (a) shall apply with respect to students entering the United States Military Academy Preparatory School, the United States Naval Academy Preparatory School, or the United States Air Force Academy Preparatory School on or after the date of the enactment of this Act.

SEC. 604. VARIABLE HOUSING ALLOWANCE FOR CERTAIN MEMBERS WHO ARE REQUIRED TO PAY CHILD SUPPORT AND WHO ARE ASSIGNED TO SEA DUTY.

Section 403a(b)(2) of title 37, United States Code, is amended—

(1) in subparagraph (A), by striking out "or"; and

(2) in subparagraph (B), by inserting "or" after the semicolon; and

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

"(C) the member is assigned to sea duty and elects not to occupy assigned quarters for unaccompanied personnel, unless the member is in a pay grade above E–6;".

SEC. 605. EVACUATION ADVANCE PAY.

(a) DESIGNATION OF EVACUATION LOCATION.—Section 1006(c) of title 37, United States Code, is amended by striking out "the President" in the first sentence and inserting in lieu thereof "the Secretary of Defense".

(b) TREATMENT OF HOMESTEAD AIR FORCE BASE EVACUATION.—The advance payments of pay for permanent change of station that were received by members of the uniformed services who were evacuated in August 1992 from Homestead Air Force Base, Florida, because of Hurricane Andrew, shall be treated as having been paid as evacuation advance pay under the authority of section 1006(c) of title 37, United States Code.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. EXTENSION OF AUTHORITY FOR BONUSES AND SPECIAL PAY FOR NURSE OFFICER CANDIDATES, REGISTERED NURSES, AND NURSE ANESTHETISTS.

(a) NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking out "September 30, 1993," and inserting in lieu thereof "September 30, 1995,".

(b) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a)(1) of title 37, United States Code, is amended by striking out "September 30, 1993," and inserting in lieu thereof "September 30, 1995,".

(c) INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a)(1) of title 37, United States Code, is amended by striking out "September 30, 1993," and inserting in lieu thereof "September 30, 1995,".

(d) COVERAGE OF PERIOD OF LAPSED AGREEMENT AUTHORITY.— 10 USC 2130a note.
(1) In the case of a person described in paragraph (2) who executes an agreement described in paragraph (3) during the 90-day period beginning on the date of the enactment of this Act, the Secretary concerned may treat the agreement for purposes of the accession bonus, monthly stipend, or special pay authorized under the agreement as having been executed and accepted on the first date on which the person would have qualified for such an agreement had the amendments made by this section taken effect on October 1, 1993.

(2) A person referred to in paragraph (1) is a person described in section 2130a(b) of title 10, United States Code, or section 302d(a)(1) or 302e(b) of title 37, United States Code, who, during

the period beginning on October 1, 1993, and ending on the date of the enactment of this Act, would have qualified for an agreement described in paragraph (3) had the amendments made by this section taken effect on October 1, 1993.

(3) An agreement referred to in this subsection is an agreement with the Secretary concerned that is a condition for the payment of an accession bonus and monthly stipend under section 2130a of title 10, United States Code, an accession bonus under section 302d of title 37, United States Code, or incentive special pay under section 302e of title 37, United States Code.

(4) For purposes of this subsection, the term "Secretary concerned" has the meaning given that term in section 101(5) of title 37, United States Code.

SEC. 612. EXTENSION AND MODIFICATION OF CERTAIN BONUSES FOR RESERVE FORCES.

(a) SELECTED RESERVE REENLISTMENT BONUS.—Section 308b(f) of title 37, United States Code, is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(b) SELECTED RESERVE ENLISTMENT BONUS.—Section 308c of title 37, United States Code, is amended—

(1) in subsection (b)—

(A) by striking out "$2,000" in the material preceding paragraph (1) and inserting in lieu thereof "$5,000"; and

(B) in paragraph (1), by striking out "one-half of the bonus shall be paid" and inserting in lieu thereof "an amount not to exceed one-half of the bonus may be paid";

(2) in subsection (e), by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995"; and

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

"(f) The total amount of expenditures under this section may not exceed $37,024,000 during fiscal year 1994.".

(c) SELECTED RESERVE AFFILIATION BONUS.—Section 308e of title 37, United States Code, is amended—

(1) in subsection (c)—

(A) in paragraph (2), by striking out "fifth anniversary" in the second sentence and inserting in lieu thereof "sixth anniversary"; and

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

"(3) In lieu of the procedures set out in paragraph (2), the Secretary concerned may pay the bonus in monthly installments in such amounts as may be determined by the Secretary. Monthly payments under this paragraph shall begin after the first month of satisfactory service of the person and are payable only for those months in which the person serves satisfactorily. Satisfactory service shall be determined under regulations prescribed by the Secretary of Defense."; and

Regulations.

(2) in subsection (e), by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(d) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS.—Section 308h(g) of title 37, United States Code, is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(e) PRIOR SERVICE ENLISTMENT BONUS.—Section 308i(i) of title 37, United States Code, is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(f) APPLICATION OF CERTAIN AMENDMENTS.—The amendments made by subsections (a), (b), (d), and (e) shall take effect as of September 30, 1993, and shall apply with respect to an enlistment, reenlistment, or extension of an enlistment described in section 308b, 308c, 308h, or 308i of title 37, United States Code, occurring on or after that date.

Effective date. 37 USC 308b note.

(g) COVERAGE OF PERIOD OF LAPSED AGREEMENT AUTHORITY.—(1) In the case of a person described in paragraph (2) who executes a reserve affiliation agreement under section 308e of title 37, United States Code, during the 90-day period beginning on the date of the enactment of this Act, the Secretary of the military department concerned may treat the agreement for purposes of the bonus authorized under such section as having been executed and accepted on the first date on which the person would have qualified for such an agreement had the amendment made by subsection (c)(2) taken effect on October 1, 1993.

37 USC 308e note.

(2) A person referred to in paragraph (1) is a person described in section 308e(a) of title 37, United States Code, who, during the period beginning on October 1, 1993, and ending on the date of the enactment of this Act, would have qualified for a reserve affiliation agreement under such section had the amendment made by subsection (c)(2) taken effect on October 1, 1993.

SEC. 613. EXTENSION OF AUTHORITY RELATING TO PAYMENT OF OTHER BONUSES AND SPECIAL PAYS.

(a) AVIATION OFFICER RETENTION BONUS.—Section 301b(a) of title 37, United States Code, is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1994".

(b) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of title 37, United States Code, is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(c) ENLISTMENT BONUS FOR CRITICAL SKILLS.—Section 308a(c) of title 37, United States Code, is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(d) SPECIAL PAY FOR ENLISTED MEMBERS OF THE SELECTED RESERVE ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section 308d(c) of title 37, United States Code, is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(e) ARMY ENLISTMENT BONUS.—Section 308f(c) of title 37, United States Code, is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1995".

(f) REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.—Section 2172(d) of title 10, United States Code, is amended by striking out "October 1, 1993" and inserting in lieu thereof "October 1, 1995".

(g) SPECIAL PAY FOR CRITICALLY SHORT WARTIME HEALTH SPECIALISTS IN THE SELECTED RESERVES.—Section 613(d) of the National Defense Authorization Act, Fiscal Year 1989 (37 U.S.C. 302 note), is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(h) APPLICATION OF CERTAIN AMENDMENTS.—(1) The amendments made by subsections (b) and (c) shall take effect as of September 30, 1993, and shall apply with respect to an enlistment, reenlistment, or extension of an enlistment described in section

37 USC 308 note.

308 or 308a of title 37, United States Code, occurring on or after that date.

37 USC 308d note.

(2) The amendment made by subsection (d) shall take effect as of September 30, 1993, and shall apply with respect to inactive duty for training performed after that date for which special pay is authorized under section 308d of title 37, United States Code.

Effective date. 37 USC 308f note.

(3) The amendment made by subsection (e) shall take effect as of September 30, 1992, and shall apply with respect to an enlistment in the Army described in section 308f of title 37, United States Code, occurring on or after that date.

37 USC 301b note.

(i) COVERAGE OF PERIOD OF LAPSED AGREEMENT AUTHORITY.—(1) In the case of an officer described in paragraph (2) who executes an agreement described in paragraph (3) during the 90-day period beginning on the date of the enactment of this Act, the Secretary concerned may treat the agreement for purposes of the retention bonus or special pay authorized under the agreement as having been executed and accepted on the first date on which the officer would have qualified for such an agreement had the amendments made by subsections (a) and (g) taken effect on October 1, 1993.

(2) An officer referred to in paragraph (1) is an officer described in section 301b(b) of title 37, United States Code, or in section 613(a)(2) of the National Defense Authorization Act, Fiscal Year 1989 (37 U.S.C. 302 note), who, during the period beginning on October 1, 1993, and ending on the date of the enactment of this Act, would have qualified for an agreement described in paragraph (3) had the amendments made by subsections (a) and (g) taken effect on October 1, 1993.

(3) An agreement referred to in this subsection is a service agreement with the Secretary concerned that is a condition for the payment of a retention bonus under section 301b of title 37, United States Code, or special pay under section 613 of the National Defense Authorization Act, Fiscal Year 1989 (37 U.S.C. 302 note).

(4) For purposes of this subsection, the term "Secretary concerned" has the meaning given that term in section 101(5) of title 37, United States Code.

Subtitle C—Travel and Transportation Allowances

SEC. 621. REIMBURSEMENT OF TEMPORARY LODGING EXPENSES.

(a) PERIODS COVERED.—Subsection (a) of section 404a of title 37, United States Code, is amended—

(1) in the second sentence, by striking out "four days" and inserting in lieu thereof "10 days"; and

(2) in the third sentence, by striking out "two days" and inserting in lieu thereof "five days".

(b) REPEAL OF SUPERSEDED AUTHORITY.—Subsection (d) of such section is repealed.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on April 1, 1994.

SEC. 622. PAYMENT OF LOSSES INCURRED OR COLLECTION OF GAINS REALIZED DUE TO FLUCTUATIONS IN FOREIGN CURRENCY IN CONNECTION WITH HOUSING MEMBERS IN PRIVATE HOUSING ABROAD.

(a) PAYMENT OR COLLECTION AUTHORIZED.—Section 405(d) of title 37, United States Code, is amended to read as follows:

"(d)(1) In the case of a member of the uniformed services authorized to receive a per diem allowance under subsection (a), the Secretary concerned may make a lump-sum payment for nonrecurring expenses—

"(A) incurred by the member in occupying private housing outside of the United States; and

"(B) authorized or approved under regulations prescribed by the Secretary concerned.

"(2) Nonrecurring expenses for which a member may be reimbursed under paragraph (1) may include losses sustained by the member on the refund of a rental deposit (or other deposit made by the member to secure housing) as a result of fluctuations in the relative value of the currencies of the United States and the foreign country in which such housing is located.

"(3) The Secretary concerned shall recoup the full amount of a refunded deposit referred to in paragraph (2) that was paid by the United States, including any gain resulting from a fluctuation in currency values referred to in that paragraph.

"(4) Expenses for which payments are made under this subsection may not be considered for purposes of determining the per diem allowance of the member under subsection (a).".

(b) APPLICATION OF AMENDMENT.—The amendment made by subsection (a) shall apply with respect to nonrecurring expenses and currency fluctuation gains described in section 405(d) of title 37, United States Code, that are incurred by members of the uniformed services on or after October 1, 1993. 37 USC 405 note.

Subtitle D—Other Matters

SEC. 631. REVISION OF DEFINITION OF DEPENDENTS FOR PURPOSES OF ALLOWANCES.

(a) EXPANSION OF DEFINITION.—Section 401(a) of title 37, United States Code, is amended by adding at the end the following new paragraph:

"(4) An unmarried person who—

"(A) is placed in the legal custody of the member as a result of an order of a court of competent jurisdiction in the United States (or Puerto Rico or a possession of the United States) for a period of at least 12 consecutive months;

"(B) either—

"(i) has not attained the age of 21;

"(ii) has not attained the age of 23 years and is enrolled in a full time course of study at an institution of higher learning approved by the Secretary concerned; or

"(iii) is incapable of self support because of a mental or physical incapacity that occurred while the person was considered a dependent of the member or

former member under this paragraph pursuant to clause (i) or (ii);

"(C) is dependent on the member for over one-half of the person's support;

"(D) resides with the member unless separated by the necessity of military service or to receive institutional care as a result of disability or incapacitation or under such other circumstances as the Secretary concerned may by regulation prescribe; and

"(E) is not a dependent of a member under any other paragraph.".

37 USC 401 note.

(b) APPLICATION OF AMENDMENT.—Section 401(a)(4) of title 37, United States Code, as added by subsection (a), shall apply with respect to determinations of dependency made on or after July 1, 1994.

SEC. 632. CLARIFICATION OF ELIGIBILITY FOR TUITION ASSISTANCE.

Section 2007 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(d) Subsection (c)(3) may not be construed to prohibit the Secretary of a military department from exercising any authority that the Secretary may have to pay charges of an educational institution (within the limits set forth in subsection (a)) in the case of—

"(1) a warrant officer on active duty or full-time National Guard duty;

"(2) a commissioned officer on full-time National Guard duty; or

"(3) a commissioned officer on active duty who satisfies the condition in subsection (a)(3) relating to an agreement to remain on active duty.".

SEC. 633. SENSE OF CONGRESS REGARDING THE PROVISION OF EXCESS LEAVE AND PERMISSIVE TEMPORARY DUTY FOR MEMBERS FROM OUTSIDE THE CONTINENTAL UNITED STATES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should ensure that a member of the Armed Forces whose home of record is outside the continental United States and who is stationed inside the continental United States at the time of the separation of the member will be eligible to receive the same amount of excess leave or permissive temporary duty under section 1149 of title 10, United States Code, as a member who is stationed overseas.

(b) DEFINITION.—For purposes of this section, the term "continental United States" means the 48 contiguous States and the District of Columbia.

SEC. 634. SPECIAL PAY FOR CERTAIN DISABLED MEMBERS.

(a) SPECIAL PAY FOR CERTAIN DISABLED MEMBERS.—A person who has a service-connected disability rated as total may be paid special pay under this section if the person is entitled to emergency officers', regular, or reserve retirement pay based solely on—

(1) the person's age;

(2) the length of the person's service in the uniformed services; or

(3) both the person's age and the length of such service.

(b) AMOUNT OF SPECIAL PAY.—The amount of special pay that may be paid a person under subsection (a) for any month may not exceed the monthly amount of the compensation that is paid such person under laws administered by the Secretary of Veterans Affairs.

(c) FUNDING.—The cost of the special pay authorized to be paid under this section shall be paid out of funds available to the Department of Defense for travel of personnel of the Department of Defense in positions within the Office of the Secretary of Defense, the Office of the Secretary of the Army, the Office of the Secretary of the Navy, and the Office of the Secretary of the Air Force.

(d) DEFINITIONS.—In this section, the terms "compensation" and "service-connected" have the meanings given such terms in section 101 of title 38, United States Code.

(e) EFFECTIVE DATE.—(1) Except as provided in paragraph (2), this section shall take effect on January 1, 1994.

(2) This section shall not take effect if, before January 1, 1994, the Secretary of Defense submits to the Committees on Armed Services of the Senate and House of Representatives the report required by section 641 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2424).

(f) APPLICABILITY.—(1) Except as provided in paragraph (2), this section shall apply to months that begin on or after the effective date of this section.

(2) This section shall not be effective for months that begin after September 30, 1994.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Health Care Services

SEC. 701. PRIMARY AND PREVENTIVE HEALTH CARE SERVICES FOR WOMEN.

(a) FEMALE MEMBERS AND RETIREES OF THE UNIFORMED SERVICES.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1074c the following new section:

"§ 1074d. Primary and preventive health care services for women

"(a) SERVICES AVAILABLE.—Female members and former members of the uniformed services entitled to medical care under section 1074 or 1074a of this title shall also be entitled to primary and preventive health care services for women as part of such medical care.

"(b) DEFINITION.—In this section, the term 'primary and preventive health care services for women' means health care services, including related counseling services, provided to women with respect to the following:

"(1) Papanicolaou tests (pap smear).

"(2) Breast examinations and mammography.

"(3) Comprehensive obstetrical and gynecological care, including care related to pregnancy and the prevention of pregnancy.

"(4) Infertility and sexually transmitted diseases, including prevention.

"(5) Menopause, including hormone replacement therapy and counseling regarding the benefits and risks of hormone replacement therapy.

"(6) Physical or psychological conditions arising out of acts of sexual violence.

"(7) Gynecological cancers.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1074c the following new item:

"1074d. Primary and preventive health care services for women.".

(b) FEMALE DEPENDENTS.—Section 1077(a) of such title is amended by adding at the end the following new paragraph:

"(13) Primary and preventive health care services for women (as defined in section 1074d(b) of this title).".

SEC. 702. REVISION OF DEFINITION OF DEPENDENTS FOR PURPOSES OF HEALTH BENEFITS.

(a) EXPANSION OF DEFINITION.—Section 1072(2) of title 10, United States Code, is amended—

(1) in subparagraph (G), by striking out "; and" and inserting in lieu thereof a semicolon;

(2) in subparagraph (H), by striking out the period and inserting in lieu thereof "; and"; and

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

"(I) an unmarried person who—

"(i) is placed in the legal custody of the member or former member as a result of an order of a court of competent jurisdiction in the United States (or a Territory or possession of the United States) for a period of at least 12 consecutive months;

"(ii) either—

"(I) has not attained the age of 21;

"(II) has not attained the age of 23 and is enrolled in a full time course of study at an institution of higher learning approved by the administering Secretary; or

"(III) is incapable of self support because of a mental or physical incapacity that occurred while the person was considered a dependent of the member or former member under this subparagraph pursuant to subclause (I) or (II);

"(iii) is dependent on the member or former member for over one-half of the person's support;

"(iv) resides with the member or former member unless separated by the necessity of military service or to receive institutional care as a result of disability or incapacitation or under such other circumstances as the administering Secretary may by regulation prescribe; and

"(v) is not a dependent of a member or a former member under any other subparagraph.".

10 USC 1072 note.

(b) APPLICATION OF AMENDMENT.—Section 1072(2)(I) of title 10, United States Code, as added by subsection (a), shall apply with respect to determinations of dependency made on or after July 1, 1994.

SEC. 703. AUTHORIZATION TO EXPAND ENROLLMENT IN THE DEPENDENTS' DENTAL PROGRAM TO CERTAIN MEMBERS RETURNING FROM OVERSEAS ASSIGNMENTS.

10 USC 1076a note.

(a) AUTHORITY TO EXPAND PROGRAM.—After March 31, 1994, the Secretary of Defense may expand the dependents' dental program established under section 1076a of title 10, United States Code, to permit a member of the uniformed services described in subsection (b) to enroll dependents described in subsection (a) of such section in a dental benefits plan under the program without regard to the length of the uncompleted portion of the member's period of obligated service.

(b) COVERED MEMBERS.—A member referred to in subsection (a) is a member of the uniformed services who is—

(1) on active duty for a period of more than 30 days (as defined in section 101(d)(2) of title 10, United States Code); and

(2) reassigned from a permanent duty station where a dental benefits plan under the dependents' dental program is not available to a permanent duty station where such a plan is available.

(c) REPORT ON ADVISABILITY OF EXPANSION.—Not later than February 28, 1994, the Secretary shall submit to Congress a report evaluating the advisability of expanding the enrollment eligibility of members of the uniformed services in the dependents' dental program in the manner authorized in subsection (a). The report shall include an analysis of the cost implications for such an expansion to the Federal Government, beneficiaries under the dependents' dental program, and contractors under the program.

(d) NOTIFICATION OF EXERCISE OF AUTHORITY.—The Secretary shall notify Congress of any decision to expand the enrollment eligibility of dependents in the dependents' dental program as provided in subsection (a) not later than 30 days before such expansion takes effect.

SEC. 704. AUTHORIZATION TO APPLY SECTION 1079 PAYMENT RULES FOR THE SPOUSE AND CHILDREN OF A MEMBER WHO DIES WHILE ON ACTIVE DUTY.

10 USC 1086 note.

(a) AUTHORITY TO USE SECTION 1079 PAYMENT RULES.—In the case of a dependent described in subsection (b) of a member of a uniformed service who died while on active duty for a period of more than 30 days, the administering Secretary may apply the payment provisions set forth in section 1079(b) of title 10, United States Code (in lieu of the payment provisions set forth in section 1086(b) of such title), with respect to health benefits received by the dependent under section 1086 of such title in connection with an illness or medical condition for which the dependent was receiving treatment under chapter 55 of such title at the time of the death of the member.

(b) ELIGIBLE DEPENDENTS DESCRIBED.—A dependent referred to in this section is a dependent who—

(1) is the unremarried widow, unremarried widower, or child of a member of a uniformed service who died on or after January 1, 1993, while on active duty for a period of more than 30 days; and

(2) was a covered beneficiary under chapter 55 of title 10, United States Code, at the time of the death of the member by reason of being the spouse or child of the member.

(c) PERIOD OF APPLICATION OF SPECIAL PAYMENT RULE.—The special payment rule authorized by subsection (a) for a dependent described in subsection (b) shall expire upon the earlier of—

(1) the end of the one-year period beginning on the date of the death of the member; and

(2) the termination of the illness or condition for which the dependent was receiving treatment under chapter 55 of title 10, United States Code, at the time of the death of the member.

(d) DEFINITIONS.—For purposes of this section, the term "administering Secretary" means—

(1) the Secretary of Defense, with respect to the Armed Forces under the jurisdiction of the Secretary;

(2) the Secretary of Transportation, with respect to the Coast Guard when the Coast Guard is not operating as a service in the Navy; and

(3) the Secretary of Health and Human Services with respect to the National Oceanic and Atmospheric Administration and the Public Health Service.

Subtitle B—Changes to Existing Laws Regarding Health Care Management

SEC. 711. CODIFICATION OF CHAMPUS PEER REVIEW ORGANIZATION PROGRAM PROCEDURES.

Section 1079 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(o)(1) Health care services provided pursuant to this section or section 1086 of this title (or pursuant to any other contract or project under the Civilian Health and Medical Program of the Uniformed Services) may not include services determined under the CHAMPUS Peer Review Organization program to be not medically or psychologically necessary.

"(2) The Secretary of Defense, after consulting with the other administering Secretaries, may adopt or adapt for use under the CHAMPUS Peer Review Organization program, as the Secretary considers appropriate, any of the quality and utilization review requirements and procedures that are used by the Peer Review Organization program under part B of title XI of the Social Security Act (42 U.S.C. 1320c et seq.).".

SEC. 712. INCREASED FLEXIBILITY FOR PERSONAL SERVICE CONTRACTS IN MILITARY MEDICAL TREATMENT FACILITIES.

(a) PERSONAL SERVICES CONTRACTS AUTHORIZED.—(1) Section 1091 of title 10, United States Code, is amended to read as follows:

"§ 1091. Personal services contracts

"(a) AUTHORITY.—The Secretary of Defense may enter into personal services contracts to carry out health care responsibilities in medical treatment facilities of the Department of Defense, as determined to be necessary by the Secretary. The authority provided in this subsection is in addition to any other contract authorities of the Secretary, including authorities relating to the management of such facilities and the administration of this chapter.

"(b) LIMITATION ON AMOUNT OF COMPENSATION.—In no case may the total amount of compensation paid to an individual in

any year under a personal services contract entered into under subsection (a) exceed the amount of annual compensation (excluding the allowances for expenses) specified in section 102 of title 3.

"(c) PROCEDURES.—(1) The Secretary shall establish by regulation procedures for entering into personal services contracts with individuals under subsection (a). At a minimum, such procedures shall assure— Regulations.

"(A) the provision of adequate notice of contract opportunities to individuals residing in the area of the medical treatment facility involved; and

"(B) consideration of interested individuals solely on the basis of the qualifications established for the contract and the proposed contract price.

"(2) Upon the establishment of the procedures under paragraph (1), the Secretary may exempt contracts covered by this section from the competitive contracting requirements specified in section 2304 of this title or any other similar requirements of law.

"(d) EXCEPTIONS.—The procedures and exemptions provided under subsection (c) shall not apply to personal services contracts entered into under subsection (a) with entities other than individuals or to any contract that is not an authorized personal services contract under subsection (a).".

(2) The item relating to section 1091 in the table of sections at the beginning of chapter 55 of title 10, United States Code, is amended to read as follows:

"1091. Personal services contracts.".

(b) REPORT REQUIRED.—Not later than 30 days after the end of the 180-day period beginning on the date on which the Secretary of Defense first uses the authority provided under section 1091 of title 10, United States Code (as amended by subsection (a)(1)), the Secretary shall submit to Congress a report specifying— 10 USC 1091 note.

(1) the compensation, by medical specialty, provided by the Secretary to individuals agreeing to enter into a personal services contract under such section during that period;

(2) the extent to which the amounts of such compensation exceed the amounts previously provided by the Secretary for individuals in such medical specialties;

(3) the total number and medical specialties of individuals serving in military medical treatment facilities during that period pursuant to such a contract; and

(4) the number of such individuals (and their medical specialties) who are receiving compensation under such a contract in an amount in excess of the maximum amount authorized under such section, as such section was in effect on the day before the date of the enactment of this Act.

SEC. 713. EXPANSION OF THE PROGRAM FOR THE COLLECTION OF HEALTH CARE COSTS FROM THIRD-PARTY PAYERS.

(a) COLLECTION CHANGES.—Subsection (g) of section 1095 of title 10, United States Code, is amended—

(1) by inserting after "collected under this section from a third party payer" the following: "or under any other provision of law from any other payer"; and

(2) by inserting before the period the following: "and shall not be taken into consideration in establishing the operating budget of the facility".

(b) DEFINITIONS.—Subsection (h) of such section is amended—

(1) in paragraph (2), by inserting after "includes" the following: "a preferred provider organization and"; and

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

"(3) The term 'health care services' includes products provided or purchased through a facility of the uniformed services.".

(c) REPORT ON COLLECTIONS.—Subsection (g) of such section (as amended by subsection (a)) is further amended—

(1) by inserting "(1)" after "(g)"; and

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

"(2) Not later than February 15 of each year, the Secretary of Defense shall submit to Congress a report specifying for each facility of the uniformed services the amount credited to the facility under this subsection during the preceding fiscal year.".

SEC. 714. ALTERNATIVE RESOURCE ALLOCATION METHOD FOR MEDICAL FACILITIES OF THE UNIFORMED SERVICES.

(a) INCLUSION OF CAPITATION METHOD.—Section 1101 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking out "DRGs" in the subsection heading and inserting in lieu thereof "CAPITATION OR DRG METHOD"; and

(B) by inserting "capitation or" before "diagnosis-related groups";

(2) in subsection (b), by striking out "Diagnosis-related groups" and inserting in lieu thereof "Capitation or diagnosis-related groups"; and

(3) in subsection (c)—

(A) by striking out "shall" both places it appears and inserting in lieu thereof "may"; and

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

"(4) An appropriate method for calculating or estimating the annual per capita costs of providing comprehensive health care services to members of the uniformed services on active duty and covered beneficiaries.".

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§ 1101. Resource allocation methods: capitation or diagnosis-related groups".

(2) The item relating to such section in the table of sections at the beginning of chapter 55 of such title is amended to read as follows:

"1101. Resource allocation methods: capitation or diagnosis-related groups.".

SEC. 715. FEDERAL PREEMPTION REGARDING CONTRACTS FOR MEDICAL AND DENTAL CARE.

(a) PREEMPTION.—Section 1103 of title 10, United States Code, is amended to read as follows:

"§ 1103. Contracts for medical and dental care: State and local preemption

"(a) OCCURRENCE OF PREEMPTION.—A law or regulation of a State or local government relating to health insurance, prepaid health plans, or other health care delivery or financing methods shall not apply to any contract entered into pursuant to this chapter

by the Secretary of Defense or the administering Secretaries to the extent that the Secretary of Defense or the administering Secretaries determine that—

"(1) the State or local law or regulation is inconsistent with a specific provision of the contract or a regulation promulgated by the Secretary of Defense or the administering Secretaries pursuant to this chapter; or

"(2) the preemption of the State or local law or regulation is necessary to implement or administer the provisions of the contract or to achieve any other important Federal interest.

"(b) EFFECT OF PREEMPTION.—In the case of the preemption under subsection (a) of a State or local law or regulation regarding financial solvency, the Secretary of Defense or the administering Secretaries shall require an independent audit of the prime contractor of each contract that is entered into pursuant to this chapter and covered by the preemption. The audit shall be performed by the Defense Contract Audit Agency.

"(c) STATE DEFINED.—In this section, the term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and each Territory and possession of the United States.".

(b) APPLICATION OF AMENDMENT.—Section 1103 of title 10, United States Code, as amended by subsection (a), shall apply with respect to any contract entered into under chapter 55 of such title before, on, or after the date of the enactment of this Act. 10 USC 1103 note.

SEC. 716. SPECIALIZED TREATMENT FACILITY PROGRAM AUTHORITY AND ISSUANCE OF NONAVAILABILITY OF HEALTH CARE STATEMENTS.

(a) AUTHORITY.—(1) Section 1105 of title 10, United States Code, is amended to read as follows:

"§ 1105. Specialized treatment facility program

"(a) PROGRAM AUTHORIZED.—The Secretary of Defense may conduct a specialized treatment facility program pursuant to regulations prescribed by the Secretary of Defense. The Secretary shall consult with the other administering Secretaries in prescribing regulations for the program and in conducting the program. Regulations.

"(b) FACILITIES AUTHORIZED TO BE USED.—Under the specialized treatment facility program, the Secretary may designate health care facilities of the uniformed services and civilian health care facilities as specialized treatment facilities.

"(c) WAIVER OF NONEMERGENCY HEALTH CARE RESTRICTION.—Under the specialized treatment facility program, the Secretary may waive, with regard to the provision of a particular service, the 40-mile radius restriction set forth in section 1079(a)(7) of this title if the Secretary determines that the use of a different geographical area restriction will result in a more cost-effective provision of the service.

"(d) CIVILIAN FACILITY SERVICE AREA.—For purposes of the specialized treatment facility program, the service area of a civilian health care facility designated pursuant to subsection (b) shall be comparable in size to the service areas of facilities of the uniformed services.

"(e) ISSUANCE OF NONAVAILABILITY OF HEALTH CARE STATEMENTS.—A covered beneficiary who resides within the service area

of a specialized treatment facility designated under the specialized treatment facility program may be required to obtain a nonavailability of health care statement in the case of a specialized service offered by the facility in order for the covered beneficiary to receive the service outside of the program.

"(f) PAYMENT OF COSTS RELATED TO CARE IN SPECIALIZED TREATMENT FACILITIES.—(1) Subject to paragraph (2), in connection with the treatment of a covered beneficiary under the specialized treatment facility program, the Secretary may provide the following benefits:

"(A) Full or partial reimbursement of a member of the uniformed services for the reasonable expenses incurred by the member in transporting a covered beneficiary to or from a health care facility of the uniformed services or a civilian health care facility at which specialized health care services are provided pursuant to this chapter.

"(B) Full or partial reimbursement of a person (including a member of the uniformed services) for the reasonable expenses of transportation, temporary lodging, and meals (not to exceed a per diem rate determined in accordance with implementing regulations) incurred by such person in accompanying a covered beneficiary as a nonmedical attendant to a health care facility referred to in subparagraph (A).

"(C) In-kind transportation, lodging, or meals instead of reimbursements under subparagraph (A) or (B) for transportation, lodging, or meals, respectively.

"(2) The Secretary may make reimbursements for or provide transportation, lodging, and meals under paragraph (1) in the case of a covered beneficiary only if the total cost to the Department of Defense of doing so and of providing the health care in such case is less than the cost to the Department of providing the health care to the covered beneficiary by other means authorized under this chapter.

"(g) COVERED BENEFICIARY DEFINED.—In this section, the term 'covered beneficiary' means a person covered under section 1079 or 1086 of this title.

"(h) EXPIRATION OF PROGRAM.—The Secretary may not carry out the specialized treatment facility program authorized by this section after September 30, 1995.".

(2) The table of sections at the beginning of chapter 55 of such title is amended by striking out the item relating to section 1105 and inserting in lieu thereof the following:

"1105. Specialized treatment facility program.".

(b) CLARIFICATION OF DETERMINATION TO ISSUE NONAVAILABILITY OF HEALTH CARE STATEMENTS.—(1) Section 1080 of title 10, United States Code, is amended—

(A) by inserting "(a) ELECTION.—" before "A dependent"; and

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

"(b) ISSUANCE OF NONAVAILABILITY OF HEALTH CARE STATEMENTS.—In determining whether to issue a nonavailability of health care statement for a dependent described in subsection (a), the commanding officer of a facility of the uniformed services may consider the availability of health care services for the dependent pursuant to any contract or agreement entered into under this chapter for the provision of health care services.".

(2) Section 1086(e) of such title is amended by adding at the end the following new sentence: "In addition, section 1080(b) of this title shall apply in making the determination whether to issue a nonavailability of health care statement for a person covered by this section.".

(c) CONFORMING AMENDMENT.—Section 1079(a)(7) of title 10, United States Code, is amended by striking out "except that—" and all that follows through the semicolon at the end of subparagraph (B) and inserting in lieu thereof the following: "except that those services may be provided in any case in which another insurance plan or program provides primary coverage for those services;".

SEC. 717. DELAY OF TERMINATION AUTHORITY REGARDING STATUS OF CERTAIN FACILITIES AS UNIFORMED SERVICES TREATMENT FACILITIES.

(a) TERMINATION AUTHORITY.—Section 1252(e) of the Department of Defense Authorization Act, 1984 (42 U.S.C. 248d(e)) is amended by striking out "December 31, 1993" in the first sentence and inserting in lieu thereof "December 31, 1996".

(b) EVALUATION OF DOD-USTF PARTICIPATION AGREEMENTS.— Reports.
(1) The Comptroller General of the United States and the Director of the Congressional Budget Office shall jointly prepare a report evaluating the participation agreements entered into between Uniformed Services Treatment Facilities and the Secretary of Defense under the authority of section 718(c) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1587).

(2) The report required under this subsection shall include an evaluation of the following:

(A) The cost-effectiveness of the agreements compared to other components of the military health care delivery system, including the Civilian Health and Medical Program of the Uniformed Services.

(B) The impact of the agreements, during the four-year term of the agreements, on the budget and expenditures of the Department of Defense for health care programs.

(C) The cost and other implications of terminating the agreements before their expiration.

(D) The health care services available through the Uniformed Services Treatment Facilities under the agreements compared to the health care services available through other components of the military health care delivery system.

(E) The beneficiary cost-sharing requirements of the Uniformed Services Treatment Facilities under the agreements compared to the beneficiary cost-sharing requirements of other components of the military health care delivery system.

(3) The report required under this subsection shall be submitted to Congress not later than six months after the date of the enactment of this Act.

(4) For purposes of this subsection:

(A) The term "Uniformed Services Treatment Facilities" means those facilities described in section 911(a) of the Military Construction Authorization Act, 1982 (42 U.S.C. 248c(a)).

(B) The term "Civilian Health and Medical Program of the Uniformed Services" has the meaning given that term in section 1072(4) of title 10, United States Code.

SEC. 718. MANAGED-CARE DELIVERY AND REIMBURSEMENT MODEL FOR THE UNIFORMED SERVICES TREATMENT FACILITIES.

(a) TIME FOR OPERATION OF MANAGED-CARE DELIVERY AND REIMBURSEMENT MODEL.—Subsection (c) of section 718 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1587) is amended—

42 USC 248c note.

(1) by striking out the first sentence; and

(2) by inserting before the second sentence the following:

"(1) TIME FOR OPERATION.—Not later than the date of the enactment of this Act, the Secretary of Defense shall begin operation of a managed-care delivery and reimbursement model that will continue to utilize the Uniformed Services Treatment Facilities in the military health services system.".

(b) COPAYMENTS, EVALUATION, AND DEFINITION.—Such subsection is further amended by adding at the end the following new paragraphs:

"(2) COPAYMENTS.—A Uniformed Services Treatment Facility for which there exists a managed-care plan developed as part of the model required by this subsection may impose reasonable charges for inpatient and outpatient care provided to all categories of beneficiaries enrolled in the plan. The schedule and application of such charges shall be in accordance with the terms and conditions specified in the plan.

"(3) EVALUATION OF PERFORMANCE UNDER THE MODEL.—(A) The Secretary of Defense shall utilize a federally funded research and development center to conduct an independent evaluation of the performance of each Uniformed Services Treatment Facility operating under a managed-care plan developed as part of the model required by this subsection. The evaluation shall include an assessment of the efficiency of the Uniformed Services Treatment Facility in providing health care under the plan. The assessment shall be made in the same manner as provided in section 712(a) of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 1073 note) for expansion of the CHAMPUS reform initiative.

Reports.

"(B) Not later than December 31, 1995, the center conducting the evaluation and assessment shall submit to the Secretary of Defense and to Congress a report on the results of the evaluation and assessment. The report shall include such recommendations regarding the managed-care delivery and reimbursement model under this subsection as the entity considers to be appropriate.

"(4) DEFINITION.—For purposes of this subsection, the term 'Uniformed Services Treatment Facility' means a facility described in section 911(a) of the Military Construction Authorization Act, 1982 (42 U.S.C. 248c(a)).".

SEC. 719. FLEXIBLE DEADLINE FOR CONTINUATION OF CHAMPUS REFORM INITIATIVE IN HAWAII AND CALIFORNIA.

Section 713(b)(1) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 10 U.S.C. 1073 note) is amended by striking out "not later than August 1, 1993." and inserting in lieu thereof "as soon as practicable after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1994.".

SEC. 720. CLARIFICATION OF CONDITIONS ON EXPANSION OF CHAMPUS REFORM INITIATIVE TO OTHER LOCATIONS.

(a) IN GENERAL.—Subsection (a) of section 712 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 10 U.S.C. 1073 note) is amended—

(1) by inserting "(1)" after "CONDITION.—";

(2) in the second sentence, by inserting after "cost-effectiveness of the initiative" the following: "(while assuring that the combined cost of care in military treatment facilities and under the Civilian Health and Medical Program of the Uniformed Services will not be increased as a result of the expansion)"; and

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

"(2) To the extent any revision of the CHAMPUS reform initiative is necessary in order to make the certification required by this subsection, the Secretary shall assure that enrolled covered beneficiaries may obtain health care services with reduced out-of-pocket costs, as compared to standard CHAMPUS.".

(b) DEFINITION.—Subsection (d) of such section is amended by adding at the end the following new paragraph:

"(3) The terms 'Civilian Health and Medical Program of the Uniformed Services' and 'CHAMPUS' have the meaning given the term 'Civilian Health and Medical Program of the Uniformed Services' in section 1072(4) of title 10, United States Code.".

SEC. 721. REPORT REGARDING DEMONSTRATION PROGRAMS FOR THE SALE OF PHARMACEUTICALS.

Section 702 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 10 U.S.C. 1079 note) is amended—

(1) by redesignating subsection (f) as subsection (g); and

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

"(f) ADDITIONAL REPORT REGARDING PROGRAMS.—Not later than January 1, 1994, the Secretary of Defense shall submit to Congress a report containing—

"(1) an evaluation of the feasibility and advisability of increasing the size of those areas determined by the Secretary under subsection (c)(2) to be adversely affected by the closure of a health care facility of the uniformed services in order to increase the number of persons described in such subsection who will be eligible to participate in the demonstration project for pharmaceuticals by mail or in the retail pharmacy network under this section;

"(2) an evaluation of the feasibility and advisability of expanding the demonstration project and the retail pharmacy network under this section to include all covered beneficiaries under chapter 55 of title 10, United States Code, including those persons currently excluded from participation in the Civilian Health and Medical Program of the Uniformed Services by operation of section 1086(d)(1) of such title;

"(3) an estimation of the costs that would be incurred, and any savings that would be achieved by improving efficiencies of operation, as a result of undertaking the increase or expansion described in paragraph (1) or (2); and

"(4) such recommendations as the Secretary considers to be appropriate.".

Subtitle C—Other Matters

10 USC 1073 note.

SEC. 731. USE OF HEALTH MAINTENANCE ORGANIZATION MODEL AS OPTION FOR MILITARY HEALTH CARE.

(a) USE OF MODEL.—The Secretary of Defense shall prescribe and implement a health benefit option (and accompanying cost-sharing requirements) for covered beneficiaries eligible for health care under chapter 55 of title 10, United States Code, that is modelled on health maintenance organization plans offered in the private sector and other similar Government health insurance programs. The Secretary shall include, to the maximum extent practicable, the health benefit option required under this subsection as one of the options available to covered beneficiaries in all managed health care initiatives undertaken by the Secretary after the date of the enactment of this Act.

(b) ELEMENTS OF OPTION.—The Secretary shall offer covered beneficiaries who enroll in the health benefit option required under subsection (a) reduced out-of-pocket costs and a benefit structure that is as uniform as possible throughout the United States. The Secretary shall allow enrollees to seek health care outside of the option, except that the Secretary may prescribe higher out-of-pocket costs than are provided under section 1079 or 1086 of title 10, United States Code, for enrollees who obtain health care outside of the option.

(c) GOVERNMENT COSTS.—The health benefit option required under subsection (a) shall be administered so that the costs incurred by the Secretary under each managed health care initiative that includes the option are no greater than the costs that would otherwise be incurred to provide health care to the covered beneficiaries who enroll in the option.

(d) COVERED BENEFICIARY DEFINED.—For purposes of this section, the term "covered beneficiary" means a beneficiary under chapter 55 of title 10, United States Code, other than a beneficiary under section 1074(a) of such title.

(e) REGULATIONS.—Not later than February 1, 1994, the Secretary shall prescribe final regulations to implement the health benefit option required by subsection (a).

SEC. 732. CLARIFICATION OF AUTHORITY FOR GRADUATE STUDENT PROGRAM OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

(a) DISTINCTION BETWEEN MEDICAL AND GRADUATE STUDENTS.—Section 2114 of title 10, United States Code, is amended—

(1) in subsection (a), by striking out "Students" in the first sentence and inserting in lieu thereof "Medical students";

(2) in subsection (b), by striking out "Students" both places it appears and inserting in lieu thereof "Medical students";

(3) in subsection (d)—

(A) by striking out "member of the program" in the first sentence and inserting in lieu thereof "medical student"; and

(B) by striking out "any such member" in the second sentence both places it appears and inserting in lieu thereof "any such student"; and

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

"(g) The Secretary of Defense shall establish such selection procedures, service obligations, and other requirements as the Secretary considers appropriate for graduate students (other than medical students) in a postdoctoral, postgraduate, or technological institute established pursuant to section 2113(h) of this title.".

(b) APPLICATION OF AMENDMENTS.—The amendments made by subsection (a) shall apply with respect to students attending the Uniformed Services University of the Health Sciences on or after the date of the enactment of this Act. 10 USC 2114 note.

SEC. 733. AUTHORITY FOR THE ARMED FORCES INSTITUTE OF PATHOLOGY TO OBTAIN ADDITIONAL DISTINGUISHED PATHOLOGISTS AND SCIENTISTS.

Section 176(c) of title 10, United States Code, is amended by adding at the end the following new sentence: "The Secretary of Defense, on a case-by-case basis, may waive the limitation on the number of distinguished pathologists or scientists with whom agreements may be entered into under this subsection if the Secretary determines that such waiver is in the best interest of the Department of Defense.".

SEC. 734. AUTHORIZATION FOR AUTOMATED MEDICAL RECORD CAPABILITY TO BE INCLUDED IN MEDICAL INFORMATION SYSTEM.

(a) AUTOMATED MEDICAL RECORD CAPABILITY.—In carrying out the acquisition of the Department of Defense medical information system referred to in section 704 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661; 100 Stat. 3900), the Secretary of Defense may permit an automated medical record capability to be included in the system. The Secretary may make such modifications to existing contracts, and include such specifications in future contracts, as the Secretary considers necessary to include such a capability in the system.

(b) PLAN.—The Secretary of Defense shall develop a plan to test the use of automated medical records at one or more military medical treatment facilities. Not later than January 15, 1994, the Secretary shall submit the plan to the Committees on Armed Services of the Senate and House of Representatives.

(c) DEFINITIONS.—For purposes of this section:

(1) The term "medical information system" means a computer-based information system that—

(A) receives data normally recorded concerning patients;

(B) creates and maintains from such data a computerized medical record for each patient; and

(C) provides access to data for patient care, hospital administration, research, and medical care resource planning.

(2) The term "automated medical record" means a computer-based information system that—

(A) is available at the time and place of interaction between a patient and a health care provider;

(B) receives, stores, and provides access to relevant patient and other medical information in a single, logical patient record that is appropriately organized for clinical decisionmaking; and

(C) maintains patient confidentiality in conformance with all applicable laws and regulations.

10 USC 1074d note.

SEC. 735. REPORT ON THE PROVISION OF PRIMARY AND PREVENTIVE HEALTH CARE SERVICES FOR WOMEN.

(a) REPORT REQUIRED.—The Secretary of Defense shall prepare a report evaluating the provision of primary and preventive health care services through military medical treatment facilities and the Civilian Health and Medical Program of the Uniformed Services to female members of the uniformed services and female covered beneficiaries eligible for health care under chapter 55 of title 10, United States Code.

(b) CONTENTS.—The report required by subsection (a) shall contain the following:

(1) A description of the number and types of health care providers who are providing health care services in military medical treatment facilities or through the Civilian Health and Medical Program of the Uniformed Services to female members and female covered beneficiaries.

(2) A description of the health care programs implemented (or planned) by the administering Secretaries to assess the health needs of women or to meet the special health needs of women.

(3) A description of the demographics of the population of female members and female covered beneficiaries and the leading categories of morbidity and mortality among such members and beneficiaries.

(4) A description of any actions, including the use of special pays and incentives, undertaken by the Secretary during fiscal year 1993—

(A) to ensure the retention of health care providers who are providing health care services to female members and female covered beneficiaries;

(B) to recruit additional health care providers to provide such health care services; and

(C) to replace departing health care providers who provided such health care services.

(5) A description of any existing or proposed programs to encourage specialization of health care providers in fields related to primary and preventive health care services for women.

(6) An assessment of any difficulties experienced by military medical treatment facilities or health care providers under the Civilian Health and Medical Program of the Uniformed Services in furnishing primary and preventive health care services for women and a description of the actions taken by the Secretary to resolve such difficulties.

(7) A description of the actions taken by the Secretary to foster and encourage the expansion of research relating to health care issues of concern to female members of the uniformed services and female covered beneficiaries.

(c) STUDY OF THE NEEDS OF FEMALE MEMBERS AND FEMALE COVERED BENEFICIARIES FOR HEALTH CARE SERVICES.—(1) As part of the report required by subsection (a), the Secretary shall conduct a study to determine the needs of female members of the uniformed services and female covered beneficiaries for health care services, including primary and preventive health care services for women.

(2) The study shall examine the health care needs of current female members and female covered beneficiaries and anticipated future female members and female covered beneficiaries, taking

into consideration the anticipated size and composition of the Armed Forces in the year 2000 and the demographics of the entire United States.

(d) SUBMISSION AND REVISION.—The Secretary shall submit to Congress the report required by subsection (a) not later than October 1, 1994. The Secretary shall revise and resubmit the report to Congress not later than October 1, 1999.

(e) DEFINITIONS.—For purposes of this section:

(1) The term "primary and preventive health care services for women" has the meaning given that term in section 1074d(b) of title 10, United States Code, as added by section 701(a)).

(2) The term "covered beneficiary" has the meaning given that term in section 1072(5) of such title.

SEC. 736. INDEPENDENT STUDY OF CONDUCT OF MEDICAL STUDY BY ARCTIC AEROMEDICAL LABORATORY, LADD AIR FORCE BASE, ALASKA.

(a) REQUIREMENT FOR STUDY.—The Secretary of Defense shall provide, in accordance with this section, for an independent study of the conduct of a series of medical studies performed during or prior to 1957 by the Air Force Arctic Aeromedical Laboratory, Ladd Air Force Base, Alaska. The series of medical studies referred to in the preceding sentence was designed to study thyroid activity in men exposed to cold and involved the administration of a radioactive isotope (Iodine 131) to certain Alaska Natives.

(b) CONDUCT OF REQUIRED STUDY.—The independent study required by subsection (a) shall be conducted by the Institute of Medicine of the National Academy of Sciences or a similar organization. The study shall, at a minimum, include the consideration of the following matters:

(1) Whether the series of medical studies referred to in subsection (a) was conducted in accordance with generally accepted guidelines for the use of human participants in medical experimentation.

(2) Whether Iodine 131 dosages in the series of medical studies were administered in accordance with radiation exposure standards generally accepted as of 1957 and with radiation exposure standards generally accepted as of 1993.

(3) The guidelines that should have been followed in the conduct of the series of medical studies, including guidelines regarding notification of participants about any possible risks.

(4) Whether subsequent studies of the participants should have been provided for and conducted to determine whether any participants suffered long term ill effects of the administration of Iodine 131 and, in the case of such ill effects, needed medical care for such effects.

(c) DIRECT OR INDIRECT DOD INVOLVEMENT.—The Secretary may provide for the conduct of the independent study required by subsection (a) either—

(1) by entering into an agreement with an independent organization referred to in subsection (b) to conduct the study; or

(2) by transferring to the Secretary of the Interior, the Secretary of Health and Human Services, or the head of another department or agency of the Federal Government the funds necessary to carry out the study in accordance with subsection (b).

(d) REPORT.—The Secretary of Defense or the head of the department or agency of the Federal Government who provides for carrying out the independent study required by subsection (a), as the case may be, shall submit to Congress a report on the results of the study, including the matters referred to in subsection (b).

SEC. 737. AVAILABILITY OF REPORT REGARDING THE CHAMPUS CHIROPRACTIC DEMONSTRATION.

(a) AVAILABILITY OF REPORT.—Subject to subsection (b), the Secretary of Defense shall make available to interested persons upon request the report prepared by the Secretary evaluating the chiropractic demonstration that was conducted under the Civilian Health and Medical Program of the Uniformed Services and completed on March 31, 1992. The Secretary shall include with the report all data and analyses related to the demonstration.

(b) CHARGES.—The cost of making the report and related information available under subsection (a) shall be borne by the recipients at the discretion of the Secretary.

SEC. 738. SENSE OF CONGRESS REGARDING THE PROVISION OF ADEQUATE MEDICAL CARE TO COVERED BENEFICIARIES UNDER THE MILITARY MEDICAL SYSTEM.

(a) SENSE OF CONGRESS.—In order to provide covered beneficiaries under chapter 55 of title 10, United States Code, especially retired military personnel, with greater access to health care in medical facilities of the uniformed services, it is the sense of Congress that the Secretary of Defense should encourage the increased use in such facilities of physicians, dentists, or other health care professionals who are members of the reserve components of the Armed Forces and who are performing active duty, full-time National Guard duty, or inactive-duty training, if service in such facilities is consistent with the other military training requirements of these members.

(b) DEFINITIONS.—For purposes of this section:

(1) The term "retired military personnel" means persons who are eligible for health care in medical facilities of the uniformed services under section 1074(b) of title 10, United States Code.

(2) The terms "active duty", "full-time National Guard duty", and "inactive-duty training" have the meanings given such terms in section 101(d) of such title.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Defense Technology and Industrial Base, Reinvestment and Conversion

SEC. 801. INDUSTRIAL PREPAREDNESS MANUFACTURING TECHNOLOGY PROGRAM.

(a) PROGRAM AUTHORIZED.—(1) Subchapter IV of chapter 148 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2525. Industrial Preparedness Manufacturing Technology Program

"The Secretary of Defense shall establish an Industrial Preparedness Manufacturing Technology program to enhance the capability of industry to meet the manufacturing needs of the Department of Defense.".

(2) The table of sections at the beginning of subchapter IV of such chapter is amended by adding at the end the following:

"2525. Industrial Preparedness Manufacturing Technology Program.".

(b) FUNDING.—Of the amounts authorized to be appropriated under section 201(d), $112,500,000 shall be available for the Industrial Preparedness Manufacturing Technology Program under section 2525 of title 10, United States Code, as added by subsection (a).

SEC. 802. UNIVERSITY RESEARCH INITIATIVE SUPPORT PROGRAM.

10 USC 2358 note.

(a) ESTABLISHMENT.—The Secretary of Defense, through the Director of Defense Research and Engineering, shall establish a University Research Initiative Support Program.

(b) PURPOSE.—Under the program, the Director shall award grants and contracts to eligible institutions of higher education to support the conduct of research and development relevant to requirements of the Department of Defense.

(c) ELIGIBILITY.—An institution of higher education is eligible for a grant or contract under the program if the institution has received less than a total of $2,000,000 in grants and contracts from the Department of Defense in the two fiscal years before the fiscal year in which the institution submits a proposal for such grant or contract.

(d) COMPETITION REQUIRED.—The Director shall use competitive procedures in awarding grants and contracts under the program.

(e) SELECTION PROCESS.—In awarding grants and contracts under the program, the Director shall use a merit-based selection process that is consistent with the provisions of section 2361(a) of title 10, United States Code. Such selection process shall require that each person selected to participate in such a merit-based selection process be a member of the faculty or staff of an institution of higher education that is a member of the National Association of State Universities and Land Grant Colleges or the American Association of State Colleges and Universities.

(f) REGULATIONS.—Not later than 90 days after the date of the enactment of this Act, the Director shall prescribe regulations for carrying out the program.

(g) FUNDING.—Of the amounts authorized to be appropriated under section 201, $20,000,000 shall be available for the University Research Initiative Support Program.

SEC. 803. OPERATING COMMITTEE OF THE CRITICAL TECHNOLOGIES INSTITUTE.

Section 822(c) of the National Defense Authorization Act for Fiscal Year 1991 (42 U.S.C. 6686(c)) is amended to read as follows:

"(c) OPERATING COMMITTEE.—(1) The Institute shall have an Operating Committee composed of six members as follows:

"(A) The Director of the Office of Science and Technology Policy, who shall chair the committee.

"(B) The Director of the National Institutes of Health.

"(C) The Under Secretary of Commerce for Technology.

"(D) The Director of the Advanced Research Projects Agency.

"(E) The Director of the National Science Foundation.

"(F) The Under Secretary of Energy having responsibility for science and technology matters.

"(2) The Operating Committee shall meet not less than four times each year.".

Subtitle B—Acquisition Assistance Programs

SEC. 811. CONTRACT GOAL FOR DISADVANTAGED SMALL BUSINESSES AND CERTAIN INSTITUTIONS OF HIGHER EDUCATION.

(a) SCOPE OF REFERENCE TO HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.—Subparagraph (B) of section 2323(a)(1) of title 10, United States Code, is amended to read as follows:

"(B) historically Black colleges and universities, including any nonprofit research institution that was an integral part of such a college or university before November 14, 1986;".

(b) DEFINITION OF MINORITY INSTITUTION.—Subparagraph (C) of section 2323(a)(1) of title 10, United States Code, is amended to read as follows:

"(C) minority institutions (as defined in section 1046(3) of the Higher Education Act of 1965 (20 U.S.C. 1135d–5(3)), which, for the purposes of this section, shall include Hispanic-serving institutions (as defined in section 316(b)(1) of such Act (20 U.S.C. 1059c(b)(1)).".

(c) AWARD ELIGIBILITY.—Section 2323(f)(2) of title 10, United States Code, is amended to read as follows:

Regulations.

"(2) The Secretary of Defense shall prescribe regulations that prohibit awarding a contract under this section to an entity described in subsection (a)(1) unless the entity agrees to comply with the requirements of section 15(o)(1) of the Small Business Act (15 U.S.C. 644(o)(1)).".

10 USC 2323 note.

(d) IMPLEMENTING REGULATIONS.—(1) The Secretary of Defense shall propose amendments to the Department of Defense Supplement to the Federal Acquisition Regulation that address the matters described in subsection (g) and subsection (h)(2) of section 2323 of title 10, United States Code.

Publication.

(2) Not later than 15 days after the date of the enactment of this Act, the Secretary shall publish such proposed amendments in accordance with section 22 of the Office of Federal Procurement Policy Act (41 U.S.C. 418b). The Secretary shall provide a period of at least 60 days for public comment on the proposed amendments.

Publication.

(3) The Secretary shall publish the final regulations not later than 120 days after the date of the enactment of this Act.

(e) INFORMATION ON PROGRESS IN PROVIDING INFRASTRUCTURE ASSISTANCE REQUIRED IN ANNUAL REPORT.—Section 2323(i)(3) of title 10, United States Code, is amended by adding at the end the following:

"(D) A detailed description of the infrastructure assistance provided under subsection (c) during the preceding fiscal year and of the plans for providing such assistance during the fiscal year in which the report is submitted.".

(f) FUNDING.—Of the amounts authorized to be appropriated for fiscal year 1994 pursuant to title II of this Act, $15,000,000 shall be available for such fiscal year for infrastructure assistance to historically Black colleges and universities and minority institutions under section 2323(c)(3) of title 10, United States Code.

SEC. 812. PROCUREMENT TECHNICAL ASSISTANCE PROGRAMS.

(a) PROCUREMENT TECHNICAL ASSISTANCE PROGRAM FUNDING.—Of the amount authorized to be appropriated in section 301(5), $12,000,000 shall be available for carrying out the provisions of chapter 142 of title 10, United States Code.

(b) SPECIFIC PROGRAMS.—Of the amount made available pursuant to subsection (a), $600,000 shall be available for fiscal year 1994 for the purpose of carrying out programs sponsored by eligible entities referred to in subparagraph (D) of section 2411(1) of title 10, United States Code, that provide procurement technical assistance in distressed areas referred to in subparagraph (B) of section 2411(2) of such title. If there is an insufficient number of satisfactory proposals for cooperative agreements in such distressed areas to allow for effective use of the funds made available in accordance with this subsection in such areas, the funds shall be allocated among the Defense Contract Administration Services regions in accordance with section 2415 of such title.

SEC. 813. PILOT MENTOR-PROTEGE PROGRAM FUNDING AND IMPROVEMENTS.

(a) FUNDING.—Of the amounts authorized to be appropriated for fiscal year 1994 pursuant to title I of this Act, $50,000,000 shall be available for conducting the pilot Mentor-Protege Program established pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2301 note).

(b) REGULATIONS.—(1) The fifth sentence of section 831(k) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2301 note) is amended to read as follows: "The Department of Defense policy regarding the pilot Mentor-Protege Program shall be published and maintained as an appendix to the Department of Defense Supplement to the Federal Acquisition Regulation.".

(2) The Secretary of Defense shall ensure that, within 30 days after the date of the enactment of this Act, the Department of Defense policy regarding the pilot Mentor-Protege Program, as in effect on September 30, 1993, is incorporated into the Department of Defense Supplement to the Federal Acquisition Regulation as an appendix. Revisions to such policy (or any successor policy) shall be published and maintained in such supplement as an appendix.

(c) EXTENSION OF PROGRAM ADMISSIONS.—Section 831(j)(1) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2301 note) is amended by striking out "September 30, 1994" and inserting in lieu thereof "September 30, 1995".

Subtitle C—Provisions to Revise and Consolidate Certain Defense Acquisition Laws

SEC. 821. REPEAL AND AMENDMENT OF OBSOLETE, REDUNDANT, OR OTHERWISE UNNECESSARY LAWS APPLICABLE TO DEPARTMENT OF DEFENSE GENERALLY.

(a) REPEALS.—The following provisions of law are repealed:

(1) Chapter 135 of title 10, United States Code (relating to encouragement of aviation).

(2) Section 2317 of title 10, United States Code (relating to encouragement of competition and cost savings).

(3) Section 2362 of title 10, United States Code (relating to testing requirements for wheeled or tracked vehicles).

(4) Section 2389 of title 10, United States Code (relating to purchases from the Commodity Credit Corporation and price adjustments for contracts for procurement of milk).

(5) Sections 2436 and 2437 of title 10, United States Code (relating to defense enterprise programs).

(6) Section 821 of Public Law 101-189 (103 Stat. 1503) (relating to certificate of independent price determination in certain Department of Defense contract solicitations).

(b) DELETION OF EXPIRING REPORT REQUIREMENT.—Effective February 1, 1994, section 2361 of title 10, United States Code, is amended by striking out subsection (c).

SEC. 822. EXTENSION TO DEPARTMENT OF DEFENSE GENERALLY OF CERTAIN ACQUISITION LAWS APPLICABLE TO THE ARMY AND AIR FORCE.

(a) INDUSTRIAL MOBILIZATION.—(1) Subchapter V of chapter 148 of title 10, United States Code, is amended by adding at the end the following new sections:

"§ 2538. Industrial mobilization: orders; priorities; possession of manufacturing plants; violations

"(a) ORDERING AUTHORITY.—In time of war or when war is imminent, the President, through the Secretary of Defense, may order from any person or organized manufacturing industry necessary products or materials of the type usually produced or capable of being produced by that person or industry.

"(b) COMPLIANCE WITH ORDER REQUIRED.—A person or industry with whom an order is placed under subsection (a), or the responsible head thereof, shall comply with that order and give it precedence over all orders not placed under that subsection.

"(c) SEIZURE OF MANUFACTURING PLANTS UPON NONCOMPLIANCE.—In time of war or when war is imminent, the President, through the Secretary of Defense, may take immediate possession of any plant that is equipped to manufacture, or that in the opinion of the Secretary of Defense is capable of being readily transformed into a plant for manufacturing, arms or ammunition, parts thereof, or necessary supplies for the armed forces if the person or industry owning or operating the plant, or the responsible head thereof, refuses—

"(1) to give precedence to the order as prescribed in subsection (b);

"(2) to manufacture the kind, quantity, or quality of arms or ammunition, parts thereof, or necessary supplies, as ordered by the Secretary; or

"(3) to furnish them at a reasonable price as determined by the Secretary.

"(d) USE OF SEIZED PLANT.—The President, through the Secretary of Defense, may manufacture products that are needed in time of war or when war is imminent, in any plant that is seized under subsection (c).

"(e) COMPENSATION REQUIRED.—Each person or industry from whom products or materials are ordered under subsection (a) is entitled to fair and just compensation. Each person or industry whose plant is seized under subsection (c) is entitled to a fair and just rental.

"(f) CRIMINAL PENALTY.—Whoever fails to comply with this section shall be imprisoned for not more than three years and fined under title 18.

"§ 2539. Industrial mobilization: plants; lists

"(a) LIST OF PLANTS EQUIPPED TO MANUFACTURE ARMS OR AMMUNITION.—The Secretary of Defense may maintain a list of all privately owned plants in the United States, and the territories, Commonwealths, and possessions of the United States, that are equipped to manufacture for the armed forces arms or ammunition, or parts thereof, and may obtain complete information of the kinds of those products manufactured or capable of being manufactured by each of those plants, and of the equipment and capacity of each of those plants.

"(b) LIST OF PLANTS CONVERTIBLE INTO AMMUNITION FACTORIES.—The Secretary of Defense may maintain a list of privately owned plants in the United States, and the territories, Commonwealths, and possessions of the United States, that are capable of being readily transformed into factories for the manufacture of ammunition for the armed forces and that have a capacity sufficient to warrant conversion into ammunition plants in time of war or when war is imminent, and may obtain complete information as to the equipment of each of those plants.

"(c) CONVERSION PLANS.—The Secretary of Defense may prepare comprehensive plans for converting each plant listed pursuant to subsection (b) into a factory for the manufacture of ammunition or parts thereof.

"§ 2540. Industrial mobilization: Board on Mobilization of Industries Essential for Military Preparedness

"The President may appoint a nonpartisan Board on Mobilization of Industries Essential for Military Preparedness, and may provide necessary clerical assistance, to organize and coordinate operations under sections 2538 and 2539 of this title.".

(2) Sections 4501, 4502, 9501, and 9502 of title 10, United States Code, are repealed.

(b) AVAILABILITY OF SAMPLES, DRAWINGS, INFORMATION, EQUIPMENT, MATERIALS, AND CERTAIN SERVICES.—(1) Subchapter V of chapter 148 of title 10, United States Code, is further amended by adding at the end the following:

"§ 2541. Availability of samples, drawings, information, equipment, materials, and certain services

Regulations.

"(a) AUTHORITY.—The Secretary of Defense and the secretaries of the military departments, under regulations prescribed by the Secretary of Defense and when determined by the Secretary of Defense or the Secretary concerned to be in the interest of national defense, may each—

"(1) sell, lend, or give samples, drawings, and manufacturing or other information (subject to the rights of third parties) to any person or entity;

"(2) sell or lend government equipment or materials to any person or entity—

"(A) for use in independent research and development programs, subject to the condition that the equipment or material be used exclusively for such research and development; or

"(B) for use in demonstrations to a friendly foreign government; and

"(3) make available to any person or entity, at an appropriate fee, the services of any government laboratory, center, range, or other testing facility for the testing of materials, equipment, models, computer software, and other items.

"(b) CONFIDENTIALITY OF TEST RESULTS.—The results of tests performed with services made available under subsection (a)(3) are confidential and may not be disclosed outside the Federal Government without the consent of the persons for whom the tests are performed.

"(c) FEES.—Fees for services made available under subsection (a)(3) shall be established in the regulations prescribed pursuant to subsection (a). Such fees may not exceed the amount necessary to recoup the direct costs involved, such as direct costs of utilities, contractor support, and salaries of personnel that are incurred by the United States to provide for the testing.

"(d) USE OF FEES.—Fees received for services made available under subsection (a)(3) may be credited to the appropriations or other funds of the activity making such services available.".

(2) Section 2314 of title 10, United States Code, is amended by inserting "or sale" after "procurement".

(3) Sections 4506, 4507, 4508, 9506, and 9507 of title 10, United States Code, are repealed.

(c) PROCUREMENT FOR EXPERIMENTAL PURPOSES.—(1) Chapter 139 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2373. Procurement for experimental purposes

"(a) AUTHORITY.—The Secretary of Defense and the Secretaries of the military departments may each buy ordnance, signal, and chemical activity supplies, including parts and accessories, and designs thereof, that the Secretary of Defense or the Secretary concerned considers necessary for experimental or test purposes in the development of the best supplies that are needed for the national defense.

"(b) PROCEDURES.—Purchases under this section may be made inside or outside the United States and by contract or otherwise. Chapter 137 of this title applies when such purchases are made in quantity.".

(2) Sections 4504 and 9504 of title 10, United States Code, are repealed.

(d) ACCEPTANCE OF GRATUITOUS SERVICES OF CERTAIN RESERVE OFFICERS.—(1) Chapter 11 of title 10, United States Code, is amended by inserting after section 278 the following new section:

"§ 279. Authority to accept certain gratuitous services of officers

"Notwithstanding section 1342 of title 31, the Secretary of a military department may accept the gratuitous services of an officer of a reserve component under the Secretary's jurisdiction (other than an officer of the Army National Guard of the United States or the Air National Guard of the United States)—

"(1) in the furtherance of the enrollment, organization, and training of that officer's reserve component or the Reserve Officers' Training Corps; or

"(2) in consultation upon matters relating to the armed forces.".

(2) Sections 4541 and 9541 of title 10, United States Code, are repealed.

SEC. 823. REPEAL OF CERTAIN ACQUISITION LAWS APPLICABLE TO THE ARMY AND AIR FORCE.

The following provisions of subtitles B and D of title 10, United States Code, are repealed:

(1) Sections 4505 and 9505 (relating to procurement of production equipment).

(2) Sections 4531 and 9531 (relating to procurement authorization).

(3) Section 4533 (relating to Army rations).

(4) Sections 4534 and 9534 (relating to subsistence supplies, contract stipulations, and place of delivery on inspection).

(5) Sections 4535 and 9535 (relating to purchase of exceptional subsistence supplies without advertising).

(6) Sections 4537 and 9537 (relating to assistance of United States mapping agencies with military surveys and maps).

(7) Sections 4538 and 9538 (relating to exchange and reclamation of unserviceable ammunition).

SEC. 824. CONSOLIDATION, REPEAL, AND AMENDMENT OF CERTAIN ACQUISITION LAWS APPLICABLE TO THE NAVY.

(a) REPEALS.—The following provisions of subtitle C of title 10, United States Code, are repealed:

(1) Section 7201 (relating to research and development, procurement, and construction of guided missiles).

(2) Section 7210 (relating to purchase of patents, patent applications, and licenses).

(3) Section 7213 (relating to relief of contractors and their employees from losses by enemy action).

(4) Section 7230 (relating to sale of degaussing equipment).

(5) Section 7296 (relating to availability of appropriations for other purposes).

(6) Section 7298 (relating to conversion of combatants and auxiliaries).

(7) Section 7301 (relating to estimates required for bids on construction).

(8) Section 7310 (relating to constructing combatant vessels).

(9) Chapter 635 (relating to naval aircraft).

(10) Section 7366 (relating to limitation on appropriations for naval salvage facilities).

(b) REVISION AND STREAMLINING OF CERTAIN PROVISIONS RELATING TO NAVAL VESSELS.—Chapter 633 of such title is amended by striking out sections 7304, 7305, 7306, 7307, 7308, and 7309 and inserting in lieu thereof the following:

"§ 7304. Examination of vessels; striking of vessels from Naval Vessel Register

"(a) BOARDS OF OFFICERS TO EXAMINE NAVAL VESSELS.—The Secretary of the Navy shall designate boards of naval officers to examine naval vessels, including unfinished vessels, for the purpose of making a recommendation to the Secretary as to which vessels, if any, should be stricken from the Naval Vessel Register. Each vessel shall be examined at least once every three years if practicable.

"(b) ACTIONS BY BOARD.—A board designated under subsection (a) shall submit to the Secretary in writing its recommendations as to which vessels, if any, among those it examined should be stricken from the Naval Vessel Register.

"(c) ACTION BY SECRETARY.—If the Secretary concurs with a recommendation by a board that a vessel should be stricken from the Naval Vessel Register, the Secretary shall strike the name of that vessel from the Naval Vessel Register.

"§ 7305. Vessels stricken from Naval Vessel Register: sale

"(a) APPRAISAL OF VESSELS STRICKEN FROM NAVAL VESSEL REGISTER.—The Secretary of the Navy shall appraise each vessel stricken from the Naval Vessel Register under section 7304 of this title.

"(b) AUTHORITY TO SELL VESSEL.—If the Secretary considers that the sale of the vessel is in the national interest, the Secretary may sell the vessel. Any such sale shall be in accordance with regulations prescribed by the Secretary for the purposes of this section.

"(c) PROCEDURES FOR SALE.—(1) A vessel stricken from the Naval Vessel Register and not subject to disposal under any other law may be sold under this section. In such a case, the Secretary may sell the vessel to the highest acceptable bidder, regardless of the appraised value of the vessel, after the vessel is publicly advertised for sale for a period of not less than 30 days.

"(2) If the Secretary determines that the bid prices for a vessel received after advertising under paragraph (1) are not acceptable and that readvertising will serve no useful purpose, the Secretary may sell the vessel by negotiation to the highest acceptable bidder if—

"(A) each responsible bidder has been notified of intent to negotiate and has been given a reasonable opportunity to negotiate; and

"(B) the negotiated price is—

"(i) higher than the highest rejected price of any responsible bidder; or

"(ii) reasonable and in the national interest.

"(d) APPLICABILITY.—This section does not apply to a vessel the disposal of which is authorized by the Federal Property and

Administrative Services Act of 1949 (40 U.S.C. 471 et seq.), if it is to be disposed of under that Act.

"§ 7306. Vessels stricken from Naval Vessel Register; captured vessels: transfer by gift or otherwise

"(a) AUTHORITY TO MAKE TRANSFER.—Subject to subsections (c) and (d) of section 602 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 474), the Secretary of the Navy may transfer, by gift or otherwise, any vessel stricken from the Naval Vessel Register, or any captured vessel, to—

"(1) any State, Commonwealth, or possession of the United States or any municipal corporation or political subdivision thereof;

"(2) the District of Columbia; or

"(3) any not-for-profit or nonprofit entity.

"(b) VESSEL TO BE MAINTAINED IN CONDITION SATISFACTORY TO SECRETARY.—An agreement for the transfer of a vessel under subsection (a) shall include a requirement that the transferee will maintain the vessel in a condition satisfactory to the Secretary.

"(c) TRANSFERS TO BE AT NO COST TO UNITED STATES.—Any transfer of a vessel under this section shall be made at no cost to the United States.

"(d) NOTICE TO CONGRESS.—(1) No transfer under this section takes effect unless—

"(A) notice of the proposal to make the transfer is sent to Congress; and

"(B) 60 days of continuous session of Congress have expired following the date on which such notice is sent to Congress.

"(2) For purposes of paragraph (1)(B), the continuity of a session of Congress is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of such 60-day period.

"§ 7306a. Vessels stricken from Naval Vessel Register: use for experimental purposes

"(a) AUTHORITY.—The Secretary of the Navy may use for experimental purposes any vessel stricken from the Naval Vessel Register.

"(b) STRIPPING VESSEL.—(1) Before using a vessel for an experimental purpose pursuant to subsection (a), the Secretary shall carry out such stripping of the vessel as is practicable.

"(2) Amounts received as proceeds from the stripping of a vessel pursuant to this subsection shall be credited to appropriations available for the procurement of scrapping services needed for such stripping. Amounts received which are in excess of amounts needed for procuring such services shall be deposited into the general fund of the Treasury.

"§ 7307. Disposals to foreign nations

"(a) LARGER OR NEWER VESSELS.—A naval vessel that is in excess of 3,000 tons or that is less than 20 years of age may not be disposed of to another nation (whether by sale, lease, grant, loan, barter, transfer, or otherwise) unless the disposition of that vessel is approved by law enacted after August 5, 1974. A lease or loan of such a vessel under such a law may be made only in accordance with the provisions of chapter 6 of the Arms Export

Control Act (22 U.S.C. 2796 et seq.) or chapter 2 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311 et seq.).

"(b) OTHER VESSELS.—(1) A naval vessel not subject to subsection (a) may be disposed of to another nation (whether by sale, lease, grant, loan, barter, transfer, or otherwise) in accordance with applicable provisions of law, but only after—

"(A) the Secretary of the Navy notifies the Committees on Armed Services of the Senate and House of Representatives in writing of the proposed disposition; and

"(B) 30 days of continuous session of Congress have expired following the date on which such notice is sent to those committees.

"(2) For purposes of paragraph (1)(B), the continuity of a session of Congress is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of such 30-day period.

"§ 7308. Chief of Naval Operations: certification required for disposal of combatant vessels

"Notwithstanding any other provision of law, no combatant vessel of the Navy may be sold, transferred, or otherwise disposed of unless the Chief of Naval Operations certifies that it is not essential to the defense of the United States.

"§ 7309. Construction of vessels in foreign shipyards: prohibition

"(a) PROHIBITION.—Except as provided in subsection (b), no vessel to be constructed for any of the armed forces, and no major component of the hull or superstructure of any such vessel, may be constructed in a foreign shipyard.

"(b) PRESIDENTIAL WAIVER FOR NATIONAL SECURITY INTEREST.—(1) The President may authorize exceptions to the prohibition in subsection (a) when the President determines that it is in the national security interest of the United States to do so.

President.

"(2) The President shall transmit notice to Congress of any such determination, and no contract may be made pursuant to the exception authorized until the end of the 30-day period beginning on the date on which the notice of the determination is received by Congress.

"(c) EXCEPTION FOR INFLATABLE BOATS.—An inflatable boat or a rigid inflatable boat, as defined by the Secretary of the Navy, is not a vessel for the purpose of the restriction in subsection (a).

"§ 7310. Overhaul, repair, etc. of vessels in foreign shipyards: restrictions

"(a) VESSELS WITH HOMEPORT IN UNITED STATES.—A naval vessel (or any other vessel under the jurisdiction of the Secretary of the Navy) the homeport of which is in the United States may not be overhauled, repaired, or maintained in a shipyard outside the United States, other than in the case of voyage repairs.

"(b) VESSEL CHANGING HOMEPORTS.—In the case of a naval vessel the homeport of which is not in the United States (or a territory of the United States), the Secretary of the Navy may not during the 15-month period preceding the planned reassignment

of the vessel to a homeport in the United States (or a territory of the United States) begin any work for the overhaul, repair, or maintenance of the vessel that is scheduled to be for a period of more than six months.".

SEC. 825. ADDITIONAL AUTHORITY TO CONTRACT FOR FUEL STORAGE AND MANAGEMENT.

(a) REVISION OF AUTHORITY.—Section 2388 of title 10, United States Code, is amended—

(1) by striking out subsections (a) and (b) and inserting in lieu thereof the following:

"(a) AUTHORITY TO CONTRACT.—The Secretary of Defense and the Secretary of a military department may each contract for storage facilities for, or the storage, handling, or distribution of, liquid fuels and natural gas.

"(b) PERIOD OF CONTRACT.—The period of a contract entered into under subsection (a) may not exceed 5 years. However, the contract may provide options for the Secretary to renew the contract for additional periods of not more than 5 years each, but not for more than a total of 20 years."; and

(2) in subsection (c), by inserting "OPTION TO PURCHASE FACILITY.—" after "(c)".

(b) SECTION HEADING AMENDMENT.—The heading of section 2388 of such title is amended to read as follows:

"§ 2388. Liquid fuels and natural gas: contracts for storage, handling, or distribution".

SEC. 826. ADDITIONAL AUTHORITY RELATING TO THE ACQUISITION OF PETROLEUM AND NATURAL GAS.

(a) ACQUISITION, SALE, AND EXCHANGE OF NATURAL GAS.—Section 2404 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in the matter above paragraph (1), by inserting "or natural gas" after "petroleum";

(B) in paragraph (1)—

(i) by inserting "or natural gas market conditions, as the case may be," after "petroleum market conditions"; and

(ii) by inserting "or acquisition of natural gas, respectively," after "acquisition of petroleum"; and

(C) in paragraph (2), by inserting "or natural gas, as the case may be," after "petroleum"; and

(2) in subsection (b), by inserting "or natural gas" in the second sentence after "petroleum".

(b) EXPANSION OF EXCHANGE AUTHORITY.—Subsection (c) of such section is amended to read as follows:

"(c) EXCHANGE AUTHORITY.—The Secretary of Defense may acquire petroleum, petroleum-related services, natural gas, or natural gas-related services by exchange of petroleum, petroleum-related services, natural gas, or natural gas-related services.".

(c) SALE OF PETROLEUM AND NATURAL GAS.—Such section is further amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection (d):

"(d) AUTHORITY TO SELL.—The Secretary of Defense may sell petroleum or natural gas of the Department of Defense if the

Secretary determines that the sale would be in the public interest. The proceeds of such a sale shall be credited to appropriations of the Department of Defense for the acquisition of petroleum, petroleum-related services, natural gas, or natural gas-related services. Amounts so credited shall be available for obligation for the same period as the appropriations to which the amounts are credited.".

(d) TECHNICAL AND CLERICAL AMENDMENTS.—

(1) SUBSECTION CAPTIONS.—Section 2404 of title 10, United States Code, is amended—

(A) in subsection (a), by inserting "WAIVER AUTHORITY.—" after "(a)";

(B) in subsection (b), by inserting "SCOPE OF WAIVER.—" after "(b)"; and

(C) in subsection (e), as redesignated by subsection (c)(1), by inserting "PETROLEUM DEFINED.—" after "(e)".

(2) SECTION HEADING.—The heading of such section is amended to read as follows:

"§ 2404. Acquisition of petroleum and natural gas: authority to waive contract procedures; acquisition by exchange; sales authority".

SEC. 827. AMENDMENT OF RESEARCH AUTHORITIES.

(a) AUTHORITY TO CONDUCT BASIC, ADVANCED, AND APPLIED RESEARCH.—Section 2358 of title 10, United States Code, is amended to read as follows:

"§ 2358. Research projects

"(a) AUTHORITY.—The Secretary of Defense or the Secretary of a military department may engage in basic, advanced, and applied research and development projects that—

"(1) are necessary to the responsibilities of such Secretary's department in the field of basic, advanced, and applied research and development; and

"(2) either—

"(A) relate to weapons systems and other military needs; or

"(B) are of potential interest to such department.

"(b) AUTHORIZED MEANS.—The Secretary of Defense or the Secretary of a military department may perform research and development projects—

"(1) by contract, cooperative agreement, or other transaction with, or by grant to, educational or research institutions, private businesses, or other agencies of the United States;

"(2) by using employees and consultants of the Department of Defense; or

"(3) through one or more of the military departments.

"(c) REQUIREMENT OF POTENTIAL MILITARY INTEREST.—Funds appropriated to the Department of Defense or to a military department may not be used to finance any research project or study unless the project or study is, in the opinion of the Secretary of Defense or the Secretary of that military department, respectively, of potential interest to the Department of Defense or to such military department, respectively.".

(b) AUTHORITY RELATED TO ADVANCED RESEARCH PROJECTS.—

(1) REPEAL OF REDUNDANT AUTHORITY.—Section 2371 of such title is amended—

(A) by striking out subsection (a);

(B) by redesignating subsections (b), (c), (d), (e), (f), and (g) as subsections (a), (b), (c), (d), (e), and (f), respectively;

(C) in subsection (a), as redesignated by subparagraph (B)—

(i) in paragraph (1), by striking out "subsection (a)" and inserting in lieu thereof "section 2358 of this title"; and

(ii) in paragraph (2), by striking out "subsection (e)" and inserting in lieu thereof "subsection (d)";

(D) in subsection (d), as redesignated by subparagraph (B), by striking out "subsection (a)" and inserting in lieu thereof "section 2358 of this title"; and

(E) in subsection (e), as redesignated by subparagraph (B)—

(i) in paragraph (4), by striking out "subsection (b)" and inserting in lieu thereof "subsection (a)"; and

(ii) in paragraph (5), by striking out "subsection (e)" and inserting in lieu thereof "subsection (d)".

(2) CONSISTENCY OF TERMINOLOGY.—Such section, as amended by paragraph (1), is further amended—

(A) in subsection (c)(1), by inserting "and development" after "research" both places it appears;

(B) in subsections (d) and (e)(3), by striking out "advanced research" and inserting in lieu thereof "research and development"; and

(C) in subsection (e)(1), by striking out "advanced research is" and inserting in lieu thereof "research and development are".

(c) REDUNDANT AND OBSOLETE AUTHORITY FOR THE ARMY AND THE AIR FORCE.—Sections 4503 and 9503 of title 10, United States Code, are repealed.

SEC. 828. TECHNICAL AND CLERICAL AMENDMENTS RELATING TO ACQUISITION LAWS.

(a) AMENDMENTS TO TABLES OF SECTIONS.—The table of sections at the beginning of each chapter of title 10, United States Code, listed in the following paragraphs is amended by striking out the items relating to the sections listed in such paragraphs:

(1) Chapter 137: section 2317.

(2) Chapter 139: section 2362.

(3) Chapter 141: section 2389.

(4) Chapter 144: sections 2436 and 2437.

(5) Chapter 433: sections 4531, 4533, 4534, 4535, 4537, 4538, and 4541.

(6) Chapter 631: sections 7201, 7210, 7213, and 7230.

(7) Chapter 633: sections 7296, 7298, and 7301.

(8) Chapter 637: section 7366.

(9) Chapter 933: sections 9531, 9534, 9535, 9537, 9538, and 9541.

(b) AMENDMENTS TO TABLES OF CHAPTERS.—

(1) The tables of chapters at the beginning of subtitle A, and part IV of subtitle A, of title 10, United States Code, are amended by striking out the item relating to chapter 135.

(2) The tables of chapters at the beginning of subtitle B, and part IV of subtitle B, of such title are amended by striking out the item relating to chapter 431.

(3) The tables of chapters at the beginning of subtitle C, and part IV of subtitle C, of such title are amended by striking out the item relating to chapter 635.

(c) ADDITIONAL AMENDMENTS.—

(1) The table of sections at the beginning of chapter 11 of title 10, United States Code, is amended by inserting after the item relating to section 278 the following new item:

"279. Authority to accept certain gratuitous services of officers.".

(2) The table of sections at the beginning of chapter 139 of such title is amended by adding at the end the following new item:

"2373. Procurement for experimental purposes.".

(3) The table of sections at the beginning of chapter 141 of such title is amended by striking out the item relating to section 2388 and inserting in lieu thereof the following:

"2388. Liquid fuels and natural gas: contracts for storage, handling, or distribution.".

(4) The table of sections at the beginning of chapter 141 of title 10, United States Code, is amended by striking out the item relating to section 2404 and inserting in lieu thereof the following:

"2404. Acquisition of petroleum and natural gas: authority to waive contract procedures; acquisition by exchange; sales authority.".

(5) The table of sections at the beginning of subchapter V of chapter 148 of such title is amended by adding at the end the following new items:

"2538. Industrial mobilization: orders; priorities; possession of manufacturing plants; violations.
"2539. Industrial mobilization: plants; lists.
"2540. Industrial mobilization: Board on Mobilization of Industries Essential for Military Preparedness.
"2541. Availability of samples, drawings, information, equipment, materials, and certain services.".

(6) Chapter 431 of such title is amended by striking out the chapter heading and the table of sections.

(7) The table of sections at the beginning of chapter 633 of such title is amended by striking out the items relating to sections 7304, 7305, 7306, 7307, 7308, 7309, and 7310 and inserting in lieu thereof the following:

"7304. Examination of vessels; striking of vessels from Naval Vessel Register.
"7305. Vessels stricken from Naval Vessel Register: sale.
"7306. Vessels stricken from Naval Vessel Register; captured vessels: transfer by gift or otherwise.
"7306a. Vessels stricken from Naval Vessel Register: use for experimental purposes.
"7307. Disposals to foreign nations.
"7308. Chief of Naval Operations: certification required for disposal of combatant vessels.
"7309. Construction of vessels in foreign shipyards: prohibition.
"7310. Overhaul, repair, etc. of vessels in foreign shipyards: restrictions.".

(8)(A) Chapter 931 of such title is amended—

(i) by striking out the table of sections for subchapter I;

(ii) by striking out the headings for subchapters I and II;

(iii) by striking out the table of subchapters; and

(iv) by amending the chapter heading to read as follows:

"CHAPTER 931—CIVIL RESERVE AIR FLEET".

(B) The tables of chapters at the beginning of subtitle D, and part IV of subtitle D, of such title are amended by striking out the item relating to chapter 931 and inserting in lieu thereof the following:

"931. Civil Reserve Air Fleet ..... 9511".

(d) CROSS-REFERENCE AMENDMENTS.—(1) Section 505(a)(2)(B)(i) of the National Security Act of 1947 (50 U.S.C. 415(a)(2)(B)(i)) is amended by striking out "section 7307(b)(1)" and inserting in lieu thereof "section 7307(a)".

(2) Section 2366(d) of title 10, United States Code, is amended by striking out "to the defense committees of Congress (as defined in section 2362(e)(3) of this title)." and inserting in lieu thereof "to the Committees on Armed Services and on Appropriations of the Senate and House of Representatives.".

Subtitle D—Defense Acquisition Pilot Programs

SEC. 831. REFERENCE TO DEFENSE ACQUISITION PILOT PROGRAM.

A reference in this subtitle to the Defense Acquisition Pilot Program is a reference to the defense acquisition pilot program authorized by section 809 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2430 note).

SEC. 832. DEFENSE ACQUISITION PILOT PROGRAM AMENDMENTS.

(a) REPEAL OF LIMITATION ON NUMBER OF PARTICIPATING DEFENSE ACQUISITION PROGRAMS.—Section 809(b)(1) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2430 note) is amended by striking out "not more than six".

(b) REPEAL OF REQUIREMENT TO DESIGNATE PARTICIPATING PROGRAMS AS DEFENSE ENTERPRISE PROGRAMS.—Section 809 of such Act is amended by striking out subsection (d).

(c) PUBLICATION OF POLICIES AND GUIDELINES FOR PUBLIC COMMENT.—Section 809 of such Act is amended by striking out subsection (e) and inserting in lieu thereof the following:

"(d) PUBLICATION OF POLICIES AND GUIDELINES.—The Secretary shall publish in the Federal Register a proposed memorandum setting forth policies and guidelines for implementation of the pilot program under this section and provide an opportunity for public comment on the proposed memorandum for a period of 60 days after the date of publication. The Secretary shall publish in the Federal Register any subsequent proposed change to the memorandum and provide an opportunity for public comment on each such proposed change for a period of 60 days after the date of publication.". Federal Register, publication.

(d) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—Section 809 of such Act is amended—

(1) by redesignating subsections (f), (g), and (h) as subsections (e), (f), and (g), respectively; and

(2) in paragraph (2)(D) of subsection (e), as so redesignated, by striking out "specific budgetary and personnel savings" and inserting in lieu thereof "a discussion of the efficiencies or savings".

SEC. 833. MISSION ORIENTED PROGRAM MANAGEMENT.

It is the sense of Congress that—

(1) in the exercise of the authority provided in section 809 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2430 note), the Secretary of Defense should propose for one or more of the defense acquisition programs covered by the Defense Acquisition Pilot Program to utilize the concept of mission oriented program management that includes—

(A) establishing a mission oriented program executive office; and

(B) designating a lead agency for the mission oriented program executive office;

(2) the duties of the program executive officer for each of one or more of such programs should include—

(A) planning, programming, and carrying out research, development, and acquisition activities;

(B) providing advice regarding the preparation and integration of budgets for research, development, and acquisition activities;

(C) informing the operational commands of alternative technology solutions to fulfill emerging requirements;

(D) ensuring that the acquisition plan for the program realistically reflects the budget and related decisions made for that program;

(E) managing related technical support resources;

(F) conducting integrated decision team meetings; and

(G) providing technological advice to users of program products and to the officials within the military departments who prepare plans, programs, and budgets;

(3) the Chairman of the Joint Chiefs of Staff, in consultation with the Under Secretary of Defense for Acquisition and Technology, should prescribe policies and procedures for the interaction of the commanders of the unified and specified combatant commands with the mission oriented program executive officers, and such policies and procedures should include provisions for enabling the user commands to perform acceptance testing; and

(4) the management functions of a program manager should not duplicate the management functions of the mission oriented program executive officer.

SEC. 834. SAVINGS OBJECTIVES.

It is the sense of Congress that the Secretary of Defense, on the basis of the experience under the Defense Acquisition Pilot Program, should seek personnel reductions and other management and administrative savings that, by September 30, 1998, will achieve at least a 25-percent reduction in defense acquisition management costs below the costs of defense acquisition management during fiscal year 1993.

SEC. 835. PROGRAM PHASES AND PHASE FUNDING.

(a) ACQUISITION PROGRAM PHASES.—It is the sense of Congress that—

(1) the Secretary of Defense should propose that one or more defense acquisition programs proposed for participation in the Defense Acquisition Pilot Program be exempted from acquisition regulations regarding program phases that are applicable to other Department of Defense acquisition programs; and

(2) a program so exempted should follow a simplified acquisition program cycle that is results oriented and consists of—

(A) an integrated decision team meeting phase which—

(i) could be requested by a potential user of the system or component to be acquired, the head of a laboratory, or a program office on such bases as the emergence of a new military requirement, cost savings opportunity, or new technology opportunity;

(ii) should be conducted by a program executive officer; and

(iii) should usually be completed within 1 to 3 months; and

(B) a prototype development and testing phase which should include operational tests and concerns relating to manufacturing operations and life cycle support, should usually be completed within 6 to 36 months, and should produce sufficient numbers of prototypes to assess operational utility;

(C) a product integration, development, and testing phase which—

(i) should include full-scale development, integration of components, and operational testing; and

(ii) should usually be completed within 1 to 5 years; and

(D) a phase for production, integration into existing systems, or production and integration into existing systems.

(b) PHASE FUNDING.—To the extent specific authorization is provided for any defense acquisition program designated for participation in the Defense Acquisition Pilot Program, as required by section 809(b)(1) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2430 note), in a law authorizing appropriations for such program enacted after the date of the enactment of this Act, and to the extent provided in appropriations Acts, the Secretary of Defense is authorized to expend for such defense acquisition program such sums as are necessary to carry out the next phase of the acquisition program cycle after the Secretary determines that objective quantifiable performance expectations relating to the execution of that phase have been identified. 10 USC 2430 note.

(c) MAJOR PROGRAM DECISION.—It is the sense of Congress that the Secretary of Defense should establish for one or more defense acquisition programs participating in the Defense Acquisition Pilot Program an approval process having one major decision point.

SEC. 836. PROGRAM WORK FORCE POLICIES.

(a) ENCOURAGEMENT OF EXCELLENCE.—The Secretary of Defense shall review the incentives and personnel actions available to the Secretary for encouraging excellence in the acquisition work force of the Department of Defense and should provide an enhanced system of incentives, in accordance with the Defense Acquisition Workforce Improvement Act (title XII of Public Law 101–510) and other applicable law, for the encouragement of excellence in the work force of a program participating in the Defense Acquisition Pilot Program.

(b) INCENTIVES.—The Secretary of Defense may consider providing for program executive officers, program managers, and other acquisition personnel of defense acquisition programs participating in the Defense Acquisition Pilot Program an enhanced system of incentives which—

(1) in accordance with applicable law, relates pay to performance; and

(2) provides for consideration of the extent to which the performance of such personnel contributes to the achievement of cost goals, schedule goals, and performance goals established for such programs.

SEC. 837. EFFICIENT CONTRACTING PROCESSES.

It is the sense of Congress that the Secretary of Defense, in exercising the authority provided in section 809 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2430 note), should seek to simplify the procurement process, streamline the period for entering into contracts, and simplify specifications and requirements.

SEC. 838. CONTRACT ADMINISTRATION: PERFORMANCE BASED CONTRACT MANAGEMENT.

It is the sense of Congress that the Secretary of Defense should propose under section 809 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2430 note) that, for one or more defense acquisition programs participating in the Defense Acquisition Pilot Program, payments under section 2307(a) of title 10, United States Code, be made on any of the following bases:

(1) Performance measured by statistical process controls.

(2) Event accomplishment.

(3) Other quantifiable measures of results.

10 USC 2430 note.

SEC. 839. CONTRACTOR PERFORMANCE ASSESSMENT.

(a) COLLECTION AND ANALYSIS OF PERFORMANCE INFORMATION.—The Secretary of Defense shall collect and analyze information on contractor performance under the Defense Acquisition Pilot Program.

(b) INFORMATION TO BE INCLUDED.—Information collected under subsection (a) shall include the history of the performance of each contractor under the Defense Acquisition Pilot Program contracts and, for each such contract performed by the contractor, a technical evaluation of the contractor's performance prepared by the program manager responsible for the contract.

Subtitle E—Other Matters

SEC. 841. REIMBURSEMENT OF INDIRECT COSTS OF INSTITUTIONS OF HIGHER EDUCATION UNDER DEPARTMENT OF DEFENSE CONTRACTS.

10 USC 2324 note.

(a) PROHIBITION.—The Secretary of Defense may not by regulation place a limitation on the amount that the Department of Defense may reimburse an institution of higher education for allowable indirect costs incurred by the institution for work performed for the Department of Defense under a Department of Defense contract unless that same limitation is applied uniformly to all other organizations performing similar work for the Department of Defense under Department of Defense contracts.

(b) WAIVER.—The Secretary of Defense may waive the application of the prohibition in subsection (a) in the case of a particular institution of higher education if the governing body of the institution requests the waiver in order to simplify the overall management by that institution of cost reimbursements by the Department of Defense for contracts awarded by the Department to the institution.

(c) DEFINITIONS.—In this section:

(1) The term "allowable indirect costs" means costs that are generally considered allowable as indirect costs under regulations that establish the cost reimbursement principles applicable to an institution of higher education for purposes of Department of Defense contracts.

(2) The term "institution of higher education" has the meaning given such term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

SEC. 842. PROHIBITION ON AWARD OF CERTAIN DEPARTMENT OF DEFENSE AND DEPARTMENT OF ENERGY CONTRACTS TO ENTITIES CONTROLLED BY A FOREIGN GOVERNMENT.

(a) TERMINOLOGY AMENDMENT.—Subsection (a) of section 2536 of title 10, United States Code, is amended—

(1) by striking out "a company owned by"; and

(2) by striking out "that company" and inserting in lieu thereof "that entity".

(b) EXCLUSION FROM DEFINITION OF ENTITY CONTROLLED BY FOREIGN GOVERNMENT.—Subsection (c)(1) of such section is amended by adding at the end the following: "Such term does not include an organization or corporation that is owned, but is not controlled, either directly or indirectly, by a foreign government if the ownership of that organization or corporation by that foreign government was effective before October 23, 1992.".

(c) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§ 2536. Award of certain contracts to entities controlled by a foreign government: prohibition".

(2) The item relating to such section in the table of sections at the beginning of subchapter V of chapter 148 of such title is amended to read as follows:

"2536. Award of certain contracts to entities controlled by a foreign government: prohibition.".

10 USC 2327 note.

SEC. 843. REPORTS BY DEFENSE CONTRACTORS OF DEALINGS WITH TERRORIST COUNTRIES.

(a) REPORT REQUIREMENT.—(1) Whenever the Secretary of Defense proposes to enter into a contract with any person for an amount in excess of $5,000,000 for the provision of goods or services to the Department of Defense, the Secretary shall require that person—

(A) before entering into the contract, to report to the Secretary each commercial transaction which that person has conducted with the government of any terrorist country during the preceding three years or the period since the effective date of this section, whichever is shorter; and

(B) to report to the Secretary each such commercial transaction which that person conducts during the course of the contract (but not after the date specified in subsection (h)) with the government of any terrorist country.

(2) The requirement contained in paragraph (1)(B) shall be included in the contract with the Department of Defense.

(b) REGULATIONS.—The Secretary of Defense shall prescribe such regulations as may be necessary to carry out this section.

(c) ANNUAL REPORT TO CONGRESS.—The Secretary of Defense shall submit to the Congress each year by December 1 a report setting forth those persons conducting commercial transactions with terrorist countries that are included in the reports made pursuant to subsection (a) during the preceding fiscal year, the terrorist countries with which those transactions were conducted, and the nature of those transactions. The version of the report made available for public release shall exclude information exempt from public disclosure under section 552 of title 5, United States Code (commonly known as the Freedom of Information Act).

(d) LIABILITY.—This section shall not be interpreted as imposing any liability on a person for failure to comply with the reporting requirement of subsection (a) if the failure to comply is caused solely by an act or omission of a third party.

(e) PERSON DEFINED.—For purposes of this section, the term "person" means a corporate or other business entity proposing to enter or entering into a contract covered by this section. The term does not include an affiliate or subsidiary of the entity.

(f) TERRORIST COUNTRY DEFINED.—A country shall be considered to be a terrorist country for purposes of a contract covered by this section if the Secretary of State has determined pursuant to law, as of the date that is 60 days before the date on which the contract is signed, that the government of that country is a government that has repeatedly provided support for acts of international terrorism.

(g) EFFECTIVE DATE.—This section shall apply with respect to contracts entered into after the expiration of the 90-day period beginning on the date of the enactment of this Act, or after the expiration of the 30-day period beginning on the date of publication in the Federal Register of the final regulations referred to in subsection (b), whichever is earlier.

(h) TERMINATION.—This section expires on September 30, 1996.

31 USC 1535 note.

SEC. 844. DEPARTMENT OF DEFENSE PURCHASES THROUGH OTHER AGENCIES.

(a) REGULATIONS REQUIRED.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense

shall prescribe regulations governing the exercise by the Department of Defense of the authority under section 1535 of title 31, United States Code, to purchase goods and services under contracts entered into or administered by another agency.

(b) CONTENT OF REGULATIONS.—The regulations prescribed pursuant to subsection (a) shall—

(1) require that each purchase described in subsection (a) be approved in advance by a contracting officer of the Department of Defense with authority to contract for the goods or services to be purchased or by another official in a position specifically designated by regulation to approve such purchase;

(2) provide that such a purchase of goods or services may be made only if—

(A) the purchase is appropriately made under a contract that the agency filling the purchase order entered into, before the purchase order, in order to meet the requirements of such agency for the same or similar goods or services;

(B) the agency filling the purchase order is better qualified to enter into or administer the contract for such goods or services by reason of capabilities or expertise that is not available within the Department;

(C) the agency or unit filling the order is specifically authorized by law or regulations to purchase such goods or services on behalf of other agencies; or

(D) the purchase is authorized by an Executive order or a revision to the Federal Acquisition Regulation setting forth specific additional circumstances in which purchases referred to in subsection (a) are authorized;

(3) prohibit any such purchase under a contract or other agreement entered into or administered by an agency not covered by the provisions of chapter 137 of title 10, United States Code, or title III of the Federal Property and Administrative Services Act of 1949 and not covered by the Federal Acquisition Regulation unless the purchase is approved in advance by the Senior Acquisition Executive responsible for purchasing by the ordering agency or unit; and

(4) prohibit any payment to the agency filling a purchase order of any fee that exceeds the actual cost or, if the actual cost is not known, the estimated cost of entering into and administering the contract or other agreement under which the order is filled.

(c) MONITORING SYSTEM REQUIRED.—The Secretary of Defense shall ensure that, not later than one year after the date of the enactment of this Act, systems of the Department of Defense for collecting and evaluating procurement data are capable of collecting and evaluating appropriate data on procurements conducted under the regulations prescribed pursuant to subsection (a).

(d) TERMINATION.—This section shall cease to be effective one year after the date on which final regulations prescribed pursuant to subsection (a) take effect.

SEC. 845. AUTHORITY OF THE ADVANCED RESEARCH PROJECTS AGENCY TO CARRY OUT CERTAIN PROTOTYPE PROJECTS.

10 USC 2371 note.

(a) AUTHORITY.—The Director of the Advanced Research Projects Agency may, under the authority of section 2371 of title 10, United States Code, carry out prototype projects that are directly

relevant to weapons or weapon systems proposed to be acquired or developed by the Department of Defense.

(b) EXERCISE OF AUTHORITY.—(1) Subsections (c)(2) and (c)(3) of such section 2371, as redesignated by section 827(b)(1)(B), shall not apply to projects carried out under subsection (a).

(2) The Director shall, to the maximum extent practicable, use competitive procedures when entering into agreements to carry out projects under subsection (a).

(c) PERIOD OF AUTHORITY.—The authority of the Director to carry out projects under subsection (a) shall terminate 3 years after the date of the enactment of this Act.

SEC. 846. IMPROVEMENT OF PRICING POLICIES FOR USE OF MAJOR RANGE AND TEST FACILITY INSTALLATIONS OF THE MILITARY DEPARTMENTS.

(a) IN GENERAL.—Chapter 159 of title 10, United States Code, is amended by inserting after section 2680 the following new section:

"§ 2681. Use of test and evaluation installations by commercial entities

"(a) CONTRACT AUTHORITY.—The Secretary of Defense may enter into contracts with commercial entities that desire to conduct commercial test and evaluation activities at a Major Range and Test Facility Installation.

"(b) TERMINATION OR LIMITATION OF CONTRACT UNDER CERTAIN CIRCUMSTANCES.—A contract entered into under subsection (a) shall contain a provision that the Secretary of Defense may terminate, prohibit, or suspend immediately any commercial test or evaluation activity to be conducted at the Major Range and Test Facility Installation under the contract if the Secretary of Defense certifies in writing that the test or evaluation activity is or would be detrimental—

"(1) to the public health and safety;

"(2) to property (either public or private); or

"(3) to any national security interest or foreign policy interest of the United States.

"(c) CONTRACT PRICE.—A contract entered into under subsection (a) shall include a provision that requires a commercial entity using a Major Range and Test Facility Installation under the contract to reimburse the Department of Defense for all direct costs to the United States that are associated with the test and evaluation activities conducted by the commercial entity under the contract. In addition, the contract may include a provision that requires the commercial entity to reimburse the Department of Defense for such indirect costs related to the use of the installation as the Secretary of Defense considers to be appropriate. The Secretary may delegate to the commander of the Major Range and Test Facility Installation the authority to determine the appropriateness of the amount of indirect costs included in such a contract provision.

"(d) RETENTION OF FUNDS COLLECTED FROM COMMERCIAL USERS.—Amounts collected under subsection (c) from a commercial entity conducting test and evaluation activities at a Major Range and Test Facility Installation shall be credited to the appropriation accounts under which the costs associated with the test and evaluation activities of the commercial entity were incurred.

"(e) REGULATIONS AND LIMITATIONS.—The Secretary of Defense shall prescribe regulations to carry out this section.

"(f) DEFINITIONS.—In this section:

"(1) The term 'Major Range and Test Facility Installation' means a test and evaluation installation under the jurisdiction of the Department of Defense and designated as a Major Range and Test Facility Installation by the Secretary.

"(2) The term 'direct costs' includes the cost of—

"(A) labor, material, facilities, utilities, equipment, supplies, and any other resources damaged or consumed during test or evaluation activities or maintained for a particular commercial entity; and

"(B) construction specifically performed for a commercial entity to conduct test and evaluation activities.

"(g) TERMINATION OF AUTHORITY.—The authority provided to the Secretary of Defense by subsection (a) shall terminate on September 30, 1998.

"(h) REPORT.—Not later than January 1, 1998, the Secretary of Defense shall submit to Congress a report describing the number and purposes of contracts entered into under subsection (a) and evaluating the extent to which the authority under this section is exercised to open Major Range and Test Facility Installations to commercial test and evaluation activities.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 2680 the following new item:

"2681. Use of test and evaluation installations by commercial entities.".

SEC. 847. CONTRACT BUNDLING.

(a) STUDY REQUIRED.—The Comptroller General shall conduct a study regarding the impact of contract bundling on the participation of small business concerns (including small business concerns owned and controlled by socially and economically disadvantaged individuals) in procurement by the Department of Defense.

(b) PURPOSES OF STUDY.—In addition to such other matters as the Comptroller General considers appropriate, the study required by subsection (a) shall—

(1) catalog the benefits and adverse effects of contract bundling on Department of Defense contracting activities;

(2) catalog the benefits and adverse effects of contract bundling on small business concerns seeking to sell goods or services to the Department of Defense;

(3) catalog and assess the adequacy of the policy guidance applicable to procurement personnel of the Department of Defense regarding the bundling of contract requirements;

(4) review and analyze the data compiled pursuant to subsection (c) regarding the extent to which procuring activities of the Department of Defense have been bundling their requirements for the procurement of goods and services (including construction);

(5) review and assess the adequacy of the statements submitted by procuring activities of the Department of Defense pursuant to section 15(a) of the Small Business Act (15 U.S.C. 644(a)) regarding bundling of contract requirements; and

(6) assess whether small business specialists of the Department of Defense or procurement center representatives of the Small Business Administration have adequate policy guidance and effective authority to make an independent assessment regarding proposed bundling of contract requirements.

(c) DATA ON CONTRACT BUNDLING.—

(1) DATA TO BE COMPILED.—For purposes of conducting the study required by subsection (a), the Secretary of Defense shall compile and furnish to the Comptroller General data regarding contracts awarded during fiscal years 1988, 1992, and 1993 that reflect the bundling of the types of contract requirements that were previously solicited and awarded as separate contract actions. With respect to such bundled contracts, the Secretary shall seek to furnish data regarding—

(A) the number and dollar value of such contract awards and the types of goods or services (including construction) that were procured;

(B) the number and estimated dollar value of requirements previously procured through separate contract actions which were included in each of the contract actions identified under subparagraph (A);

(C) any justifications (including estimates of cost savings) for the bundled contract actions identified under subparagraph (A); and

(D) the extent of participation by small business concerns and small business concerns owned and controlled by socially and economically disadvantaged individuals under subcontracting plans pursuant to section 8(d) of the Small Business Act (15 U.S.C. 637(d)).

(2) SUBMISSION TO THE COMPTROLLER GENERAL.—The Secretary of Defense shall furnish the data described in paragraph (1) to the Comptroller General not later than February 1, 1994.

(d) REPORT.—Not later than April 1, 1994, the Comptroller General shall submit to the Committees on Armed Services and Small Business of the Senate and House of Representatives a report containing the results of the study required by subsection (a). The report shall include recommendations for appropriate changes to statutes, regulations, policy, or practices that would ameliorate any identified adverse effects of contract bundling on the participation of small business concerns in procurements by the Department of Defense.

(e) DEFINITION.—For the purposes of this section, the terms "contract bundling" and "bundling of contract requirements" means the practice of consolidating two or more procurement requirements of the type that were previously solicited and awarded as separate smaller contracts into a single large contract solicitation likely to be unsuitable for award to a small business concern due to—

(1) the diversity and size of the elements of performance specified;

(2) the aggregate dollar value of the anticipated award;

(3) the geographical dispersion of the contract performance sites; or

(4) any combination of the factors described in paragraphs (1), (2), and (3).

SEC. 848. PROHIBITION ON COMPETITION BETWEEN DEPARTMENT OF DEFENSE AND SMALL BUSINESSES FOR CERTAIN MAINTENANCE CONTRACTS.

(a) IN GENERAL.—(1) Chapter 137 of title 10, United States Code, is amended by inserting after section 2304 the following new section:

"§ 2304a. Contracts: prohibition on competition between Department of Defense and small businesses and certain other entities

"(a) EXCLUSION.—In any case in which the Secretary of Defense plans to use competitive procedures for a procurement, if the procurement is to be conducted as described in subsection (b), then the Secretary shall exclude the Department of Defense from competing in the procurement.

"(b) PROCUREMENT DESCRIPTION.—The requirement to exclude the Department of Defense under subsection (a) applies in the case of a procurement to be conducted by excluding from competition entities in the private sector other than—

"(1) small business concerns in furtherance of section 8 or 15 of the Small Business Act (15 U.S.C. 637 or 644); or

"(2) entities described in subsection (a)(1) of section 2323 of this title in furtherance of the goal specified in that subsection.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2304 the following new item:

"2304a. Contracts: prohibition on competition between Department of Defense and small businesses and certain other entities.".

(b) EFFECTIVE DATE.—Section 2304a of title 10, United States Code, as added by subsection (a), shall take effect on the date of the enactment of this Act. 10 USC 2304a note.

SEC. 849. BUY AMERICAN PROVISIONS.

(a) COMPLIANCE WITH BUY AMERICAN ACT.—No funds authorized to be appropriated pursuant to this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act.

(b) PROHIBITION OF CONTRACTS.—If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a "Made in America" inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense. 10 USC 2410f note.

(c) BUY AMERICAN ACT WAIVER RESCISSIONS.—(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country. 41 USC 10b-2 note.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(d) DEFINITION.—For purposes of this section, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for

the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

SEC. 850. CLARIFICATION TO SMALL BUSINESS COMPETITIVENESS DEMONSTRATION PROGRAM ACT.

The Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended—

15 USC 632 note.

(1) in section 732, by striking out the second sentence; and

15 USC 644 note.

(2) in section 717, by adding at the end the following new subsection:

"(f) SIZE STANDARDS.—

"(1) IN GENERAL.—Any numerical size standard that is assigned to a standard industrial classification code (or a subdivision of such a code) for any of the designated industry groups described in subsections (b), (c), and (d) of this section and that was in effect on September 30, 1988, shall remain in effect for the duration of the Program (as specified in section 711(c)).

"(2) ENGINEERING SERVICES OTHER THAN ARCHITECTURAL AND ENGINEERING SERVICES.—The limitation imposed by paragraph (1) does not preclude modification to the numerical size standard assigned to those subdivisions of standard industrial classification code 8711 that are not subject to the Program, including—

"(A) engineering services—military and aerospace equipment and military weapons;

"(B) engineering services—marine engineering and naval architecture; or

"(C) any successor to a subdivision described in subparagraph (A) or (B).".

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Office of the Secretary of Defense

SEC. 901. ENHANCED POSITION FOR COMPTROLLER OF DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Chapter 4 of title 10, United States Code, is amended—

(1) by redesignating sections 135, 136, 138, 139, 140, and 141 as sections 137, 138, 139, 140, 141, and 142, respectively; and

(2) by transferring section 137 (relating to the Comptroller) so as to appear after section 134a, redesignating that section as section 135, and amending that section by adding at the end the following new subsection:

"(d) The Comptroller takes precedence in the Department of Defense after the Under Secretary of Defense for Policy.".

(b) EXECUTIVE SCHEDULE III PAY LEVEL.—Section 5314 of title 5, United States Code, is amended by inserting after the item relating to the Under Secretary of Defense for Policy the following:

"Comptroller of the Department of Defense.".

(c) CONFORMING AMENDMENT.—Subsection (d) of section 138 of title 10, United States Code, as redesignated by subsection (a), is amended by inserting "and Comptroller" after "Under Secretaries of Defense".

SEC. 902. ADDITIONAL RESPONSIBILITIES OF THE COMPTROLLER.

(a) CHIEF FINANCIAL OFFICER.—(1) Section 135 of title 10, United States Code, as redesignated and amended by section 901, is further amended in subsection (b)—

(A) by inserting after "(b)" the following: "The Comptroller is the agency Chief Financial Officer of the Department of Defense for the purposes of chapter 9 of title 31."; and

(B) by inserting "additional" after "shall perform such".

(2) Section 5315 of title 5, United States Code, is amended by striking out the following:

"Chief Financial Officer, Department of Defense.".

(b) CONGRESSIONAL INFORMATION RESPONSIBILITIES.—Such section is further amended by adding after subsection (d), as added by section 901(a)(2), the following new subsection:

"(e) The Comptroller shall ensure that the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives are each informed, in a timely manner, regarding all matters relating to the budgetary, fiscal, and analytic activities of the Department of Defense that are under the supervision of the Comptroller.".

SEC. 903. NEW POSITION OF UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS.

(a) IN GENERAL.—Chapter 4 of title 10, United States Code, is amended by inserting after section 135, as transferred and redesignated by section 901(a), the following new section:

"§ 136. Under Secretary of Defense for Personnel and Readiness

"(a) There is an Under Secretary of Defense for Personnel and Readiness, appointed from civilian life by the President, by and with the consent of the Senate. President.

"(b) Subject to the authority, direction, and control of the Secretary of Defense, the Under Secretary of Defense for Personnel and Readiness shall perform such duties and exercise such powers as the Secretary of Defense may prescribe in the areas of military readiness, total force management, military and civilian personnel requirements, military and civilian personnel training, military and civilian family matters, exchange, commissary, and nonappropriated fund activities, personnel requirements for weapons support, National Guard and reserve components, and health affairs.

"(c) The Under Secretary of Defense for Personnel and Readiness takes precedence in the Department of Defense after the Comptroller.".

(b) EXECUTIVE SCHEDULE III PAY LEVEL.—Section 5314 of title 5, United States Code, is amended by inserting after the item relating to the Comptroller of the Department of Defense, as added by section 901(b), the following:

"Under Secretary of Defense for Personnel and Readiness.".

(c) OFFSETTING REDUCTION IN NUMBER OF ASSISTANT SECRETARY OF DEFENSE POSITIONS.—(1) Subsection (a) of section 138 of title 10, United States Code, as redesignated by section 901(a),

is amended by striking out "eleven" and inserting in lieu thereof "ten".

(2) Section 5315 of title 5, United States Code, is amended by striking out "Assistant Secretaries of Defense (11)" and inserting in lieu thereof "Assistant Secretaries of Defense (10)".

SEC. 904. REDESIGNATION OF POSITIONS OF UNDER SECRETARY AND DEPUTY UNDER SECRETARY OF DEFENSE FOR ACQUISITION.

10 USC 133 note.

(a) REDESIGNATIONS.—The office of Under Secretary of Defense for Acquisition in the Department of Defense is hereby redesignated as Under Secretary of Defense for Acquisition and Technology. The office of Deputy Under Secretary of Defense for Acquisition in the Department of Defense is hereby redesignated as Deputy Under Secretary of Defense for Acquisition and Technology.

(b) USD CHARTER AMENDMENTS.—(1) Section 133 of title 10, United States Code, is amended by striking out "Under Secretary of Defense for Acquisition" in subsections (a), (b), and (e)(1) and inserting in lieu thereof "Under Secretary of Defense for Acquisition and Technology".

(2) The heading for such section is amended to read as follows:

"§ 133. Under Secretary of Defense for Acquisition and Technology".

(c) DUSD CHARTER AMENDMENTS.—(1) Section 133a of such title is amended by striking out "Deputy Under Secretary of Defense for Acquisition" in subsections (a) and (b) and inserting in lieu thereof "Deputy Under Secretary of Defense for Acquisition and Technology".

(2) The heading for such section is amended to read as follows:

"§ 133a. Deputy Under Secretary of Defense for Acquisition and Technology".

(d) CONFORMING AMENDMENTS TO TITLE 10, UNITED STATES CODE.—(1) The following sections of title 10, United States Code, are amended by striking out "Under Secretary of Defense for Acquisition" each place such term appears (including section headings) and inserting in lieu thereof "Under Secretary of Defense for Acquisition and Technology": sections 134(c), 137(b) (as redesignated by section 901(a)), 139 (as redesignated by section 901(a)), 171(a)(3), 179(a), 1702, 1703, 1707(a), 1722, 1735(c), 1737(c), 1741(b), 1746(a), 1761(b)(4), 1762(a), 1763, 2304(f), 2308(b), 2325(b), 2329, 2350a, 2369, 2399(b)(3), 2435(b)(2)(B), 2438(c), 2523(a), and 2534(b)(2).

(2) The item relating to section 1702 in the table of sections at the beginning of subchapter I of chapter 87 of such title is amended to read as follows:

"1702. Under Secretary of Defense for Acquisition and Technology: authorities and responsibilities.".

(3) Section 171(a)(8) of such title is amended by striking out "Deputy Under Secretary of Defense for Acquisition" and inserting in lieu thereof "Deputy Under Secretary of Defense for Acquisition and Technology".

(e) CONFORMING AMENDMENTS TO TITLE 5, UNITED STATES CODE.—(1) Section 5313 of title 5, United States Code, is amended by striking out "Under Secretary of Defense for Acquisition" and

inserting in lieu thereof "Under Secretary of Defense for Acquisition and Technology".

(2) Section 5314 of such title is amended by striking out "Deputy Under Secretary of Defense for Acquisition" and inserting in lieu thereof "Deputy Under Secretary of Defense for Acquisition and Technology".

(f) REFERENCES IN OTHER LAWS.—Any reference to the Under Secretary of Defense for Acquisition or the Deputy Under Secretary of Defense for Acquisition in any provision of law other than title 10, United States Code, or in any rule, regulation, or other paper of the United States shall be treated as referring to the Under Secretary of Defense for Acquisition and Technology or the Deputy Under Secretary of Defense for Acquisition and Technology, respectively. 10 USC 133 note.

SEC. 905. ASSISTANT SECRETARY OF DEFENSE FOR LEGISLATIVE AFFAIRS.

Section 138(b) of title 10, United States Code, as redesignated by section 901(a)(1), is amended by adding at the end the following new paragraph:

"(5) One of the Assistant Secretaries shall be the Assistant Secretary of Defense for Legislative Affairs. He shall have as his principal duty the overall supervision of legislative affairs of the Department of Defense.".

SEC. 906. FURTHER CONFORMING AMENDMENTS TO CHAPTER 4 OF TITLE 10, UNITED STATES CODE.

(a) COMPOSITION OF OSD.—Subsection (b) of section 131 of title 10, United States Code, is amended to read as follows:

"(b) The Office of the Secretary of Defense is composed of the following:

"(1) The Deputy Secretary of Defense.

"(2) The Under Secretary of Defense for Acquisition and Technology.

"(3) The Under Secretary of Defense for Policy.

"(4) The Comptroller.

"(5) The Under Secretary of Defense for Personnel and Readiness.

"(6) The Director of Defense Research and Engineering.

"(7) The Assistant Secretaries of Defense.

"(8) The Director of Operational Test and Evaluation.

"(9) The General Counsel of the Department of Defense.

"(10) The Inspector General of the Department of Defense.

"(11) Such other offices and officials as may be established by law or the Secretary of Defense may establish or designate in the Office.".

(b) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 4 of such title is amended to read as follows:

"Sec.
"131. Office of the Secretary of Defense.
"132. Deputy Secretary of Defense.
"133. Under Secretary of Defense for Acquisition and Technology.
"133a. Deputy Under Secretary of Defense for Acquisition and Technology.
"134. Under Secretary of Defense for Policy.
"134a. Deputy Under Secretary of Defense for Policy.
"135. Comptroller.
"136. Under Secretary of Defense for Personnel and Readiness.
"137. Director of Defense Research and Engineering.
"138. Assistant Secretaries of Defense.
"139. Director of Operational Test and Evaluation.

"140. General Counsel.
"141. Inspector General.
"142. Assistant to the Secretary of Defense for Atomic Energy.".

SEC. 907. DIRECTOR OF OPERATIONAL TEST AND EVALUATION.

Subsection (c) of section 139 of title 10, United States Code, as redesignated by section 901(a)(1), is amended—

(1) by striking out the first sentence;

(2) by striking out "Director of Defense Research and Engineering" and inserting in lieu thereof "Under Secretary of Defense for Acquisition and Technology"; and

(3) by striking out "research and development" and inserting in lieu thereof "acquisition".

Subtitle B—Professional Military Education

SEC. 921. CONGRESSIONAL FINDINGS CONCERNING PROFESSIONAL MILITARY EDUCATION SCHOOLS.

The Congress finds that—

(1) the primary mission of the professional military education schools of the Army, Navy, Air Force, and Marine Corps is to provide military officers with expertise in their particular warfare specialties and a broad and deep understanding of the major elements of their own service;

(2) the primary mission of the joint professional military education schools is to provide military officers with expertise in the integrated employment of land, sea, and air forces, including matters relating to national security strategy, national military strategy, strategic planning and contingency planning, and command and control of combat operations under unified command; and

(3) there is a continuing need to maintain professional military education schools for the Armed Forces and separate joint professional military education schools.

SEC. 922. AUTHORITY FOR AWARD BY NATIONAL DEFENSE UNIVERSITY OF CERTAIN MASTER OF SCIENCE DEGREES.

(a) IN GENERAL.—Chapter 108 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2163. National Defense University: masters of science in national security strategy and in national resource strategy

"(a) NATIONAL WAR COLLEGE DEGREE.—The President of the National Defense University, upon the recommendation of the faculty and commandant of the National War College, may confer the degree of master of science of national security strategy upon graduates of the National War College who fulfill the requirements for the degree.

"(b) ICAF DEGREE.—The President of the National Defense University, upon the recommendation of the faculty and commandant of the Industrial College of the Armed Forces, may confer the degree of master of science of national resource strategy upon graduates of the Industrial College of the Armed Forces who fulfill the requirements for the degree.

"(c) REGULATIONS.—The authority provided by subsections (a) and (b) shall be exercised under regulations prescribed by the Secretary of Defense.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2163. National Defense University: masters of science in national security strategy and in national resource strategy.".

SEC. 923. AUTHORITY TO EMPLOY CIVILIAN FACULTY MEMBERS AT GEORGE C. MARSHALL EUROPEAN CENTER FOR SECURITY STUDIES.

(a) IN GENERAL.—(1) Section 1595 of title 10, United States Code, is amended to read as follows:

"§ 1595. Civilian faculty members at certain Department of Defense schools: employment and compensation

"(a) AUTHORITY OF SECRETARY.—The Secretary of Defense may employ as many civilians as professors, instructors, and lecturers at the institutions specified in subsection (c) as the Secretary considers necessary.

"(b) COMPENSATION OF FACULTY MEMBERS.—The compensation of persons employed under this section shall be as prescribed by the Secretary.

"(c) COVERED INSTITUTIONS.—This section applies with respect to the following institutions of the Department of Defense:

"(1) The National Defense University.

"(2) The Foreign Language Center of the Defense Language Institute.

"(3) The George C. Marshall European Center for Security Studies.

"(d) APPLICATION TO FACULTY MEMBERS AT NDU.—(1) In the case of the National Defense University, this section applies with respect to persons selected by the Secretary for employment as professors, instructors, and lecturers at the National Defense University after February 27, 1990.

"(2) For purposes of this section, the National Defense University includes the National War College, the Armed Forces Staff College, the Institute for National Strategic Study, and the Industrial College of the Armed Forces.

"(e) APPLICATION TO DIRECTOR AND DEPUTY DIRECTOR AT GEORGE C. MARSHALL CENTER.—In the case of the George C. Marshall European Center for Security Studies, this section also applies with respect to the Director and the Deputy Director.".

(2) The item relating to such section in the table of sections at the beginning of chapter 81 of such title is amended to read as follows:

"1595. Civilian faculty members at certain Department of Defense schools: employment and compensation.".

(b) CONFORMING AMENDMENT.—Section 5102(c)(10) of title 5, United States Code, as amended by section 533(c), is amended by inserting "(and, in the case of the George C. Marshall European Center for Security Studies, the Director and the Deputy Director)" after "professional military education school".

Subtitle C—Joint Officer Personnel Policy

SEC. 931. REVISION OF GOLDWATER-NICHOLS REQUIREMENT OF SERVICE IN A JOINT DUTY ASSIGNMENT BEFORE PROMOTION TO GENERAL OR FLAG GRADE.

(a) IN GENERAL.—Chapter 36 of title 10, United States Code, is amended by inserting after section 619 the following new section:

"§ 619a. Eligibility for consideration for promotion: joint duty assignment required before promotion to general or flag grade; exceptions

"(a) GENERAL RULE.—An officer on the active-duty list of the Army, Navy, Air Force, or Marine Corps may not be appointed to the grade of brigadier general or rear admiral (lower half) unless the officer has completed a full tour of duty in a joint duty assignment (as described in section 664(f) of this title).

"(b) EXCEPTIONS.—Subject to subsection (c), the Secretary of Defense may waive subsection (a) in the following circumstances:

"(1) When necessary for the good of the service.

"(2) In the case of an officer whose proposed selection for promotion is based primarily upon scientific and technical qualifications for which joint requirements do not exist.

"(3) In the case of—

"(A) a medical officer, dental officer, veterinary officer, medical service officer, nurse, or biomedical science officer;

"(B) a chaplain; or

"(C) a judge advocate.

"(4) In the case of an officer selected by a promotion board for appointment to the grade of brigadier general or rear admiral (lower half) while serving in a joint duty assignment if—

"(A) at least 180 days of that joint duty assignment have been completed on the date of the convening of that selection board; and

"(B) the officer's total consecutive service in joint duty assignments within that immediate organization is not less than two years.

"(5) In the case of an officer who served in a joint duty assignment that began before January 1, 1987, if the officer served in that assignment for a period of sufficient duration (which may not be less than 12 months) for the officer's service to have been considered a full tour of duty under the policies and regulations in effect on September 30, 1986.

"(c) WAIVER TO BE INDIVIDUAL.—A waiver may be granted under subsection (b) only on a case-by-case basis in the case of an individual officer.

"(d) SPECIAL RULE FOR GOOD-OF-THE-SERVICE WAIVER.—In the case of a waiver under subsection (b)(1), the Secretary shall provide that the first duty assignment as a general or flag officer of the officer for whom the waiver is granted shall be in a joint duty assignment.

"(e) LIMITATION ON DELEGATION OF WAIVER AUTHORITY.—The authority of the Secretary of Defense to grant a waiver under subsection (b) (other than under paragraph (1) of that subsection) may be delegated only to the Deputy Secretary of Defense, an Under Secretary of Defense, or an Assistant Secretary of Defense.

"(f) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out this section. The regulations shall specifically identify for purposes of subsection (b)(2) those categories of officers for which selection for promotion to brigadier general or, in the case of the Navy, rear admiral (lower half) is based primarily upon scientific and technical qualifications for which joint requirements do not exist.

"(g) TRANSITION WAIVER AUTHORITIES.—(1)(A) Until January 1, 1999, the Secretary of Defense may waive subsection (a) in the case of an officer who served in an assignment (other than a joint duty assignment) that began before October 1, 1986, and that involved significant experience in joint matters (as determined by the Secretary) if the officer served in that assignment for a period of sufficient duration (which may not be less than 12 months) for the officer's service to have been considered a full tour of duty under the policies and regulations in effect on September 30, 1986.

"(B) Of the total number of appointments to the grades of brigadier general and rear admiral (lower half) for officers on the active-duty lists of the Army, Navy, Air Force, and Marine Corps during each of the years 1995 through 1999, the number in any such year that are made using a waiver under subparagraph (A) may not exceed the applicable percentage of such total determined as follows:

"Year:	Applicable Percentage:
1995	20
1996	15
1997	10
1998	5.

"(C) The provisions of subsections (c) and (e) apply to waivers under this paragraph in the same manner as to waivers under subsection (b).

"(2) Until January 1, 1999, the Secretary of Defense may waive subsection (d) in the case of an officer granted a waiver of subsection (a) under the authority of subsection (b)(1).

"(3)(A) An officer described in subparagraph (B) may not be appointed to the grade of lieutenant general or vice admiral until the officer completes a full tour of duty in a joint duty assignment.

"(B) Subparagraph (A) applies to an officer—

"(i) who is promoted after January 1, 1994, to the grade of brigadier general or rear admiral (lower half) and who receives a waiver of subsection (a) under the authority of paragraph (1) of this subsection; or

"(ii) who receives a waiver of subsection (d) under the authority of paragraph (2) of this subsection.

"(h) SPECIAL TRANSITION RULES FOR NUCLEAR PROPULSION OFFICERS.—(1) Until January 1, 1997, an officer of the Navy designated as a qualified nuclear propulsion officer may be appointed to the grade of rear admiral (lower half) without regard to subsection (a). An officer so appointed may not be appointed to the grade of rear admiral until the officer completes a full tour of duty in a joint duty assignment.

"(2) Not later than March 1 of each year from 1994 through 1997, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the implementation during the preceding calendar year of the transition plan developed by the Secretary pursuant to section

Reports.

1305(b) of Public Law 100–180 (10 U.S.C. 619a note) with respect to service by qualified nuclear propulsion officers in joint duty assignments.".

(b) CONFORMING REPEAL.—Section 619 of title 10, United States Code, is amended by striking out subsection (e).

(c) CLERICAL AMENDMENTS.—(1) The heading of section 619 is amended to read as follows:

"§ 619. Eligibility for consideration for promotion: time-in-grade and other requirements.

(2) The table of sections at the beginning of subchapter II of chapter 36 of such title is amended by striking out the item relating to section 619 and inserting in lieu thereof the following new items:

"619. Eligibility for consideration for promotion: time-in-grade and other requirements.
"619a. Eligibility for consideration for promotion: joint duty assignment required before promotion to general or flag grade; exceptions.".

10 USC 619a note.

(d) REPORT ON PLANS FOR COMPLIANCE WITH SECTION 619a.—Not later than February 1, 1994, the Secretary of Defense shall certify to Congress that the Army, Navy, Air Force, and Marine Corps have each developed and implemented a plan for their officer personnel assignment and promotion policies so as to ensure compliance with the requirements of section 619a of title 10, United States Code, as added by subsection (a). Each such plan should particularly ensure that by January 1, 1999, the service covered by the plan shall have enough officers who have completed a full tour of duty in a joint duty assignment so as to permit the orderly promotion of officers to brigadier general or, in the case of the Navy, rear admiral (lower half) pursuant to the requirements of chapter 38 of title 10, United States Code.

10 USC 667 note.

(e) ADDITIONAL INFORMATION TO BE INCLUDED IN NEXT FIVE ANNUAL JOINT OFFICER POLICY REPORTS.—The Secretary of Defense shall include as part of the information submitted to Congress pursuant to section 667 of title 10, United States Code, for each of the next five years after the date of the enactment of this Act the following:

(1) The degree of progress made toward meeting the requirements of section 619a of title 10, United States Code.

(2) The compliance achieved with each of the plans developed pursuant to subsection (d).

(f) EXTENSION OF TRANSITION PLAN FOR NUCLEAR PROPULSION OFFICERS.—(1) Section 1305(b) of Public Law 101–180 (10 U.S.C. 619a note) is amended by striking out "January 1, 1994" each place it appears and inserting in lieu thereof "January 1, 1997".

10 USC 619 note.

10 USC 619 note.

(2) The Secretary of Defense, after consultation with the Chairman of the Joint Chiefs of Staff, shall revise the transition plan developed pursuant to section 1305(b) of Public Law 101–180 to take account of the amendments made by subsection (a) and by paragraph (1) of this subsection. The Secretary shall include with the next report of the Secretary after the date of the enactment of this Act under section 619a(h)(2) of title 10, United States Code, as added by subsection (a), a report on the actions of the Secretary in revising such transition plan.

(3) Such section is further amended by striking out "nuclear popuIsion" in paragraph (1)(B) and inserting in lieu thereof "nuclear propulsion".

SEC. 932. JOINT DUTY CREDIT FOR CERTAIN DUTY PERFORMED DURING OPERATIONS DESERT SHIELD AND DESERT STORM. 10 USC 664 note.

(a) AUTHORITY TO GIVE JOINT DUTY CREDIT.—(1) An officer described in paragraph (2) may (subject to paragraph (3)) be given credit for service in a joint duty assignment pursuant to the provisions of section 933 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2476; 10 U.S.C. 664 note), notwithstanding the expiration (under subsection (e) of that section) of authority to give such credit under that section.

(2) Paragraph (1) applies—

(A) in the case of an officer who was recommended for such credit under subsection (a)(3) of that section before the expiration (under subsection (e) of that section) of authority to give such credit, but for whom such credit either was denied or was granted as credit for less than a full tour of duty in a joint duty assignment; and

(B) in the case of an officer who did not submit a timely request for consideration for such credit.

(3)(A) In the case of an officer described in paragraph (2)(A), joint duty credit may be granted by reason of this subsection only if the Secretary determines that the decision not to give the credit or not to give greater credit, as the case may be, to that officer was incorrect.

(B) In the case of an officer described in paragraph (2)(B), joint duty credit may be granted by reason of this subsection only if the Secretary determines that the officer's ability to submit a timely request was impaired by involvement of the officer in an operational assignment and, as a result of the failure to submit such a timely request, the officer was not recommended for such credit.

(b) DURATION OF AUTHORITY.—Subsection (a) expires at the end of the 90-day period beginning on the date of the enactment of this Act.

(c) CLARIFICATION OF INTENDED RELATIONSHIP BETWEEN CREDIT AND PROMOTIONS.—(1) Section 933(a)(1) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2476; 10 U.S.C. 644 note) is amended by striking out "chapter 38 of" and inserting in lieu thereof "any provision of".

(2) Any joint duty service credit given to an officer under section 933(a)(1) of the National Defense Authorization Act for Fiscal Year 1993 before the date of the enactment of this Act may be applied to any provision of title 10, United States Code.

SEC. 933. FLEXIBILITY FOR REQUIRED POST-EDUCATION JOINT DUTY ASSIGNMENT.

(a) IN GENERAL.—Subsection (d) of section 663 of title 10, United States Code, is amended to read as follows:

"(d) POST-EDUCATION JOINT DUTY ASSIGNMENTS.—(1) The Secretary of Defense shall ensure that each officer with the joint specialty who graduates from a joint professional military education school shall be assigned to a joint duty assignment for that officer's next duty assignment after such graduation (unless the officer receives a waiver of that requirement by the Secretary in an individual case).

"(2)(A) The Secretary of Defense shall ensure that a high proportion (which shall be greater than 50 percent) of the officers graduating from a joint professional military education school who do not have the joint specialty shall receive assignments to a joint duty assignment as their next duty assignment after such graduation or, to the extent authorized in subparagraph (B), as their second duty assignment after such graduation.

"(B) The Secretary may, if the Secretary determines that it is necessary to do so for the efficient management of officer personnel, establish procedures to allow up to one-half of the officers subject to the joint duty assignment requirement in subparagraph (A) to be assigned to a joint duty assignment as their second (rather than first) assignment after such graduation from a joint professional military education school.".

10 USC 663 note.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to officers graduating from joint professional military education schools after the date of the enactment of this Act.

Subtitle D—Other Matters

SEC. 941. ARMY RESERVE COMMAND.

Section 903 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1620; 10 U.S.C. 3074 note) is amended—

(1) in subsection (a), by striking out "shall be a major subordinate command of Forces Command" and inserting in lieu thereof "shall be a separate command of the Army commanded by the Chief, Army Reserve";

(2) in subsection (b)(2), by striking out "Commander-in-Chief, Forces Command" and inserting in lieu thereof "Commander-in-Chief, United States Atlantic Command"; and

(3) by striking out subsections (c) through (e).

SEC. 942. FLEXIBILITY IN ADMINISTERING REQUIREMENT FOR ANNUAL FOUR PERCENT REDUCTION IN NUMBER OF PERSONNEL ASSIGNED TO HEADQUARTERS AND HEADQUARTERS SUPPORT ACTIVITIES.

Section 906(a) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1622) is amended by adding at the end the following: "If the number by which the number of such personnel is reduced during any of fiscal years 1991, 1992, 1993, or 1994 is greater than the number required under the preceding sentence, the excess number from that fiscal year may be applied by the Secretary toward the required reduction during a subsequent fiscal year (so that the total reduction under this section need not exceed the number equal to five times the required reduction number specified under the preceding sentence).".

SEC. 943. REPORT ON DEPARTMENT OF DEFENSE BOTTOM UP REVIEW.

(a) REPORT REQUIRED.—The Secretary of Defense shall submit, in classified and unclassified forms, to the Committees on Armed Services of the Senate and House of Representatives a report on aspects of the comprehensive review of Department of Defense activities ordered by the Secretary of Defense and identified as the "Bottom Up Review" (hereinafter in this section referred to

as the "Review") that were not included in the October 1993 Department of Defense report entitled "Report on the Bottom-Up Review". The report shall include the following information:

(1) A presentation of the process, structure, and scope of the Review, including all programs and policies examined by the Review.

(2) The various force structure, strategy, budgetary, and programmatic options considered as part of the Review.

(3) A description of any threat assessment or defense planning scenario used in conducting the Review.

(4) The criteria used in the development, review, and selection of the alternative strategy, force structure, programmatic, budgetary, and other options considered in the Review.

(5) A detailed description and break out of the resource savings and costs resulting from the recommendations stated in the October 1993 Department of Defense report entitled "Report on the Bottom-Up Review".

(6) Presentation of changes as a result of the Review in each of the following:

(A) The National Security Strategy of the United States, as described in the January 1993 report entitled "National Security Strategy of the United States", issued by former President Bush.

(B) The National Military Strategy of the United States, as described in the January 1993 report entitled "Annual Report to the President and the Congress" from former Secretary of Defense Cheney.

(C) The military force structure and active and reserve personnel end strength, as described in the January 1993 report entitled "Annual Report to the President and the Congress" from former Secretary of Defense Cheney.

(D) The roles and functions of the military departments and the roles and functions of the unified commands as set out in the Unified Command Plan.

(E) Cost, schedule, and inventory objectives for major defense acquisition programs (as defined in section 2430 of title 10, United States Code) altered as a result of the Review.

(b) DEADLINE.—The report required by subsection (a) shall be submitted not later than the date on which the budget for fiscal year 1995 is submitted to Congress pursuant to section 1105 of title 31, United States Code.

SEC. 944. REPEAL OF TERMINATION OF REQUIREMENT FOR A DIRECTOR OF EXPEDITIONARY WARFARE IN THE OFFICE OF THE CHIEF OF NAVAL OPERATIONS.

Subsection (e) of section 5038 of title 10, United States Code, is repealed.

SEC. 945. CINC INITIATIVE FUND.

Of the amounts authorized to be appropriated pursuant to section 301 for Defense-wide activities, $30,000,000 shall be made available for the CINC Initiative Fund.

10 USC 111 note.

Subtitle E—Commission on Roles and Missions of the Armed Forces

SEC. 951. FINDINGS.

Congress makes the following findings:

(1) The current allocation of roles and missions among the Armed Forces evolved from the practice during World War II to meet the Cold War threat and may no longer be appropriate for the post-Cold War era.

(2) Many analysts believe that a realignment of those roles and mission is essential for the efficiency and effectiveness of the Armed Forces, particularly in light of lower budgetary resources that will be available to the Department of Defense in the future.

(3) The existing process of a triennial review of roles and missions by the Chairman of the Joint Chiefs of Staff pursuant to provisions of law enacted by the Goldwater-Nichols Department of Defense Reorganization Act of 1986 has not produced the comprehensive review envisioned by Congress.

(4) It is difficult for any organization, and may be particularly difficult for the Department of Defense, to reform itself without the benefit and authority provided by external perspectives and analysis.

SEC. 952. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is hereby established a commission to be known as the Commission on Roles and Missions of the Armed Forces (hereinafter in this subtitle referred to as the "Commission").

(b) COMPOSITION AND QUALIFICATIONS.—(1) The Commission shall be composed of seven members. Members of the Commission shall be appointed by the Secretary of Defense.

(2) The Commission shall be appointed from among private United States citizens with appropriate and diverse military, organizational, and management experiences and historical perspectives.

(3) The Secretary shall designate one of the members as chairman of the Commission.

(c) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) INITIAL ORGANIZATIONAL REQUIREMENTS.—(1) The Secretary shall make all appointments to the Commission within 45 days after the date of the enactment of this Act.

(2) The Commission shall convene its first meeting within 30 days after the first date on which all members of the Commission have been appointed. At that meeting, the Commission shall develop an agenda and a schedule for carrying out its duties.

SEC. 953. DUTIES OF COMMISSION.

(a) IN GENERAL.—The Commission shall—

(1) review the efficacy and appropriateness for the post-Cold War era of the current allocations among the Armed Forces of roles, missions, and functions;

(2) evaluate and report on alternative allocations of those roles, missions, and functions; and Reports.

(3) make recommendations for changes in the current definition and distribution of those roles, missions, and functions.

(b) REVIEW OF POTENTIAL MILITARY OPERATIONS.—The Commission shall review the types of military operations that may be required in the post-Cold War era, taking into account the requirements for success in various types of operations. As part of such review, the Commission shall take into consideration the official strategic planning of the Department of Defense. The types of operations to be considered by the Commission as part of such review shall include the following:

(1) Defense of the United States.

(2) Warfare against other national military forces.

(3) Participation in peacekeeping, peace enforcement, and other nontraditional activities.

(4) Action against nuclear, chemical, and biological weapons capabilities in hostile hands.

(5) Support of law enforcement.

(6) Other types of operations as specified by the chairman of the Commission.

(c) COMMISSION TO DEFINE BROAD MISSION AREAS AND KEY SUPPORT REQUIREMENTS.—As a result of the review under subsection (b), the Commission shall define broad mission areas and key support requirements for the United States military establishment as a whole.

(d) DEVELOPMENT OF CONCEPTUAL FRAMEWORK FOR ORGANIZATIONAL ALLOCATIONS.—The Commission shall develop a conceptual framework for the review of the organizational allocation among the Armed Forces of military roles, missions, and functions. In developing that framework, the Commission shall consider—

(1) static efficiency (such as duplicative overhead and economies of scale);

(2) dynamic effectiveness (including the benefits of competition and the effect on innovation);

(3) interoperability, responsiveness, and other aspects of military effectiveness in the field;

(4) gaps in mission coverage and so-called orphan missions that are inadequately served by existing organizational entities;

(5) division of responsibility on the battlefield;

(6) exploitation of new technology and operational concepts;

(7) the degree of disruption that a change in roles and missions would entail; and

(8) the experience of other nations.

(e) RECOMMENDATIONS CONCERNING MILITARY ROLES AND MISSIONS.—Based upon the conceptual framework developed under subsection (d) to evaluate possible changes to the existing allocation among the Armed Forces of military roles, missions, and functions, the Commission shall recommend—

(1) the functions for which each military department should organize, train, and equip forces;

(2) the missions of combatant commands; and

(3) the roles that Congress should assign to the various military elements of the Department of Defense.

(f) RECOMMENDATIONS CONCERNING CIVILIAN ELEMENTS OF DEPARTMENT OF DEFENSE.—The Commission may address the roles, missions, and functions of civilian portions of the Department of

Defense and other national security agencies to the extent that changes in these areas are collateral to changes considered in military roles, missions, and functions.

(g) RECOMMENDATIONS CONCERNING PROCESS FOR FUTURE CHANGES.—The Commission shall also recommend a process for continuing to adapt the roles, missions, and functions of the Armed Forces to future changes in technology and in the international security environment.

SEC. 954. REPORTS.

(a) IMPLEMENTATION PLAN.—Not later than three months after the date on which all members of the Commission have been appointed, the Commission shall transmit to the Committees on Armed Services of the Senate and House of Representatives a report setting forth its plan for the work of the Commission. The plan shall be developed following discussions with the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and the chairmen of those committees.

(b) COMMISSION REPORT.—The Commission shall, not later than one year after the date of its first meeting, submit to the committees named in subsection (a) and to the Secretary of Defense and the Chairman of the Joint Chiefs of Staff a report setting forth the activities, findings, and recommendations of the Commission, including any recommendations for legislation that the Commission considers advisable.

(c) ACTION BY SECRETARY OF DEFENSE.—The Secretary of Defense, after consultation with the Chairman of the Joint Chiefs of Staff, shall submit comments on the Commission's report to the committees referred to in subsection (b) not later than 90 days following receipt of the report.

SEC. 955. POWERS.

(a) HEARINGS.—The Commission or, at its direction, any panel or member of the Commission, may, for the purpose of carrying out the provisions of this subtitle, hold hearings, sit and act at times and places, take testimony, receive evidence, and administer oaths to the extent that the Commission or any panel or member considers advisable.

(b) INFORMATION.—The Commission may secure directly from the Department of Defense and any other Federal department or agency any information that the Commission considers necessary to enable the Commission to carry out its responsibilities under this subtitle. Upon request of the chairman of the Commission, the head of such department or agency shall furnish such information expeditiously to the Commission.

SEC. 956. COMMISSION PROCEDURES.

(a) MEETINGS.—The Commission shall meet at the call of the chairman.

(b) QUORUM.—(1) Four members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(2) The Commission shall act by resolution agreed to by a majority of the members of the Commission.

(c) PANELS.—The Commission may establish panels composed of less than the full membership of the Commission for the purpose of carrying out the Commission's duties. The actions of each such panel shall be subject to the review and control of the Commission.

Any findings and determinations made by such a panel shall not be considered the findings and determinations of the Commission unless approved by the Commission.

(d) AUTHORITY OF INDIVIDUALS TO ACT FOR COMMISSION.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take under this subtitle.

SEC. 957. PERSONNEL MATTERS.

(a) PAY OF MEMBERS.—Each member of the Commission shall be paid at a rate equal to the daily equivalent of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without pay in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—(1) The chairman of the Commission may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, appoint a staff director and such additional personnel as may be necessary to enable the Commission to perform its duties. The appointment of a staff director shall be subject to the approval of the Commission.

(2) The chairman of the Commission may fix the pay of the staff director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay fixed under this paragraph for the staff director may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title and the rate of pay for other personnel may not exceed the maximum rate payable for grade GS–15 of the General Schedule.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the chairman of the Commission, the head of any Federal department or agency may detail, on a nonreimbursable basis, any personnel of that department or agency to the Commission to assist it in carrying out its duties.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of such title.

SEC. 958. MISCELLANEOUS ADMINISTRATIVE PROVISIONS.

(a) POSTAL AND PRINTING SERVICES.—The Commission may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(b) MISCELLANEOUS ADMINISTRATIVE AND SUPPORT SERVICES.—The Secretary of Defense shall furnish the Commission, on a

reimbursable basis, any administrative and support services requested by the Commission.

(c) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(d) TRAVEL.—To the maximum extent practicable, the members and employees of the Commission shall travel on military aircraft, military ships, military vehicles, or other military conveyances when travel is necessary in the performance of a responsibility of the Commission, except that no such aircraft, ship, vehicle, or other conveyance may be scheduled primarily for the transportation of any such member or employee when the cost of commercial transportation is less expensive.

SEC. 959. PAYMENT OF COMMISSION EXPENSES.

The compensation, travel expenses, and per diem allowances of members and employees of the Commission shall be paid out of funds available to the Department of Defense for the payment of compensation, travel allowances, and per diem allowances, respectively, of civilian employees of the Department of Defense. The other expenses of the Commission shall be paid out of funds available to the Department of Defense for the payment of similar expenses incurred by that Department.

SEC. 960. TERMINATION OF THE COMMISSION.

The Commission shall terminate on the last day of the sixteenth month that begins after the date of its first meeting, but not earlier than 30 days after the date of the Secretary of Defense's submission of comments on the Commission's report.

TITLE X—ENVIRONMENTAL PROVISIONS

SEC. 1001. ANNUAL ENVIRONMENTAL REPORTS.

(a) REPORT ON ENVIRONMENTAL RESTORATION ACTIVITIES.—Subsection (a) of section 2706 of title 10, United States Code, is amended to read as follows:

"(a) REPORT ON ENVIRONMENTAL RESTORATION ACTIVITIES.—(1) The Secretary of Defense shall submit to the Congress each year, not later than 30 days after the date on which the President submits to the Congress the budget for a fiscal year, a report on the progress made by the Secretary in carrying out environmental restoration activities at military installations.

"(2) Each such report shall include, with respect to environmental restoration activities for each military installation, the following:

"(A) A statement of the number of sites at which a hazardous substance has been identified.

"(B) A statement of the status of response actions proposed for or initiated at the military installation.

"(C) A statement of the total cost estimated for such response actions.

"(D) A statement of the amount of funds obligated by the Secretary for such response actions, and the progress made in implementing the response actions during the fiscal year preceding the year in which the report is submitted, including an explanation of—

"(i) any cost overruns for such response actions, if the amount of funds obligated for those response actions exceeds the estimated cost for those response actions by the greater of 15 percent of the estimated cost or $10,000,000; and

"(ii) any deviation in the schedule (including a milestone schedule specified in an agreement, order, or mandate) for such response actions of more than 180 days.

"(E) A statement of the amount of funds allocated by the Secretary for, and the anticipated progress in implementing, such response actions during the fiscal year in which the report is submitted.

"(F) A statement of the amount of funds requested for such response actions for the five fiscal years following the fiscal year in which the report is submitted, and the anticipated progress in implementing such response actions for the fiscal year for which the budget is submitted.

"(G) A statement of the total costs incurred for such response actions as of the date of the submission of the report.

"(H) A statement of the estimated cost of completing all environmental restoration activities required with respect to the military installation, including, where relevant, the estimated cost of such activities in each of the five fiscal years following the fiscal year in which the report is submitted.

"(I) A statement of the estimated schedule for completing all environmental restoration activities at the military installation.

(b) REPORT ON ENVIRONMENTAL COMPLIANCE ACTIVITIES.—Subsection (b) of section 2706 of such title is amended to read as follows:

"(b) REPORT ON ENVIRONMENTAL COMPLIANCE ACTIVITIES.—(1) The Secretary of Defense shall submit to the Congress each year, not later than 30 days after the date on which the President submits to the Congress the budget for a fiscal year, a report on the progress made by the Secretary in carrying out environmental compliance activities at military installations.

"(2) Each such report shall include the following:

"(A) A statement of the funding levels and full-time personnel required for the Department of Defense to comply with applicable environmental laws during the fiscal year for which the budget is submitted, setting forth separately the funding levels and personnel required for the Department of Defense as a whole and for each military installation.

"(B) A statement of the funding levels and full-time personnel requested for such purposes in the budget submitted by the President at the same time as the report, including—

"(i) an explanation of any differences between the funding level and personnel requirements and the funding level and personnel requests in the budget; and

"(ii) a statement setting forth separately the funding levels and full-time personnel requested for the Department of Defense as a whole and for each military installation.

"(C) A projection of the funding levels and the number of full-time personnel that will be required over the five fiscal years following the fiscal year in which the report is submitted for the Department of Defense to comply with applicable environmental laws, setting forth separately such projections

for the Department of Defense as a whole and for each military installation.

"(D) An analysis of the effect that compliance with such environmental laws may have on the operations and mission capabilities of the Department of Defense as a whole and of each military installation.

"(E) A statement of the funding levels requested in the budget submitted by the President at the same time as the report for carrying out research, development, testing, and evaluation for environmental purposes or environmental activities of the Department of Defense. The statement shall set forth separately the funding levels requested for the Department of Defense as a whole and for each military department and Defense Agency.

"(F) A description of the number and duties of all current full-time civilian and military personnel who carry out environmental activities (including research) for the Department of Defense, including a description of the organizational structure of such personnel from the Secretary of Defense down to the military installation level.

"(G) A statement of the funding levels and personnel required for the Department of Defense to comply with applicable environmental requirements for military installations located outside the United States during the fiscal year for which the budget is submitted.".

(c) REPORT ON CONTRACTOR REIMBURSEMENT COSTS.—Section 2706 of such title is amended by adding at the end the following new subsection:

"(c) REPORT ON CONTRACTOR REIMBURSEMENT COSTS.—(1) The Secretary of Defense shall submit to the Congress each year, not later than 30 days after the date on which the President submits to the Congress the budget for a fiscal year, a report on payments made by the Secretary to defense contractors for the costs of environmental response actions.

"(2) Each such report shall include, for the fiscal year preceding the year in which the report is submitted, the following:

"(A) An estimate of the payments made by the Secretary to any defense contractor (other than a response action contractor) for the costs of environmental response actions at facilities owned or operated by the defense contractor or at which the defense contractor is liable in whole or in part for the environmental response action.

"(B) A statement of the amount and current status of any pending requests by any defense contractor (other than a response action contractor) for payment of the costs of environmental response actions at facilities owned or operated by the defense contractor or at which the defense contractor is liable in whole or in part for the environmental response action.".

(d) DEFINITIONS.—Section 2706 of such title, as amended by subsection (c), is further amended by adding at the end the following new subsection:

"(d) DEFINITIONS.—In this section:

"(1) The term 'defense contractor'—

"(A) means an entity (other than an entity referred to in subparagraph (B)) that is one of the top 100 entities receiving the largest dollar volume of prime contract

awards by the Department of Defense during the fiscal year covered by the report; and

"(B) does not include small business concerns, commercial companies (or segments of commercial companies) providing commercial items to the Department of Defense.

"(2) The term 'military installation' has the meaning given such term in section 2687(e) of this title, except that such term does not include a homeport facility for any ship and includes—

"(A) each facility or site owned by, leased to, or otherwise possessed by the United States and under the jurisdiction of the Secretary of Defense;

"(B) each facility or site which was under the jurisdiction of the Secretary and owned by, leased to, or otherwise possessed by the United States at the time of actions leading to contamination by hazardous substances; and

"(C) each facility or site at which the Secretary is conducting environmental restoration activities.

"(3) The term 'response action contractor' has the meaning given such term in section 119(e)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9619(e)(2)).".

(e) TIME OF SUBMISSION OF CERTAIN REPORTS.—(1) A report submitted in 1994 under subsection (a) of section 2706 of title 10, United States Code, as amended by subsection (a), and under subsection (b) of such section, as amended by subsection (b), shall be submitted not later than March 31, 1994. 10 USC 2706 note.

(2) A report under subsection (c) of section 2706 of such title, as added by subsection (c), shall be submitted for fiscal years beginning with fiscal year 1993. Any such report that is submitted for fiscal year 1993 or fiscal year 1994 shall be submitted not later than February 1, 1995.

SEC. 1002. INDEMNIFICATION OF TRANSFEREES OF CLOSING DEFENSE PROPERTY FOR RELEASES OF PETROLEUM AND PETROLEUM DERIVATIVES.

Section 330 of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 2687 note) is amended by striking out "hazardous substance or pollutant or contaminant" in subsections (a) and (d) and inserting in lieu thereof "hazardous substance, pollutant or contaminant, or petroleum or petroleum derivative".

SEC. 1003. SHIPBOARD PLASTIC AND SOLID WASTE CONTROL.

(a) COMPLIANCE BY NAVY SHIPS WITH CERTAIN POLLUTION CONTROL CONVENTIONS.—Subsection (b)(2)(A) of section 3 of the Act to Prevent Pollution from Ships (33 U.S.C. 1902) is amended by striking out "after 5 years" and all that follows and inserting in lieu thereof "as follows:

"(i) After December 31, 1993, to all ships referred to in paragraph (1)(A) of this subsection other than those owned or operated by the Department of the Navy.

"(ii) Except as provided in subsection (c) of this section, after December 31, 1998, to all ships referred to in paragraph (1)(A) of this subsection other than submersibles owned or operated by the Department of the Navy.

"(iii) Except as provided in subsection (c) of this section, after December 31, 2008, to all ships referred to in paragraph (1)(A) of this subsection.".

33 USC 1902.

(b) SPECIAL AREA DISCHARGES.—Section 3 of such Act is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (g), respectively; and

(2) by inserting after subsection (b) the following new subsection (c):

"(c) DISCHARGES IN SPECIAL AREAS.—(1) Not later than December 31, 2000, all surface ships owned or operated by the Department of the Navy, and not later than December 31, 2008, all submersibles owned or operated by the Department of the Navy, shall comply with the special area requirements of Regulation 5 of Annex V to the Convention.

"(2) Not later than 3 years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1994, the Secretary of the Navy shall, in consultation with the Secretary of State, the Secretary of Commerce, the Secretary of Transportation, and the Administrator of the Environmental Protection Agency, submit to the Congress a plan for the compliance by all ships owned or operated by the Department of the Navy with the requirements set forth in paragraph (1) of this subsection. Such plan shall be submitted after opportunity for public participation in its preparation, and for public review and comment.

"(3) If the Navy plan for compliance demonstrates that compliance with the requirements set forth in paragraph (1) of this subsection is not technologically feasible in the case of certain ships under certain circumstances, the plan shall include information describing—

"(A) the ships for which full compliance with the requirements of paragraph (1) of this subsection is not technologically feasible;

"(B) the technical and operational impediments to achieving such compliance;

"(C) a proposed alternative schedule for achieving such compliance as rapidly as is technologically feasible; and

"(D) such other information as the Secretary of the Navy considers relevant and appropriate.

"(4) Upon receipt of the compliance plan under paragraph (2) of this subsection, the Congress may modify the applicability of paragraph (1) of this subsection, as appropriate.".

(c) COMPLIANCE MEASURES.—Section 3 of such Act is amended by inserting after subsection (d), as redesignated by subsection (b)(1), the following new subsection:

"(e) COMPLIANCE BY EXCLUDED VESSELS.—(1) The Secretary of the Navy shall develop and, as appropriate, support the development of technologies and practices for solid waste management aboard ships owned or operated by the Department of the Navy, including technologies and practices for the reduction of the waste stream generated aboard such ships, that are necessary to ensure the compliance of such ships with Annex V to the Convention on or before the dates referred to in subsections (b)(2)(A) and (c)(1) of this section.

"(2) Notwithstanding any effective date of the application of this section to a ship, the provisions of Annex V to the Convention with respect to the disposal of plastic shall apply to ships equipped with plastic processors required for the long-term collection and storage of plastic aboard ships of the Navy upon the installation of such processors in such ships.

"(3) Except when necessary for the purpose of securing the safety of the ship, the health of the ship's personnel, or saving life at sea, it shall be a violation of this Act for a ship referred to in subsection (b)(1)(A) of this section that is owned or operated by the Department of the Navy:

"(A) With regard to a submersible, to discharge buoyant garbage or garbage that contains more than the minimum amount practicable of plastic.

"(B) With regard to a surface ship, to discharge plastic contaminated by food during the last 3 days before the ship enters port.

"(C) With regard to a surface ship, to discharge plastic, except plastic that is contaminated by food, during the last 20 days before the ship enters port.

"(4) The Secretary of Defense shall publish in the Federal Register: Federal Register, publication.

"(A) Beginning on October 1, 1994, and each year thereafter until October 1, 2000, the amount and nature of the discharges in special areas, not otherwise authorized under Annex V to the Convention, during the preceding year from ships referred to in subsection (b)(1)(A) of this section owned or operated by the Department of the Navy.

"(B) Beginning on October 1, 1996, and each year thereafter until October 1, 1998, a list of the names of such ships equipped with plastic processors pursuant to section 1003(e) of the National Defense Authorization Act for Fiscal Year 1994.".

(d) WAIVER AUTHORITY.—Section 3 of such Act, as amended by subsection (c), is further amended by inserting after subsection (e) the following new subsection:

"(f) WAIVER AUTHORITY.—The President may waive the effective dates of the requirements set forth in subsection (c) of this section and in subsection 1003(e) of the National Defense Authorization Act for Fiscal Year 1994 if the President determines it to be in the paramount interest of the United States to do so. Any such waiver shall be for a period not in excess of one year. The President shall submit to the Congress each January a report on all waivers from the requirements of this section granted during the preceding calendar year, together with the reasons for granting such waivers.".

(e) OTHER ACTIONS.—(1) Not later than October 1, 1994, the Secretary of the Navy shall release a request for proposals for equipment (hereinafter in this subsection referred to as "plastics processor") required for the long-term collection and storage of plastic aboard ships owned or operated by the Navy. 33 USC 1902 note.

(2) Not later than July 1, 1996, the Secretary shall install the first production unit of the plastics processor on board a ship owned or operated by the Navy.

(3) Not later than March 1, 1997, the Secretary shall complete the installation of plastics processors on board not less than 25 percent of the ships owned or operated by the Navy that require plastics processors to comply with section 3 of the Act to Prevent Pollution from Ships, as amended by subsections (a), (b), and (c) of this section.

(4) Not later than July 1, 1997, the Secretary shall complete the installation of plastics processors on board not less than 50 percent of the ships owned or operated by the Navy that require processors to comply with section 3 of such Act, as amended by subsections (a), (b), and (c) of this section.

(5) Not later than July 1, 1998, the Secretary shall complete the installation of plastics processors on board not less than 75 percent of the ships owned or operated by the Navy that require processors to comply with section 3 of such Act, as amended by subsections (a), (b), and (c) of this section.

(6) Not later than December 31, 1998, the Secretary shall complete the installation of plastics processors on board all ships owned or operated by the Navy that require processors to comply with section 3 of such Act, as amended by subsections (a), (b), and (c) of this section.

(f) DEFINITION.—Section 2(a) of the Act to Prevent Pollution from Ships (33 U.S.C. 1901(a)) is amended—

(1) by striking out "and" at the end of paragraph (8);

(2) by redesignating paragraph (9) as paragraph (10); and

(3) by inserting after paragraph (8) the following new paragraph (9):

"(9) 'submersible' means a submarine, or any other vessel designed to operate under water; and".

SEC. 1004. EXTENSION OF APPLICABILITY PERIOD FOR REIMBURSEMENT FOR CERTAIN LIABILITIES ARISING UNDER HAZARDOUS WASTE CONTRACTS.

Section 2708(b)(1) of title 10, United States Code, is amended by striking out "and 1993" and inserting in lieu thereof "through 1996".

SEC. 1005. PROHIBITION ON THE PURCHASE OF SURETY BONDS AND OTHER GUARANTIES FOR THE DEPARTMENT OF DEFENSE.

No funds appropriated or otherwise made available to the Department of Defense for fiscal year 1994 may be obligated or expended for the purchase of surety bonds or other guaranties of financial responsibility in order to guarantee the performance of any direct function of the Department of Defense.

TITLE XI—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1101. TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1) Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 1994 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary of Defense may transfer under the authority of this section may not exceed $2,000,000,000.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary of Defense shall promptly notify Congress of transfers made under the authority of this section.

SEC. 1102. CLARIFICATION OF SCOPE OF AUTHORIZATIONS.

No funds are authorized to be appropriated under this Act for the Department of Justice.

SEC. 1103. INCORPORATION OF CLASSIFIED ANNEX. 10 USC 114 note.

(a) STATUS OF CLASSIFIED ANNEX.—The Classified Annex prepared by the committee of conference to accompany the bill H.R. 2401 of the One Hundred Third Congress and transmitted to the President is hereby incorporated into this Act.

(b) CONSTRUCTION WITH OTHER PROVISIONS OF ACT.—The amounts specified in the Classified Annex are not in addition to amounts authorized to be appropriated by other provisions of this Act.

(c) LIMITATION ON USE OF FUNDS.—Funds appropriated pursuant to an authorization contained in this Act that are made available for a program, project, or activity referred to in the Classified Annex may only be expended for that program, project, or activity in accordance with such terms, conditions, limitations, restrictions, and requirements as are set out for that program, project, or activity in the Classified Annex.

(d) DISTRIBUTION OF CLASSIFIED ANNEX.—The President shall provide for appropriate distribution of the Classified Annex, or of appropriate portions of the annex, within the executive branch of the Government. President.

SEC. 1104. REVISION OF DATE FOR SUBMITTAL OF JOINT REPORT ON SCORING OF BUDGET OUTLAYS.

Section 226(a) of title 10, United States Code, is amended—

(1) by striking out "Not later than" and all that follows through "section 1105 of title 31", and inserting in lieu thereof "Not later than December 15 of each year"; and

(2) in paragraph (1), by striking out "that budget" and inserting in lieu thereof "the budget to be submitted to Congress in the following year pursuant to section 1105 of title 31".

SEC. 1105. COMPTROLLER GENERAL AUDITS OF ACCEPTANCE BY DEPARTMENT OF DEFENSE OF PROPERTY, SERVICES, AND CONTRIBUTIONS.

(a) PROPERTY AND SERVICES FROM FOREIGN COUNTRIES IN CONNECTION WITH CERTAIN AGREEMENTS.—Subsection (d) of section 2350g of title 10, United States Code, is amended to read as follows:

"(d) PERIODIC AUDITS BY GAO.—The Comptroller General of the United States shall make periodic audits of money and property accepted under this section, at such intervals as the Comptroller General determines to be warranted. The Comptroller General shall submit to Congress a report on the results of each such audit.". Reports.

(b) DEFENSE COOPERATION ACCOUNT.—(1) Subsection (i) of section 2608 of such title is amended to read as follows:

"(i) PERIODIC AUDITS BY GAO.—The Comptroller General of the United States shall make periodic audits of money and property accepted under this section, at such intervals as the Comptroller General determines to be warranted. The Comptroller General shall submit to Congress a report on the results of each such audit.". Reports.

(2) The heading of such section is amended to read as follows:

"§ 2608. Acceptance of contributions for defense programs, projects, and activities; Defense Cooperation Account".

(3) The item relating to such section in the table of sections at the beginning of chapter 155 of such title is amended to read as follows:

"2608. Acceptance of contributions for defense programs, projects, and activities; Defense Cooperation Account.".

SEC. 1106. LIMITATION ON TRANSFERRING DEFENSE FUNDS TO OTHER DEPARTMENTS AND AGENCIES.

(a) IN GENERAL.—(1) Chapter 131 of title 10, United States Code, is amended by inserting after section 2214 the following new section:

"§ 2215. Transfer of funds to other departments and agencies: limitation

"Funds available for military functions of the Department of Defense may not be made available to any other department or agency of the Federal Government pursuant to a provision of law enacted after November 29, 1989, unless, not less than 30 days before such funds are made available to such other department or agency, the Secretary of Defense submits to the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives a certification that making those funds available to such other department or agency is in the national security interest of the United States.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2214 the following new item:

"2215. Transfer of funds to other departments and agencies: limitation.".

(b) CONFORMING REPEAL.—Section 1604 of Public Law 101-189 (103 Stat. 1598) is repealed. 31 USC 1531 note.

SEC. 1107. SENSE OF CONGRESS CONCERNING DEFENSE BUDGET PROCESS.

It is the sense of Congress that any future-years defense plan prepared after the date of the enactment of this Act—

(1) should be based on an objective assessment of United States national security requirements and include funding proposals at a level capable of protecting and promoting the Nation's interests; and

(2) should be based on financial integrity and accountability to ensure a fully funded defense program necessary to maintain a ready and capable force.

SEC. 1108. FUNDING STRUCTURE FOR CONTINGENCY OPERATIONS.

(a) IN GENERAL.—(1) Chapter 3 of title 10, United States Code, is amended by inserting after section 127 the following new section:

"§ 127a. Expenses for contingency operations

"(a) DESIGNATION OF NATIONAL CONTINGENCY OPERATIONS.—The funding procedures prescribed by this section apply with respect to any operation involving the armed forces that is designated by the Secretary of Defense as a National Contingency Operation. Whenever the Secretary designates an operation as a National Contingency Operation, the Secretary shall promptly transmit notice of that designation in writing to Congress. This section does not provide authority for the President or the Secretary of Defense to carry out an operation, but applies to the Department of Defense mechanisms by which funds are provided for operations that the armed forces are required to carry out under some other authority.

"(b) WAIVER OF REQUIREMENT TO REIMBURSE SUPPORT UNITS.—(1) When an operating unit of the armed forces participating in a National Contingency Operation receives support services from a support unit of the armed forces that operates through the Defense Business Operations Fund (or a successor fund), that operating unit need not reimburse that support unit for the incremental costs incurred by the support unit in providing such support, notwithstanding any other provision of law or Government accounting practice.

"(2) The amounts which but for paragraph (1) would be required to be reimbursed to a support unit shall be recorded as an expense attributable to the operation and shall be accounted for separately.

"(3) The total of the unreimbursed sums for all National Contingency Operations may not exceed $300,000,000 at any one time.

"(c) FINANCIAL PLAN FOR CONTINGENCY OPERATIONS.—(1) Within two months of the beginning of any National Contingency Operation, the Secretary of Defense shall submit to Congress a financial plan for the operation that sets forth the manner by which the Secretary proposes to obtain funds for the full cost to the United States of the operation.

"(2) The plan shall specify in detail how the Secretary proposes to make the Defense Business Operations Fund (or a successor fund) whole again.

"(d) INCREMENTAL COSTS.—For purposes of this section, incremental costs of the Department of Defense with respect to an operation are the costs that are directly attributable to the operation and that are otherwise chargeable to accounts available for operation and maintenance or for military personnel. Any costs which are otherwise chargeable to accounts available for procurement may not be considered to be incremental costs for purposes of this section.

"(e) INCREMENTAL PERSONNEL COSTS ACCOUNT.—There is hereby established in the Department of Defense a reserve fund to be known as the 'National Contingency Operation Personnel Fund'. Amounts in the fund shall be available for incremental military personnel costs attributable to a National Contingency Operation. Amounts in the fund remain available until expended.

"(f) COORDINATION WITH WAR POWERS RESOLUTION.—This section may not be construed as altering or superseding the War

Powers Resolution. This section does not provide authority to conduct a National Contingency Operation or any other operation.

"(g) GAO COMPLIANCE REVIEWS.—The Comptroller General of the United States shall from time to time, and when requested by a committee of Congress, conduct a review of the defense contingency funding structure under this section to determine whether the Department of Defense is complying with the requirements and limitations of this section.

"(h) DEFINITION.— In this section, the term 'National Contingency Operation' means a military operation that is designated by the Secretary of Defense as an operation the cost of which, when considered with the cost of other ongoing or potential military operations, is expected to have a negative effect on training and readiness.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 127 the following new item:

"127a. Expenses for contingency operations.".

(b) FIRST YEAR FUNDING.—There is hereby authorized to be appropriated for fiscal year 1994 to the fund established under section 127a(e) of title 10, United States Code, as added by subsection (a), the sum of $10,000,000.

Subtitle B—Fiscal Year 1993 Authorization Matters

SEC. 1111. AUTHORITY FOR OBLIGATION OF CERTAIN UNAUTHORIZED FISCAL YEAR 1993 DEFENSE APPROPRIATIONS.

(a) AUTHORITY.—The amounts described in subsection (b), totaling $5,148,730,000 may be obligated and expended for programs, projects, and activities of the Department of Defense in accordance with fiscal year 1993 defense appropriations.

(b) COVERED AMOUNTS.—The amounts referred to in subsection (a) are the amounts provided for programs, projects, and activities of the Department of Defense in fiscal year 1993 defense appropriations that are in excess of the amounts provided for such programs, projects, and activities in fiscal year 1993 defense authorizations.

(c) DEFINITIONS.—For the purposes of this subtitle:

(1) FISCAL YEAR 1993 DEFENSE APPROPRIATIONS.—The term "fiscal year 1993 defense appropriations" means amounts appropriated or otherwise made available to the Department of Defense for fiscal year 1993 in the Department of Defense Appropriations Act, 1993 (Public Law 102–396).

(2) FISCAL YEAR 1993 DEFENSE AUTHORIZATIONS.—The term "fiscal year 1993 defense authorizations" means amounts authorized to be appropriated for the Department of Defense for fiscal year 1993 in the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484).

SEC. 1112. OBLIGATION OF CERTAIN APPROPRIATIONS.

In obligating amounts for fiscal year 1993 defense appropriations that were provided for specific non-Federal government entities (in the total amount of $176,450,000) for the University Research Initiatives program under research, development, test, and evaluation for Defense Agencies, the Secretary of Defense shall

have the discretion to make the award of any grant or contract from those amounts under that program using merit-based selection procedures.

SEC. 1113. SUPPLEMENTAL AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1993.

(a) AUTHORIZATION OF SUPPLEMENTAL APPROPRIATIONS.—There is authorized to be appropriated for fiscal year 1993 for covering the incremental costs arising from Operation Restore Hope, Operation Provide Comfort, and Operation Southern Watch, and deficiencies in funding of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS), and for repairing flood damage at Camp Pendleton, California, $1,246,928 as follows:

(1) For Military Personnel:
For the Navy, $7,100,000.
(2) For Operation and Maintenance:
(A) For the Army, $149,800,000.
(B) For the Navy, $46,356,000.
(C) For the Marine Corps, $122,192,000.
(D) For the Air Force, $226,400,000.
(E) For the Defense Agencies, $2,000,000.
(F) For the Naval Reserve, $237,000.
(G) For Humanitarian Assistance, $23,000,000.
(H) For Real Property Maintenance, Defense, $29,098,000.
(I) For the Defense Health Program, $299,900,000.
(3) For Military Construction:
(A) For the Navy inside the United States, $3,000,000.
(B) For the Navy for family housing inside the United States, $4,345,000.
(4) For Working Capital Funds:
For the Defense Business Operations Fund, $293,500,000.

(b) NATIONAL SECURITY EDUCATION TRUST FUND OBLIGATIONS.—There is authorized to be appropriated for fiscal year 1993 from the National Security Education Trust Fund the amount of $10,000,000.

Subtitle C—Counter-Drug Activities

SEC. 1121. DEPARTMENT OF DEFENSE SUPPORT FOR COUNTER-DRUG ACTIVITIES OF OTHER AGENCIES.

(a) EXTENSION OF SUPPORT AUTHORIZATION.—Subsection (a) of section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 374 note) is amended by striking out "fiscal years 1991, 1992, 1993, and 1994," and inserting in lieu thereof "fiscal years 1991 through 1995,".

(b) ADDITIONAL TYPE OF SUPPORT AUTHORIZED.—Subsection (b) of such section is amended by adding at the end the following new paragraph:

"(10) Aerial and ground reconnaissance.".

(c) FUNDING OF SUPPORT ACTIVITIES.—Of the amount authorized to be appropriated for fiscal year 1994 under section 301(15) for operation and maintenance with respect to drug interdiction and counter-drug activities, $40,000,000 shall be available to the Secretary of Defense for the purposes of carrying out section 1004

of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 374 note).

SEC. 1122. REQUIREMENT TO ESTABLISH PROCEDURES FOR STATE AND LOCAL GOVERNMENTS TO BUY LAW ENFORCEMENT EQUIPMENT SUITABLE FOR COUNTER-DRUG ACTIVITIES THROUGH THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—(1) Chapter 18 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 381. Procurement by State and local governments of law enforcement equipment suitable for counter-drug activities through the Department of Defense

"(a) PROCEDURES.—(1) The Secretary of Defense shall establish procedures in accordance with this subsection under which States and units of local government may purchase law enforcement equipment suitable for counter-drug activities through the Department of Defense. The procedures shall require the following:

"(A) Each State desiring to participate in a procurement of equipment suitable for counter-drug activities through the Department of Defense shall submit to the Department, in such form and manner and at such times as the Secretary prescribes, the following:

"(i) A request for law enforcement equipment.

"(ii) Advance payment for such equipment, in an amount determined by the Secretary based on estimated or actual costs of the equipment and administrative costs incurred by the Department.

"(B) A State may include in a request submitted under subparagraph (A) only the type of equipment listed in the catalog produced under subsection (c).

"(C) A request for law enforcement equipment shall consist of an enumeration of the law enforcement equipment that is desired by the State and units of local government within the State. The Governor of a State may establish such procedures as the Governor considers appropriate for administering and coordinating requests for law enforcement equipment from units of local government within the State.

"(D) A State requesting law enforcement equipment shall be responsible for arranging and paying for shipment of the equipment to the State and localities within the State.

"(2) In establishing the procedures, the Secretary of Defense shall coordinate with the General Services Administration and other Federal agencies for purposes of avoiding duplication of effort.

"(b) REIMBURSEMENT OF ADMINISTRATIVE COSTS.—In the case of any purchase made by a State or unit of local government under the procedures established under subsection (a), the Secretary of Defense shall require the State or unit of local government to reimburse the Department of Defense for the administrative costs to the Department of such purchase.

"(c) GSA CATALOG.—The Administrator of General Services, in coordination with the Secretary of Defense, shall produce and maintain a catalog of law enforcement equipment suitable for counter-drug activities for purchase by States and units of local government under the procedures established by the Secretary under this section.

"(d) DEFINITIONS.—In this section:

"(1) The term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and any territory or possession of the United States.

"(2) The term 'unit of local government' means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State; an Indian tribe which performs law enforcement functions as determined by the Secretary of the Interior; or any agency of the District of Columbia government or the United States Government performing law enforcement functions in and for the District of Columbia or the Trust Territory of the Pacific Islands.

"(3) The term 'law enforcement equipment suitable for counter-drug activities' has the meaning given such term in regulations prescribed by the Secretary of Defense. In prescribing the meaning of the term, the Secretary may not include any equipment that the Department of Defense does not procure for its own purposes.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"381. Procurement by State and local governments of law enforcement equipment suitable for counter-drug activities through the Department of Defense.".

(b) DEADLINE.—The Secretary of Defense shall establish procedures under section 381(a) of title 10, United States Code, as added by subsection (a), not later than six months after the date of the enactment of this Act. 10 USC 381 note.

(c) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Defense shall submit to the Congress a report on the procedures established pursuant to section 381 of title 10, United States Code, as added by subsection (a). The report shall include, at a minimum, a list of the law enforcement equipment that will be covered under such procedures.

Subtitle D—Matters Relating to Reserve Components

SEC. 1131. REVIEW OF AIR FORCE PLANS TO TRANSFER HEAVY BOMBERS TO RESERVE COMPONENTS UNITS.

(a) REVIEW OF AIR FORCE PLANS.—(1) The Secretary of Defense shall review Air Force plans to transfer certain heavy bomber units from the active component of the Air Force to the reserve components of the Air Force.

(2) In carrying out the review, the Secretary shall consider the following matters:

(A) The compatibility of Air Force plans with the relevant results of the internal review of the Department of Defense (known as the "Bottom-Up Review") being conducted during 1993 by direction of the Secretary of Defense.

(B) The effect that the transfer will have on the immediate availability of substantial numbers of heavy bombers for combat operations.

(C) The levels of full-time and part-time employees that will be necessary at reserve components units in order to pro-

vide adequate logistics and maintenance support for intensive and sustained heavy bomber operations.

(D) The requirements for additional military construction funding that will result from the transfer and relocation of heavy bomber operations.

(b) SECRETARY OF DEFENSE PLAN REQUIRED.—(1) The Secretary of Defense, in consultation with the Secretary of the Air Force, shall develop a comprehensive plan for proposed transfers of heavy bomber units from the active component of the Air Force to the reserve components of the Air Force. The plan shall cover the period beginning on the date of the enactment of this Act and ending January 1, 2000.

Effective date.
Termination date.

(2) The plan shall include the following matters:

(A) The unit designation of each active component unit from which heavy bombers are to be transferred.

(B) The unit designation of each reserve component unit to which such heavy bombers are to be transferred.

(C) The proposed date of inactivation of each active component unit transferring heavy bombers.

(D) The proposed date of activation of each reserve component unit receiving heavy bombers.

(E) The requirements at each reserve component unit receiving heavy bombers for additional Armed Forces personnel and civilian personnel, additional facilities for the bomber aircraft, additional military construction funds other than for facilities construction, additional spare parts, and additional logistics, maintenance, and test equipment beyond such resources that become available by reason of the inactivation of the active component unit.

(c) REPORTING REQUIREMENTS.—Not later than March 31, 1994, the Secretary shall submit to the congressional defense committees—

(1) a report on the results of the review required under subsection (a), and

(2) the plan required under subsection (b).

Subtitle E—Awards and Decorations

SEC. 1141. AWARD OF PURPLE HEART TO MEMBERS KILLED OR WOUNDED IN ACTION BY FRIENDLY FIRE.

(a) IN GENERAL.—Chapter 57 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1129. Purple Heart: members killed or wounded in action by friendly fire

"(a) For purposes of the award of the Purple Heart, the Secretary concerned shall treat a member of the armed forces described in subsection (b) in the same manner as a member who is killed or wounded in action as the result of an act of an enemy of the United States.

"(b) A member described in this subsection is a member who is killed or wounded in action by weapon fire while directly engaged in armed conflict, other than as the result of an act of an enemy of the United States, unless (in the case of a wound) the wound is the result of willful misconduct of the member.

"(c) This section applies to members of the armed forces who are killed or wounded on or after December 7, 1941. In the case of a member killed or wounded as described in subsection (b) on or after December 7, 1941, and before the date of the enactment of this section, the Secretary concerned shall award the Purple Heart under subsection (a) in each case which is known to the Secretary before the date of the enactment of this section or for which an application is made to the Secretary in such manner as the Secretary requires.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1129. Purple Heart: members killed or wounded in action by friendly fire.".

SEC. 1142. SENSE OF CONGRESS RELATING TO AWARD OF THE NAVY EXPEDITIONARY MEDAL TO NAVY MEMBERS SUPPORTING DOOLITTLE RAID ON TOKYO.

Congress hereby reaffirms the sense of Congress (previously expressed in section 1084 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2517)) that individuals who served in the naval service during April 1942 in Task Force 16, culminating in the air-raid commonly known as the "Doolittle Raid on Tokyo", should be awarded the Navy Expeditionary Medal for such service and urges the President or the Secretary of the Navy, as appropriate, to award such medal to those individuals.

SEC. 1143. AWARD OF GOLD STAR LAPEL BUTTONS TO SURVIVORS OF SERVICE MEMBERS KILLED BY TERRORIST ACTS.

(a) ELIGIBILITY.—Subsection (a) of section 1126 of title 10, United States Code, is amended—

(1) by striking out "of the United States" in the matter preceding paragraph (1);

(2) by striking out "or" at the end of paragraph (1);

(3) in paragraph (2)—

(A) by redesignating clauses (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively; and

(B) by striking out the period at the end and inserting in lieu thereof "; or"; and

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

"(3) who lost or lose their lives after March 28, 1973, as a result of—

"(A) an international terrorist attack against the United States or a foreign nation friendly to the United States, recognized as such an attack by the Secretary of Defense; or

"(B) military operations while serving outside the United States (including the commonwealths, territories, and possessions of the United States) as part of a peacekeeping force.".

(b) DEFINITIONS.—Subsection (d) of such section is amended by adding at the end the following new paragraphs:

"(7) The term 'military operations' includes those operations involving members of the armed forces assisting in United States Government sponsored training of military personnel of a foreign nation.

"(8) The term 'peacekeeping force' includes those personnel assigned to a force engaged in a peacekeeping operation authorized by the United Nations Security Council.".

Subtitle F—Recordkeeping and Reporting Requirements

10 USC 113 note.

SEC. 1151. TERMINATION OF DEPARTMENT OF DEFENSE REPORTING REQUIREMENTS DETERMINED BY SECRETARY OF DEFENSE TO BE UNNECESSARY OR INCOMPATIBLE WITH EFFICIENT MANAGEMENT OF THE DEPARTMENT OF DEFENSE.

(a) TERMINATION OF REPORT REQUIREMENTS.—Unless otherwise provided by a law enacted after the date of the enactment of this Act, each provision of law requiring the submittal to Congress (or any committee of Congress) of any report specified in the list submitted under subsection (b) shall, with respect to that requirement, cease to be effective on October 30, 1995.

(b) PREPARATION OF LIST.—(1) The Secretary of Defense shall submit to Congress a list of each provision of law that, as of the date specified in subsection (c), imposes upon the Secretary of Defense (or any other officer of the Department of Defense) a reporting requirement described in paragraph (2). The list of provisions of law shall include a statement or description of the report required under each such provision of law.

(2) Paragraph (1) applies to a requirement imposed by law to submit to Congress (or specified committees of Congress) a report on a recurring basis, or upon the occurrence of specified events, if the Secretary determines that the continued requirement to submit that report is unnecessary or incompatible with the efficient management of the Department of Defense.

(3) The Secretary shall submit with the list an explanation, for each report specified in the list, of the reasons why the Secretary considers the continued requirement to submit the report to be unnecessary or incompatible with the efficient management of the Department of Defense.

(c) SUBMISSION OF LIST.—The list under subsection (a) shall be submitted not later than April 30, 1994.

(d) SCOPE OF SECTION.—For purposes of this section, the term "report" includes a certification, notification, or other characterization of a communication.

(e) INTERPRETATION OF SECTION.—This section does not require the Secretary of Defense to review each report required of the Department of Defense by law.

50 USC 401 note.

SEC. 1152. REPORTS RELATING TO CERTAIN SPECIAL ACCESS PROGRAMS AND SIMILAR PROGRAMS.

(a) IN GENERAL.—(1) Not later than February 1 of each year, the head of each covered department or agency shall submit to Congress a report on each special access program carried out in the department or agency.

(2) Each such report shall set forth—

(A) the total amount requested by the department or agency for special access programs within the budget submitted under section 1105 of title 31, United States Code, for the fiscal

year following the fiscal year in which the report is submitted; and

(B) for each program in such budget that is a special access program—

(i) a brief description of the program;

(ii) in the case of a procurement program, a brief discussion of the major milestones established for the program;

(iii) the actual cost of the program for each fiscal year during which the program has been conducted before the fiscal year during which that budget is submitted; and

(iv) the estimated total cost of the program and the estimated cost of the program for (I) the current fiscal year, (II) the fiscal year for which the budget is submitted, and (III) each of the four succeeding fiscal years during which the program is expected to be conducted.

(b) NEWLY DESIGNATED PROGRAMS.—(1) Not later than February 1 of each year, the head of each covered department or agency shall submit to Congress a report that, with respect to each new special access program of that department or agency, provides—

(A) notice of the designation of the program as a special access program; and

(B) justification for such designation.

(2) A report under paragraph (1) with respect to a program shall include—

(A) the current estimate of the total program cost for the program; and

(B) an identification, as applicable, of existing programs or technologies that are similar to the technology, or that have a mission similar to the technology, or that have a mission similar to the mission, of the program that is the subject of the notice.

(3) In this subsection, the term "new special access program" means a special access program that has not previously been covered in a notice and justification under this subsection.

Classified information.

(c) REVISION IN CLASSIFICATION OF PROGRAMS.—(1) Whenever a change in the classification of a special access program of a covered department or agency is planned to be made or whenever classified information concerning a special access program of a covered department or agency is to be declassified and made public, the head of the department or agency shall submit to Congress a report containing a description of the proposed change or the information to be declassified, the reasons for the proposed change or declassification, and notice of any public announcement planned to be made with respect to the proposed change or declassification.

(2) Except as provided in paragraph (3), a report referred to in paragraph (1) shall be submitted not less than 14 days before the date on which the proposed change, declassification, or public announcement is to occur.

(3) If the head of the department or agency determines that because of exceptional circumstances the requirement of paragraph (2) cannot be met with respect to a proposed change, declassification, or public announcement concerning a special access program of the department or agency, the head of the department or agency may submit the report required by paragraph (1) regarding the

proposed change, declassification, or public announcement at any time before the proposed change, declassification, or public announcement is made and shall include in the report an explanation of the exceptional circumstances.

(d) REVISION OF CRITERIA FOR DESIGNATING PROGRAMS.—Whenever there is a modification or termination of the policy and criteria used for designating a program of a covered department or agency as a special access program, the head of the department or agency shall promptly notify Congress of such modification or termination. Any such notification shall contain the reasons for the modification or termination and, in the case of a modification, the provisions of the policy as modified.

(e) WAIVER OF REPORTING REQUIREMENT.—(1) The head of a covered department or agency may waive any requirement under subsection (a), (b), or (c) that certain information be included in a report under that subsection if the head of the department or agency determines that inclusion of that information in the report would adversely affect the national security. Any such waiver shall be made on a case-by-case basis.

(2) If the head of a department or agency exercises the authority provided under paragraph (1), the head of the department or agency shall provide the information described in that subsection with respect to the special access program concerned, and the justification for the waiver, to Congress.

(f) INITIATION OF PROGRAMS.—A special access program may not be initiated by a covered department or agency until—

(1) the appropriate oversight committees are notified of the program; and

(2) a period of 30 days elapses after such notification is received.

(g) DEFINITIONS.—For purposes of this section:

(1) COVERED DEPARTMENT OR AGENCY.—(A) Except as provided in subparagraph (B), the term "covered department or agency" means any department or agency of the Federal Government that carries out a special access program.

(B) Such term does not include—

(i) the Department of Defense (which is required to submit reports on special access programs under section 119 of title 10, United States Code);

(ii) the Department of Energy, with respect to special access programs carried out under the atomic energy defense activities of that department (for which the Secretary of Energy is required to submit reports under section 93 of the Atomic Energy Act of 1954); or

(iii) an agency in the Intelligence Community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a)).

(2) SPECIAL ACCESS PROGRAM.—The term "special access program" means any program that, under the authority of Executive Order 12356 (or any successor Executive order), is established by the head of a department or agency whom the President has designated in the Federal Register as an original "secret" or "top secret" classification authority that imposes "need-to-know" controls or access controls beyond those controls normally required (by regulations applicable to such department or agency) for access to information classified as "confidential", "secret", or "top secret".

SEC. 1153. IDENTIFICATION OF SERVICE IN VIETNAM IN THE COMPUTERIZED INDEX OF THE NATIONAL PERSONNEL RECORDS CENTER.

(a) ASSISTANCE.—The Secretary of Defense shall provide to the National Personnel Records Center in St. Louis, Missouri, such information and technical assistance as the Secretary considers to be appropriate to assist the Center in establishing an indicator in the computerized index of the Center that will facilitate searches for, and the selection of, military records of military personnel based upon service in a theater of operations during the Vietnam conflict.

(b) REPORT ON IMPLEMENTATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report containing a plan to establish the indicator described in subsection (a). The Secretary shall prepare the report in consultation with the Secretary of Veterans Affairs and the Archivist of the United States.

(c) VIETNAM CONFLICT DEFINED.—For purposes of this section, the term "Vietnam conflict" has the meaning given that term in section 1035(g)(2) of title 10, United States Code.

SEC. 1154. REPORT ON PERSONNEL REQUIREMENTS FOR CONTROL OF TRANSFER OF CERTAIN WEAPONS.

(a) REPORT ON MANPOWER REQUIRED TO IMPLEMENT EXPORT CONTROLS ON CERTAIN WEAPONS TRANSFERS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Energy shall submit to the committees of Congress named in subsection (c) a joint report on manpower required to implement export controls on certain weapons transfers.

(b) CONTENT OF REPORT.—The report shall include the following matters:

(1) A statement of the role of the Department of Defense, and a statement of the role of the Department of Energy, in implementing export controls on goods and technology related to nuclear, chemical, and biological weapons.

(2) A discussion of the number and skills of personnel currently available in the Department of Defense and in the Department of Energy to perform the respective roles of those departments.

(3) An assessment of the adequacy of the number and skills of those personnel for the effective performance of those roles.

(4) For each of fiscal years 1988, 1989, 1990, 1991, 1992, 1993, and 1994, the total number of Department of Defense and Department of Energy full-time employees and military personnel who, in the implementation of export controls on goods and technology related to nuclear, chemical, and biological weapons, carry out the following activities of such department:

(A) Review of private sector export license applications and government-to-government cooperative activities.

(B) Intelligence analysis and activities.

(C) Policy coordination.

(D) International liaison activity.

(E) Technical review.

(5) For each fiscal year referred to in paragraph (4), the grades of the personnel referred to in that paragraph and

the special knowledge, experience, and expertise of those personnel that enable them to carry out the activities referred to in that paragraph.

(6) An assessment of the adequacy of the staffing in each of the categories specified in subparagraphs (A) through (E) of paragraph (4).

(7) Recommendations concerning measures, including any legislation necessary, to eliminate any identified staffing deficiencies and to improve interagency coordination with respect to implementing export controls on goods and technology related to nuclear, chemical, and biological weapons.

(8) All Department of Defense activities undertaken during fiscal years 1989, 1990, 1991, 1992, and 1993 in fulfillment of the responsibilities of the Department of Defense under section 602(c) of the Nuclear Non-Proliferation Act of 1978 (Public Law 96–280; 22 U.S.C. 3282(c)) with respect to nuclear weapons proliferation threats and the role of the department in addressing such threats.

(c) SUBMISSION OF REPORT.—The committees to which the report is to be submitted are—

(1) the Committee on Armed Services and the Committee on Governmental Affairs of the Senate; and

(2) the Committee on Armed Services of the House of Representatives.

(d) FORM OF REPORT.—The report shall be submitted in unclassified form but may also be submitted in classified form if the Secretary of Defense and the Secretary of Energy consider it necessary to include classified information in order to satisfy fully the requirements of this section.

SEC. 1155. REPORT ON FOOD SUPPLY AND DISTRIBUTION PRACTICES OF THE DEPARTMENT OF DEFENSE.

(a) FINDINGS.—The Congress makes the following findings:

(1) The Defense Personnel Support Center, a component of the Defense Logistics Agency, purchases more than 90 percent of the food supplied to military end-users, including dining halls, hospitals, and other facilities that feed troops.

(2) Semiperishable items, such as canned goods, are stored in four depots of the Defense Logistics Agency, and perishable items, including fresh and frozen vegetables, fruits, and meats, are stored in 21 contractor-operated Defense Subsistence Offices.

(3) Private sector end-users, including independent restaurants, hospitals, and hotels, obtain food through direct delivery from commercial distributors of food.

(4) In a comprehensive inventory reduction plan issued in May 1990, the Secretary of Defense concluded that there was no benefit to using the food supply system of the Department of Defense in circumstances in which the food requirements of the Department could be met through the use of commercial distributors of food.

(5) In a report published in June 1993, the General Accounting Office determined that the Department of Defense could achieve substantial cost savings by expanding the use of commercial distributors of food and related commercial practices in the food supply system of the Department.

(b) REVIEW.—The Secretary of Defense shall conduct a review of the food supply and distribution practices of the Department of Defense. The review shall include the following:

(1) An evaluation of the feasibility of, and the economic advantages and disadvantages of, the expanded use of full-line commercial distributors of food to deliver food directly to military end-users.

(2) An evaluation of the potential for the expanded use of such commercial distributors to reduce the need for the storage of food (except for war reserve stocks and items bound for overseas) directly by the Department of Defense and to eliminate the requirement for Defense Subsistence Offices and certain warehouse activities at military installations.

(3) A comparison of the cost of using the Department of Defense food supply and distribution system to meet the Department of Defense food requirements with the cost of using commercial distributors of food to meet such requirements.

(4) A consideration of any obstacles that would hinder the ability of the Department of Defense to procure commercial food items and to institute commercial practices with respect to food supply and distribution.

(c) REPORT.—Not later than March 1, 1994, the Secretary shall submit to the congressional defense committees a report on the findings, conclusions, and recommendations of the Secretary as a result of the review conducted under subsection (b).

Subtitle G—Congressional Findings, Policies, Commendations, and Commemorations

SEC. 1161. SENSE OF CONGRESS REGARDING JUSTIFICATION FOR CONTINUING THE EXTREMELY LOW FREQUENCY (ELF) COMMUNICATION SYSTEM.

(a) FINDINGS.—The Congress makes the following findings:

(1) There is a need to re-evaluate all defense spending in light of the changed circumstances of the post-Cold War era and budget and fiscal constraints.

(2) The Extremely Low Frequency Communications System (ELF System) was originally designed to play a role in the strategic deterrence mission against the former Soviet Union.

(3) The threat of nuclear war has greatly diminished since the collapse of the Soviet Union.

(4) The ELF System is increasingly in use for communications with attack submarines in addition to ballistic missile submarines.

(5) There have been questions raised about the effects of ELF operations on human health and the environment and ongoing studies of those effects are due to be concluded during 1994.

(b) EVALUATION AND REPORT BY SECRETARY OF DEFENSE.—The Secretary of Defense shall submit to the congressional defense committees, before consideration by Congress of the fiscal year 1995 defense budget, a report containing the results of an evaluation of the benefits and costs of continued operation of the Extremely Low Frequency Communications System and the benefits and costs

of any alternatives to that system. The report shall be based upon an evaluation conducted by the Secretary after the date of the enactment of this Act.

(c) SENSE OF CONGRESS.—It is the sense of Congress that the bases at which the Extremely Low Frequency Communication System is located, having been considered for closure or realignment in the 1993 base closure process, should again be considered for closure or realignment in the round of military base closures to take place in 1995.

SEC. 1162. SENSE OF CONGRESS REGARDING THE IMPORTANCE OF NAVAL OCEANOGRAPHIC SURVEY AND RESEARCH IN THE POST-COLD WAR PERIOD.

(a) FINDINGS.—Congress makes the following findings:

(1) Oceanographic research and survey work is a critical element to the ability of the Navy to conduct successful operations in littoral waters of the world.

(2) Over the five-year period of fiscal years 1989 through 1993, the Navy experienced a significant diminution in its oceanographic research and survey capability due to budget reductions that resulted in (A) a reduction in the level of effort for Navy oceanographic research and survey activities by almost 50 percent, and (B) a reduction from 12 to 7 in the number of Navy ships dedicated to oceanographic survey and research activities.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) reductions in the funding, activities, and capability of the Navy to conduct oceanographic survey and research work, in addition to the reductions referred to in subsection (a)(2), would further reduce the level of oceanographic survey and research work of the Navy and should be avoided; and

(2) funding for oceanographic survey and research activities of the Navy should be maintained at levels sufficient to ensure that the Navy can exploit every opportunity to survey and research littoral waters critical to the operational needs of the Navy.

SEC. 1163. SENSE OF CONGRESS REGARDING UNITED STATES POLICY ON PLUTONIUM.

(a) FINDING.—The Congress finds that reprocessing spent nuclear fuel referred to in subsection (c) to recover plutonium may pose serious environmental hazards and increase the risk of proliferation of weapons-usable plutonium.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the President should take action to encourage the reduction or cessation of the reprocessing of spent nuclear fuel referred to in subsection (c) to recover plutonium until the environmental and proliferation concerns related to such reprocessing are resolved.

(c) COVERED SPENT NUCLEAR FUEL.—The spent nuclear fuel referred to in subsections (a) and (b) is spent nuclear fuel used in a commercial nuclear power reactor by the Government of a foreign country or by a foreign-owned or foreign-controlled entity.

SEC. 1164. SENSE OF SENATE ON ENTRY INTO THE UNITED STATES OF CERTAIN FORMER MEMBERS OF THE IRAQI ARMED FORCES.

It is the sense of the Senate that no person who was a member of the armed forces of Iraq during the period from August 2,

1990, through February 28, 1991, and who is in a refugee camp in Saudi Arabia as of the date of enactment of this Act should be granted entry into the United States under the Immigration and Nationality Act unless the President certifies to Congress before such entry that such person—

(1) assisted the United States or coalition armed forces after defection from the armed forces of Iraq or after capture by the United States or coalition armed forces; and

(2) did not commit or assist in the commission of war crimes.

SEC. 1165. U.S.S. INDIANAPOLIS MEMORIAL, INDIANAPOLIS, INDIANA. 16 USC 431 note.

(a) FINDINGS.—Congress makes the following findings:

(1) On July 30, 1945, during the closing days of World War II, the U.S.S. Indianapolis (CA–35) was sunk as a result of a torpedo attack on that ship.

(2) The memorial to the U.S.S. Indianapolis (CA–35) to be located on the east bank of the Indianapolis water canal in downtown Indianapolis, Indiana, will honor the personal sacrifice of the 1,197 servicemen who were aboard the U.S.S. Indianapolis (CA–35) on that day, 881 of whom died as one of the greatest single combat losses suffered by the United States Navy in World War II.

(3) The memorial will pay fitting tribute to that gallant ship and her final crew and will forever commemorate the place of the U.S.S. Indianapolis in United States Navy history as the last major ship lost in World War II.

(4) The memorial to the U.S.S. Indianapolis symbolizes the devoted service of the United States Navy and Marine Corps personnel, particularly those who lost their lives at sea in the Pacific Theater during World War II, whose dedication and sacrifice in the cause of liberty and freedom were instrumental in the triumph of the United States and its allies in that war.

(5) The citizens of the United States have a continuing obligation to educate future generations about the military and other historic endeavors of the United States.

(b) RECOGNITION AS A NATIONAL MEMORIAL.—The memorial to the U.S.S. Indianapolis (CA–35) in Indianapolis, Indiana, is hereby recognized as the national memorial to the U.S.S. Indianapolis (CA–35) and to the final crew of that historic warship.

Subtitle H—Other Matters

SEC. 1171. PROCEDURES FOR HANDLING WAR BOOTY.

(a) IN GENERAL.—(1) Chapter 153 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2579. War booty: procedures for handling and retaining battlefield objects

"(a) POLICY.—The United States recognizes that battlefield souvenirs have traditionally provided military personnel with a valued memento of service in a national cause. At the same time, it is the policy and tradition of the United States that the desire for souvenirs in a combat theater not blemish the conduct of combat operations or result in the mistreatment of enemy personnel, the

dishonoring of the dead, distraction from the conduct of operations, or other unbecoming activities.

"(b) REGULATIONS.—(1) The Secretary of Defense shall prescribe regulations for the handling of battlefield objects that are consistent with the policies expressed in subsection (a) and the requirements of this section.

"(2) When forces of the United States are operating in a theater of operations, enemy material captured or found abandoned shall be turned over to appropriate United States or allied military personnel except as otherwise provided in such regulations. A member of the armed forces (or other person under the authority of the armed forces in a theater of operations) may not (except in accordance with such regulations) take from a theater of operations as a souvenir an object formerly in the possession of the enemy.

"(3) Such regulations shall provide that a member of the armed forces who wishes to retain as a souvenir an object covered by paragraph (2) may so request at the time the object is turned over pursuant to paragraph (2).

"(4) Such regulations shall provide for an officer to be designated to review requests under paragraph (3). If the officer determines that the object may be appropriately retained as a war souvenir, the object shall be turned over to the member who requested the right to retain it.

"(5) Such regulations shall provide for captured weaponry to be retained as souvenirs, as follows:

"(A) The only weapons that may be retained are those in categories to be agreed upon jointly by the Secretary of Defense and the Secretary of the Treasury.

"(B) Before a weapon is turned over to a member, the weapon shall be rendered unserviceable.

"(C) A charge may be assessed in connection with each weapon in an amount sufficient to cover the full cost of rendering the weapon unserviceable.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2579. War booty: procedures for handling and retaining battlefield objects.".

10 USC 2579 note.

(b) INITIAL REGULATIONS.—The initial regulations required by section 2579 of title 10, United States Code, as added by subsection (a), shall be prescribed not later than 270 days after the date of enactment of this Act. Such regulations shall specifically address the following, consistent with section 2579 of title 10, United States Code, as added by subsection (a):

(1) The general procedures for collection and disposition of weapons and other enemy material.

(2) The criteria and procedures for evaluation and disposition of enemy material for intelligence, testing, or other military purposes.

(3) The criteria and procedures for determining when retention of enemy material by an individual or a unit in the theater of operations may be appropriate.

(4) The criteria and procedures for disposition of enemy material to a unit or other Department of Defense entity as a souvenir.

(5) The criteria and procedures for disposition of enemy material to an individual as an individual souvenir.

(6) The criteria and procedures for determining when demilitarization or the rendering unserviceable of firearms is appropriate.

(7) The criteria and procedures necessary to ensure that servicemembers who have obtained battlefield souvenirs in a manner consistent with military customs, traditions, and regulations have a reasonable opportunity to obtain possession of such souvenirs, consistent with the needs of the service.

SEC. 1172. BASING FOR C-130 AIRCRAFT.

The Secretary of the Air Force shall determine the unit assignment and basing location for any C–130 aircraft procured for the Air Force Reserve from funds appropriated for National Guard and Reserve Equipment procurement for fiscal year 1992 or 1993 in such manner as the Secretary determines to be in the best interest of the Air Force.

SEC. 1173. TRANSPORTATION OF CARGOES BY WATER.

(a) IN GENERAL.—Chapter 157 of title 10, United States Code, is amended by inserting after section 2631 the following new section:

"§ 2631a. Contingency planning: sealift and related intermodal transportation requirements

"(a) CONSIDERATION OF PRIVATE CAPABILITIES.—The Secretary of Defense shall ensure that all studies and reports of the Department of Defense, and all actions taken in the Department of Defense, concerning sealift and related intermodal transportation requirements take into consideration the full range of the transportation and distribution capabilities that are available from operators of privately owned United States flag merchant vessels.

"(b) PRIVATE CAPACITIES PRESENTATIONS.—The Secretary shall afford each operator of a vessel referred to in subsection (a), not less often than annually, an opportunity to present to the Department of Defense information on its port-to-port and intermodal transportation capacities.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2631 the following new item:

"2631a. Contingency planning: sealift and related intermodal transportation requirements.".

SEC. 1174. MODIFICATION OF AUTHORITY TO CONDUCT NATIONAL GUARD CIVILIAN YOUTH OPPORTUNITIES PROGRAM.

(a) LOCATION OF PROGRAM.—Subsection (c) of section 1091 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 32 U.S.C. 501 note) is amended to read as follows:

"(c) CONDUCT OF THE PROGRAM.—The Secretary of Defense may provide for the conduct of the pilot program in such States as the Secretary considers to be appropriate.".

(b) DEFINITION OF STATE.—Subsection (l) of such section is amended by striking out paragraph (2) and inserting in lieu thereof the following new paragraph:

"(2) The term 'State' includes the Commonwealth of Puerto Rico, the territories (as defined in section 101(1) of title 32, United States Code), and the District of Columbia.".

(c) PROGRAM AGREEMENTS.—Subsection (d)(3) of such section is amended by striking out "reimburse" and inserting in lieu thereof "provide funds to".

SEC. 1175. EFFECTIVE DATE FOR CHANGES IN SERVICEMEN'S GROUP LIFE INSURANCE PROGRAM.

(a) USE OF INTERNATIONAL DATE LINE.—Section 1967 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(f) The effective date and time for any change in benefits under the Servicemen's Group Life Insurance Program shall be based on the date and time according to the time zone immediately west of the International Date Line.".

38 USC 1967 note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to amendments to chapter 19 of title 38, United States Code, that take effect after November 29, 1992.

38 USC 2402 note.

SEC. 1176. ELIGIBILITY OF FORMER PRISONERS OF WAR FOR BURIAL IN ARLINGTON NATIONAL CEMETERY.

(a) ELIGIBILITY FOR BURIAL.—Former prisoners of war described in subsection (b) are eligible for burial in Arlington National Cemetery, Arlington, Virginia.

(b) ELIGIBLE FORMER POWS.—A former prisoner of war referred to in subsection (a) is a former prisoner of war—

(1) who dies on or after the date of the enactment of this Act; and

(2) who, while a prisoner of war, served honorably in the active military, naval, or air service, as determined under regulations prescribed by the Secretary of the military department concerned.

(c) SAVINGS PROVISION.—This section may not be construed to make ineligible for burial in Arlington National Cemetery a former prisoner of war who is eligible to be buried in that cemetery under another provision of law.

(d) REGULATIONS.—This section shall be carried out under regulations prescribed by the Secretary of the Army. Those regulations may prescribe a minimum period of internment as a prisoner of war for purposes of eligibility under this section for burial in Arlington National Cemetery.

(e) DEFINITIONS.—For purposes of this section:

(1) The term "former prisoner of war" has the meaning given such term in section 101(32) of title 38, United States Code.

(2) The term "active military, naval, or air service" has the meaning given such term in section 101(24) of such title.

Washington.

SEC. 1177. REDESIGNATION OF HANFORD ARID LANDS ECOLOGY RESERVE.

(a) REDESIGNATION.—The Hanford Arid Lands Ecology Reserve in Richland, Washington, is redesignated as the "Fitzner/Eberhardt Arid Lands Ecology Reserve".

(b) LEGAL REFERENCES.—Any reference in any law, regulation, document, record, map, or other paper of the United States to the ecology reserve referred to in subsection (a) is deemed to be a reference to the "Fitzner/Eberhardt Arid Lands Ecology Reserve".

10 USC 9381 note.

SEC. 1178. AVIATION LEADERSHIP PROGRAM.

(a) FINDINGS.—The Congress finds the following:

(1) The training in the United States of pilots from the air forces of friendly foreign nations furthers the interests of the United States, promotes closer relations with such nations, and advances the national security.

(2) Many friendly foreign nations cannot afford to reimburse the United States for the cost of such training.

(3) It is in the interest of the United States that the Secretary of the Air Force establish a program to train in the United States pilots from the air forces of friendly, less developed foreign nations.

(b) ESTABLISHMENT OF PROGRAM.—Part III of subtitle D of title 10, United States Code, is amended by inserting after chapter 903 the following new chapter:

"CHAPTER 905—AVIATION LEADERSHIP PROGRAM

Regulations.

"Sec.
"9381. Establishment of program.
"9382. Supplies and clothing.
"9383. Allowances.

"§ 9381. Establishment of program

"Under regulations prescribed by the Secretary of Defense, the Secretary of the Air Force may establish and maintain an Aviation Leadership Program to provide undergraduate pilot training and necessary related training to personnel of the air forces of friendly, less-developed foreign nations. Training under this chapter shall include language training and programs to promote better awareness and understanding of the democratic institutions and social framework of the United States.

"§ 9382. Supplies and clothing

"(a) The Secretary of the Air Force may, under such conditions as the Secretary may prescribe, provide to a person receiving training under this chapter—

"(1) transportation incident to the training;

"(2) supplies and equipment to be used during the training;

"(3) flight clothing and other special clothing required for the training; and

"(4) billeting, food, and health services.

"(b) The Secretary of the Air Force may authorize such expenditures from the appropriations of the Air Force as the Secretary considers necessary for the efficient and effective maintenance of the Program in accordance with this chapter.

"§ 9383. Allowances

"The Secretary of the Air Force may pay to a person receiving training under this chapter a living allowance at a rate to be prescribed by the Secretary, taking into account the amount of living allowances authorized for a member of the armed forces under similar circumstances.".

(c) CLERICAL AMENDMENT.—The tables of chapters at the beginning of subtitle D of title 10, United States Code, and at the beginning of part III of such subtitle are each amended by inserting after the item relating to chapter 903 the following new item:

"905. Aviation Leadership Program ..... 9381".

SEC. 1179. ADMINISTRATIVE IMPROVEMENTS IN THE GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION PROGRAM.

(a) TERMS OF OFFICE OF FOUNDATION MEMBERS.—Section 1404(c)(1) of the Barry Goldwater Scholarship and Excellence in Education Act (20 U.S.C. 4703(c)(1)) is amended—

(1) by striking out ", and" at the end of subparagraph (A) and inserting in lieu thereof a semicolon;

(2) by striking out the period at the end of subparagraph (B) and inserting in lieu thereof "; and"; and

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

"(C) notwithstanding the term limitation provided for under this paragraph, a member appointed under subsection (b) may continue to serve under such appointment until the successor to the member is appointed.".

(b) LEASE AUTHORITY.—Section 1411(a)(7) of such Act (20 U.S.C. 4710(a)(7)) is amended by striking out "the District of Columbia" and inserting in lieu thereof "the Washington, District of Columbia, metropolitan area".

SEC. 1180. TRANSFER OF OBSOLETE DESTROYER TENDER YOSEMITE.

(a) AUTHORITY.—Notwithstanding subsections (a) and (c) of section 7308 of title 10, United States Code, but subject to subsection (b) of that section, the Secretary of the Navy may transfer the obsolete destroyer tender Yosemite to the nonprofit organization Ships at Sea for education and drug rehabilitation purposes.

(b) LIMITATIONS.—The transfer authorized by section (a) may be made only if the Secretary determines that the vessel Yosemite is of no further use to the United States for national security purposes.

(c) TERMS AND CONDITIONS.—The Secretary may require such terms and conditions in connection with the transfer authorized by this section as the Secretary considers appropriate.

SEC. 1181. TRANSFER OF OBSOLETE HEAVY CRUISER U.S.S. SALEM.

(a) TRANSFER WITHOUT REGARD TO NOTICE AND WAIT REQUIREMENTS.—Notwithstanding subsections (a) and (c) of section 7308 of title 10, United States Code, but subject to subsection (b) of that section, the Secretary of the Navy, upon making the determinations described in subsection (b) of this section, may transfer the obsolete heavy cruiser U.S.S. Salem (CA–139) to the United States Naval Shipbuilding Museum, Quincy, Massachusetts.

(b) DETERMINATIONS REQUIRED.—The transfer referred to in subsection (a) may be made only if the Secretary of the Navy determines—

(1) by appropriate tests, including tests administered by the Environmental Protection Agency, that the U.S.S. Salem is in environmentally safe condition;

(2) that the museum referred to in subsection (a) has adequate financial resources to maintain the cruiser in a condition satisfactory to the Secretary; and

(3) the U.S.S. Salem is of no further use to the United States for national security purposes.

(c) TERMS AND CONDITIONS.—(1) In exercising the authority provided in subsection (a), the Secretary shall deliver the vessel—

(A) at the place where the vessel is located on the date of the conveyance;

(B) in its condition on that date; and

(C) at no cost to the United States.

(2) The Secretary may require such additional terms and conditions in connection with the transfer authorized by this section as the Secretary considers appropriate.

SEC. 1182. TECHNICAL AND CLERICAL AMENDMENTS.

(a) MISCELLANEOUS AMENDMENTS TO TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) Section 401 is amended by striking out subsection (f).

(2) Section 1408 is amended—

(A) in subsections (b)(1)(A), (f)(1), and (f)(2), by striking out "subsection (h)" and inserting in lieu thereof "subsection (i)"; and

(B) in subsection (h)(4)(B), by inserting "of" after "of that termination".

(3) Section 1605(a) is amended by striking out "(50 U.S.C. 403 note)" and inserting in lieu thereof "(50 U.S.C. 2153)".

(4) Section 1804(b)(1) is amended by striking out "his or her" and inserting in lieu thereof "the volunteer's".

(5) Section 2305(b)(4)(A) is amended by realigning clauses (i) and (ii) so that they are indented two ems from the left margin.

(6) Subsections (a), (e), and (g) of section 2371 are amended by striking out "Defense Advanced Research Projects Agency" and inserting in lieu thereof "Advanced Research Projects Agency".

(7) Section 2469 is amended by striking out ", prior to any such change,".

(8)(A) Section 2490a is transferred to the end of chapter 165, redesignated as section 2783, and amended—

(i) in subsection (b)(2)—

(I) by striking out "title 10, United States Code" and inserting in lieu thereof "this title";

(II) by striking out the comma after "Justice)"; and

(III) by striking out "of such title" and inserting in lieu thereof "of this title"; and

(ii) in subsection (c)(1), by striking out "Armed Forces" and inserting in lieu thereof "armed forces".

(B) The table of sections at the beginning of chapter 147 is amended by striking out the item relating to section 2490a.

(C) The table of sections at the beginning of chapter 165 is amended by adding at the end the following new item:

"2783. Nonappropriated fund instrumentalities: financial management and use of nonappropriated funds.".

(9) Section 2491 is amended—

(A) in paragraph (2), by striking out "nonmilitary application" and inserting in lieu thereof "nonmilitary applications"; and

(B) in paragraph (8), by striking out "subsection (f)" and inserting in lieu thereof "subsection (b)(4)".

(10) Section 2501(b)(2) is amended by striking out "and thereby free up capital" and inserting in lieu thereof "that, by reducing the public sector demand for capital, increases the amount of capital available".

(11) Section 2771 is amended—

(A) in subsection (a), by striking out "who dies after December 31, 1955"; and

(B) in subsection (b), by striking out "for the" in the second sentence and all that follows through the period and inserting in lieu thereof "for the uniformed services.".

(12) Section 9315 is amended—

(A) in subsection (b), by striking out "Air Training Command" and inserting in lieu thereof "Air Education and Training Command"; and

(B) in subsection (c), by striking out "Air Force Training Command" and inserting in lieu thereof "Air Education and Training Command of the Air Force".

(b) SUBSECTION HEADINGS.—

(1) Section 2507 of title 10, United States Code, is amended—

(A) in subsection (a), by inserting "AUTHORITY.—" after "(a)";

(B) in subsection (b), by inserting "CONDITION FOR USE OF AUTHORITY.—" after "(b)";

(C) in subsection (c), by inserting "PENALTY FOR NONCOMPLIANCE.—" after "(c)";

(D) in subsection (d), by inserting "LIMITATIONS ON DISCLOSURE OF INFORMATION.—" after "(d)";

(E) in subsection (e), by inserting "REGULATIONS.—" after "(e)"; and

(F) in subsection (f), by inserting "DEFINITIONS.—" after "(f)".

(2) Section 2523 of such title is amended—

(A) in subsection (a), by inserting "USE OF PROGRAMS.—" after "(a)"; and

(B) in subsection (b), by striking out "(b)(1)" and inserting in lieu thereof "(b) PROGRAM REQUIREMENTS.—(1)".

(c) AMENDMENTS TO PUBLIC LAW 102-484.—Public Law 102-484 is amended as follows:

37 USC 101.

(1) Section 1051(b)(2) (106 Stat. 2498) is amended—

(A) by striking out "'section 101(47) of title 10,'" and inserting in lieu thereof "'section 101(47) of title 10'"; and

(B) by striking out "'section 101 of title 10,'" and inserting in lieu thereof "'section 101 of title 10'".

Effective date.
22 USC 2321j.

(2) Section 1313(2) (106 Stat. 2548) is amended, effective as of October 23, 1992, by striking out "'structure and'" and inserting in lieu thereof "'structure, and'".

22 USC 2778.

(3) Section 1365 (106 Stat. 2561) is amended by striking out "(e) DEFINITION.—" and inserting in lieu thereof "(d) DEFINITION.—".

22 USC 5931.

(4) Section 1441 (106 Stat. 2566) is amended in the matter preceding paragraph (1) by striking out "the FREEDOM Support Act of 1992" and inserting in lieu thereof "the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (Public Law 102-511; 106 Stat. 3345; 22 U.S.C. 5861)".

22 USC 5859a.

(5) Section 1505(e)(2) (106 Stat. 2571) is amended by striking out "(d)(2)" in the matter preceding subparagraph (A) and inserting in lieu thereof "(d)(4)".

(6) Section 1828 (106 Stat. 2585; 36 U.S.C. 5108) is amended by striking out "board of the directors" and inserting in lieu thereof "board of directors".

(d) CROSS REFERENCE AMENDMENTS IN OTHER LAWS.—

(1) Effective as of December 19, 1991, section 12 of the Coast Guard Authorization Act of 1991 (Public Law 102–241; 105 Stat. 2213) is amended by striking out "Section 406(b)(2)(E) of title 37," and inserting in lieu thereof "Section 406(b)(1)(E) of title 37,". Effective date. 37 USC 406.

(2) Section 3(c)(2) of Public Law 101–533 (22 U.S.C. 3142) is amended by striking out "section 2522 of title 10" and inserting in lieu thereof "section 2506 of title 10".

(3) Section 109(17) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by striking out "section 101(8) of title 10" and inserting in lieu thereof "section 101(a)(9) of title 10".

(4) Section 179(a)(2)(B) of the National and Community Service Act of 1990 (42 U.S.C. 12639(a)(4)) is amended by striking out "section 101(4) of title 10," and inserting in lieu thereof "section 101(a)(4) of title 10,".

(e) REORGANIZATION OF TITLE 10 PROVISION.—Section 1401a(b) of title 10, United States Code, is amended—

(1) by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) PRE-AUGUST 1, 1986 MEMBERS.—

"(A) GENERAL RULE.—The Secretary shall increase the retired pay of each member and former member who first became a member of a uniformed service before August 1, 1986, by the percent (adjusted to the nearest one-tenth of 1 percent) by which— Uniformed services.

"(i) the price index for the base quarter of that year, exceeds

"(ii) the base index.

"(B) SPECIAL RULES FOR FISCAL YEARS 1994 THROUGH 1998.—

"(i) FISCAL YEAR 1994.—In the case of an increase in retired pay that, pursuant to paragraph (1), becomes effective on December 1, 1993, the initial month for which such increase is payable as part of such retired pay shall (notwithstanding such December 1 effective date) be March 1994.

"(ii) FISCAL YEARS 1995 THROUGH 1998.—In the case of an increase in retired pay that, pursuant to paragraph (1), becomes effective on December 1 of 1994, 1995, 1996, or 1997, the initial month for which such increase is payable as part of such retired pay shall (notwithstanding such December 1 effective date) be September of the following year.

"(C) INAPPLICABILITY TO DISABILITY RETIREES.—Subparagraph (B) does not apply with respect to the retired pay of a member retired under chapter 61 of this title."; and

(2) by striking out paragraph (6).

(f) EXTENSION OF AUTHORITY FOR PAYMENTS FOR LEAVE ACCRUED AND LOST BY KOREAN CONFLICT PRISONERS OF WAR.—Section 554 of Public Law 102–190 (105 Stat. 1371) is amended—

(1) in subsection (a)—

(A) by inserting "and who submits a request for such payment to the Secretary not later than September 30, 1993" in the first sentence after "prisoner of war"; and

(B) by inserting "or fiscal year 1994" in the second sentence after "fiscal year 1993"; and

(2) in subsection (d), by striking out "not later than September 30, 1993" and inserting in lieu thereof "not later than September 30, 1994".

(g) CORRECTIONS OF AMENDMENTS MADE BY PUBLIC LAW 102-484.—Title 10, United States Code, is amended as follows:

(1) Section 2031(a)(1) is amended by striking out "Not more than 200 units may be established by all of the military departments each year, and the" in the second sentence and inserting in lieu thereof "The".

(2) Section 2513(c)(2)(B)(ii) is amended by striking out "two" and inserting in lieu thereof "one";

10 USC 101 note.

(h) COORDINATION WITH OTHER PROVISIONS OF ACT.—For purposes of applying the amendments made by provisions of this Act other than this section, this section shall be treated as having been enacted immediately before the other provisions of this Act.

10 USC 113 note.

SEC. 1183. SECURITY CLEARANCES FOR CIVILIAN EMPLOYEES.

(a) REVIEW OF SECURITY CLEARANCE PROCEDURES.—(1) The Secretary of Defense shall conduct a review of the procedural safeguards available to Department of Defense civilian employees who are facing denial or revocation of security clearances.

(2) Such review shall specifically consider—

(A) whether the procedural rights provided to Department of Defense civilian employees should be enhanced to include the procedural rights available to Department of Defense contractor employees;

(B) whether the procedural rights provided to Department of Defense civilian employees should be enhanced to include the procedural rights available to similarly situated employees in those Government agencies that provide greater rights than the Department of Defense; and

(C) whether there should be a difference between the rights provided to both Department of Defense civilian and contractor employees with respect to security clearances and the rights provided with respect to sensitive compartmented information and special access programs.

(b) REPORT.—The Secretary shall submit to Congress a report on the results of the review required by subsection (a) not later than March 1, 1994.

(c) REGULATIONS.—The Secretary shall revise the regulations governing security clearance procedures for Department of Defense civilian employees not later than May 15, 1994.

10 USC 113 note.

SEC. 1184. VIDEOTAPING OF INVESTIGATIVE INTERVIEWS.

Of the amounts authorized to be appropriated pursuant to section 301 of this Act, $2,500,000 shall be available for use in connection with videotaping of interviews conducted in the course of Department of Defense investigations.

SEC. 1185. INVESTIGATIONS OF DEATHS OF MEMBERS OF THE ARMED FORCES FROM SELF-INFLICTED CAUSES.

(a) SECRETARY OF DEFENSE TO REVIEW DEATH INVESTIGATION PROCEDURES.—(1) The Secretary of Defense shall review the procedures of the military departments for investigating deaths of members of the Armed Forces that may have resulted from self-inflicted

causes. The Secretary shall complete the review not later than June 30, 1994.

(2) Not later than July 15, 1994, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the results of such review. The report may include any recommendations for legislation that the Secretary considers appropriate. Reports.

(3) Not later than October 1, 1994, the Secretary shall prescribe regulations governing the investigation of deaths of members of the Armed Forces that may have resulted from self-inflicted causes. The regulations shall include a date by which the Secretaries of the military departments are required to implement the regulations. Regulations.

(b) INSPECTOR GENERAL TO REVIEW CERTAIN DEATH INVESTIGATIONS.—(1) Upon a request that meets the requirements of paragraph (3), the Inspector General of the Department of Defense shall review each investigation conducted by a Department of Defense investigative organization of the death of a member of the Armed Forces who, while serving on active duty during the period described in paragraph (2), died from a cause determined to be self-inflicted.

(2) The period referred to in paragraph (1) is the period that— Effective date. Termination date.

(A) begins on January 1, 1982; and

(B) ends on the date specified in the regulations prescribed under subsection (a)(3) as the deadline for the implementation of such regulations by the Secretaries of the military departments.

(3) Any of the family members of a member of the Armed Forces referred to in paragraph (1) may request a review under paragraph (1). The request must be received by the Secretary of the military department concerned not later than one year after the date referred to in paragraph (2)(B) and shall contain or describe specific evidence of a material deficiency in the previous investigation.

(4) If the Inspector General determines that a previous investigation of a death was deficient in a material respect, the Inspector General shall conduct any additional investigation that the Inspector General considers necessary to determine the cause of that death.

(5) The Inspector General shall submit to the Secretary of the military department concerned a report on the results of each review conducted under paragraph (1) and each additional investigation conducted under paragraph (4) as a result of that review. Reports.

(6) The Secretary of the military department concerned, consistent with other applicable law, shall take such corrective actions with regard to matters contained in the report as the Secretary considers appropriate.

(7) To the same extent that fatality reports may be furnished to family members under section 1072 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2508; 10 U.S.C. 113 note), the Inspector General, after consultation with the Secretary of the military department concerned, shall provide a copy of the Inspector General's report on the review of a death investigation to each of the family members who requested the review.

(c) DEFINITIONS.—In this section:

(1) The term "active duty" has the meaning given such term in section 101(d)(1) of title 10, United States Code.

(2) The term "family members" has the meaning given such term in section 1072(c)(2) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2510; 10 U.S.C. 133 note).

(d) APPLICABILITY TO COAST GUARD.—The Secretary of Transportation shall implement with respect to the Coast Guard the requirements that are imposed by this section on the Secretary of Defense and the Inspector General of the Department of Defense.

SEC. 1186. EXPORT LOAN GUARANTEES.

(a) AUTHORITY TO PROVIDE LOAN GUARANTEES.—Subject to subsection (b) and subject to the availability of appropriations for this purpose, the President may carry out a program to issue guarantees during fiscal year 1994 against the risk of nonpayment arising out of loan financing of the sale of defense articles and defense services to any member nation of the North Atlantic Treaty Organization (other than the United States), Israel, Australia, Japan, or the Republic of Korea. The aggregate amount guaranteed under this section in such fiscal year may not exceed $1,000,000,000.

(b) CERTIFICATION OF INTENT TO USE AUTHORITY.—The President may not issue guarantees under the loan guarantee program unless, not later than the end of the 180-day period beginning on the date of the enactment of this Act, the President certifies to Congress that—

(1) the President intends to issue loan guarantees under the loan guarantee program;

(2) the exercise of the authority provided under the program is consistent with the objectives of the Arms Export Control Act (22 U.S.C. 2751 et seq.); and

(3) the exercise of the authority provided under the program is consistent with the policy of the United States regarding conventional arms sales and nonproliferation goals.

(c) PROHIBITION ON USE OF CERTAIN FUNDS.—None of the funds authorized to be appropriated in this Act and made available for defense conversion, reinvestment, and transition assistance programs (as defined in section 1302(c)) may be used to finance the subsidy cost of loan guarantees issued under this section.

(d) TERMS AND CONDITIONS.—(1) In issuing guarantees under the loan guarantee program for medium- and long-term loans for sales of defense articles or defense services, the President may not offer terms and conditions more beneficial than would be provided by the Export-Import Bank of the United States under similar circumstances in conjunction with the provision of guarantees for nondefense articles and services.

(2) The issuance of loan guarantees for exports under the loan guarantee program shall be subject to all United States Government review procedures for arms sales to foreign governments and shall be consistent with United States policy on arms sales to those nations referred to in subsection (a).

(e) SUBSIDY COST AND FUNDING.—(1) There is authorized to be appropriated for fiscal year 1994, $25,000,000 for the subsidy cost of the loan guarantees issued under this section.

(2) Funds authorized to be available for the Export-Import Bank of the United States may not be used for the execution of the loan guarantee program.

(f) EXECUTIVE AGENCY.—The Department of Defense shall be the executive agency responsible for administration of the loan

guarantee program unless the President, in consultation with Congress, designates another department or agency to implement the program. Applications for guarantees issued under this section shall be submitted to the Secretary of Defense, who may make such arrangements as are necessary with other departments or agencies to process the applications and otherwise to implement the loan guarantee program.

(g) FEES CHARGED AND COLLECTED.—A fee shall be charged for each guarantee issued under the loan guarantee program. All fees collected in connection with guarantees issued under the program under this section shall be available to offset the cost of guarantee obligations under the program. All of the fees collected under this subsection, together with earnings on those fees and other income arising from guarantee operations under the program, shall be held in a financing account maintained in the Treasury of the United States. All funds in such account may be invested in obligations of the United States. Any interest or other receipts derived from such investments shall be credited to such account and may be used for the purposes of the program.

(h) NATIONAL SECURITY COUNCIL REVIEW PROCESS.—In addition to the interagency review process for arms sales to foreign governments referred to in subsection (d)(2), the National Security Council shall review each proposed sale for which a guarantee is proposed to be issued under the loan guarantee program to determine whether the sale is in accord with United States security interests, that it contributes to collective defense burden sharing, and that it is consistent with United States nonproliferation goals.

(i) DEFINITIONS.—For purposes of this section, the terms "defense article", "defense service", and "defense articles and defense services" have the meanings given those terms in section 47 of the Arms Export Control Act (22 U.S.C. 2794).

TITLE XII—COOPERATIVE THREAT REDUCTION WITH STATES OF FORMER SOVIET UNION

Cooperative Threat Reduction Act of 1993.

SEC. 1201. SHORT TITLE.

22 USC 5951 note.

This title may be cited as the "Cooperative Threat Reduction Act of 1993".

SEC. 1202. FINDINGS ON COOPERATIVE THREAT REDUCTION.

22 USC 5951.

The Congress finds that it is in the national security interest of the United States for the United States to do the following:

(1) Facilitate, on a priority basis, the transportation, storage, safeguarding, and elimination of nuclear and other weapons of the independent states of the former Soviet Union, including—

(A) the safe and secure storage of fissile materials derived from the elimination of nuclear weapons;

(B) the dismantlement of (i) intercontinental ballistic missiles and launchers for such missiles, (ii) submarine-launched ballistic missiles and launchers for such missiles, and (iii) heavy bombers; and

(C) the elimination of chemical, biological and other weapons capabilities.

(2) Facilitate, on a priority basis, the prevention of proliferation of weapons (and components of weapons) of mass destruction and destabilizing conventional weapons of the independent states of the former Soviet Union and the establishment of verifiable safeguards against the proliferation of such weapons and components.

(3) Facilitate, on a priority basis, the prevention of diversion of weapons-related scientific expertise of the independent states of the former Soviet Union to terrorist groups or third world countries.

(4) Support (A) the demilitarization of the defense-related industry and equipment of the independent states of the former Soviet Union, and (B) the conversion of such industry and equipment to civilian purposes and uses.

(5) Expand military-to-military and defense contacts between the United States and the independent states of the former Soviet Union.

22 USC 5952.

SEC. 1203. AUTHORITY FOR PROGRAMS TO FACILITATE COOPERATIVE THREAT REDUCTION.

(a) IN GENERAL.—Notwithstanding any other provision of law, the President may conduct programs described in subsection (b) to assist the independent states of the former Soviet Union in the demilitarization of the former Soviet Union. Any such program may be carried out only to the extent that the President determines that the program will directly contribute to the national security interests of the United States.

(b) AUTHORIZED PROGRAMS.—The programs referred to in subsection (a) are the following:

(1) Programs to facilitate the elimination, and the safe and secure transportation and storage, of nuclear, chemical, and other weapons and their delivery vehicles.

(2) Programs to facilitate the safe and secure storage of fissile materials derived from the elimination of nuclear weapons.

(3) Programs to prevent the proliferation of weapons, weapons components, and weapons-related technology and expertise.

(4) Programs to expand military-to-military and defense contacts.

(5) Programs to facilitate the demilitarization of defense industries and the conversion of military technologies and capabilities into civilian activities.

(6) Programs to assist in the environmental restoration of former military sites and installations when such restoration is necessary to the demilitarization or conversion programs authorized in paragraph (5).

(7) Programs to provide housing for former military personnel of the former Soviet Union released from military service in connection with the dismantlement of strategic nuclear weapons, when provision of such housing is necessary for dismantlement of strategic nuclear weapons and when no other funds are available for such housing.

(8) Other programs as described in section 212(b) of the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102–228; 22 U.S.C. 2551 note) and section 1412(b) of the Former Soviet Union Demilitarization Act of 1992 (title XIV of Public Law 102–484; 22 U.S.C. 5901 et seq.).

(c) UNITED STATES PARTICIPATION.—The programs described in subsection (b) should, to the extent feasible, draw upon United States technology and expertise, especially from the private sector of the United States.

(d) RESTRICTIONS.—Assistance authorized by subsection (a) may not be provided to any independent state of the former Soviet Union for any year unless the President certifies to Congress for that year that the proposed recipient state is committed to each of the following:

(1) Making substantial investment of its resources for dismantling or destroying its weapons of mass destruction, if such state has an obligation under a treaty or other agreement to destroy or dismantle any such weapons.

(2) Foregoing any military modernization program that exceeds legitimate defense requirements and foregoing the replacement of destroyed weapons of mass destruction.

(3) Foregoing any use in new nuclear weapons of fissionable or other components of destroyed nuclear weapons.

(4) Facilitating United States verification of any weapons destruction carried out under this title, section 1412(b) of the Former Soviet Union Demilitarization Act of 1992 (title XIV of Public Law 102–484; 22 U.S.C. 590(b)), or section 212(b) of the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102–228; 22 U.S.C. 2551 note).

(5) Complying with all relevant arms control agreements.

(6) Observing internationally recognized human rights, including the protection of minorities.

SEC. 1204. DEMILITARIZATION ENTERPRISE FUND. 22 USC 5953.

(a) DESIGNATION OF FUND.—The President is authorized to designate a Demilitarization Enterprise Fund for the purposes of this section. The President may designate as the Demilitarization Enterprise Fund any organization that satisfies the requirements of subsection (e).

(b) PURPOSE OF FUND.—The purpose of the Demilitarization Enterprise Fund is to receive grants pursuant to this section and to use the grant proceeds to provide financial support under programs described in subsection (b)(5) for demilitarization of industries and conversion of military technologies and capabilities into civilian activities.

(c) GRANT AUTHORITY.—The President may make one or more grants to the Demilitarization Enterprise Fund.

(d) RISK CAPITAL FUNDING OF DEMILITARIZATION.—The Demilitarization Enterprise Fund shall use the proceeds of grants received under this section to provide financial support in accordance with subsection (b) through transactions as follows:

(1) Making loans.

(2) Making grants.

(3) Providing collateral for loan guaranties by the Export-Import Bank of the United States.

(4) Taking equity positions.

(5) Providing venture capital in joint ventures with United States industry.

(6) Providing risk capital through any other form of transaction that the President considers appropriate for supporting programs described in subsection (b)(5).

(e) ELIGIBLE ORGANIZATION.—An organization is eligible for designation as the Demilitarization Enterprise Fund if the organization—

(1) is a private, nonprofit organization;

(2) is governed by a board of directors consisting of private citizens of the United States; and

(3) provides assurances acceptable to the President that it will use grants received under this section to provide financial support in accordance with this section.

(f) OPERATIONAL PROVISIONS.—The following provisions of section 201 of the Support for East European Democracy (SEED) Act of 1989 (Public Law 101–179; 22 U.S.C. 5421) shall apply with respect to the Demilitarization Enterprise Fund in the same manner as such provisions apply to Enterprise Funds designated pursuant to subsection (d) of such section:

(1) Subsection (d)(5), relating to the private character of Enterprise Funds.

(2) Subsection (h), relating to retention of interest earned in interest bearing accounts.

(3) Subsection (i), relating to use of United States private venture capital.

(4) Subsection (k), relating to support from Executive agencies.

(5) Subsection (l), relating to limitation on payments to Fund personnel.

(6) Subsections (m) and (n), relating to audits.

(7) Subsection (o), relating to record keeping requirements.

(8) Subsection (p), relating to annual reports.

In addition, returns on investments of the Demilitarization Enterprise Fund and other payments to the Fund may be reinvested in projects of the Fund.

(g) EXPERIENCE OF OTHER ENTERPRISE FUNDS.—To the maximum extent practicable, the Board of Directors of the Demilitarization Enterprise Fund should adopt for that Fund practices and procedures that have been developed by Enterprise Funds for which funding has been made available pursuant to section 201 of the Support for East European Democracy (SEED) Act of 1989 (Public Law 101–179; 22 U.S.C. 5421).

(h) CONSULTATION REQUIREMENT.—In the implementation of this section, the Secretary of State and the Administrator of the Agency for International Development shall be consulted to ensure that the Articles of Incorporation of the Fund (including provisions specifying the responsibilities of the Board of Directors of the Fund), the terms of United States Government grant agreements with the Fund, and United States Government oversight of the Fund are, to the maximum extent practicable, consistent with the Articles of Incorporation of, the terms of grant agreements with, and the oversight of the Enterprise Funds established pursuant to section 201 of the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5421) and comparable provisions of law.

Reports.

(i) INITIAL IMPLEMENTATION.—The Board of Directors of the Demilitarization Enterprise Fund shall publish the first annual report of the Fund not later than January 31, 1995.

President.

(j) TERMINATION OF DESIGNATION.—A designation of an organization as the Demilitarization Enterprise Fund under subsection (a) shall be temporary. When making the designation, the

President shall provide for the eventual termination of the designation.

SEC. 1205. FUNDING FOR FISCAL YEAR 1994. 22 USC 5954.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds authorized to be appropriated under section 301(21) shall be available for cooperative threat reduction with states of the former Soviet Union under this title.

(b) LIMITATIONS.—(1) Not more than $15,000,000 of the funds referred to in subsection (a) may be made available for programs authorized in subsection (b)(6) of section 1203.

(2) Not more than $20,000,000 of such funds may be made available for programs authorized in subsection (b)(7) of section 1203.

(3) Not more than $40,000,000 of such funds may be made available for grants to the Demilitarization Enterprise Fund designated pursuant to section 1204 and for related administrative expenses.

(c) AUTHORIZATION OF EXTENSION OF AVAILABILITY OF PRIOR YEAR FUNDS.—To the extent provided in appropriations Acts, the authority to transfer funds of the Department of Defense provided in section 9110(a) of the Department of Defense Appropriations Act, 1993 (Public Law 102–396; 106 Stat. 1928), and in section 108 of Public Law 102–229 (105 Stat. 1708) shall continue to be in effect during fiscal year 1994.

SEC. 1206. PRIOR NOTICE TO CONGRESS OF OBLIGATION OF FUNDS. President. Reports. 22 USC 5955.

(a) NOTICE OF PROPOSED OBLIGATION.—Not less than 15 days before obligation of any funds for programs under section 1203, the President shall transmit to the appropriate congressional committees as defined in section 1208 a report on the proposed obligation. Each such report shall specify—

(1) the activities and forms of assistance for which the President plans to obligate such funds;

(2) the amount of the proposed obligation; and

(3) the projected involvement of the departments and agencies of the United States Government and the private sector of the United States.

(b) REPORTS ON DEMILITARIZATION OR CONVERSION PROJECTS.—Any report under subsection (a) that covers proposed demilitarization or conversion projects under paragraph (5) or (6) of section 1203(b) shall contain additional information to assist the Congress in determining the merits of the proposed projects. Such information shall include descriptions of—

(1) the facilities to be demilitarized;

(2) the types of activities conducted at those facilities and of the types of nonmilitary activities planned for those facilities;

(3) the forms of assistance to be provided by the United States Government and by the private sector of the United States;

(4) the extent to which military activities and production capability will consequently be eliminated at those facilities; and

(5) the mechanisms to be established for monitoring progress on those projects.

President.
22 USC 5956.

SEC. 1207. SEMIANNUAL REPORT.

Not later than April 30, 1994, and not later than October 30, 1994, the President shall transmit to the appropriate congressional committees a report on the activities carried out under this title. Each such report shall set forth, for the preceding six-month period and cumulatively, the following:

(1) The amounts obligated and expended for such activities and the purposes for which they were obligated and expended.

(2) A description of the participation, if any, of each department and agency of the United States Government in such activities.

(3) A description of the activities carried out and the forms of assistance provided, and a description of the extent to which the private sector of the United States has participated in the activities for which amounts were obligated and expended under this title.

(4) Such other information as the President considers appropriate to fully inform the Congress concerning the operation of the programs and activities carried out under this title, including, with respect to proposed demilitarization or conversion projects, additional information on the progress toward demilitarization of facilities and the conversion of the demilitarized facilities to civilian activities.

22 USC 5957.

SEC. 1208. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.

In this title, the term "appropriate congressional committees" means—

(1) the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committees on Appropriations of the House and the Senate, wherever the account, budget activity, or program is funded from appropriations made under the international affairs budget function (150);

(2) the Committees on Armed Services and the Committees on Appropriations of the Senate and the House of Representatives, wherever the account, budget activity, or program is funded from appropriations made under the national defense budget function (050); and

(3) the committee to which the specified activities of section 1203, if the subject of separate legislation, would be referred under the rules of the respective House of Congress.

22 USC 5958.

SEC. 1209. AUTHORIZATION FOR ADDITIONAL FISCAL YEAR 1993 ASSISTANCE TO THE INDEPENDENT STATES OF THE FORMER SOVIET UNION.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for fiscal year 1993 for "Operation and Maintenance, Defense Agencies" the additional sum of $979,000,000, to be available for the purposes of providing assistance to the independent states of the former Soviet Union.

(b) AUTHORIZATION OF TRANSFER OF FUNDS.—The Secretary of Defense may, to the extent provided in appropriations Acts, transfer from the account "Operation and Maintenance, Defense Agencies" for fiscal year 1993 a sum not to exceed the amount appropriated pursuant to the authorization in subsection (a) to—

(1) other accounts of the Department of Defense for the purpose of providing assistance to the independent states of the former Soviet Union; or

(2) appropriations available to the Department of State and other agencies of the United States Government for the purpose of providing assistance to the independent states of the former Soviet Union for programs that the President determines will increase the national security of the United States.

(c) ADMINISTRATIVE PROVISIONS.—(1) Amounts transferred under subsection (b) shall be available subject to the same terms and conditions as the appropriations to which transferred.

(2) The authority to make transfers pursuant to this section is in addition to any other transfer authority of the Department of Defense.

(d) COORDINATION OF PROGRAMS.—The President shall coordinate the programs described in subsection (b) with those authorized in the other provisions of this title and in the provisions of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (Public Law 102–511) so as to optimize the contribution such programs make to the national interests of the United States. President.

TITLE XIII—DEFENSE CONVERSION, REINVESTMENT, AND TRANSITION ASSISTANCE

Defense Conversion, Reinvestment, and Transition Assistance Amendments of 1993.

10 USC 2491 note.

SEC. 1301. SHORT TITLE.

This title may be cited as the "Defense Conversion, Reinvestment, and Transition Assistance Amendments of 1993".

SEC. 1302. FUNDING OF DEFENSE CONVERSION, REINVESTMENT, AND TRANSITION ASSISTANCE PROGRAMS FOR FISCAL YEAR 1994.

(a) FUNDING.—Of the amounts authorized to be appropriated pursuant to this Act for the Department of Defense for fiscal year 1994, the sum of $2,553,315,000 shall be available from the sources specified in subsection (b) for defense conversion, reinvestment, and transition assistance programs.

(b) SOURCES OF FUNDS.—The amount set forth in subsection (a) shall be derived from the following sources in amounts as follows:

(1) $147,000,000 of the amounts authorized to be appropriated pursuant to section 108 to carry out subtitle D.

(2) $2,071,315,000 of the amounts authorized to be appropriated pursuant to title II.

(3) $335,000,000 of the amounts authorized to be appropriated pursuant to title III.

(c) DEFINITION.—For purposes of this section, the term "defense conversion, reinvestment, and transition assistance programs" includes the following programs and activities of the Department of Defense:

(1) The programs and activities authorized by the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102–484; 106 Stat. 2658) and the amendments made by that Act.

(2) The programs and activities authorized by this title and the amendments made by this title.

10 USC 2501 note.

SEC. 1303. REPORTS ON DEFENSE CONVERSION, REINVESTMENT, AND TRANSITION ASSISTANCE PROGRAMS.

(a) REPORT REQUIRED.—During each of the fiscal years 1994, 1995, and 1996, the Secretary of Defense shall prepare a report that assesses the effectiveness of all defense conversion, reinvestment, and transition assistance programs (as defined in section 1302) during the preceding fiscal year.

(b) CONTENTS OF REPORT.—To the maximum extent practicable, each report required under subsection (a) shall include an assessment of each of the following:

(1) The status of the obligation of appropriated funds for each defense conversion, reinvestment, and transition assistance program.

(2) With respect to each component of the dual-use partnership program element specified in paragraphs (1) through (10) of section 1311(b)—

(A) the extent to which the component meets the objectives set forth in section 2501 of title 10, United States Code;

(B) the technology benefits of the component to the national technology and industrial base;

(C) any evidence of commercialization of technologies developed under the component;

(D) the extent to which the investments under the component have affected levels of employment;

(E) the number of defense firms participating in cooperative agreements or other arrangements under the component;

(F) the extent to which matching fund requirements of the component were met by cash contributions by the non-Federal Government participants;

(G) the extent to which defense technology reinvestment projects under the component have met milestones and financial and technical requirements;

(H) the extent to which the component is integrated with technology programs conducted by other Federal agencies; and

(I) the number of proposals under the component that were received from small business concerns and the number of awards made to small business concerns.

(3) With respect to each personnel assistance program conducted under subtitle C of this title, title XLIV of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102-484; 106 Stat. 2701), and the amendments made by that subtitle or title—

(A) the extent to which the program meets the objectives set forth in section 2501(b) of title 10, United States Code;

(B) the number of individuals eligible for transition assistance under the program;

(C) the number of individuals directly receiving transition assistance under the program and the projected number of individuals who will directly receive transition assistance;

(D) in the case of a job training program, an estimate of the number of individuals who have secured permanent employment as a result of participation in the program; and

(E) the extent to which the transition assistance activities under the program duplicated other transition assistance provided or administered outside the Department of Defense.

(c) SUBMISSION OF REPORT.—The report required under subsection (a) for a particular fiscal year shall be submitted to Congress at the same time that the Secretary of Defense submits the annual report required under section 113(c) of title 10, United States Code, for that fiscal year.

Subtitle A—Defense Technology and Industrial Base, Defense Reinvestment, and Defense Conversion

SEC. 1311. FUNDING OF DEFENSE DUAL-USE PARTNERSHIPS PROGRAM FOR FISCAL YEAR 1994.

(a) FUNDS AVAILABLE.—Of the amount authorized to be appropriated under section 201 for Defense-wide activities and specified in section 1302(b) as a source of funds for defense conversion, reinvestment, and transition assistance programs, $624,000,000 shall be available for activities described in the dual-use partnerships program element of the budget of the Department of Defense for fiscal year 1994.

(b) ALLOCATION OF FUNDS.—The funds made available under subsection (a) shall be allocated as follows:

(1) $250,000,000 shall be available for defense dual-use critical technology partnerships under section 2511 of title 10, United States Code.

(2) $75,000,000 shall be available for commercial-military integration partnerships under section 2512 of such title.

(3) $75,000,000 shall be available for defense regional technology alliances under section 2513 of such title.

(4) $50,000,000 shall be available for defense advanced manufacturing technology partnerships under section 2522 of such title.

(5) $30,000,000 shall be available for support of manufacturing extension programs under section 2523 of such title;

(6) $30,000,000 shall be available for the defense dual-use extension program under section 2524 of such title, of which—

(A) not more than $15,000,000 shall be available for assistance pursuant to subsection (c)(3) of such section; and

(B) not more than $15,000,000 shall be available for loan guarantees pursuant to subsection (b)(3) of such section.

(7) $24,000,000 shall be available for defense manufacturing engineering education grants under section 2196 of such title.

(8) $10,000,000 shall be available for grants under section 2198 of such title to United States institutions of higher edu-

cation and other United States not-for-profit organizations to support the management training program in Japanese language and culture.

(9) $30,000,000 shall be available for the advanced materials synthesis and processing partnership program.

(10) $50,000,000 shall be available for the agile manufacturing/enterprise integration program.

(c) AVAILABILITY OF FUNDS FOR FISCAL YEAR 1993 PROJECTS.—Funds made available under subsection (a) may also be used to make awards to projects of the types described in subsection (b) that were solicited in fiscal year 1993.

SEC. 1312. DEFENSE TECHNOLOGY AND INDUSTRIAL BASE, REINVESTMENT, AND CONVERSION PLANNING.

(a) ABOLISHMENT OF DEFENSE ECONOMIC ADJUSTMENT CENTER.—(1) Section 2504 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of subchapter II of chapter 148 of such title is amended by striking out the item relating to section 2504.

(b) NATIONAL DEFENSE TECHNOLOGY AND INDUSTRIAL BASE COUNCIL.—Section 2502 of such title is amended by adding at the end the following new subsection:

"(d) ALTERNATIVE PERFORMANCE OF RESPONSIBILITIES.—Notwithstanding subsection (c), the President may assign the responsibilities of the Council to another interagency organization of the Executive branch that includes among its members the officials specified in paragraphs (1) through (4) of subsection (b).".

SEC. 1313. CONGRESSIONAL DEFENSE POLICY CONCERNING DEFENSE TECHNOLOGY AND INDUSTRIAL BASE, REINVESTMENT, AND CONVERSION.

Section 2501(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(5) Furthering the missions of the Department of Defense through the support of policy objectives and programs relating to the defense reinvestment, diversification, and conversion objectives specified in subsection (b).".

SEC. 1314. EXPANSION OF BUSINESSES ELIGIBLE FOR LOAN GUARANTEES UNDER THE DEFENSE DUAL-USE ASSISTANCE EXTENSION PROGRAM.

Section 2524 of title 10, United States Code, is amended—

(1) in subsection (b)(3), by striking out "small businesses" and inserting in lieu thereof "small business concerns and medium-sized business concerns";

(2) by redesignating subsection (g) as subsection (h); and

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

"(g) DEFINITION.—In this section, the 'medium-sized business concern' means a business concern that is not more than two times the maximum size specified by the Administrator of the Small Business Administration for purposes of determining whether a business concern furnishing a product or service is a small business concern.".

SEC. 1315. CONSISTENCY IN FINANCIAL COMMITMENT REQUIREMENTS OF NON-FEDERAL GOVERNMENT PARTICIPANTS IN TECHNOLOGY REINVESTMENT PROJECTS.

(a) DEFENSE DUAL-USE CRITICAL TECHNOLOGY PARTNERSHIPS.—Section 2511(c) of title 10, United States Code, is amended to read as follows:

"(c) FINANCIAL COMMITMENT OF NON-FEDERAL GOVERNMENT PARTICIPANTS.—(1) The Secretary of Defense shall ensure that the amount of funds provided by the Federal Government to a partnership does not exceed 50 percent of the total cost of partnership activities.

"(2) The Secretary may prescribe regulations to provide for consideration of in-kind contributions by non-Federal Government participants in a partnership for the purpose of calculating the share of the partnership costs that has been or is being undertaken by such participants. In such regulations, the Secretary may authorize a participant that is a small business concern to use funds received under the Small Business Innovation Research Program or the Small Business Technology Transfer Program to help pay the costs of partnership activities. Any such funds so used may be considered in calculating the amount of the financial commitment undertaken by the non-Federal Government participants unless the Secretary determines that the small business concern has not made a significant equity percentage contribution in the partnership from non-Federal sources.".

(b) COMMERCIAL-MILITARY INTEGRATION PARTNERSHIPS.—Section 2512(c)(3) of such title is amended by striking out subparagraph (B) and inserting in lieu thereof the following new subparagraph:

"(B) In such regulations, the Secretary may authorize a participant that is a small business concern to use funds received under the Small Business Innovation Research Program or the Small Business Technology Transfer Program to help pay the costs of partnership activities. Any such funds so used may be considered in calculating the amount of the financial commitment undertaken by the non-Federal Government participants unless the Secretary determines that the small business concern has not made a significant equity percentage contribution in the partnership from non-Federal sources.".

(c) REGIONAL TECHNOLOGY ALLIANCES ASSISTANCE PROGRAM.—Section 2513(e) of such title is amended by adding at the end the following new paragraph:

"(3) The Secretary may prescribe regulations to provide for consideration of in-kind contributions by non-Federal Government participants in a regional technology alliance for the purpose of calculating the share of the costs that has been or is being undertaken by such participants. In such regulations, the Secretary may authorize a participant that is a small business concern to use funds received under the Small Business Innovation Research Program or the Small Business Technology Transfer Program to help pay the costs of a regional technology alliance. Any such funds so used may be considered in calculating the amount of the financial commitment undertaken by the non-Federal Government participants unless the Secretary determines that the small business concern has not made a significant equity percentage contribution in the regional technology alliance from non-Federal sources.".

(d) MANUFACTURING EXTENSION PROGRAMS.—Section 2523(b)(3) of such title is amended—

(1) in subparagraph (A), by striking out the first sentence and inserting in lieu thereof the following: "The Secretary shall ensure that the amount of financial assistance furnished by the Federal Government to a manufacturing extension program under this subsection may not exceed 50 percent of the total cost of the program."; and

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

"(D) The Secretary may prescribe regulations to provide for consideration of in-kind contributions by non-Federal Government participants in a manufacturing extension program for the purpose of calculating the share of the costs that has been or is being undertaken by such participants. In such regulations, the Secretary may authorize a participant that is a small business concern to use funds received under the Small Business Innovation Research Program or the Small Business Technology Transfer Program to help pay the costs of the program. Any such funds so used may be considered in calculating the amount of the financial commitment undertaken by the non-Federal Government participants unless the Secretary determines that the small business concern has not made a significant equity percentage contribution in the program from non-Federal sources.".

(e) DEFENSE DUAL-USE ASSISTANCE EXTENSION PROGRAM.—Section 2524(d) of such title is amended to read as follows:

"(d) FINANCIAL COMMITMENT OF NON-FEDERAL GOVERNMENT PARTICIPANTS.—(1) The Secretary shall ensure that the amount of funds provided by the Secretary to a program under this section does not exceed 50 percent of the total cost of the program.

"(2) The Secretary may prescribe regulations to provide for consideration of in-kind contributions by non-Federal Government participants in a program under this section for the purpose of calculating the share of the costs that has been or is being undertaken by such participants. In such regulations, the Secretary may authorize a participant that is a small business concern to use funds received under the Small Business Innovation Research Program or the Small Business Technology Transfer Program to help pay the costs of the program. Any such funds so used may be considered in calculating the amount of the financial commitment undertaken by the non-Federal Government participants unless the Secretary determines that the small business concern has not made a significant equity percentage contribution in the program from non-Federal sources.".

(f) DEFINITIONS.—Section 2491 of such title is amended by adding at the end the following new paragraphs:

"(13) The term 'Small Business Innovation Research Program' means the program established under the following provisions of section 9 of the Small Business Act (15 U.S.C. 638):

"(A) Paragraphs (4) through (7) of subsection (b).

"(B) Subsections (e) through (l).

"(14) The term 'Small Business Technology Transfer Program' means the program established under the following provisions of such section:

"(A) Paragraphs (4) through (7) of subsection (b).

"(B) Subsections (e) and (n) through (p).

"(15) The term 'significant equity percentage' means—

"(A) a level of contribution and participation sufficient, when compared to the other non-Federal participants in the partnership or other cooperative arrangement involved,

to demonstrate a comparable long-term financial commitment to the product or process development involved; and

"(B) any other criteria the Secretary may consider necessary to ensure an appropriate equity mix among the participants.".

(g) APPLICATION OF AMENDMENTS TO EXISTING PROJECTS.—In the case of a project funded under section 2511, 2512, 2513, 2523, or 2524 of title 10, United States Code, using funds appropriated for a fiscal year beginning before October 1, 1993, the amendments made by this section shall not alter the financial commitment requirements in effect on the day before the date of the enactment of this Act for the non-Federal Government participants in the project. 10 USC 2511 note.

SEC. 1316. ADDITIONAL CRITERIA FOR THE SELECTION OF REGIONAL TECHNOLOGY ALLIANCES.

Section 2513(h) of title 10, United States Code, is amended—

(1) by redesignating paragraph (5) as paragraph (7); and

(2) by inserting after paragraph (4) the following new paragraphs:

"(5) The potential for the regional technology alliance to increase industrial competitiveness.

"(6) The potential for the regional technology alliance to meet the needs of small- and medium-sized defense-dependent companies across multiple activity areas including—

"(A) outreach;

"(B) manufacturing education and training;

"(C) technology development;

"(D) technology deployment; and

"(E) business counseling.".

SEC. 1317. CONDITIONS ON FUNDING OF DEFENSE TECHNOLOGY REINVESTMENT PROJECTS.

(a) BENEFITS TO UNITED STATES ECONOMY.—In providing for the establishment or financial support of partnerships or other cooperative arrangements under chapter 148 of title 10, United States Code, using funds made available under section 1311(a), the Secretary of Defense shall ensure that the principal economic benefits of such partnerships and other arrangements accrue to the economy of the United States.

(b) USE OF COMPETITIVE SELECTION PROCEDURES.—Funds made available under subsection (a) of section 1311 for programs of the type described in subsection (b) of such section shall only be provided to projects selected using competitive procedures pursuant to a solicitation incorporating cost-sharing requirements for the non-Federal Government participants in the projects.

(c) CONFORMING AMENDMENT.—Section 2511(e) of title 10, United States Code, is amended by striking out ", except that" and all that follows through "applies".

Subtitle B—Community Adjustment and Assistance Programs

SEC. 1321. ADJUSTMENT AND DIVERSIFICATION ASSISTANCE FOR STATES AND LOCAL GOVERNMENTS FROM THE OFFICE OF ECONOMIC ADJUSTMENT.

(a) FUNDING FOR FISCAL YEAR 1994.—Of the amount made available pursuant to section 1302(a), $69,000,000 shall be available as community adjustment and economic diversification assistance under section 2391(b) of title 10, United States Code.

(b) PREPARATION ASSISTANCE.—The Secretary of Defense may use up to five percent of the amount specified in subsection (a) for the purpose of providing preparation assistance to those States intending to establish the types of programs for which assistance is authorized under section 2391(b) of title 10, United States Code.

SEC. 1322. ASSISTANCE FOR COMMUNITIES ADVERSELY AFFECTED BY CATASTROPHIC OR MULTIPLE BASE CLOSURES OR REALIGNMENTS.

Grants.
Contracts.

(a) ASSISTANCE AVAILABLE.—Not less than 25 percent of the funds made available for fiscal year 1994 to carry out subsection (b) of section 2391 of title 10, United States Code, but not to exceed 50 percent of such funds, shall be used by the Secretary of Defense under paragraphs (1) and (4) of such subsection to make grants, conclude cooperative agreements, and supplement funds available under other Federal programs in order to assist State and local governments in planning and carrying out community adjustments and economic diversification in any community determined by the Secretary—

(1) to be likely to experience a loss of not less than five percent of the total number of civilian jobs in the community as a result of the realignment or closure of a military installation; or

(2) to be adversely affected by the realignment or closure of more than one military installation.

(b) AMOUNT OF PLANNING ASSISTANCE.—In providing assistance on behalf of communities described in subsection (a) under section 2391(b)(1) of title 10, United States Code, the Secretary of Defense shall ensure, to the greatest extent practicable, that the amount of such assistance provided on behalf of each such community for planning community adjustments and economic diversification is not less than $1,000,000 during fiscal year 1994.

(c) ADDITIONAL ADJUSTMENT ASSISTANCE.—In providing adjustment assistance (in addition to the planning assistance provided under subsection (b)) on behalf of communities described in subsection (a), to the maximum extent practicable, favorable consideration shall be given to proposals for economic adjustment implementation assistance of not more than $5,000,000 to be provided in accordance with established criteria, programs, and procedures governing the provision of such assistance.

SEC. 1323. CONTINUATION OF PILOT PROJECT TO IMPROVE ECONOMIC ADJUSTMENT PLANNING.

(a) CONTINUATION OF PROGRAM.—Subsection (a) of section 4302 of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102–484; 10 U.S.C. 2391

note) is amended by striking out "fiscal year 1993" and inserting in lieu thereof "fiscal years 1993 and 1994".

(b) FUNDING FOR FISCAL YEAR 1994.—Of the amount made available pursuant to section 1302(a) for defense conversion, reinvestment, and transitional assistance programs, not more than $1,000,000 shall be made available to continue the pilot project required under section 4302 of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102–484; 10 U.S.C. 2391 note) with respect to those projects involving relieving the adverse effects upon a community from a combination of the closure or realignment of a military installation and changes in the mission of a national laboratory.

Subtitle C—Personnel Adjustment, Education, and Training Programs

SEC. 1331. CONTINUATION OF TEACHER AND TEACHER'S AIDE PLACEMENT PROGRAMS.

(a) EXPANDED COVERAGE OF CERTAIN MEMBERS OF THE ARMED FORCES.—Subsection (e)(1) of section 1151 of title 10, United States Code, is amended by striking out "before the date of the discharge or release" in the first sentence and inserting in lieu thereof "not later than one year after the date of the discharge or release".

(b) ELIGIBILITY OF MEMBERS NOT EDUCATIONALLY QUALIFIED FOR TEACHER PLACEMENT ASSISTANCE.—(1) Subsection (c) of such section is amended—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(B) by inserting after paragraph (1) the following new paragraph:

"(2) For purposes of this section, a former member of the armed forces who did not meet the minimum educational qualification criterion set forth in paragraph (1)(B)(i) for teacher placement assistance before discharge or release from active duty shall be considered to be a member satisfying such educational qualification criterion upon satisfying that criterion within five years after discharge or release from active duty.".

(2) Subsection (e) of such section is amended—

(A) in paragraph (1), as amended by subsection (a), by inserting before the period at the end of the first sentence the following: "or, in the case of an applicant becoming educationally qualified for teacher placement assistance in accordance with subsection (c)(2), not later than one year after the date on which the applicant becomes educationally qualified"; and

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

"(4)(A) The Secretary shall provide under the program for identifying, during each fiscal year in the period referred to in subsection (c)(1)(A), noncommissioned officers who, on or before the end of such fiscal year, will have completed 10 or more years of continuous active duty, who have the potential to perform competently as elementary or secondary school teachers, but who do not satisfy the minimum educational qualification criterion under subsection (c)(1)(B)(i) for teacher placement assistance.

"(B) The Secretary shall inform noncommissioned officers identified under subparagraph (A) of the opportunity to qualify

in accordance with subsection (c)(2) for teacher placement assistance under the program.".

(c) EXTENSION OF PERIOD OF REQUIRED SERVICE.—(1) Section 1151 of such title is further amended—

(A) in subsection (f)(2), by striking out "two school years" both places it appears and inserting in lieu thereof "five school years";

(B) in subsection (h)(3)(A), by striking out "two consecutive school years" and inserting in lieu thereof "five consecutive school years";

(C) in subsection (h)(5), by striking out "two years" both places it appears and inserting in lieu thereof "five years"; and

(D) in subsection (i)(1), by striking out "two years" both places it appears and inserting in lieu thereof "five years".

(2) Section 1598(d)(2) of such title is amended by striking out "two school years" both places it appears and inserting in lieu thereof "five school years".

(3) Section 2410j(f)(2) of such title is amended by striking out "two school years" both places it appears and inserting in lieu thereof "five school years".

(d) GRANT PAYMENTS.—Subsection (h)(3)(B) of section 1151 of such title is amended by striking out "equal to the lesser of—" and all that follows through "$50,000." and inserting in lieu thereof the following: "based upon the basic salary paid by the local educational agency to the participant as a teacher or teacher's aide. The rate of payment by the Secretary shall be as follows:

"(i) For the first school year of employment, 50 percent of the basic salary, except that the payment may not exceed $25,000.

"(ii) For the second school year of employment, 40 percent of the basic salary, except that the payment may not exceed $10,000.

"(iii) For the third school year of employment, 30 percent of the basic salary, except that the payment may not exceed $7,500.

"(iv) For the fourth school year of employment, 20 percent of the basic salary, except that the payment may not exceed $5,000.

"(v) For the fifth year of employment, 10 percent of the basic salary, except that the payment may not exceed $2,500.".

(e) INCREASED FLEXIBILITY IN PROVIDING STIPENDS AND PLACEMENT GRANTS.—Subsection (h) of such section is amended in paragraphs (1) and (2) by striking out "shall" both places it appears and inserting in lieu thereof "may".

(f) AGREEMENTS WITH STATES.—Subsection (h) of such section is further amended by adding at the end the following new paragraph:

"(7)(A) In addition to the agreements referred to in paragraphs (1) and (2), the Secretary may enter into an agreement directly with a State identified pursuant to subsection (b)(1) to allow the State to arrange the placement of participants in the placement program with local educational agencies identified pursuant to subsection (b)(2) or (b)(3). The Secretary shall consult with the Secretary of Education in entering into agreements with States under this paragraph.

"(B) With respect to an agreement under this paragraph with a State, nothing in this paragraph shall be construed to negate or supersede the authority of any appropriate official or entity of the State to approve those portions of the agreement that are not under the jurisdiction of the chief executive officer of the State.

"(C) The Secretary may reserve up to 10 percent of the funds made available to carry out the placement program for a fiscal year for the placement of participants through agreements entered into under this paragraph. Paragraphs (3) through (6) shall apply with respect to any placement made through such an agreement.".

(g) CLARIFICATION OF STIPEND EXCEPTION.—Subsection (g) of such section is amended by striking out paragraph (2) and inserting in lieu thereof the following new paragraph:

"(2) A member who is separated under the special separation benefits program under section 1174a of this title, receives voluntary separation payments under section 1175 of this title, or retires pursuant to the authority provided in section 4403 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 10 U.S.C. 1293 note) shall not be paid a stipend under paragraph (1).".

(h) APPLICATION OF CERTAIN AMENDMENTS.—The amendments made by subsections (c) and (d) shall not apply with respect to— 10 USC 1151 note.

(1) persons selected by the Secretary of Defense before the date of the enactment of this Act to participate in the teacher and teacher's aide placement programs established pursuant to sections 1151, 1598, and 2410j of title 10, United States Code; or

(2) agreements entered into by the Secretary before such date with local educational agencies under such sections.

SEC. 1332. PROGRAMS TO PLACE SEPARATED MEMBERS IN EMPLOYMENT POSITIONS WITH LAW ENFORCEMENT AGENCIES AND HEALTH CARE PROVIDERS.

(a) PLACEMENT PROGRAM WITH LAW ENFORCEMENT AGENCIES.—Chapter 58 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1152. Assistance to separated members to obtain employment with law enforcement agencies

"(a) PLACEMENT PROGRAM.—The Secretary of Defense may establish a program to assist eligible members of the armed forces to obtain employment as law enforcement officers with State and local law enforcement agencies upon their discharge or release from active duty.

"(b) ELIGIBLE MEMBERS.—(1) Except as provided in paragraph (2), a member of the armed forces may apply to participate in the program established under subsection (a) if the member—

"(A) is selected for involuntary separation, is approved for separation under section 1174a or 1175 of this title, or retires pursuant to the authority provided in section 4403 of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102-484; 10 U.S.C. 1293 note) during the six-year period beginning on October 1, 1993; and

"(B) has a military occupational specialty, training, or experience related to law enforcement (such as service as a

member of the military police) or satisfies such other criteria for selection as the Secretary of Defense may prescribe.

"(2) A member who is discharged or released from service under other than honorable conditions shall not be eligible to participate in the program.

"(c) SELECTION OF PARTICIPANTS.—(1) The Secretary of Defense shall select members to participate in the program established under subsection (a) on the basis of applications submitted to the Secretary not later than one year after the date of the discharge or release of the members from active duty. An application shall be in such form and contain such information as the Secretary may require.

"(2) The Secretary may not select a member to participate in the program unless the Secretary has sufficient appropriations for the placement program available at the time of the selection to satisfy the obligations to be incurred by the United States under subsection (d) with respect to that member.

"(d) GRANTS TO FACILITATE EMPLOYMENT.—(1) The Secretary of Defense may enter into agreements with State and local law enforcement agencies to assist eligible members selected under subsection (c) to obtain suitable employment as law enforcement officers with these agencies. Under such an agreement, a law enforcement agency shall agree to employ a participant in the program on a full-time basis for at least five years.

"(2) Under an agreement referred to in paragraph (1), the Secretary shall agree to pay to the law enforcement agency involved an amount based upon the basic salary paid by the law enforcement agency to the participant as a law enforcement officer. The rate of payment by the Secretary shall be as follows:

"(A) For the first year of employment, 50 percent of the basic salary, except that the payment may not exceed $25,000.

"(B) For the second year of employment, 40 percent of the basic salary, except that the payment may not exceed $10,000.

"(C) For the third year of employment, 30 percent of the basic salary, except that the payment may not exceed $7,500.

"(D) For the fourth year of employment, 20 percent of the basic salary, except that the payment may not exceed $5,000.

"(E) For the fifth year of employment, 10 percent of the basic salary, except that the payment may not exceed $2,500.

"(3) Payments required under paragraph (2) may be made by the Secretary in such installments as the Secretary may determine.

"(4) If a participant who is placed under this program leaves the employment of the law enforcement agency before the end of the five years of required employment service, the agency shall reimburse the Secretary in an amount that bears the same ratio to the total amount already paid under the agreement as the unserved portion bears to the five years of required service.

"(5) The Secretary may not make a grant under this subsection to a law enforcement agency if the Secretary determines that the law enforcement agency terminated the employment of another employee in order to fill the vacancy so created with a participant in this program.

"(e) AGREEMENTS WITH STATES.—(1) In addition to the agreements referred to in subsection (d)(1), the Secretary of Defense

may enter into an agreement directly with a State to allow the State to arrange the placement of participants in the program with State and local law enforcement agencies. Paragraphs (2) through (5) of subsection (d) shall apply with respect to any placement made through such an agreement.

"(2) The Secretary may reserve up to 10 percent of the funds made available to carry out the program for a fiscal year for the placement of participants through agreements entered into under paragraph (1).

"(f) DEFINITIONS.—In this section:

"(1) The term 'State' includes the District of Columbia, American Samoa, the Federated States of Micronesia, Guam, the Republic of the Marshall Islands, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, Palau, and the Virgin Islands.

"(2) The term 'law enforcement officer' means an individual involved in crime and juvenile delinquency control or reduction, or enforcement of the laws, including police, corrections, probation, parole, and judicial officers.".

(b) PLACEMENT PROGRAM WITH HEALTH CARE PROVIDERS.—Chapter 58 of title 10, United States Code, is amended by adding after section 1152, as added by subsection (a), the following new section:

"§ 1153. Assistance to separated members to obtain employment with health care providers

"(a) PLACEMENT PROGRAM.—The Secretary of Defense may establish a program to assist eligible members of the armed forces to obtain employment with health care providers upon their discharge or release from active duty.

"(b) ELIGIBLE MEMBERS.—(1) Except as provided in paragraph (2), a member shall be eligible for selection by the Secretary of Defense to participate in the program established under subsection (a) if the member—

"(A) is selected for involuntary separation, is approved for separation under section 1174a or 1175 of this title, or retires pursuant to the authority provided in section 4403 of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102–484; 10 U.S.C. 1293 note) during the six-year period beginning on October 1, 1993;

"(B) has received an associate degree, baccalaureate, or advanced degree from an accredited institution of higher education or a junior or community college; and

"(C) has a military occupational specialty, training, or experience related to health care, is likely to be able to obtain such training in a short period of time (as determined by the Secretary), or satisfies such other criteria for selection as the Secretary may prescribe.

"(2) For purposes of this section, a former member of the armed forces who did not meet the minimum educational qualification criterion set forth in paragraph (1)(B) for placement assistance before discharge or release from active duty shall be considered to be a member satisfying such educational qualification criterion upon satisfying that criterion within five years after discharge or release from active duty.

"(3) A member who is discharged or released from service under other than honorable conditions shall not be eligible to participate in the program.

"(c) SELECTION OF PARTICIPANTS.—(1) The Secretary of Defense shall select members to participate in the program established under subsection (a) on the basis of applications submitted to the Secretary not later than one year after the date of the discharge or release of the members from active duty or, in the case of an applicant becoming educationally qualified for teacher placement assistance in accordance with subsection (b)(2), not later than one year after the date on which the applicant becomes educationally qualified. An application shall be in such form and contain such information as the Secretary may require.

"(2) The Secretary may not select a member to participate in the program unless the Secretary has sufficient appropriations for the placement program available at the time of the selection to satisfy the obligations to be incurred by the United States under subsection (d) with respect to that member.

"(3)(A) The Secretary shall provide under the program for identifying, during each fiscal year in the period referred to in subsection (b)(1)(A), noncommissioned officers who, on or before the end of such fiscal year, will have completed 10 or more years of continuous active duty, who have the potential to perform competently in employment positions with health care providers, but who do not satisfy the minimum educational qualification criterion under subsection (b)(1)(B) for placement assistance.

"(B) The Secretary shall inform noncommissioned officers identified under subparagraph (A) of the opportunity to qualify in accordance with subsection (b)(2) for placement assistance under the program.

"(d) GRANTS TO FACILITATE EMPLOYMENT.—(1) The Secretary of Defense may enter into an agreement with a health care provider to assist eligible members selected under subsection (c) to obtain suitable employment with the health care provider. Under such an agreement, a health care provider shall agree to employ a participant in the program on a full-time basis for at least five years.

"(2) Under an agreement referred to in paragraph (1), the Secretary shall agree to pay to the health care provider involved an amount based upon the basic salary paid by the health care provider to the participant. The rate of payment by the Secretary shall be as follows:

"(A) For the first year of employment, 50 percent of the basic salary, except that the payment may not exceed $25,000.

"(B) For the second year of employment, 40 percent of the basic salary, except that the payment may not exceed $10,000.

"(C) For the third year of employment, 30 percent of the basic salary, except that the payment may not exceed $7,500.

"(D) For the fourth year of employment, 20 percent of the basic salary, except that the payment may not exceed $5,000.

"(E) For the fifth year of employment, 10 percent of the basic salary, except that the payment may not exceed $2,500.

"(3) Payments required under paragraph (2) may be made by the Secretary in such installments as the Secretary may determine.

"(4) If a participant who is placed under this program leaves the employment of the health care provider before the end of the five years of required employment service, the provider shall reimburse the Secretary in an amount that bears the same ratio to the total amount already paid under the agreement as the unserved portion bears to the five years of required service.

"(5) The Secretary may not make a grant under this subsection to a health care provider if the Secretary determines that the provider terminated the employment of another employee in order to fill the vacancy so created with a participant in this program.

"(e) AGREEMENTS WITH STATES.—(1) In addition to the agreements referred to in subsection (d)(1), the Secretary of Defense may enter into an agreement directly with a State to allow the State to arrange the placement of participants in the program with health care providers. Paragraphs (2) through (5) of subsection (d) shall apply with respect to any placement made through such an agreement.

"(2) The Secretary may reserve up to 10 percent of the funds made available to carry out the program for a fiscal year for the placement of participants through agreements entered into under paragraph (1).

"(f) DEFINITIONS.—In this section, the term 'State' includes the District of Columbia, American Samoa, the Federated States of Micronesia, Guam, the Republic of the Marshall Islands, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, Palau, and the Virgin Islands.".

(c) PRESEPARATION COUNSELING.—Section 1142(b)(4) of title 10, United States Code, is amended by striking out "program established under section 1151 of this title to assist members to obtain employment as elementary or secondary school teachers or teachers' aides." and inserting in lieu thereof "programs established under sections 1151, 1152, and 1153 of this title.".

(d) STUDY ON EXPANSION OF THE LAW ENFORCEMENT PLACEMENT PROGRAM TO INCLUDE THE BORDER PATROL.—(1) The Secretary of Defense, in consultation with the Commissioner of the Immigration and Naturalization Service, shall conduct a study regarding the feasibility of expanding the law enforcement placement program established under section 1152 of title 10, United States Code, as added by subsection (a), to include the placement of members of the Armed Forces who are discharged or released from active duty with the Border Patrol of the Immigration and Naturalization Service.

(2) Not later than March 1, 1994, the Secretary shall submit a report to Congress containing the results of the study required by this subsection. Reports.

(e) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new items:

"1152. Assistance to separated members to obtain employment with law enforcement agencies.

"1153. Assistance to separated members to obtain employment with health care providers.".

10 USC 2701 note.

SEC. 1333. GRANTS TO INSTITUTIONS OF HIGHER EDUCATION TO PROVIDE EDUCATION AND TRAINING IN ENVIRONMENTAL RESTORATION TO DISLOCATED DEFENSE WORKERS AND YOUNG ADULTS.

(a) GRANT PROGRAM AUTHORIZED.—(1) The Secretary of Defense may establish a program to provide demonstration grants to institutions of higher education to assist such institutions in providing education and training in environmental restoration and hazardous waste management to eligible dislocated defense workers and young adults described in subsection (d). The Secretary shall award the grants pursuant to a merit-based selection process.

(2) A grant provided under this subsection may cover a period of not more than three fiscal years, except that the payments under the grant for the second and third fiscal year shall be subject to the approval of the Secretary and to the availability of appropriations to carry out this section in that fiscal year.

(b) APPLICATION.—To be eligible for a grant under subsection (a), an institution of higher education shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require. The application shall include the following:

(1) An assurance by the institution of higher education that it will use the grant to supplement and not supplant non-Federal funds that would otherwise be available for the education and training activities funded by the grant.

(2) A proposal by the institution of higher education to provide expertise, training, and education in hazardous materials and waste management and other environmental fields applicable to defense manufacturing sites and Department of Defense and Department of Energy defense facilities.

(c) USE OF GRANT FUNDS.—(1) An institution of higher education receiving a grant under subsection (a) shall use the grant to establish a consortium consisting of the institution and one or more of each of the entities described in paragraph (2) for the purpose of establishing and conducting a program to provide education and training in environmental restoration and waste management to eligible individuals described in subsection (d). To the extent practicable, the Secretary shall authorize the consortium to use a military installation closed or selected to be closed under a base closure law in providing on-site basic skills training to participants in the program.

(2) The entities referred to in paragraph (1) are the following:

(A) Appropriate State and local agencies.

(B) Private industry councils (as described in section 102 of the Job Training Partnership Act (29 U.S.C. 1512)).

(C) Community-based organizations (as defined in section 4(5) of such Act (29 U.S.C. 1503(5)).

(D) Businesses.

(E) Organized labor.

(F) Other appropriate educational institutions.

(d) ELIGIBLE INDIVIDUALS.—A program established or conducted using funds provided under subsection (a) may provide education and training in environmental restoration and waste management to—

(1) individuals who have been terminated or laid off from employment (or have received notice of termination or lay off) as a consequence of reductions in expenditures by the United

States for defense, the cancellation, termination, or completion of a defense contract, or the closure or realignment of a military installation under a base closure law, as determined in accordance with regulations prescribed by the Secretary; or

(2) individuals who have attained the age of 16 but not the age of 25.

(e) ELEMENTS OF EDUCATION AND TRAINING PROGRAM.—In establishing or conducting an education and training program using funds provided under subsection (a), the institution of higher education shall meet the following requirements:

(1) The institution of higher education shall establish and provide a work-based learning system consisting of education and training in environmental restoration—

(A) which may include basic educational courses, on-site basic skills training, and mentor assistance to individuals described in subsection (d) who are participating in the program; and

(B) which may lead to the awarding of a certificate or degree at the institution of higher education.

(2) The institution of higher education shall undertake outreach and recruitment efforts to encourage participation by eligible individuals in the education and training program.

(3) The institution of higher education shall select participants for the education and training program from among eligible individuals described in paragraph (1) or (2) of subsection (d).

(4) To the extent practicable, in the selection of young adults described in subsection (d)(2) to participate in the education and training program, the institution of higher education shall give priority to those young adults who—

(A) have not attended and are otherwise unlikely to be able to attend an institution of higher education; or

(B) have, or are members of families who have, received a total family income that, in relation to family size, is not in excess of the higher of—

(i) the official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902(2)); or

(ii) 70 percent of the lower living standard income level.

(5) To the extent practicable, the institution of higher education shall select instructors for the education and training program from institutions of higher education, appropriate community programs, and industry and labor.

(6) To the extent practicable, the institution of higher education shall consult with appropriate Federal, State, and local agencies carrying out environmental restoration programs for the purpose of achieving coordination between such programs and the education and training program conducted by the consortium.

(f) SELECTION OF GRANT RECIPIENTS.—To the extent practicable, the Secretary shall provide grants to institutions of higher education under subsection (a) in a manner which will equitably distribute such grants among the various regions of the United States.

(g) LIMITATION ON AMOUNT OF GRANT TO A SINGLE RECIPIENT.—The amount of a grant under subsection (a) that may be made

to a single institution of higher education in a fiscal year may not exceed ⅓ of the amount made available to provide grants under such subsection for that fiscal year.

(h) REPORTING REQUIREMENTS.—(1) The Secretary may provide a grant to an institution of higher education under subsection (a) only if the institution agrees to submit to the Secretary, in each fiscal year in which the Secretary makes payments under the grant to the institution, a report containing—

(A) a description and evaluation of the education and training program established by the consortium formed by the institution under subsection (c); and

(B) such other information as the Secretary may reasonably require.

Reports.

(2) Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to the President and Congress an interim report containing—

(A) a compilation of the information contained in the reports received by the Secretary from each institution of higher education under paragraph (1); and

(B) an evaluation of the effectiveness of the demonstration grant program authorized by this section.

Reports.

(3) Not later than January 1, 1997, the Secretary shall submit to the President and Congress a final report containing—

(A) a compilation of the information described in the interim report; and

(B) a final evaluation of the effectiveness of the demonstration grant program authorized by this section, including a recommendation as to the feasibility of continuing the program.

(i) DEFINITIONS.—For purposes of this section:

(1) BASE CLOSURE LAW.—The term "base closure law" means the following:

(A) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

(B) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).

(C) Section 2687 of title 10, United States Code.

(D) Any other similar law enacted after the date of the enactment of this Act.

(2) ENVIRONMENTAL RESTORATION.—The term "environmental restoration" means actions taken consistent with a permanent remedy to prevent or minimize the release of hazardous substances into the environment so that such substances do not migrate to cause substantial danger to present or future public health or welfare or the environment.

(3) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given such term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

(4) SECRETARY.—The term "Secretary" means the Secretary of Defense.

(j) CONFORMING REPEAL.—Section 4452 of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102–484; 10 U.S.C. 2701 note) is repealed.

SEC. 1334. ENVIRONMENTAL EDUCATION OPPORTUNITIES PROGRAM.

Fellowships and scholarships. 10 USC 2701 note.

(a) AUTHORITY.—The Secretary of Defense, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, may establish a scholarship program in order to enable eligible individuals described in subsection (d) to undertake the educational training or activities relating to environmental engineering, environmental sciences, or environmental project management in fields related to hazardous waste management and cleanup described in subsection (b) at the institutions of higher education described in subsection (c).

(b) EDUCATIONAL TRAINING OR ACTIVITIES.—(1) The program established under subsection (a) shall be limited to educational training or activities related to—

(A) site remediation;
(B) site characterization;
(C) hazardous waste management;
(D) hazardous waste reduction;
(E) recycling;
(F) process and materials engineering;
(G) training for positions related to environmental engineering, environmental sciences, or environmental project management (including training for management positions); and
(H) environmental engineering with respect to the construction of facilities to address the items described in subparagraphs (A) through (G).

(2) The program established under subsection (a) shall be limited to educational training or activities designed to enable individuals to achieve specialization in the following fields:

(A) Earth sciences.
(B) Chemistry.
(C) Chemical Engineering.
(D) Environmental engineering.
(E) Statistics.
(F) Toxicology.
(G) Industrial hygiene.
(H) Health physics.
(I) Environmental project management.

(c) ELIGIBLE INSTITUTIONS OF HIGHER EDUCATION.—Scholarship funds awarded under this section shall be used by individuals awarded scholarships to enable such individuals to attend institutions of higher education associated with hazardous substance research centers to enable such individuals to undertake a program of educational training or activities described in subsection (b) that leads to an undergraduate degree, a graduate degree, or a degree or certificate that is supplemental to an academic degree.

(d) ELIGIBLE INDIVIDUALS.—Individuals eligible for scholarships under the program established under subsection (a) are the following:

(1) Any member of the Armed Forces who—
(A) was on active duty or full-time National Guard duty on September 30, 1990;
(B) during the 5-year period beginning on that date—
(i) is involuntarily separated (as defined in section 1141 of title 10, United States Code) from active duty or full-time National Guard duty; or

(ii) is separated from active duty or full-time National Guard duty pursuant to a special separation benefits program under section 1174a of title 10, United States Code, or the voluntary separation incentive program under section 1175 of that title; and

(C) is not entitled to retired or retainer pay incident to that separation.

(2) Any civilian employee of the Department of Energy or the Department of Defense (other than an employee referred to in paragraph (3)) who—

(A) is terminated or laid off from such employment during the five-year period beginning on September 30, 1990, as a result of reductions in defense-related spending (as determined by the appropriate Secretary); and

(B) is not entitled to retired or retainer pay incident to that termination or lay off.

(3) Any civilian employee of the Department of Defense whose employment at a military installation approved for closure or realignment under a base closure law is terminated as a result of such closure or realignment.

(e) AWARD OF SCHOLARSHIP.—(1)(A) The Secretary of Defense shall award scholarships under this section to such eligible individuals as the Secretary determines appropriate pursuant to regulations or policies promulgated by the Secretary.

(B) In awarding a scholarship under this section, the Secretary shall—

(i) take into consideration the extent to which the qualifications and experience of the individual applying for the scholarship prepared such individual for the educational training or activities to be undertaken; and

(ii) award a scholarship only to an eligible individual who has been accepted for enrollment in the institution of higher education described in subsection (c) and providing the educational training or activities for which the scholarship assistance is sought.

(2) The Secretary of Defense shall determine the amount of the scholarships awarded under this section, except that the amount of scholarship assistance awarded to any individual under this section may not exceed—

(A) $10,000 in any 12-month period; and

(B) a total of $20,000.

(f) APPLICATION; PERIOD FOR SUBMISSION.—(1) Each individual desiring a scholarship under this section shall submit an application to the Secretary of Defense in such manner and containing or accompanied by such information as the Secretary may reasonably require.

(2) A member of the Armed Forces described in subsection (d)(1) who desires to apply for a scholarship under this section shall submit an application under this subsection not later than 180 days after the date of the separation of the member. In the case of members described in subsection (d)(1) who were separated before the date of the enactment of this Act, the Secretary shall accept applications from these members submitted during the 180-day period beginning on the date of the enactment of this Act.

(3) A civilian employee described in paragraph (2) or (3) of subsection (d) who desires to apply for a scholarship under this section, but who receives no prior notice of such termination or

lay off, may submit an application under this subsection at any time after such termination or lay off. A civilian employee described in paragraph (1) or (2) of subsection (d) who receives a notice of termination or lay off shall submit an application not later than 180 days before the effective date of the termination or lay off. In the case of employees described in such paragraphs who were terminated or laid off before the date of the enactment of this Act, the Secretary shall accept applications from these employees submitted during the 180-day period beginning on the date of the enactment of this Act.

(g) REPAYMENT.—(1) Any individual receiving scholarship assistance from the Secretary of Defense under this section shall enter into an agreement with the Secretary under which the individual agrees to pay to the United States the total amount of the scholarship assistance provided to the individual by the Secretary under this section, plus interest at the rate prescribed in paragraph (4), if the individual does not complete the educational training or activities for which such assistance is provided.

(2) If an individual fails to pay to the United States the total amount required pursuant to paragraph (1), including the interest, at the rate prescribed in paragraph (4), the unpaid amount shall be recoverable by the United States from the individual or such individual's estate by—

(A) in the case of an individual who is an employee of the United States, set off against accrued pay, compensation, amount of retirement credit, or other amount due the employee from the United States; and

(B) such other method as is provided by law for the recovery of amounts owing to the United States.

(3) The Secretary of Defense may waive in whole or in part a required repayment under this subsection if the Secretary determines that the recovery would be against equity and good conscience or would be contrary to the best interests of the United States.

(4) The total amount of scholarship assistance provided to an individual under this section, for purposes of repayment under this subsection, shall bear interest at the applicable rate of interest under section 427A(c) of the Higher Education Act of 1965 (20 U.S.C. 1077a(c)).

(h) COORDINATION OF BENEFITS.—Any scholarship assistance provided to an individual under this section shall be taken into account in determining the eligibility of the individual for Federal student financial assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

(i) REPORT TO CONGRESS.—Not later than January 1, 1995, the Secretary of Defense, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall submit to the Congress a report describing the activities undertaken under the program authorized by subsection (a) and containing recommendations for future activities under the program.

(j) FUNDING.—(1) To carry out the scholarship program authorized by subsection (a), the Secretary of Defense may use the unobligated balance of funds made available pursuant to section 4451(k) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 10 U.S.C. 2701 note) for fiscal year 1993 for environmental scholarship and fellowship programs for the Department of Defense.

(2) The cost of carrying out the program authorized by subsection (a) may not exceed $8,000,000 in any fiscal year.

(k) DEFINITIONS.—For purposes of this section:

(1) The term "base closure law" means the following:

(A) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).

(B) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

(2) The term "hazardous substance research centers" means the hazardous substance research centers described in section 311(d) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9660(d)). Such term includes the Great Plains and Rocky Mountain Hazardous Substance Research Center, the Northeast Hazardous Substance Research Center, the Great Lakes and Mid-Atlantic Hazardous Substance Research Center, the South and Southwest Hazardous Substance Research Center, and the Western Region Hazardous Substance Research Center.

(3) The term "institution of higher education" has the same meaning given such term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

10 USC 2701 note.

SEC. 1335. TRAINING AND EMPLOYMENT OF DEPARTMENT OF DEFENSE EMPLOYEES TO CARRY OUT ENVIRONMENTAL RESTORATION AT MILITARY INSTALLATIONS TO BE CLOSED.

(a) TRAINING PROGRAM.—The Secretary of Defense may establish a program to provide such training to eligible civilian employees of the Department of Defense as the Secretary considers to be necessary to qualify such employees to carry out environmental assessment, remediation, and restoration activities (including asbestos abatement) at military installations closed or to be closed.

(b) EMPLOYMENT OF GRADUATES.—In the case of eligible civilian employees of the Department of Defense who successfully complete the training program established pursuant to subsection (a), the Secretary may—

(1) employ such employees to carry out environmental assessment, remediation, and restoration activities at military installations referred to in subsection (a); or

(2) require, as a condition of a contract for the private performance of such activities at such an installation, the contractor to be engaged in carrying out such activities to employ such employees.

(c) ELIGIBLE EMPLOYEES.—Eligibility for selection to participate in the training program under subsection (a) shall be limited to those civilian employees of the Department of Defense whose employment would be terminated by reason of the closure of a military installation if not for the selection of the employees to participate in the training program.

(d) PRIORITY IN TRAINING AND EMPLOYMENT.—The Secretary shall give priority in providing training and employment under this section to eligible civilian employees employed at a military installation the closure of which will directly result in the termination of the employment of at least 1,000 civilian employees of the Department of Defense.

(e) EFFECT ON OTHER ENVIRONMENTAL REQUIREMENTS.—Nothing in this section shall be construed to revise or modify any requirement established under Federal or State law relating to environmental assessment, remediation, or restoration activities at military installations closed or to be closed.

SEC. 1336. REVISION TO IMPROVEMENTS TO EMPLOYMENT AND TRAINING ASSISTANCE FOR DISLOCATED WORKERS.

Section 141(s) of the Job Training Partnership Act (29 U.S.C. 1551(s)) is amended to read as follows:

"(s)(1) Notwithstanding title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.) and any other provision of law, the Secretary and the Secretary of Education shall receive priority by the Secretary of Defense for the direct transfer, on a nonreimbursable basis, of the property described in paragraph (2) for use in carrying out programs under this Act or under any other Act.

"(2) The property described in this paragraph is both real and personal property under the control of the Department of Defense that is not used by such Department, including property that the Secretary of Defense determines is in excess of current and projected requirements of such Department.".

SEC. 1337. DEMONSTRATION PROGRAM FOR THE TRAINING OF RECENTLY DISCHARGED VETERANS FOR EMPLOYMENT IN CONSTRUCTION AND IN HAZARDOUS WASTE REMEDIATION.

10 USC 1143 note.

(a) ESTABLISHMENT.—The Secretary of Defense may establish a demonstration program to promote the training and employment of veterans in the construction and hazardous waste remediation industries. Using funds made available to carry out this section the Secretary shall make grants under the demonstration program to organizations that meet the eligibility criteria specified in subsection (b).

Grants.

(b) GRANT ELIGIBILITY CRITERIA.—An organization is eligible to receive a grant from the Secretary under subsection (a) if it—

(1) demonstrates, to the satisfaction of the Secretary, an ability to recruit and counsel veterans for participation in the demonstration program under this section;

(2) has entered into an agreement with a joint labor-management training fund established consistent with section 8(f) of the National Labor Relations Act (29 U.S.C. 158(f)) to implement and operate a training and employment program for veterans;

(3) agrees under the agreement referred to in paragraph (2) to use grant funds to carry out a program that will provide eligible veterans with training for employment in the construction and hazardous waste remediation industries;

(4) provides such training for an eligible veteran for not more than 18 months;

(5) demonstrates actual experience in providing training for veterans under an agreement referred to in paragraph (2);

(6) agrees to make, along with all subgrantees, a substantial in-kind contribution (as determined by the Secretary of Defense) from non-Federal sources to the demonstration program under this section; and

(7) gives its assurances, to the satisfaction of the Secretary, that full time, permanent jobs will be available for individuals

successfully completing the training program, with a special emphasis on jobs with employers in construction and hazardous waste remediation on Department of Defense facilities.

(c) ELIGIBLE VETERANS.—An individual is an eligible veteran for the purposes of this section if the individual—

(1)(A) served in the active military, naval, or air service for a period of at least two years;

(B) was discharged or released from active duty because of a service-connected disability; or

(C) is entitled to compensation (or who but for the receipt of military retired pay would be entitled to compensation) under the laws administered by the Secretary of Veterans Affairs for a disability rated at 30 percent or more; and

(2) was discharged or released on or after August 2, 1990, under conditions other than dishonorable.

(d) PREFERENCE.—In carrying out the demonstration program under this section, the Secretary shall ensure that a preference is given to eligible veterans who had a primary or secondary occupational specialty in the Armed Forces that (as determined under regulations prescribed by the Secretary and in effect before the date of such separation) is not readily transferable to the civilian work force.

(e) HAZARDOUS WASTE OPERATIONS TRAINING GOAL.—It is the sense of Congress that at least 20 percent of the total number of veterans completing training under the demonstration program under this section should complete the training required—

(1) for certification under section 126 of the Superfund Amendments and Reauthorization Act of 1986 (29 U.S.C. 655 note); and

(2) under any other Federal law which requires certification for employees engaged in hazardous waste remediation operations.

(f) USE OF FUNDS.—Funds made available to carry out this section may only be used for tuition and stipends to cover the living and travel expenses of participants, except that the Secretary may provide that not more than a total of four percent of all the funds made available under this section may be used for administrative expenses of grantees and subgrantees.

(g) LIMITATION ON TUITION CHARGED.—The amount of tuition charged eligible veterans participating in a training program funded under the demonstration program may not exceed the amount of tuition charged to nonveterans participating in programs substantially similar to that training program.

(h) LIMITATION ON EXPENDITURES PER PARTICIPANT.—Of the funds made available to carry out this section—

(1) not more than $1,000 may be expended with respect to each veteran participating in the construction phase of the demonstration program; and

(2) not more than an additional $1,000 may be expended with respect to each veteran participating in the hazardous waste remediation phase of the demonstration program, except that the Secretary may authorize an additional $300 for the training of a veteran participating in such phase if the Secretary determines that such additional amount is necessary because of the type of training needed for the particular kind of hazardous waste remediation involved.

(i) REPORTS.—(1) Not later than November 1, 1994, the Secretary shall submit to Congress an interim report describing the manner in which the demonstration program under this section is being carried out, including a detailed description of the number of grants made, the number of veterans involved, the kinds of training received, and any job placements that have occurred or that are anticipated.

(2) Not later than December 31, 1995, the Secretary shall submit to Congress a final report containing a description of the results of the demonstration program with a detailed description of the number of grants made, the number of veterans involved, the number of veterans who completed the program, the number of veterans who were placed in jobs, the number of veterans who failed to complete the program along with the reasons for such failure, and any recommendations the Secretary considers to be appropriate.

(j) DEFINITIONS.—For purposes of this section, the terms "veteran", "service-connected", "active duty", and "active military, naval, or air service" have the meanings given such terms in paragraphs (2), (16), (21), and (24), respectively, of section 101 of title 38, United States Code.

(k) TERMINATION.—Not later than October 1, 1994, the Secretary shall obligate, in accordance with the provisions of this section, the funds made available to carry out the demonstration program under this section.

SEC. 1338. SERVICE MEMBERS OCCUPATIONAL CONVERSION AND TRAINING.

(a) AUTHORIZATION FOR FISCAL YEAR 1994.—Section 4495(a)(1) of the Service Members Occupational Conversion and Training Act of 1992 (subtitle G of title XLIV of Public Law 102–484; 106 Stat. 2768; 10 U.S.C. 1143 note) is amended by inserting after the first sentence the following: "Of the amounts made available pursuant to section 1302(a) of the National Defense Authorization Act for Fiscal Year 1994, $25,000,000 shall be made available for the purpose of making payments to employers under this subtitle.".

(b) TIME PERIOD FOR APPLICATION AND INITIATION OF TRAINING.—Section 4496 of such Act (106 Stat. 2769) is amended— 10 USC 1143 note.

(1) in paragraph (1), by striking out "September 30, 1995" and inserting in lieu thereof "September 30, 1996"; and

(2) in paragraph (2), by striking out "March 31, 1996" and inserting in lieu thereof "March 31, 1997".

(c) PROVISION OF TRAINING THROUGH EDUCATIONAL INSTITUTIONS.—Section 4489 of such Act (106 Stat. 2764) is amended in the first sentence by inserting "or any other institution offering a program of job training, as approved by the Secretary of Veterans Affairs," after "United States Code,". 10 USC 1143 note.

SEC. 1339. AMENDMENTS TO DEFENSE DIVERSIFICATION PROGRAM UNDER JOB TRAINING PARTNERSHIP ACT.

(a) EXPANDED ELIGIBILITY FOR CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE EMPLOYED AT CERTAIN MILITARY INSTALLATIONS.—Section 325A(b)(2)(B)(ii) of the Job Training Partnership Act (29 U.S.C. 1662d–1(b)(2)(B)(ii)) is amended—

(1) in subclause (I), by striking out "and" after the semicolon;

(2) in subclause (II), by striking out the period at the end and inserting in lieu thereof a semicolon; and

(3) by adding at the end the following new subclauses:

"(III) section 2687 of title 10, United States Code; and

"(IV) any other similar law enacted after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1994.".

(b) DEMONSTRATION PROJECTS.—Section 325A(k)(1) of the Job Training Partnership Act (29 U.S.C. 1662d–1(k)(1)) is amended—

(1) in subparagraph (B), by striking out "and" after the semicolon;

(2) in subparagraph (C), by striking out the period and inserting in lieu thereof a semicolon; and

(3) by adding at the end the following new subparagraphs:

Intergovernmental relations.

"(D) projects involving teams of transition assistance specialists from Federal, State, and local agencies to provide onsite services, including assisting affected communities in short-term and long-term planning and assisting affected individuals through counseling and referrals to appropriate services, at the site of such reductions or closures within 60 days of the announcement of such reductions or closures;

"(E) projects to assist in establishing transition assistance centers at the installations where large dislocations occur to provide comprehensive services to individuals affected by such dislocations;

"(F) projects involving the joint efforts of Federal agencies, such as the Department of Labor, the Department of Defense, the Department of Commerce, and the Small Business Administration, to assist communities affected by such reductions or closures in developing integrated community planning processes to facilitate the retraining of affected individuals and the conversion of installations to commercial uses;

"(G) projects to develop new information and data systems to assist individuals and communities affected by such reductions or closures, including the development of data bases with the capability to provide an affected individual with a civilian economy skills profile which takes into account the skills acquired while working on defense-related matters; and

"(H) projects to assist small and medium-sized firms affected by such reductions or closures in the formation of learning consortia, which will promote joint efforts for staff training, human resource development, product development, and the marketing of products.".

(c) STAFF TRAINING, ADMINISTRATION, AND COORDINATION.—Section 325A of the Job Training Partnership Act (29 U.S.C. 1662d–1) is amended—

(1) by redesignating subsection (l) as subsection (o); and

(2) by adding the following new subsections after subsection (k):

"(l) STAFF TRAINING AND TECHNICAL ASSISTANCE.—In carrying out the grant program established under subsection (a), the Secretary of Defense may provide staff training and technical assistance services to States, communities, businesses, and labor organizations, and other entities involved in providing adjustment assistance to workers.

"(m) ADMINISTRATIVE EXPENSES.—Not more than 2 percent of the funds available to the Secretary of Defense to carry out this section for any fiscal year may be retained by the Secretary of Defense for the administration of activities authorized under this section.

"(n) COORDINATION WITH TECHNOLOGY REINVESTMENT PROJECTS.—The Secretary of Defense, in consultation with the Secretary of Labor, shall ensure that activities carried out under this section are coordinated with relevant activities carried out pursuant to title IV of the Department of Defense Appropriations Act, 1993 (Public Law 102–396; 106 Stat. 1890).".

Subtitle D—National Shipbuilding Initiative

National Shipbuilding and Shipyard Conversion Act of 1993. Business and industry. 10 USC 2501 note.

SEC. 1351. SHORT TITLE.

This subtitle may be cited as the "National Shipbuilding and Shipyard Conversion Act of 1993".

10 USC 2501 note.

SEC. 1352. NATIONAL SHIPBUILDING INITIATIVE.

(a) ESTABLISHMENT OF PROGRAM.—There shall be a National Shipbuilding Initiative program, to be carried out to support the industrial base for national security objectives by assisting in the reestablishment of the United States shipbuilding industry as a self-sufficient, internationally competitive industry.

(b) ADMINISTERING DEPARTMENTS.—The program shall be carried out—

(1) by the Secretary of Defense, with respect to programs under the jurisdiction of the Secretary of Defense; and

(2) by the Secretary of Transportation, with respect to programs under the jurisdiction of the Secretary of Transportation.

(c) PROGRAM ELEMENTS.—The National Shipbuilding Initiative shall consist of the following program elements:

(1) FINANCIAL INCENTIVES PROGRAM.—A financial incentives program to provide loan guarantees to initiate commercial ship construction for domestic and export sales, encourage shipyard modernization, and support increased productivity.

(2) TECHNOLOGY DEVELOPMENT PROGRAM.—A technology development program, to be carried out within the Department of Defense by the Advanced Research Projects Agency, to improve the technology base for advanced shipbuilding technologies and related dual-use technologies through activities including a development program for innovative commercial ship design and production processes and technologies.

(3) NAVY'S AFFORDABILITY THROUGH COMMONALITY PROGRAM.—Enhanced support by the Secretary of Defense for the shipbuilding program of the Department of the Navy known as the Affordability Through Commonality (ATC) program, to include enhanced support (A) for the development of common modules for military and commercial ships, and (B) to foster civil-military integration into the next generation of Naval surface combatants.

(4) NAVY'S MANUFACTURING TECHNOLOGY AND TECHNOLOGY BASE PROGRAMS.—Enhanced support by the Secretary of Defense for, and strengthened funding for, that portion of the

Manufacturing Technology program of the Navy, and that portion of the Technology Base program of the Navy, that are in the areas of shipbuilding technologies and ship repair technologies.

10 USC 2501 note.

SEC. 1353. DEPARTMENT OF DEFENSE PROGRAM MANAGEMENT THROUGH ADVANCED RESEARCH PROJECTS AGENCY.

The Secretary of Defense shall designate the Advanced Research Projects Agency of the Department of Defense as the lead agency of the Department of Defense for activities of the Department of Defense which are part of the National Shipbuilding Initiative program. Those activities shall be carried out as part of defense conversion activities of the Department of Defense.

10 USC 2501 note.

SEC. 1354. ADVANCED RESEARCH PROJECTS AGENCY FUNCTIONS AND MINIMUM FINANCIAL COMMITMENT OF NON-FEDERAL GOVERNMENT PARTICIPANTS.

(a) ARPA FUNCTIONS.—The Secretary of Defense, acting through the Director of the Advanced Research Projects Agency, shall carry out the following functions with respect to the National Shipbuilding Initiative program:

(1) Consultation with the Maritime Administration, the Office of Economic Adjustment, the National Economic Council, the National Shipbuilding Research Project, the Coast Guard, the National Oceanic and Atmospheric Administration, appropriate naval commands and activities, and other appropriate Federal agencies on—

(A) development and transfer to the private sector of dual-use shipbuilding technologies, ship repair technologies, and shipbuilding management technologies;

(B) assessments of potential markets for maritime products; and

(C) recommendation of industrial entities, partnerships, joint ventures, or consortia for short- and long-term manufacturing technology investment strategies.

(2) Funding and program management activities to develop innovative design and production processes and the technologies required to implement those processes.

(3) Facilitation of industry and Government technology development and technology transfer activities (including education and training, market assessments, simulations, hardware models and prototypes, and national and regional industrial base studies).

(4) Integration of promising technology advances made in the Technology Reinvestment Program of the Advanced Research Projects Agency into the National Shipbuilding Initiative to effect full defense conversion potential.

(b) FINANCIAL COMMITMENT OF NON-FEDERAL GOVERNMENT PARTICIPANTS.—

(1) MAXIMUM DEPARTMENT OF DEFENSE SHARE.—The Secretary of Defense shall ensure that the amount of funds provided by the Secretary to a non-Federal government participant does not exceed 50 percent of the total cost of technology development and technology transfer activities.

(2) REGULATIONS.—The Secretary may prescribe regulations to provide for consideration of in-kind contributions by non-Federal Government participants in a partnership for the purpose of calculating the share of the partnership costs that

has been or is being undertaken by such participants. In prescribing the regulations, the Secretary may determine that a participant that is a small business concern may use funds received under the Small Business Innovation Research Program or the Small Business Technology Transfer Program to help pay the costs of partnership activities. Any such funds so used may be included in calculating the amount of the financial commitment undertaken by the non-Federal Government participants unless the Secretary determines that the small business concern has not made a significant equity contribution in the program from non-Federal sources.

SEC. 1355. AUTHORITY FOR SECRETARY OF TRANSPORTATION TO MAKE LOAN GUARANTEES.

(a) IN GENERAL.—Title XI of the Merchant Marine Act, 1936, is further amended by adding at the end the following new section:

"SEC. 1111. (a) AUTHORITY TO GUARANTEE OBLIGATIONS FOR ELIGIBLE EXPORT VESSELS.—The Secretary may guarantee obligations for eligible export vessels— 46 USC app. 1279d.

"(1) in accordance with the terms and conditions of this title applicable to loan guarantees in the case of vessels documented under the laws of the United States; or

"(2) in accordance with such other terms as the Secretary determines to be more favorable than the terms otherwise provided in this title and to be compatible with export credit terms offered by foreign governments for the sale of vessels built in foreign shipyards.

"(b) INTERAGENCY COUNCIL.—

"(1) ESTABLISHMENT; COMPOSITION.—There is hereby established an interagency council for the purposes of this section. The council shall be composed of the Secretary of Transportation, who shall be chairman of the Council, the Secretary of the Treasury, the Secretary of State, the Assistant to the President for Economic Policy, the United States Trade Representative, and the President and Chairman of the United States Export-Import Bank, or their designees.

"(2) PURPOSE OF THE COUNCIL.—The council shall—

"(A) obtain information on shipbuilding loan guarantees, on direct and indirect subsidies, and on other favorable treatment of shipyards provided by foreign governments to shipyards in competition with United States shipyards; and

"(B) provide guidance to the Secretary in establishing terms for loan guarantees for eligible export vessels under subsection (a)(2).

"(3) CONSULTATION WITH U.S. SHIPBUILDERS.—The council shall consult regularly with United States shipbuilders to obtain the essential information concerning international shipbuilding competition on which to set terms and conditions for loan guarantees under subsection (a)(2).

"(4) ANNUAL REPORT.—Not later than January 31 of each year (beginning in 1995), the Secretary of Transportation shall submit to Congress a report on the activities of the Secretary under this section during the preceding year. Each report shall include documentation of sources of information on assistance provided by the governments of other nations to shipyards in those nations and a summary of recommendations made to the Secretary during the preceding year regarding applications submitted to the Secretary

during that year for loan guarantees under this title for construction of eligible export vessels.".

46 USC app. 1279d note.

(b) IMPLEMENTATION.—

(1) INITIAL DESIGNATION OF COUNCIL MEMBERS.—Each member of the council established under section 1111(b) of the Merchant Marine Act, 1936, as added by subsection (a), shall name a designee for service on the council not later than 30 days after the date of the enactment of this Act. Each such member shall promptly notify the Secretary of Transportation of that designation.

(2) DESIGNATION OF SENIOR MARAD OFFICIAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Transportation shall designate a senior official within the Maritime Administration to have the responsibility and authority to carry out the terms and conditions set forth under section 1111 of title XI the Merchant Marine Act, 1936, as added by subsection (a). The Secretary shall make the designation of that official known through a public announcement in a national periodical.

Public information.

SEC. 1356. LOAN GUARANTEES FOR EXPORT VESSELS.

Title XI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1271 et seq.) is amended as follows:

46 USC app. 1271.

(1) ELIGIBLE EXPORT VESSEL DEFINED.—Section 1101 is amended by adding at the end the following new subsection:

"(o) The term 'eligible export vessel' means a vessel constructed, reconstructed, or reconditioned in the United States for use in world-wide trade which will, upon delivery or redelivery, be placed under or continued to be documented under the laws of a country other than the United States.".

46 USC app. 1273.

(2) LIMITATIONS ON GUARANTEE OBLIGATIONS.—Section 1103 is amended—

(A) by amending the first sentence of subsection (f) to read as follows: "The aggregate unpaid principal amount of the obligations guaranteed under this section and outstanding at any one time shall not exceed $12,000,000,000, of which (1) $850,000,000 shall be limited to obligations pertaining to guarantees of obligations for fishing vessels and fishery facilities made under this title, and (2) $3,000,000,000 shall be limited to obligations pertaining to guarantees of obligations for eligible export vessels."; and

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

"(g)(1) The Secretary may not issue a commitment to guarantee obligations for an eligible export vessel unless, after considering—

"(A) the status of pending applications for commitments to guarantee obligations for vessels documented under the laws of the United States and operating or to be operated in the domestic or foreign commerce of the United States,

"(B) the economic soundness of the applications referred to in subparagraph (A), and

"(C) the amount of guarantee authority available,

the Secretary determines, in the sole discretion of the Secretary, that the issuance of a commitment to guarantee obligations for an eligible export vessel will not result in the denial of an economically sound application to issue a commitment to guarantee obliga-

tions for vessels documented under the laws of the United States operating in the domestic or foreign commerce of the United States.

"(2) The Secretary may not issue commitments to guarantee obligations for eligible export vessels under this section after the later of—

"(A) the 5th anniversary of the date on which the Secretary publishes final regulations setting forth the application procedures for the issuance of commitments to guarantee obligations for eligible export vessels,

"(B) the last day of any 5-year period in which funding and guarantee authority for obligations for eligible export vessels have been continuously available, or

"(C) the last date on which those commitments may be issued under any treaty or convention entered into after the date of the enactment of the National Shipbuilding and Shipyard Conversion Act of 1993 that prohibits guarantee of those obligations.".

(3) AUTHORITY TO GUARANTEE OBLIGATIONS FOR ELIGIBLE EXPORT VESSELS.—Section 1104A is amended— 46 USC app. 1274.

(A) by amending so much of subsection (a)(1) as precedes the proviso to read as follows:

"(1) financing, including reimbursement of an obligor for expenditures previously made for, construction, reconstruction, or reconditioning of a vessel (including an eligible export vessel), which is designed principally for research, or for commercial use (A) in the coastwise or intercoastal trade; (B) on the Great Lakes, or on bays, sounds, rivers, harbors, or inland lakes of the United States; (C) in foreign trade as defined in section 905 of this Act for purposes of title V of this Act; or (D) as an ocean thermal energy conversion facility or plantship; (E) with respect to floating drydocks in the construction, reconstruction, reconditioning, or repair of vessels; or (F) with respect to an eligible export vessel, in world-wide trade;";

(B) by amending subsection (b)(2)—

(i) by striking "subject to the provisions of paragraph (1) of subsection (c) of this section," and inserting "subject to the provisions of subsection (c)(1) and subsection (i),", and

(ii) by inserting before the semicolon at the end the following: ": *Provided further,* That in the case of an eligible export vessel, such obligations may be in an aggregate principal amount which does not exceed 87½ of the actual cost or depreciated actual cost of the eligible export vessel";

(C) by amending subsection (b)(6) by inserting after "United States Coast Guard" the following: "or, in the case of an eligible export vessel, of the appropriate national flag authorities under a treaty, convention, or other international agreement to which the United States is a party";

(D) in subsection (d), by adding at the end the following new paragraph:

"(3) No commitment to guarantee, or guarantee of an obligation may be made by the Secretary under this title for the construction, reconstruction, or reconditioning of an eligible export vessel unless—

"(A) the Secretary finds that the construction, reconstruction, or reconditioning of that vessel will aid

in the transition of United States shipyards to commercial activities or will preserve shipbuilding assets that would be essential in time of war or national emergency, and

"(B) the owner of the vessel agrees with the Secretary of Transportation that the vessel shall not be transferred to any country designated by the Secretary of Defense as a country whose interests are hostile to the interests of the United States."; and

(E) by adding at the end the following new subsections:

"(i) The Secretary may not, with respect to—

"(1) the general 75 percent or less limitation in subsection (b)(2);

"(2) the 87½ percent or less limitation in the 1st, 2nd, 4th, or 5th proviso to subsection (b)(2) or section 1112(b); or

"(3) the 80 percent or less limitation in the 3rd proviso to such subsection;

establish by rule, regulation, or procedure any percentage within any such limitation that is, or is intended to be, applied uniformly to all guarantees or commitments to guarantee made under this section that are subject to the limitation.

"(j)(1) Upon receiving an application for a loan guarantee for an eligible export vessel, the Secretary shall promptly provide to the Secretary of Defense notice of the receipt of the application. During the 30-day period beginning on the date on which the Secretary of Defense receives such notice, the Secretary of Defense may disapprove the loan guarantee based on the assessment of the Secretary of the potential use of the vessel in a manner that may cause harm to United States national security interests. The Secretary of Defense may not disapprove a loan guarantee under this section solely on the basis of the type of vessel to be constructed with the loan guarantee. The authority of the Secretary to disapprove a loan guarantee under this section may not be delegated to any official other than a civilian officer of the Department of Defense appointed by the President, by and with the advice and consent of the Senate.

"(2) The Secretary of Transportation may not make a loan guarantee disapproved by the Secretary of Defense under paragraph (1).".

(4) LIMITATION ON AUTHORITY TO ESTABLISH UNIFORM PERCENTAGE LIMITATION.—Section 1104B is amended by adding at the end of subsection (b) the following flush sentence:

46 USC app. 1274a.

"The Secretary may not by rule, regulation, or procedure establish any percentage within the 87½ percent or less limitation in paragraph (2) that is, or is intended to be, applied uniformly to all guarantees or commitments to guarantee made under this section.".

(5) CONFORMING AMENDMENT.—Section 1103(a) is amended in the first sentence by striking ", upon application by a citizen of the United States,".

46 USC app. 1273.

SEC. 1357. LOAN GUARANTEES FOR SHIPYARD MODERNIZATION AND IMPROVEMENT.

(a) IN GENERAL.—Title XI of the Merchant Marine Act, 1936, is further amended by adding at the end the following new section:

46 USC app. 1279e.

"SEC. 1112. (a) The Secretary, under section 1103(a) and subject to the terms the Secretary shall prescribe, may guarantee or make a commitment to guarantee the payment of the principal of, and the interest on, an obligation for advanced shipbuilding technology

and modern shipbuilding technology of a general shipyard facility located in the United States.

"(b) Guarantees or commitments to guarantee under this section are subject to the extent applicable to all the laws, requirements, regulations, and procedures that apply to guarantees or commitments to guarantee made under this title, except that guarantees or commitments to guarantee made under this section may be in the aggregate principal amount that does not exceed 87½ percent of the actual cost of the advanced shipbuilding technology or modern shipbuilding technology.

"(c) The Secretary may accept the transfer of funds from any other department, agency, or instrumentality of the United States Government and may use those funds to cover the cost (as defined in section 502 of the Federal Credit Reform Act of 1990) of making guarantees or commitments to guarantee loans entered into under this section.

"(d) For purposes of this section:

"(1) The term 'advanced shipbuilding technology' includes—

"(A) numerically controlled machine tools, robots, automated process control equipment, computerized flexible manufacturing systems, associated computer software, and other technology for improving shipbuilding and related industrial production which advance the state-of-the-art; and

"(B) novel techniques and processes designed to improve shipbuilding quality, productivity, and practice, and to promote sustainable development, including engineering design, quality assurance, concurrent engineering, continuous process production technology, energy efficiency, waste minimization, design for recyclability or parts reuse, inventory management, upgraded worker skills, and communications with customers and suppliers.

"(2) The term 'modern shipbuilding technology' means the best available proven technology, techniques, and processes appropriate to enhancing the productivity of shipyards.

"(3) The term 'general shipyard facility' means—

"(A) for operations on land—

"(i) any structure or appurtenance thereto designed for the construction, repair, rehabilitation, refurbishment or rebuilding of any vessel (as defined in title 1, United States Code) and including graving docks, building ways, ship lifts, wharves, and pier cranes;

"(ii) the land necessary for any structure or appurtenance described in clause (i); and

"(iii) equipment that is for the use in connection with any structure or appurtenance and that is necessary for the performance of any function referred to in subparagraph (A);

"(B) for operations other than on land, any vessel, floating drydock or barge built in the United States and used for, equipped to be used for, or of a type that is normally used for activities referred to in subparagraph (A)(i) of this paragraph.".

(b) CONFORMING AMENDMENT.—Section 1101(n) of that Act (46 App. U.S.C. 1271(n)) is amended by striking "vessels." and inserting "vessels and general shipyard facilities (as defined in section 1112(d)(3)).".

46 USC app. 1280a.

SEC. 1358. ELIGIBLE SHIPYARDS.

To be eligible to receive loan guarantee assistance under title XI of the Merchant Marine Act, 1936, a shipyard must be a private shipyard located in the United States.

SEC. 1359. FUNDING FOR CERTAIN LOAN GUARANTEE COMMITMENTS FOR FISCAL YEAR 1994.

(a) FUNDING.—(1) The amount appropriated to the Secretary of Defense pursuant to the authorization of appropriations in section 108 shall be available only for transfer to the Secretary of Transportation and shall be available only for costs (as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) of new loan guarantee commitments under (A) section 1104A(a)(1) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1274(a)(1)), as amended by section 1356, or section 1111(a)(2) of such Act, as added by section 1355, for vessels of at least 5,000 gross tons that are commercially marketable on the international market (including eligible export vessels), and (B) section 1112 of the Merchant Marine Act, 1936, as added by section 1357.

(2) Of the amount referred to in paragraph (1) that is obligated in any year, not more than 12½ percent may be obligated for costs of new loan guarantee commitments under section 1112 of the Merchant Marine Act, 1936, as added by section 1357.

(3) In making loan guarantee commitments using funds referred to in paragraph (1) for the purpose described in paragraph (2), the Secretary of Transportation shall give priority to applications from shipyards that have engaged in naval vessel construction.

(b) TRANSFER TO SECRETARY OF TRANSPORTATION.—Subject to the provisions of appropriations Acts, amounts made available under subsection (a) shall be transferred to the Secretary of Transportation for use as described in that subsection. Any such transfer shall be made not later than 90 days after the date of the enactment of an Act appropriating the funds to be transferred.

(c) LIMITATIONS ON THE USE OF DEPARTMENT OF DEFENSE FUNDS.—(1) Funds available to the Secretary of Transportation from the Department of Defense under this section may be obligated only to the extent that an equal amount of funds is available for purposes of this section from non-Department of Defense sources.

(2) Funds available as of the date of the enactment of this Act under loan guarantee programs under title XI of the Merchant Marine Act, 1936, are considered non-Department of Defense funds for purposes of paragraph (1).

SEC. 1360. COURT SALE TO ENFORCE PREFERRED MORTGAGE LIENS FOR EXPORT VESSELS.

Section 31326(b) of title 46, United States Code, is amended—

(1) in paragraph (1), by inserting ", including a preferred mortgage lien on a foreign vessel whose mortgage has been guaranteed under title XI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1101 et seq.)" after "preferred mortgage lien", and

(2) in paragraph (2), by inserting "whose mortgage has not been guaranteed under title XI of that Act" after "foreign vessel".

SEC. 1361. AUTHORIZATIONS OF APPROPRIATIONS.

(a) AUTHORIZATIONS FOR DEPARTMENT OF TRANSPORTATION.—There is authorized to be appropriated to the Secretary of Transpor-

tation for fiscal year 1994 the sum of $10,000,000 to pay administrative costs related to new loan guarantee commitments described in subsection (a) of section 1359.

(b) AVAILABILITY OF AMOUNTS.—Amounts appropriated under the authority of this section shall remain available until expended.

SEC. 1362. REGULATIONS.

46 USC app. 1279b.

(a) IN GENERAL.—Within 90 days after the date of the enactment of this Act, the Secretary of Transportation shall prescribe regulations as necessary to carry out the Secretary's responsibilities under this title (including the amendments made by this title).

(b) INTERIM REGULATIONS.—The Secretary of Transportation may prescribe interim regulations necessary to carry out this title and for accepting applications under title XI of the Merchant Marine Act, 1936, as amended by this title. For that purpose, the Secretary is excepted from compliance with the notice and comment requirements of section 553 of title 5, United States Code. All regulations prescribed under this subsection that are not earlier superseded by final rules shall expire 270 days after the date of the enactment of this Act.

Termination date.

SEC. 1363. SHIPYARD CONVERSION AND REUSE STUDIES.

(a) STUDIES REQUIRED.—The Secretary of Defense shall make community adjustment and diversification assistance available under section 2391(b) of title 10, United States Code, for the purpose of—

(1) conducting a study regarding the feasibility of converting and reutilizing the Charleston Naval Shipyard, South Carolina, as a facility primarily oriented toward commercial use; and

(2) conducting a study regarding the feasibility of converting and reutilizing the Mare Island Naval Shipyard, California, as a facility primarily oriented toward commercial use.

(b) FUNDING.—Of the amount made available pursuant to section 1302(a), $500,000 shall be available to carry out each of the studies required by subsection (a).

Subtitle E—Other Matters

SEC. 1371. ENCOURAGEMENT OF THE PURCHASE OR LEASE OF VEHICLES PRODUCING ZERO OR VERY LOW EXHAUST EMISSIONS.

From funds authorized to be appropriated in subtitle A of title I and section 301 for the purchase or lease of non-tactical administrative vehicles (such as automobiles, utility trucks, buses, and vans), the Secretary of Defense is encouraged to expend not less than 10 percent of such funds for the purchase or lease of vehicles producing zero or very low exhaust emissions.

SEC. 1372. REVISION TO REQUIREMENTS FOR NOTICE TO CONTRACTORS UPON PENDING OR ACTUAL TERMINATION OF DEFENSE PROGRAMS.

Section 4471 of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102-484; 106 Stat. 2753; 10 U.S.C. 2501 note) is amended to read as follows:

"SEC. 4471. NOTICE TO CONTRACTORS AND EMPLOYEES UPON PROPOSED AND ACTUAL TERMINATION OR SUBSTANTIAL REDUCTION IN MAJOR DEFENSE PROGRAMS.

"(a) NOTICE REQUIREMENT AFTER SUBMISSION OF PRESIDENT'S BUDGET TO CONGRESS.—Each year, in conjunction with the preparation of the budget for the next fiscal year to be submitted to Congress under section 1105 of title 31, United States Code, the Secretary of Defense shall determine which major defense programs (if any) are proposed to be terminated or substantially reduced under the budget. As soon as reasonably practicable after the date on which the budget is submitted to Congress under such section, and not more than 180 days after such date, the Secretary, in accordance with regulations prescribed by the Secretary, shall provide notice of the proposed termination of, or substantial reduction in, each such program—

Regulations.

"(1) directly to each prime contractor under that program; and

"(2) by general notice through publication in the Federal Register.

Federal Register, publication.

"(b) NOTICE REQUIREMENT AFTER ENACTMENT OF APPROPRIATIONS ACT.—Each year, as soon as reasonably practicable after the date of the enactment of an Act appropriating funds for the military functions of the Department of Defense, and not more than 180 days after such date, the Secretary of Defense, in accordance with regulations prescribed by the Secretary—

Regulations.

"(1) shall determine which major defense programs (if any) of the Department of Defense that were not previously identified under subsection (a) are likely to be terminated or substantially reduced as a result of the funding levels provided in that Act; and

"(2) shall provide notice of the anticipated termination of, or substantial reduction in, that program—

"(A) directly to each prime contractor under that program;

"(B) directly to the Secretary of Labor; and

"(C) by general notice through publication in the Federal Register.

Federal Register, publication.

"(c) NOTICE TO SUBCONTRACTORS.—As soon as reasonably practicable after the date on which the prime contractor for a major defense program receives notice under subsection (a) or (b) of the termination of, or substantial reduction in, that program, and not more than 45 days after such date, the prime contractor shall—

"(1) provide notice of that termination or substantial reduction to each person that is a first-tier subcontractor for that program under a contract in an amount not less than $500,000 for the program; and

"(2) require that each such subcontractor—

"(A) provide such notice to each of its subcontractors for the program under a contract in an amount in excess of $100,000; and

"(B) impose a similar notice and pass through requirement to subcontractors in an amount in excess of $100,000 at all tiers.

"(d) CONTRACTOR NOTICE TO EMPLOYEES AND STATE DISLOCATED WORKER UNIT.—Not later than two weeks after a defense contractor receives notice under subsection (a)(1) or (b)(1), as the case may be, of the termination of, or substantial reduction in,

a defense program, the contractor shall provide notice of such termination or substantial reduction to—

"(1)(A) each representative of employees whose work is directly related to the defense contract under such program and who are employed by the defense contractor; or

"(B) if there is no such representative at that time, each such employee; and

"(2) the State dislocated worker unit or office described in section 311(b)(2) of the Job Training Partnership Act (29 U.S.C. 1661(b)(2)) and the chief elected official of the unit of general local government within which the adverse effect may occur.

"(e) CONSTRUCTIVE NOTICE.—The notice of termination of, or substantial reduction in, a major defense program provided under subsection (d)(1) to an employee of a contractor shall have the same effect as a notice of termination to such employee for the purposes of determining whether such employee is eligible for training, adjustment assistance, and employment services under section 325 or 325A of the Job Training Partnership Act (29 U.S.C. 1662d, 1662d–1), except where the employer has specified that the termination of, or substantial reduction in, the program is not likely to result in plant closure or mass layoff. Any employee considered to have received such notice under the preceding sentence shall only be eligible to receive services under section 314(b) of such Act (29 U.S.C. 1661c(b)) and under paragraphs (1) through (14), (16), and (18) of section 314(c) of such Act (29 U.S.C. 1661c(c)).

"(f) WITHDRAWAL OF NOTIFICATION UPON SUFFICIENT FUNDING FOR PROGRAM TO CONTINUE.—

"(1) NOTICE TO PRIME CONTRACTOR.—If the Secretary of Defense provides a notification under subsection (a) for a fiscal year with respect to a major defense program and the Secretary subsequently determines, upon enactment of an Act appropriating funds for the military functions of the Department of Defense for that fiscal year that due to a sufficient level of funding for the program having been provided in that Act there will not be a termination of, or substantial reduction in, that program, then the Secretary shall provide notice of withdrawal of the notification provided under subsection (a) to each prime contractor that received that notice under such subsection. Any such notice of withdrawal shall be provided as soon as reasonably practicable after the date of the enactment of the appropriations Act concerned. In any such case, the Secretary shall at the same time provide general notice of such withdrawal by publication in the Federal Register.

Federal Register, publication.

"(2) NOTICE TO SUBCONTRACTORS.—As soon as reasonably practicable after the date on which the prime contractor for a major defense program receives notice under paragraph (1) of the withdrawal of a notification previously provided to the contractor under subsection (a), and not more than 45 days after that date, the prime contractor shall provide notice of such withdrawal to each person that is a first-tier subcontractor for the program under a contract in an amount not less than $500,000 for the program and shall require that each such subcontractor provide such notice to each subcontractor for the program under a contract in an amount not less than $100,000 at any tier.

"(3) NOTICE TO EMPLOYEES.—As soon as reasonably practicable after the date on which a prime contractor receives notice of withdrawal under paragraph (1) or a subcontractor receives such a notice under paragraph (2), and not more than two weeks after that date, the contractor or subcontractor shall provide notice of such withdrawal—

"(A) to each representative of employees whose work is directly related to the defense contract under the program and who are employed by the contractor or subcontractor or, if there is no such representative at that time, each such employee;

"(B) to the State dislocated worker unit or office described in section 311(b)(2) of the Job Training Partnership Act (29 U.S.C. 1661(b)(2)) and the chief elected official of the unit of general local government within which the adverse effect may occur; and

"(C) to each grantee under section 325(a) or 325A(a) of the Job Training Partnership Act (29 U.S.C. 1662d, 1662d–1) providing training, adjustment assistance, and employment services to an employee described in this paragraph.

"(4) LOSS OF ELIGIBILITY.—An employee who receives a notice of withdrawal under paragraph (3) shall not be eligible for training, adjustment assistance, and employment services under section 325 or 325A of the Job Training Partnership Act (29 U.S.C. 1662d, 1662d–1) beginning on the date on which the employee receives the notice.

"(g) DEFINITIONS.—For purposes of this section:

"(1) The term 'major defense program' means a program that is carried out to produce or acquire a major system (as defined in section 2302(5) of title 10, United States Code).

"(2) The terms 'substantial reduction' and 'substantially reduced', with respect to a major defense program, mean a reduction of 25 percent or more in the total dollar value of contracts under the program.".

29 USC 1662d–1 note.

SEC. 1373. REGIONAL RETRAINING SERVICES CLEARINGHOUSES.

(a) ESTABLISHMENT REQUIRED.—The Secretary of Labor, in consultation with the Secretary of Defense, may carry out a demonstration project to establish one or more regional retraining services clearinghouses to serve eligible persons described in subsection (b).

(b) PERSONS ELIGIBLE FOR CLEARINGHOUSE SERVICES.—The following persons shall be eligible to receive services through the clearinghouses:

(1) Members of the Armed Forces who are discharged or released from active duty.

(2) Civilian employees of the Department of Defense who are terminated from such employment as a result of reductions in defense spending or the closure or realignment of a military installation, as determined by the Secretary of Defense.

(3) Employees of defense contractors who are terminated or laid off (or receive a notice of termination or lay off) as a result of the completion or termination of a defense contract or program or reductions in defense spending, as determined by the Secretary of Defense.

(c) INFORMATIONAL ACTIVITIES OF CLEARINGHOUSES.—The clearinghouses shall—

(1) collect educational materials that have been prepared for the purpose of providing information regarding available retraining programs, in particular those programs dealing with critical skills needed in advanced manufacturing and skill areas in which shortages of skilled employees exist;

(2) establish and maintain a data base for the purpose of storing and categorizing such materials based on the different needs of eligible persons; and

(3) furnish such materials, upon request, to educational institutions and other interested persons.

(d) FUNDING.—From the unobligated balance of funds made available pursuant to section 4465(c) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 29 U.S.C. 1662d–1 note) to carry out section 325A of the Job Training Partnership Act (29 U.S.C. 1662d–1), not more than $10,000,000 shall be available to the Secretary of Labor to carry out this section during fiscal year 1994. Funds made available under section 1302 for defense conversion, reinvestment, and transition assistance programs shall not be used to carry out this section.

SEC. 1374. USE OF NAVAL INSTALLATIONS TO PROVIDE EMPLOYMENT TRAINING TO NONVIOLENT OFFENDERS IN STATE PENAL SYSTEMS.

10 USC 5013 note.

(a) DEMONSTRATION PROJECT AUTHORIZED.—The Secretary of the Navy may conduct a demonstration project to test the feasibility of using Navy facilities to provide employment training to nonviolent offenders in a State penal system prior to their release from incarceration. The demonstration project shall be limited to not more than three military installations under the jurisdiction of the Secretary.

(b) AGREEMENTS WITH NONPROFIT ORGANIZATIONS.—The Secretary may enter into a cooperative agreement with one or more private, nonprofit organizations for purposes of providing at the military installations included in the demonstration project the prerelease employment training authorized under subsection (a).

(c) USE OF FACILITIES.—Under a cooperative agreement entered into under subsection (b), the Secretary may lease or otherwise make available to a nonprofit organization participating in the demonstration project at a military installation included in the demonstration project any real property or facilities at the installation that the Secretary considers to be appropriate for use to provide the prerelease employment training authorized under subsection (a). Notwithstanding section 2667(b)(4) of title 10, United States Code, the use of such real property or facilities may be permitted with or without reimbursement.

(d) ACCEPTANCE OF SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Secretary may accept voluntary services provided by persons participating in the prerelease employment training authorized under subsection (a).

(e) LIABILITY AND INDEMNIFICATION.—A nonprofit organization participating in the demonstration project shall be liable for any loss or damage to Government property that may result from, or in connection with, the provision of prerelease employment training by the organization under demonstration project. The nonprofit organization also shall hold harmless and indemnify the United

States from and against any suit, claim, demand, action, or liability arising out of any claim for personal injury or property damage that may result from or in connection with the demonstration project.

(f) REPORT.—Not later than two years after the date of the enactment of this Act, the Secretary shall submit to Congress a report evaluating the success of the demonstration project and containing such recommendations with regard to the termination, continuation, or expansion of the demonstration project as the Secretary considers to be appropriate.

NATO.
United Nations.

TITLE XIV—MATTERS RELATING TO ALLIES AND OTHER NATIONS

Subtitle A—Defense Burden Sharing

SEC. 1401. DEFENSE BURDENS AND RESPONSIBILITIES.

(a) FINDINGS.—Congress makes the following findings:

(1) Since fiscal year 1985, the budget of the Department of Defense has declined by 34 percent in constant fiscal year 1985 dollars.

(2) During the past few years, the United States military presence overseas has declined significantly in the following ways:

(A) Since fiscal year 1986, the number of United States military personnel permanently stationed overseas has declined by almost 200,000.

(B) From fiscal year 1989 to fiscal year 1994, spending by the United States to support the stationing of United States military forces overseas will have declined by 36 percent.

(C) Since January 1990, the Department of Defense has announced the closure, reduction, or transfer to standby status of 840 United States military facilities overseas, which is approximately a 50 percent reduction in the number of such facilities.

(3) The United States military presence overseas will continue to decline as a result of actions by the executive branch and as a result of the following provisions of law:

(A) Section 1302 of the National Defense Authorization Act for Fiscal Year 1993, which requires a 40 percent reduction by September 30, 1996, in the number of United States military personnel permanently stationed ashore in overseas locations.

(B) Section 1303 of the National Defense Authorization Act for Fiscal Year 1993, which provides that no more than 100,000 United States military personnel may be permanently stationed ashore in NATO member countries after September 30, 1996.

(C) Section 1301 of the National Defense Authorization Act for Fiscal Year 1993, which reduced the spending proposed by the Department of Defense for overseas basing activities during fiscal year 1993 by $500,000,000.

(D) Sections 913 and 915 of the National Defense Authorization Act for Fiscal Years 1990 and 1991, which

directed the President to develop a plan to gradually reduce the United States military force structure in East Asia.

(4) The East Asia Strategy Initiative, which was developed in response to sections 913 and 915 of the National Defense Authorization Act for Fiscal Years 1990 and 1991, has resulted in the withdrawal of 12,000 United States military personnel from Japan and the Republic of Korea since fiscal year 1990.

(5) In response to actions by the executive branch and the Congress, allied countries in which United States military personnel are stationed and alliances in which the United States participates have agreed to reduce the costs incurred by the United States in basing military forces overseas in the following ways:

(A) Under the 1991 Special Measures Agreement between Japan and the United States, Japan will pay by 1995 almost all yen-denominated costs of stationing United States military personnel in Japan.

(B) The Republic of Korea has agreed to pay by 1995 one-third of the won-based costs incurred by the United States in stationing United States military personnel in the Republic of Korea.

(C) The North Atlantic Treaty Organization (NATO) has agreed that the NATO Infrastructure Program will adapt to support post-Cold War strategy and could pay the annual operation and maintenance costs of facilities in Europe and the United States that would support the reinforcement of Europe by United States military forces and the participation of United States military forces in peacekeeping and conflict prevention operations.

(D) Such allied countries and alliances have agreed to share more fully the responsibilities and burdens of providing for mutual security and stability through steps such as the following:

(i) The Republic of Korea has assumed the leadership role regarding ground combat forces for the defense of the Republic of Korea.

(ii) NATO has adopted the new mission of conducting peacekeeping operations and is, for example, providing land, sea, and air forces for United Nations efforts in the former Yugoslavia.

(iii) The countries of western Europe are contributing substantially to the development of democracy, stability, and open market societies in eastern Europe and the former Soviet Union.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the forward presence of United States military personnel stationed overseas continues to be important to United States security interests;

(2) that forward presence facilitates efforts to pursue United States security interests on a collective basis rather than pursuing them on a far more costly unilateral basis or receding into isolationism;

(3) the bilateral and multilateral arrangements and alliances in which that forward presence plays a part must be further adapted to the security environment of the post-Cold War period;

(4) the cost-sharing percentages for the NATO Infrastructure Program should be reviewed with the aim of reflecting current economic, political, and military realities and thus reducing the United States cost-sharing percentage; and

(5) the amounts obligated to conduct United States overseas basing activities should decline significantly in fiscal year 1994 and in future fiscal years as—

(A) the number of United States military personnel stationed overseas continues to decline; and

(B) the countries in which United States military personnel are stationed and the alliances in which the United States participates assume an increased share of United States overseas basing costs.

(c) REDUCING UNITED STATES OVERSEAS BASING COSTS.—(1) In order to achieve additional savings in overseas basing costs, the President should—

(A) continue with the reductions in United States military presence overseas as required by sections 1302 and 1303 of the National Defense Authorization Act for Fiscal Year 1993; and

(B) intensify efforts to negotiate a more favorable host-nation agreement with each foreign country to which this paragraph applies under paragraph (3)(A).

(2) For purposes of paragraph (1)(B), a more favorable host-nation agreement is an agreement under which such foreign country—

(A) assumes an increased share of the costs of United States military installations in that country, including the costs of—

(i) labor, utilities, and services;

(ii) military construction projects and real property maintenance;

(iii) leasing requirements associated with the United States military presence; and

(iv) actions necessary to meet local environmental standards;

(B) relieves the United States of all tax liability that, with respect to forces located in that country, is incurred by the Armed Forces of the United States under the laws of that country and the laws of the community where those forces are located; and

(C) ensures that goods and services furnished in that country to the Armed Forces of the United States are provided at minimum cost and without imposition of user fees.

(3)(A) Except as provided in subparagraph (B), paragraph (1)(B) applies with respect to—

(i) each country of the North Atlantic Treaty Organization (other than the United States); and

(ii) each other foreign country with which the United States has a bilateral or multilateral defense agreement that provides for the assignment of combat units of the Armed Forces of the United States to permanent duty in that country or the placement of combat equipment of the United States in that country.

(B) Paragraph (1) does not apply with respect to—

(i) a foreign country that receives assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763) (relating

to the foreign military financing program) or under the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.); or

(ii) a foreign country that has agreed to assume, not later than September 30, 1996, at least 75 percent of the nonpersonnel costs of United States military installations in the country.

(d) OBLIGATIONAL LIMITATION.—(1) The total amount appropriated to the Department of Defense for Military Personnel, for Operation and Maintenance, and for military construction (including construction and improvement of military family housing) that is obligated to conduct overseas basing activities during fiscal year 1994 may not exceed $16,915,400,000 (such amount being the amount appropriated for such purposes for fiscal year 1993 reduced by $3,300,000,000), except to the extent provided by the Secretary of Defense under paragraph (3).

(2) For purposes of this subsection, the term "overseas basing activities" means the activities of the Department of Defense for which funds are provided through appropriations for Military Personnel, for Operation and Maintenance (including appropriations for family housing operations), and for military construction (including construction and improvement of military family housing) for the payment of costs for Department of Defense overseas military units and the costs for all dependents who accompany Department of Defense personnel outside the United States.

(3) The Secretary of Defense may increase the amount of the limitation under paragraph (1) by such amount or amounts as the Secretary determines to be necessary in the national interest, but not to exceed a total increase of $582,700,000. The Secretary may not increase the amount of such limitation under the preceding sentence until the Secretary provides notice to Congress of the Secretary's intent to authorize such an increase and a period of 15 days elapses after the day on which such notice is provided.

(e) ALLOCATIONS OF SAVINGS.—Any amounts appropriated to the Department of Defense for fiscal year 1994 for the purposes covered by subsection (d)(1) that are not available to be used for those purposes by reason of the limitation in that subsection shall be allocated by the Secretary of Defense for operation and maintenance and for military construction activities of the Department of Defense at military installations and facilities located inside the United States.

SEC. 1402. BURDEN SHARING CONTRIBUTIONS FROM DESIGNATED COUNTRIES AND REGIONAL ORGANIZATIONS.

(a) IN GENERAL.—Subchapter II of chapter 138 of title 10, United States Code, is amended by adding at the end a new section 2350j consisting of—

(1) a heading as follows:

"§ 2350j. Burden sharing contributions by designated countries and regional organizations";

and

(2) a text consisting of the text of section 1045 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1465), revised—

(A) in subsection (a)—

(i) by replacing "During fiscal years 1992 and 1993, the Secretary" with "The Secretary";

(ii) by inserting ", after consultation with the Secretary of State," after "Secretary of Defense";

(iii) by deleting "from Japan, Kuwait, and the Republic of Korea"; and

(iv) by inserting "from any country or regional organization designated for purposes of this section by the Secretary of Defense, in consultation with the Secretary of State"; and

(B) in subsection (f)—

(i) by replacing "each quarter of fiscal years 1992 and 1993" with "each fiscal year";

(ii) by replacing "congressional defense committees" with "Congress";

(iii) by striking out "Japan, Kuwait, and the Republic of Korea" and inserting in lieu thereof "each country and regional organization from which contributions have been accepted by the Secretary under subsection (a)"; and

(iv) by replacing "the preceding quarter" in paragraphs (1) and (2) with "the preceding fiscal year".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of such chapter is amended by adding at the end the following new item:

"2350j. Burden sharing contributions by designated countries and regional organizations.".

Subtitle B—North Atlantic Treaty Organization

SEC. 1411. FINDINGS, SENSE OF CONGRESS, AND REPORT REQUIREMENT CONCERNING NORTH ATLANTIC TREATY ORGANIZATION.

(a) FINDINGS.—The Congress makes the following findings:

(1) The North Atlantic Treaty Organization (NATO) has successfully met the challenge of helping to maintain the peace, security, and freedom of the United States and its NATO allies for more than 40 years.

(2) The national security interests of the United States have been well served by the process of consultation, coordination, and military cooperation in the NATO framework.

(3) Recent history has witnessed radical changes in the international security environment, including the fall of the Berlin Wall, the unification of Germany, the disbanding of the Warsaw Pact and the disintegration of the Soviet Union.

(4) The military threats which NATO was established to deter have greatly diminished with the end of the Cold War.

(5) The post-Cold War security situation continues to present a wide array of challenges to United States national interests, many of which interests the United States shares with its allies in Europe and Canada.

(6) The international community may prove capable of deterring many threats to the common peace if it can respond decisively to aggression.

(7) The United States must share the responsibilities and the burdens of pursuing international security and stability with other nations.

(8) Several of the newly democratic nations of Central and Eastern Europe and the former Soviet Union have expressed interest in seeking membership in NATO.

(9) Many of the security challenges facing the post-Cold War world would be best handled through coherent multilateral responses.

(10) The United States should never send its military forces into combat unless they are provided with the best opportunity to accomplish their objectives with as little risk as possible.

(11) Military interventions against antagonistic armed forces cannot be conducted safely or effectively on a multilateral basis unless such operations are jointly planned in advance and are executed by units which have trained together and are familiar with each others' operational procedures.

(12) NATO is currently the only organization with the experience, trained staff, and infrastructure necessary to support military cooperation with the major military allies of the United States.

(13) The NATO allies already have volunteered to consider requests from the United Nations and the Conference on Security and Cooperation in Europe for assistance in maintaining the peace.

(14) Justification of the relevance of NATO in the post-Cold War world will depend largely upon the alliance's ability to adapt its mission, area of responsibility, and procedures to the new security environment.

(15) Justification of future United States support for the alliance and for a United States military presence in Europe will depend upon NATO's ability to address those security interests which the United States shares with its allies in Europe and Canada.

(16) The meeting of the NATO heads of state scheduled for January 1994, presents an excellent opportunity for the President to articulate a new, broader security mission for the alliance in the post-Cold War world, one which will enable it to address a wider array of threats to its members' interests and which will help to share more effectively the burden of international security requirements.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) old threats to the security of the United States and its allies in the North Atlantic Treaty Organization having greatly diminished, and new, more diverse challenges having arisen (including ethno-religious conflict in Central and Eastern Europe and the former Soviet Union and the proliferation of weapons of mass destruction in regions proximate to alliance territory), NATO's mission must be redefined so that it may respond to such challenges to its members' security even when those challenges emanate from beyond the geographic boundaries of its members' territories;

(2) NATO should review its consultative mechanisms in order to maximize its ability to marshal political, diplomatic, social, and economic solidarity, buttressed by credible military capability, and to bring the full weight and scope of its cooperative efforts to bear in addressing the new challenges; and

(3) future United States military involvement in, and contributions to, NATO should be determined in relation to the alliance's success or failure in adapting itself to confronting the challenges of the post-Cold War world.

President.

(c) REPORT.—Not later than 30 days after the date of the enactment of this Act, the President shall transmit a report to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives. The report shall contain recommendations on the following:

(1) The manner in which NATO can formulate and implement a strategy to address the new, more disparate threats to the security of its members.

(2) The manner in which NATO should continue to adapt its consultative process, including efforts to extend that process to the new democracies of Central and Eastern Europe and the former Soviet Union, so as to enhance its political, diplomatic, social, economic, and military efforts to project stability eastward and maximize its capabilities in crisis prevention and crisis management.

(3) The feasibility of having NATO conduct security operations beyond the geographic boundaries of the alliance.

(4) The manner in which NATO should restructure its forces, training and equipment for the new security environment, including with regard to multinational peacekeeping activities.

(5) The desirability of expanding the alliance to include traditionally neutral nations or the new democratic nations of Central and Eastern Europe and the former Soviet Union that wish to join NATO.

(6) The proper size and composition of United States forces to be deployed in Europe to assist in the implementation of NATO's new mandate and possible reduction in United States military deployments in Europe in the event of the alliance's failure to adopt a new mandate.

(7) The structure and organization of NATO headquarters, with particular attention to the need to reinvigorate the NATO Military Committee.

(8) The extent to which NATO liaison teams should be assigned to the United Nations and the Conference on Security and Cooperation in Europe so as to facilitate better coordination among these organizations, especially in regard to crisis prevention and crisis management.

(9) The desirability of having additional NATO forces train in North America in a manner supportive of NATO's proposed new strategy.

(10) The structure of NATO's military command, with particular attention to the need to make NATO's Rapid Reaction Force a credible deterrent to regional aggression.

(11) The levels of United States, European, and Canadian defense budgets and their ability to finance forces consistent with the implementation of NATO's new mandate.

SEC. 1412. MODIFICATION OF CERTAIN REPORT REQUIREMENTS.

(a) BIENNIAL NATO REPORT.—Section 1002(d) of the Department of Defense Authorization Act, 1985 (Public Law 98-525; 22 U.S.C. 1928 note), is amended—

(1) by striking out paragraph (2);

(2) by striking out "(1) Not later than April 1, 1990, and biennially each year thereafter" and inserting in lieu thereof "Not later than April 1 of each even-numbered year"; and

(3) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2).

(b) REPORT ON ALLIED CONTRIBUTIONS.—Section 1046(e) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1467; 22 U.S.C. 1928 note) is amended—

(1) by striking out "and" at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

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

"(4) specifying the incremental costs to the United States associated with the permanent stationing ashore of United States forces in foreign nations.".

(c) FINDING AND SENSE OF CONGRESS.—(1) The Congress finds that the Secretary of Defense did not submit to Congress in a timely manner the report on allied contributions to the common defense required under section 1003(c) of the National Defense Authorization Act, 1985 (Public Law 98–525; 22 U.S.C. 1928 note), to be submitted not later than April 1, 1993.

(2) It is the sense of Congress that the timely submission of such report to Congress each year is essential to the deliberation by Congress concerning the annual defense program.

SEC. 1413. PERMANENT AUTHORITY TO CARRY OUT AWACS MEMORANDA OF UNDERSTANDING.

Section 2350e of title 10, United States Code, is amended by striking out subsection (d).

Subtitle C—Export of Defense Articles

SEC. 1421. EXTENSION OF AUTHORITY FOR CERTAIN FOREIGN GOVERNMENTS TO RECEIVE EXCESS DEFENSE ARTICLES.

Section 516(a)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(a)(3)) is amended by inserting "or fiscal year 1992" after "fiscal year 1991".

SEC. 1422. REPORT ON EFFECT OF INCREASED USE OF DUAL-USE TECHNOLOGIES ON ABILITY TO CONTROL EXPORTS.

(a) REPORT REQUIREMENT.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report assessing what effect the increased use of dual-use and commercial technologies and items by the Department of Defense could have on the ability of the United States to control adequately the export of sensitive dual-use and military technologies and items to nations to whom the receipt of such technologies is contrary to United States national security interests.

(b) EFFECT ON DEFENSE PROGRAMS.—The report required by subsection (a) shall include—

(1) an assessment of the national security implications of any lowering of licensing controls on the export of dual-use items and technology, to include an assessment of the effect such lowering of controls could have on operational

United States defense programs and capabilities and planned United States defense programs and capabilities;

(2) a description of the steps the Secretary of Defense intends to take to ensure that any decontrol of dual-use items and technology does not place at risk the technology and defense capability lead that the United States currently enjoys; and

(3) a description of the steps the Department of Defense intends to take to mitigate any possible increase in the proliferation threat resulting from decontrol of dual-use items and technology.

(c) CONSULTATION.—The report required by subsection (a) shall be prepared in consultation with the Director of Central Intelligence.

SEC. 1423. EXTENSION OF LANDMINE EXPORT MORATORIUM.

(a) FINDINGS.—The Congress makes the following findings:

(1) Anti-personnel landmines, which are designed to maim and kill people, have been used indiscriminately in dramatically increasing numbers around the world. Hundreds of thousands of noncombatant civilians, including children, have been the primary victims. Unlike other military weapons, landmines often remain implanted and undiscovered after conflict has ended, causing massive suffering to civilian populations.

(2) Tens of millions of landmines have been strewn in at least 62 countries, often making whole areas uninhabitable. The Department of State estimates that there are more than 10,000,000 landmines in Afghanistan, 9,000,000 in Angola, 4,000,000 in Cambodia, 3,000,000 in Iraqi Kurdistan, and 2,000,000 each in Somalia, Mozambique, and the former Yugoslavia. Hundreds of thousands of landmines were used in conflicts in Central America in the 1980s.

(3) Advanced technologies are being used to manufacture sophisticated mines which can be scattered remotely at a rate of 1,000 per hour. These mines, which are being produced by many industrialized countries, were found in Iraqi arsenals after the Persian Gulf War.

(4) At least 300 types of anti-personnel landmines have been manufactured by at least 44 countries, including the United States. However, the United States is not a major exporter of landmines. During the 10 years from 1983 through 1992, the United States approved 10 licenses for the commercial export of anti-personnel landmines with a total value of $980,000 and the sale under the Foreign Military Sales program of 108,852 anti-personnel landmines.

(5) The United States signed, but has not ratified, the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed To Be Excessively Injurious or To Have Indiscriminate Effects. Protocol II of the Convention, otherwise known as the Landmine Protocol, prohibits the indiscriminate use of landmines.

(6) When it signed the 1980 Convention, the United States stated: "We believe that the Convention represents a positive step forward in efforts to minimize injury or damage to the civilian population in time of armed conflict. Our signature of the Convention reflects the general willingness of the United States to adopt practical and reasonable provisions concerning

the conduct of military operations, for the purpose of protecting noncombatants.".

(7) The United States also indicated that it had supported procedures to enforce compliance, which were omitted from the Convention's final draft. The United States stated: "The United States strongly supported proposals by other countries during the Conference to include special procedures for dealing with compliance matters, and reserves the right to propose at a later date additional procedures and remedies, should this prove necessary, to deal with such problems.".

(8) The lack of compliance procedures and other weaknesses have significantly undermined the effectiveness of the Landmine Protocol. Since it entered into force on December 2, 1983, the number of civilians maimed and killed by anti-personnel landmines has multiplied.

(9) Since October 23, 1992, when a one-year moratorium on sales, transfers, and exports by the United States of anti-personnel landmines was enacted into law (in section 1365 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 22 U.S.C. 2778 note)), the European Parliament has issued a resolution calling for a five year moratorium on sales, transfers, and exports of anti-personnel landmines and the Government of France has announced that it has ceased all sales, transfers, and exports of anti-personnel landmines.

(10) On December 2, 1993, 10 years will have elapsed since the 1980 Convention entered into force, triggering the right of any party to request a United Nations conference to review the Convention. Amendments to the Landmine Protocol may be considered at that time. A formal request has been made to the United Nations Secretary General for a review conference. With necessary preparations and consultations among governments, a review conference is not expected to be convened before late 1994 or early 1995.

(11) The United States should continue to set an example for other countries in such negotiations by extending the moratorium on sales, transfers, and exports of anti-personnel landmines for an additional three years. A moratorium of that duration would extend the prohibition on the sale, transfer, and export of anti-personnel landmines a sufficient time to take into account the results of a United Nations review conference.

(b) STATEMENT OF POLICY.—

(1) It is the policy of the United States to seek verifiable international agreements prohibiting the sale, transfer or export, and further limiting the manufacture, possession and use, of anti-personnel landmines.

(2) It is the sense of the Congress that—

(A) the President should submit the 1980 Convention on Certain Conventional Weapons to the Senate for ratification; and

(B) the United States should—

(i) participate in a United Nations conference to review the Landmine Protocol; and

(ii) actively seek to negotiate under United Nations auspices a modification of the Landmine Protocol, or another international agreement, to prohibit the sale,

transfer, or export of anti-personnel landmines and to further limit the manufacture, possession, and use of anti-personnel landmines.

(c) THREE-YEAR EXTENSION OF LANDMINE MORATORIUM.—Section 1365(c) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 22 U.S.C. 2778 note) is amended by striking out "For a period of one year beginning on the date of the enactment of this Act" and inserting in lieu thereof "During the four-year period beginning on October 23, 1992".

(d) DEFINITION.—For purposes of this section, the term "anti-personnel landmine" means any of the following:

(1) Any munition placed under, on, or near the ground or other surface area, or delivered by artillery, rocket, mortar, or similar means or dropped from an aircraft and which is designed to be detonated or exploded by the presence, proximity, or contact of a person.

(2) Any device or material which is designed, constructed, or adapted to kill or injure and which functions unexpectedly when a person disturbs or approaches an apparently harmless object or performs an apparently safe act.

(3) Any manually-emplaced munition or device designed to kill, injure, or damage and which is actuated by remote control or automatically after a lapse of time.

Subtitle D—Other Matters

SEC. 1431. CODIFICATION OF PROVISION RELATING TO OVERSEAS WORKLOAD PROGRAM.

(a) CODIFICATION.—(1) Chapter 138 of title 10, United States Code, is amended by inserting after section 2348 the following new section:

"§ 2349. Overseas Workload Program

Contracts.

"(a) IN GENERAL.—A firm of any member nation of the North Atlantic Treaty Organization or of any major non-NATO ally shall be eligible to bid on any contract for the maintenance, repair, or overhaul of equipment of the Department of Defense located outside the United States to be awarded under competitive procedures as part of the program of the Department of Defense known as the Overseas Workload Program.

"(b) SITE OF PERFORMANCE.—A contract awarded to a firm described in subsection (a) may be performed in the theater in which the equipment is normally located or in the country in which the firm is located.

"(c) EXCEPTIONS.—The Secretary of a military department may restrict the geographic region in which a contract referred to in subsection (a) may be performed if the Secretary determines that performance of the contract outside that specific region—

"(1) could adversely affect the military preparedness of the armed forces; or

"(2) would violate the terms of an international agreement to which the United States is a party.

"(d) DEFINITION.—In this section, the term 'major non-NATO ally' has the meaning given that term in section 2350a(i)(3) of this title.".

(2) The table of sections at the beginning of subchapter I of such chapter is amended by inserting after the item relating to section 2348 the following new item:

"2349. Overseas Workload Program.".

(b) CONFORMING AMENDMENTS.—(1) Section 1465 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1700) is repealed. 10 USC 2341 note.

(2) Section 9130 of the Department of Defense Appropriations Act, 1993 (Public Law 102–396; 106 Stat. 1935), is amended— 10 USC 2341 note.

(A) in subsection (b), by striking out ", or thereafter,"; and

(B) in subsection (d), by striking out "or thereafter" each place it appears.

SEC. 1432. AMERICAN DIPLOMATIC FACILITIES IN GERMANY.

(a) LIMITATION ON SOURCE OF FUNDS FOR NEW UNITED STATES DIPLOMATIC FACILITIES.—(1) As of January 1, 1995, the United States may not purchase, construct, lease, or otherwise occupy any facility as an embassy, chancery, or consular facility in Germany unless that facility is purchased, constructed, modified, or leased with funds provided by the Government of Germany as an offset for the value of facilities returned by the United States Government to the Government of Germany pursuant to Article 52 of the Status-of-Forces Agreement with the Government of Germany in effect on the date of the enactment of this Act.

(2) The limitation in paragraph (1) does not apply with respect to any facility occupied as of January 1, 1995, by United States diplomatic personnel.

(b) CERTIFICATION.—As of January 1, 1995, the Secretary of State (and any representative of the Secretary of State) may not enter into any legal instrument to purchase, construct, modify, or lease any facility described in subsection (a) until the Secretary of Defense certifies to the appropriate committees of Congress that the United States has received (or is scheduled to receive) cash payments or offsets-in-kind of a value not less than 50 percent of the value of the facilities returned by the United States Government to the Government of Germany pursuant to Article 52 of the Status-of-Forces Agreement with the Government of Germany in effect on the date of the enactment of this Act.

(c) DEFINITION.—For purposes of this section, the term "appropriate committees of Congress" means—

(1) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

SEC. 1433. CONSENT OF CONGRESS TO SERVICE BY RETIRED MEMBERS IN MILITARY FORCES OF NEWLY DEMOCRATIC NATIONS. 10 USC 1058 note.

(a) FINDINGS.—The Congress makes the following findings:

(1) It is in the national security interest of the United States to promote democracy throughout the world.

(2) The armed forces of newly democratic nations often lack the democratic traditions that are a hallmark of the Armed Forces of the United States.

(3) The understanding of military roles and missions in a democracy is essential for the development and preservation of democratic forms of government.

(4) The service of retired members of the Armed Forces of the United States in the armed forces of newly democratic nations could lead to a better understanding of military roles and missions in a democracy.

(b) CONSENT OF CONGRESS.—(1) Chapter 53 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1058. Military service of retired members with newly democratic nations: consent of Congress

"(a) CONSENT OF CONGRESS.—Subject to subsection (b), Congress consents to a retired member of the uniformed services—

"(1) accepting employment by, or holding an office or position in, the military forces of a newly democratic nation; and

"(2) accepting compensation associated with such employment, office, or position.

"(b) APPROVAL REQUIRED.—The consent provided in subsection (a) for a retired member of the uniformed services to accept employment or hold an office or position shall apply to a retired member only if the Secretary concerned and the Secretary of State jointly approve the employment or the holding of such office or position.

"(c) DETERMINATION OF NEWLY DEMOCRATIC NATIONS.—The Secretary concerned and the Secretary of State shall jointly determine whether a nation is a newly democratic nation for the purposes of this section.

"(d) REPORTS TO CONGRESSIONAL COMMITTEES.—The Secretary concerned and the Secretary of State shall notify the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives of each approval under subsection (b) and each determination under subsection (c).

"(e) CONTINUED ENTITLEMENT TO RETIRED PAY AND BENEFITS.—The eligibility of a retired member to receive retired or retainer pay and other benefits arising from the retired member's status as a retired member of the uniformed services, and the eligibility of dependents of such retired member to receive benefits on the basis of such retired member's status as a retired member of the uniformed services, may not be terminated by reason of employment or holding of an office or position consented to in subsection (a).

"(f) RETIRED MEMBER DEFINED.—In this section, the term 'retired member' means a member or former member of the uniformed services who is entitled to receive retired or retainer pay.

"(g) CIVIL EMPLOYMENT BY FOREIGN GOVERNMENTS.—For a provision of law providing the consent of Congress to civil employment by foreign governments, see section 908 of title 37.".

(2) The table of sections at the beginning of chapter 53 of such title is amended by adding at the end the following:

"1058. Military service of retired members with newly democratic nations: consent of Congress.".

(c) CONFORMING CROSS REFERENCE.—Section 908 of title 37, United States Code, is amended—

(1) in subsection (a), by inserting "CONGRESSIONAL CONSENT.—" after "(a)";

(2) in subsection (b), by inserting "APPROVAL REQUIRED.—" after "(b)"; and

(3) by adding at the end the following:

"(c) MILITARY SERVICE IN FOREIGN ARMED FORCES.—For a provision of law providing the consent of Congress to service in the military forces of certain foreign nations, see section 1058 of title 10.".

(d) EFFECTIVE DATE.—Section 1058 of title 10, United States Code, as added by subsection (a), shall take effect as of January 1, 1993. 10 USC 1058 note.

SEC. 1434. SEMIANNUAL REPORT ON EFFORTS TO SEEK COMPENSATION FROM GOVERNMENT OF PERU FOR DEATH AND WOUNDING OF CERTAIN UNITED STATES SERVICEMEN.

(a) FINDINGS.—The Congress finds that—

(1) the United States Government has not made adequate efforts to seek the payment of compensation by the Government of Peru for the death and injuries to United States military personnel resulting from the attack by aircraft of the military forces of Peru on April 24, 1992, against a United States Air Force C–130 aircraft operating off the coast of Peru; and

(2) in failing to make such efforts adequately, the United States Government has failed in its obligation to support the servicemen and their families involved in the incident and generally to support members of the Armed Forces carrying out missions on behalf of the United States.

(b) SEMIANNUAL REPORT.—Not later than December 1 and June 1 of each year, the Secretary of Defense shall submit to the Committees on Armed Services and Foreign Affairs of the House of Representatives and the Committees on Armed Services and Foreign Relations of the Senate a report on the efforts made by the Government of the United States during the preceding six-month period to seek the payment of fair and equitable compensation by the Government of Peru (1) to the survivors of Master Sergeant Joseph Beard, Jr., United States Air Force, who was killed in the attack described in subsection (a), and (2) to the other crew members who were wounded in the attack and survived. Joseph Beard, Jr.

(c) TERMINATION OF REPORT REQUIREMENT.—The requirement in subsection (b) shall terminate upon certification by the Secretary of Defense to Congress that the Government of Peru has paid fair and equitable compensation as described in subsection (b).

TITLE XV—INTERNATIONAL PEACEKEEPING AND HUMANITARIAN ACTIVITIES

NATO. United Nations.

Subtitle A—Assistance Activities

SEC. 1501. GENERAL AUTHORIZATION OF SUPPORT FOR INTERNATIONAL PEACEKEEPING ACTIVITIES.

(a) AUTHORIZED SUPPORT FOR FISCAL YEAR 1994.—The Secretary of Defense may provide assistance for international peacekeeping activities during fiscal year 1994, in accordance with section 403 of title 10, United States Code, in an amount not to exceed $300,000,000. Any assistance so provided may be derived from

funds appropriated to the Department of Defense for fiscal year 1994 for operation and maintenance or (notwithstanding the second sentence of subsection (b) of that section) from balances in working capital funds.

(b) ADDITIONAL LIMITATIONS.—Subsection (c) of section 403 of title 10, United States Code, is amended—

(1) by striking out "RELATED TO AVAILABILITY OF STATE DEPARTMENT FUNDS" in the subsection heading;

(2) by striking out "and" at the end of paragraphs (1) and (2);

(3) by striking out the period at the end of paragraph (3) and inserting in lieu thereof a semicolon; and

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

"(4) only if the United States has received written commitments that the United States will be fully and promptly reimbursed by the United Nations or the regional organization involved for outstanding obligations incurred through an arrangement designated under United Nations practices as a 'letter of assist' or a similar arrangement for logistics support, supplies, services, and equipment provided by the Department of Defense on a contract basis to the United Nations or the regional organization involved; and

"(5) only if the Department of Defense will receive any reimbursement to the United States from the United Nations or a regional organization for outstanding obligations incurred through an arrangement designated under United Nations practices as a 'letter of assist' or a similar arrangement for logistics support, supplies, services, and equipment provided by the Department of Defense on a contract basis to the United Nations or the regional organization involved, unless such reimbursement to the Department of Defense is otherwise precluded by law.".

(c) EXTENSION OF AUTHORITY.—Subsection (h) of such section is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1994".

SEC. 1502. REPORT ON MULTINATIONAL PEACEKEEPING AND PEACE ENFORCEMENT.

President.

(a) REPORT REQUIRED.—Not later than April 1, 1994, the President, after seeking the views of the Secretary of State and the Secretary of Defense, shall submit to the committees specified in subsection (c) a report on United States policy on multinational peacekeeping and peace enforcement.

(b) CONTENT OF REPORT.—The report shall contain a comprehensive analysis and discussion of the following matters:

(1) Criteria for participation by the United States in multinational missions through the United Nations, the North Atlantic Treaty Organization, or other regional alliances and international organizations.

(2) Proposals for expanding peacekeeping activities by the North Atlantic Treaty Organization and the North Atlantic Cooperation Council, including multinational operations, multinational training, and multinational doctrine development.

(3) Proposals for establishing regional entities, on an ad hoc basis or a permanent basis, to conduct peacekeeping or peace enforcement operations under a United Nations mandate

as an alternative to direct United Nations involvement in such operations.

(4) A summary of progress made by the United States, in consultation with other nations, to develop doctrine for peacekeeping and peace enforcement operations and plans to conduct exercises with other nations for such purposes.

(5) Proposals for criteria for determining whether to commence new peacekeeping missions, including, in the case of any such mission, criteria for determining the threat to international peace to be addressed by the mission, the precise objectives of the mission, the costs of the mission, and the proposed endpoint of the mission.

(6) The principles, criteria, or considerations guiding decisions to place United States forces under foreign command or to decline to put United States forces under foreign command.

(7) Proposals to establish opportunities within the Armed Forces for voluntary assignment to duty in units designated for assignment to multinational peacekeeping and peace enforcement missions.

(8) Proposals to modify the budgetary and financial policies of the United Nations for peacekeeping and peace enforcement missions, including—

(A) proposals regarding the structure and control of budgetary procedures;

(B) proposals regarding United Nations accounting procedures; and

(C) specific proposals—

(i) to establish a revolving capital fund to finance the costs of starting new United Nations operations approved by the Security Council;

(ii) to establish a requirement that United Nations member nations pay one-third of the anticipated first-year costs of a new operation immediately upon Security Council approval of that operation;

(iii) to establish a requirement that United Nations member nations be charged interest penalties on late payment of their assessments for peacekeeping or peace enforcement missions;

(iv) regarding possible sources of international revenue for United Nations peacekeeping and peace enforcement missions;

(v) regarding the need to lower the United States peacekeeping assessment to the same percentage as the United States assessment to the regular United Nations budget; and

(vi) regarding a revision of the current schedule of payments per servicemember assigned to a peacekeeping mission in order to bring payments more in line with costs.

(9) Proposals to establish a small United Nations Rapid Deployment Force under the direction of the United Nations Security Council in order to provide for quick intervention in disputes for the purpose of preventing a larger outbreak of hostilities.

(10) Proposals for reorganization of the United Nations Secretariat to provide improved management of peacekeeping

operations, including the establishment of a Department of Peace Operations (DPO) and the transfer of the Operations Division from Field Operations into such a department.

(11) Requirement of congressional approval for participation of United States Armed Forces in multinational peacekeeping and peace enforcement missions, including the applicability of the War Powers Resolution and the United Nations Participation Act.

(12) Proposals that the United States and other United Nations member nations negotiate special agreements under article 43 of the United Nations Charter to provide for those states to make armed forces, assistance, and facilities available to the United Nations Security Council for the purposes stated in article 42 of that charter, not only on an ad hoc basis, but also on a permanent on-call basis for rapid deployment under Security Council authorization.

(13) A proposal that member nations of the United Nations commit to keep equipment specified by the Secretary General of the United Nations available for immediate sale, loan, or donation to the United Nations when required.

(14) A proposal that member nations of the United Nations make airlift and sealift capacity available to the United Nations without charge or at lower than commercial rates.

(15) An evaluation of the current capabilities and future needs of the United Nations for improved command, control, communications, and intelligence infrastructure, including facilities, equipment, procedures, training, and personnel, and an analysis of United States capabilities and experience in such matters that could be applied or offered directly to the United Nations.

(16) An evaluation of the potential role of the Military Staff Committee of the United Nations Security Council.

(17) Training requirements for foreign military personnel designated to participate in peacekeeping operations, including an assessment of the nation, nations, or organizations that might best provide such training and at what cost.

(18) Any other information that may be useful to inform Congress on matters relating to United States policy and proposals on peacekeeping and peace enforcement missions.

(c) COMMITTEES TO RECEIVE REPORT.—The committees to which the report under this section are to be submitted are—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1503. MILITARY-TO-MILITARY CONTACT.

(a) CONTINUATION OF CERTAIN MILITARY-TO-MILITARY PROGRAMS.—Of the amounts authorized to be appropriated pursuant to section 301 for Defense-wide activities, $10,000,000 shall be made available to continue efforts that were initiated by the commander of a United States unified command and approved by the chairman of the Joint Chiefs of Staff for military-to-military contacts and comparable activities that are designed to assist the military forces of other countries in understanding the appropriate role of military forces in a democratic society.

(b) LIMITATION.—Subsection (a) applies only to activities initiated by September 30, 1993, and only in the case of countries with which those activities had been initiated by that date.

SEC. 1504. HUMANITARIAN AND CIVIC ASSISTANCE.

10 USC 401 note.

(a) REGULATIONS.—The regulations required to be prescribed under section 401 of title 10, United States Code, shall be prescribed not later than March 1, 1994. In prescribing such regulations, the Secretary of Defense shall consult with the Secretary of State.

(b) LIMITATION ON USE OF FUNDS.—Section 401(c)(2) of title 10, United States Code, is amended by inserting before the period the following: ", except that funds appropriated to the Department of Defense for operation and maintenance (other than funds appropriated pursuant to such paragraph) may be obligated for humanitarian and civic assistance under this section only for incidental costs of carrying out such assistance".

(c) NOTIFICATIONS REGARDING HUMANITARIAN RELIEF.—Any notification provided to the appropriate congressional committees with respect to assistance activities under section 2551 of title 10, United States Code, shall include a detailed description of any items for which transportation is provided that are excess nonlethal supplies of the Department of Defense, including the quantity, acquisition value, and value at the time of the transportation of such items.

(d) REPORT ON HUMANITARIAN ASSISTANCE ACTIVITIES.—(1) The Secretary of Defense shall submit to the appropriate congressional committees a report on the activities planned to be carried out by the Department of Defense during fiscal year 1995 under sections 401, 402, 2547, and 2551 of title 10, United States Code. The report shall include information, developed after consultation with the Secretary of State, on the distribution of excess nonlethal supplies transferred to the Secretary of State during fiscal year 1993 pursuant to section 2547 of that title.

(2) The report shall be submitted at the same time that the President submits the budget for fiscal year 1995 to Congress pursuant to section 1105 of title 31, United States Code.

(e) AUTHORIZATION OF APPROPRIATIONS.—The funds authorized to be appropriated by section 301(18) shall be available to carry out humanitarian and civic assistance activities under sections 401, 402, and 2551 of title 10, United States Code.

(f) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate.

Subtitle B—Policies Regarding Specific Countries

SEC. 1511. SANCTIONS AGAINST SERBIA AND MONTENEGRO.

50 USC 1701 note.

(a) CODIFICATION OF EXECUTIVE BRANCH SANCTIONS.—The sanctions imposed on Serbia and Montenegro, as in effect on the date of the enactment of this Act, that were imposed by or pursuant

to the following directives of the executive branch shall (except as provided under subsections (d) and (e)) remain in effect until changed by law:

(1) Executive Order 12808 of May 30, 1992, as continued in effect on May 25, 1993.

(2) Executive Order 12810 of June 5, 1992.

(3) Executive Order 12831 of January 15, 1993.

(4) Executive Order 12846 of April 25, 1993.

(5) Department of State Public Notice 1427, effective July 11, 1991.

(6) Proclamation 6389 of December 5, 1991 (56 Fed. Register 64467).

(7) Department of Transportation Order 92–5–38 of May 20, 1992.

(8) Federal Aviation Administration action of June 19, 1992 (14 C.F.R. Part 91).

(b) PROHIBITION ON ASSISTANCE.—No funds appropriated or otherwise made available by law may be obligated or expended on behalf of the government of Serbia or the government of Montenegro.

(c) INTERNATIONAL FINANCIAL INSTITUTIONS.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to use the voice and vote of the United States to oppose any assistance from that institution to the government of Serbia or the government of Montenegro, except for basic human needs.

(d) EXCEPTION.—Notwithstanding any other provision of law, the President is authorized and encouraged to exempt from sanctions imposed against Serbia and Montenegro that are described in subsection (a) those United States-supported programs, projects, or activities that involve reform of the electoral process, the development of democratic institutions or democratic political parties, or humanitarian assistance (including refugee care and human rights observation).

(e) WAIVER AUTHORITY.—(1) The President may waive or modify the application, in whole or in part, of any sanction described in subsection (a), the prohibition in subsection (b), or the requirement in subsection (c).

(2) Such a waiver or modification may only be effective upon certification by the President to Congress that the President has determined that the waiver or modification is necessary (A) to meet emergency humanitarian needs, or (B) to achieve a negotiated settlement of the conflict in Bosnia-Herzegovina that is acceptable to the parties.

50 USC 1541 note.

SEC. 1512. INVOLVEMENT OF ARMED FORCES IN SOMALIA.

(a) SENSE OF CONGRESS REGARDING UNITED STATES POLICY TOWARD SOMALIA.—

(1) Since United States Armed Forces made significant contributions under Operation Restore Hope towards the establishment of a secure environment for humanitarian relief operations and restoration of peace in the region to end the humanitarian disaster that had claimed more than 300,000 lives.

(2) Since the mission of United States forces in support of the United Nations appears to be evolving from the establishment of "a secure environment for humanitarian relief oper-

ations," as set out in United Nations Security Council Resolution 794 of December 3, 1992, to one of internal security and nation building.

(b) STATEMENT OF CONGRESSIONAL POLICY.—

(1) CONSULTATION WITH THE CONGRESS.—The President should consult closely with the Congress regarding United States policy with respect to Somalia, including in particular the deployment of United States Armed Forces in that country, whether under United Nations or United States command.

(2) PLANNING.—The United States shall facilitate the assumption of the functions of United States forces by the United Nations.

(3) REPORTING REQUIREMENT.—

(A) The President shall ensure that the goals and objectives supporting deployment of United States forces to Somalia and a description of the mission, command arrangements, size, functions, location, and anticipated duration in Somalia of those forces are clearly articulated and provided in a detailed report to the Congress by October 15, 1993. President.

(B) Such report shall include the status of planning to transfer the function contained in paragraph (2).

(4) CONGRESSIONAL APPROVAL.—Upon reporting under the requirements of paragraph (3) Congress believes the President should by November 15, 1993, seek and receive congressional authorization in order for the deployment of United States forces to Somalia to continue.

TITLE XVI—ARMS CONTROL MATTERS

Subtitle A—Programs in Support of the Prevention and Control of Proliferation of Weapons of Mass Destruction

SEC. 1601. STUDY OF GLOBAL PROLIFERATION OF STRATEGIC AND ADVANCED CONVENTIONAL MILITARY WEAPONS AND RELATED EQUIPMENT AND TECHNOLOGY. President.

(a) STUDY.—The President shall conduct a study of (1) the factors that contribute to the proliferation of strategic and advanced conventional military weapons and related equipment and technologies, and (2) the policy options that are available to the United States to inhibit such proliferation.

(b) CONDUCT OF STUDY.—In carrying out the study the President shall do the following:

(1) Identify those factors contributing to global weapons proliferation which can be most effectively regulated.

(2) Identify and assess policy approaches available to the United States to discourage the transfer of strategic and advanced conventional military weapons and related equipment and technology.

(3) Assess the effectiveness of current multilateral efforts to control the transfer of such military weapons and equipment and such technology.

(4) Identify and examine methods by which the United States could reinforce these multilateral efforts to discourage

the transfer of such weapons and equipment and such technology, including placing conditions on assistance provided by the United States to other nations.

(5) Identify the circumstances under which United States national security interests might best be served by a transfer of conventional military weapons and related equipment and technology, and specifically assess whether such circumstances exist when such a transfer is made to an allied country which, with the United States, has mutual national security interests to be served by such a transfer.

(6) Assess the effect on the United States economy and the national technology and industrial base (as defined by section 2491(1) of title 10, United States Code) which might result from potential changes in United States policy controlling the transfer of such military weapons and related equipment and technology.

Establishment.

(c) ADVISORY BOARD.—(1) Within 15 days after the date of the enactment of this Act, the President shall establish an Advisory Board on Arms Proliferation Policy. The advisory board shall be composed of 5 members. The President shall appoint the members from among persons in private life who are noted for their stature and expertise in matters covered by the study required under subsection (a) and shall ensure, in making the appointments, that the advisory board is composed of members from diverse backgrounds. The President shall designate one of the members as chairman of the advisory board.

(2) The President is encouraged—

(A) to obtain the advice of the advisory board regarding the matters studied pursuant to subsection (a) and to consider that advice in carrying out the study; and

(B) to ensure that the advisory board is informed in a timely manner and on a continuing basis of the results of policy reviews carried out under the study by persons outside the board.

(3) The members of the advisory board shall receive no pay for serving on the advisory board. However, the members shall be allowed travel expenses and per diem in accordance with the regulations referred to in paragraph (6).

(4) Upon request of the chairman of the advisory board, the Secretary of Defense or the head of any other Federal department or agency may detail, without reimbursement for costs, any of the personnel of the department or agency to the advisory board to assist the board in carrying out its duties.

(5) The Secretary of Defense shall designate a federally funded research and development center with expertise in the matters covered by the study required under subsection (a) to provide the advisory board with such support services as the advisory board may need to carry out its duties.

(6) Except as otherwise provided in this section, the provisions of the Federal Advisory Committee Act (5 U.S.C. App.), and the regulations prescribed by the Administrator of General Services pursuant to that Act, shall apply to the advisory board. Subsections (e) and (f) of section 10 of such Act do not apply to the advisory board.

Termination date.

(7) The advisory board shall terminate 30 days after the date on which the President submits the final report of the advisory board to Congress pursuant to subsection (d)(2)(B).

(d) REPORTS.—(1) The Advisory Board on Arms Proliferation Policy shall submit to the President, not later than May 15, 1994, a report containing its findings, conclusions, and recommendations on the matters covered by the study carried out pursuant to subsection (a).

(2) The President shall submit to Congress, not later than June 1, 1994—

(A) a report on the study carried out pursuant to subsection (a), including the President's findings and conclusions regarding the matters considered in the study; and

(B) the report of the Advisory Board on Arms Proliferation Policy received under paragraph (1), together with the comments, if any, of the President on that report.

SEC. 1602. EXTENSION OF EXISTING AUTHORITIES.

(a) EXTENSION TO FISCAL YEAR 1994.—Section 1505 of the National Defense Authorization Act for Fiscal Year 1993 (22 U.S.C. 5859a) is amended by striking out "fiscal year 1993" in subsections (a), (d)(1), and (e) and inserting in lieu thereof "fiscal year 1994".

(b) FUNDING.—Subsection (d)(3) of such section is amended—

(1) by striking out "40,000,000" and inserting in lieu thereof "$25,000,000, including funds used for activities of the On-Site Inspection Agency in support of the United Nations Special Commission on Iraq"; and

(2) by striking out the second sentence.

(c) REPEAL OF NOTICE-AND-WAIT REQUIREMENT.—Subsection (d) of such section is further amended by striking out paragraph (4).

SEC. 1603. STUDIES RELATING TO UNITED STATES COUNTERPROLIFERATION POLICY.

(a) AUTHORIZATION TO CONDUCT STUDIES.—During fiscal year 1994, the Secretary of Defense may conduct studies and analysis programs in support of the counterproliferation policy of the United States.

(b) COUNTERPROLIFERATION STUDIES.—Studies and analysis programs under this section may include programs intended to explore defense policy issues that might be involved in efforts to prevent and counter the proliferation of weapons of mass destruction and their delivery systems. Such efforts include—

(1) enhancing United States military capabilities to deter and respond to terrorism, theft, and proliferation involving weapons of mass destruction;

(2) cooperating in international programs to enhance military capabilities to deter and respond to terrorism, theft, and proliferation involving weapons of mass destruction; and

(3) otherwise contributing to Department of Defense capabilities to deter, identify, monitor, and respond to such terrorism, theft, and proliferation involving weapons of mass destruction.

(c) DESIGNATION OF COORDINATOR.—The Under Secretary of Defense for Policy, subject to the supervision and control of the Secretary of Defense, shall coordinate the policy studies and analysis of the Department of Defense on countering proliferation of weapons of mass destruction and their delivery systems.

(d) FUNDS.—Funds for programs authorized in this section shall be derived from amounts made available to the Department of Defense for fiscal year 1994 or from balances in working capital accounts of the Department of Defense. The total amount expended

for fiscal year 1994 to carry out studies and analysis programs under subsection (a) may not exceed $6,000,000.

(e) RESTRICTION.—None of the funds referred to in subsection (d) shall be available for the purposes stated in this section until 15 days after the date on which the Secretary of Defense submits to the appropriate congressional committees a report setting forth—

(1) a description of all of the activities within the Department of Defense that are being carried out or are to be carried out for the purposes stated in this section;

(2) the plan for coordinating and integrating those activities within the Department of Defense;

(3) the plan for coordinating and integrating those activities with those of other Federal agencies; and

(4) the sources of the funds to be used for such purposes.

(f) REPORT.—Not later than April 30 of each year, and not later than October 30 of each year, the Secretary of Defense shall submit to the appropriate congressional committees a report on the activities carried out under subsection (a). Each report shall set forth for the six-month period ending on the last day of the month preceding the month in which the report is due the following:

(1) A description of the studies and analysis carried out.

(2) The amounts spent for such studies and analysis.

(3) The organizations that conducted the studies and analysis.

(4) An explanation of the extent to which such studies and analysis contributes to the counterproliferation policy of the United States and United States military capabilities to deter and respond to terrorism, theft, and proliferation involving weapons of mass destruction.

(5) A description of the measures being taken to ensure that such studies and analysis within the Department of Defense is managed effectively and coordinated comprehensively.

SEC. 1604. SENSE OF CONGRESS REGARDING UNITED STATES CAPABILITIES TO PREVENT AND COUNTER WEAPONS PROLIFERATION.

It is the sense of Congress that—

(1) the United States should have the ability to counter effectively potential threats to United States interests that arise from the proliferation of such weapons;

(2) the Department of Defense, the Department of State, the Department of Energy, the Arms Control and Disarmament Agency, and the intelligence community have important roles, as well as unique capabilities and expertise, in preventing the proliferation of weapons of mass destruction and dealing with the consequences of any proliferation of such weapons, including capabilities and expertise regarding—

(A) detection and monitoring of proliferation of weapons of mass destruction;

(B) development of effective export control regimes;

(C) interdiction and destruction of weapons of mass destruction and related weapons material; and

(D) carrying out international monitoring and inspection regimes that relate to proliferation of such weapons and material;

(3) the Department of Defense, the Department of Energy, and the intelligence community have unique capabilities and expertise that contribute directly to the ability of the United States to implement United States policy to counter effectively the threats that arise from the proliferation of weapons of mass destruction, including capabilities and expertise regarding—

(A) responses to terrorism, theft, or accidents involving weapons of mass destruction;

(B) conduct of intrusive international inspections for verification of arms control treaties;

(C) direct and discrete counterproliferation actions that require use of force; and

(D) development and deployment of active military countermeasures and protective measures against threats resulting from arms proliferation, including defenses against ballistic missile attacks; and

(4) the United States should continue to maintain and improve its capabilities to identify, monitor, and respond to the proliferation of weapons of mass destruction and delivery systems for such weapons.

SEC. 1605. JOINT COMMITTEE FOR REVIEW OF PROLIFERATION PROGRAMS OF THE UNITED STATES.

(a) ESTABLISHMENT.—(1) There is hereby established a Non-Proliferation Program Review Committee composed of the following members:

(A) The Secretary of Defense.

(B) The Secretary of State.

(C) The Secretary of Energy.

(D) The Director of Central Intelligence.

(E) The Director of the United States Arms Control and Disarmament Agency.

(F) The Chairman of the Joint Chiefs of Staff.

(2) The Secretary of Defense shall chair the committee.

(3) A member of the committee may designate a representative to perform routinely the duties of the member. A representative shall be in a position of Deputy Assistant Secretary or a position equivalent to or above the level of Deputy Assistant Secretary. A representative of the Chairman of the Joint Chiefs of Staff shall be a person in a grade equivalent to that of Deputy Assistant Secretary of Defense.

(4) The Secretary of Defense may delegate to the Under Secretary of Defense for Acquisition and Technology the performance of the duties of the Chairman of the committee.

(5) The members of the committee shall first meet not later than 30 days after the date of the enactment of this Act. Upon designation of working level officials and representatives, the members of the committee shall jointly notify the appropriate committees of Congress that the committee has been constituted. The notification shall identify the representatives designated pursuant to paragraph (3) and the working level officials of the committee.

(b) PURPOSES OF THE COMMITTEE.—The purposes of the committee are as follows:

(1) To optimize funding for, and ensure the development and deployment of—

(A) highly effective technologies and capabilities for the detection, monitoring, collection, processing, analysis, and dissemination of information in support of United States nonproliferation policy; and

(B) disabling technologies in support of such policy.

(2) To identify and eliminate undesirable redundancies or uncoordinated efforts in the development and deployment of such technologies and capabilities.

(c) DUTIES.—The committee shall—

(1) identify and review existing and proposed capabilities (including counterproliferation capabilities) and technologies for support of United States nonproliferation policy with regard to—

(A) intelligence;
(B) battlefield surveillance;
(C) passive defenses;
(D) active defenses;
(E) counterforce capabilities;
(F) inspection support; and
(G) support of export control programs;

(2) as part of the review pursuant to paragraph (1), review all directed energy and laser programs for detecting, characterizing, or interdicting weapons of mass destruction, their delivery platforms, or other orbiting platforms with a view to the elimination of redundancy and the optimization of funding for the systems not eliminated;

(3) review the programs (including the crisis management program) developed by the Department of State to counter terrorism involving weapons of mass destruction and their delivery systems;

(4) prescribe requirements and priorities for the development and deployment of highly effective capabilities and technologies to support fully the nonproliferation policy of the United States;

(5) identify deficiencies in existing capabilities and technologies;

(6) formulate near-term, mid-term, and long-term programmatic options for meeting requirements established by the committee and eliminating deficiencies identified by the committee; and

(7) in carrying out the other duties of the committee, ensure that all types of counterproliferation actions are considered.

(d) ACCESS TO INFORMATION.—The committee shall have access to information on all programs, projects, and activities of the Department of Defense, the Department of State, the Department of Energy, the intelligence community, and the Arms Control and Disarmament Agency that are pertinent to the purposes and duties of the committee.

(e) BUDGET RECOMMENDATIONS.—The committee may submit to the officials referred to in subsection (a) any recommendation regarding existing or planned budgets as the committee considers appropriate to encourage funding for capabilities and technologies at the level necessary to support United States nonproliferation policy.

(f) TERMINATION OF COMMITTEE.—The committee shall cease to exist six months after the date on which the report of the Secretary of Defense under section 1606 is submitted to Congress.

SEC. 1606. REPORT ON NONPROLIFERATION AND COUNTERPROLIFERATION ACTIVITIES AND PROGRAMS.

(a) REPORT REQUIRED.—Not later than May 1, 1994, the Secretary of Defense shall submit to Congress a report on the findings of the committee on nonproliferation activities established by section 1605.

(b) CONTENT OF REPORT.—The report shall include the following matters:

(1) A complete list, by program, of the existing, planned, and proposed capabilities and technologies reviewed by the committee, including all directed energy and laser programs reviewed pursuant to section 1605(c)(2).

(2) A complete description of the requirements and priorities established by the committee.

(3) A comprehensive discussion of the near-term, mid-term, and long-term programmatic options formulated by the committee for meeting requirements prescribed by the committee and eliminating deficiencies identified by the committee, including the annual funding requirements and completion dates established for each such option.

(4) An explanation of the recommendations made pursuant to section 1605(e) and a full discussion of the actions taken on such recommendations, including the actions taken to implement the recommendations.

(5) A discussion of the existing and planned capabilities of the Department of Defense—

(A) to detect and monitor clandestine programs for the acquisition or production of weapons of mass destruction;

(B) to respond to terrorism or accidents involving such weapons and thefts of materials related to any weapon of mass destruction; and

(C) to assist in the interdiction and destruction of weapons of mass destruction, related weapons materials, and advanced conventional weapons.

(6) A description of—

(A) the extent to which the Secretary of Defense has incorporated nonproliferation and counterproliferation missions into the overall missions of the unified combatant commands; and

(B) how the special operations command established pursuant to section 167(a) of title 10, United States Code, might support the commanders of the other unified combatant commands and the commanders of the specified combatant commands in the performance of such overall missions.

(c) FORMS OF REPORT.—The report shall be submitted in both unclassified and classified forms, as appropriate.

SEC. 1607. DEFINITIONS.

For purposes of this subtitle:

(1) The term "appropriate congressional committees" means—

(A) the Committee on Armed Services, the Committee on Appropriations, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Appropriations, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The term "intelligence community" has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 401a).

Subtitle B—International Nonproliferation Activities

SEC. 1611. NUCLEAR NONPROLIFERATION.

(a) FINDINGS.—The Congress finds the following:

(1) The United States has been seeking to contain the spread of nuclear weapons technology and materials.

(2) With the end of the Cold War and the breakup of the Soviet Union, the proliferation of nuclear weapons is now a leading military threat to the national security of the United States and its allies.

(3) The United Nations Security Council declared on January 31, 1992, that "proliferation of all weapons of mass destruction constitutes a threat to international peace and security" and committed to taking appropriate action to prevent proliferation from occurring.

(4) Aside from the five declared nuclear weapon states, a number of other nations have or are pursuing nuclear weapons capabilities.

(5) The IAEA is a valuable international institution to counter proliferation, but the effectiveness of its system to safeguard nuclear materials may be adversely affected by financial constraints.

(6) The Nuclear Non-Proliferation Treaty codifies world consensus against further nuclear proliferation and is scheduled for review and extension in 1995.

(7) The Nuclear Nonproliferation Act of 1978 declared that the United States is committed to continued strong support for the Nuclear Non-Proliferation Treaty and to a strengthened and more effective IAEA, and established that it is United States policy to establish more effective controls over the transfer of nuclear equipment, materials, and technology.

(b) COMPREHENSIVE NUCLEAR NONPROLIFERATION POLICY.—In order to end nuclear proliferation and reduce current nuclear arsenals and supplies of weapons-usable nuclear materials, it should be the policy of the United States to pursue a comprehensive policy to end the further spread of nuclear weapons capability, roll back nuclear proliferation where it has occurred, and prevent the use of nuclear weapons anywhere in the world, with the following additional objectives:

(1) Successful conclusion of all pending nuclear arms control and disarmament agreements with all the republics of the former Soviet Union and their secure implementation.

(2) Full participation by all the republics of the former Soviet Union in all multilateral nuclear nonproliferation efforts and acceptance of IAEA safeguards on all their nuclear facilities.

(3) Strengthening of United States and international support to the IAEA so that the IAEA has the technical, financial, and political resources to verify that countries are complying with their nonproliferation commitments.

(4) Strengthening of nuclear export controls in the United States and other nuclear supplier nations, impose sanctions on individuals, companies, and countries which contribute to nuclear proliferation, and provide increased public information on nuclear export licenses approved in the United States.

(5) Reduction in incentives for countries to pursue the acquisition of nuclear weapons by seeking to reduce regional tensions and to strengthen regional security agreements, and encourage the United Nations Security Council to increase its role in enforcing international nuclear nonproliferation agreements.

(6) Support for the indefinite extension of the Nuclear Non-Proliferation Treaty at the 1995 conference to review and extend that treaty and seek to ensure that all countries sign the treaty or participate in a comparable international regime for monitoring and safeguarding nuclear facilities and materials.

(7) Reaching agreement with the Russian Federation to end the production of new types of nuclear warheads.

(8) Pursuing, once the START I treaty and the START II treaty are ratified by all parties, a multilateral agreement to significantly reduce the strategic nuclear arsenals of the United States and the Russian Federation to below the levels of the START II treaty, with lower levels for the United Kingdom, France, and the People's Republic of China.

(9) Reaching immediate agreement with the Russian Federation to halt permanently the production of fissile material for weapons purposes, and working to achieve worldwide agreements to—

(A) end in the shortest possible time the production of weapons-usable fissile material;

(B) place existing stockpiles of such materials under bilateral or international controls; and

(C) require countries to place all of their nuclear facilities dedicated to peaceful purposes under IAEA safeguards.

(10) Strengthening IAEA safeguards to more effectively verify that countries are complying with their nonproliferation commitments and provide the IAEA with the political, technical, and financial support necessary to implement the necessary safeguard reforms.

(11) Conclusion of a multilateral comprehensive nuclear test ban treaty.

(c) REQUIREMENTS FOR IMPLEMENTATION OF POLICY.—(1) Not later than 180 days after the date of the enactment of this Act, the President shall submit to the Congress a report, in unclassified form, with a classified appendix if necessary, on the actions the United States has taken and the actions the United States plans to take during the succeeding 12-month period to implement each of the policy objectives set forth in this section. President. Reports.

(2) Not later than 180 days after the date of the enactment of this Act, the President shall submit to the Congress a report in unclassified form, with a classified appendix if necessary, which—

(A) addresses the implications of the adoption by the United States of a policy of no-first-use of nuclear weapons;

(B) addresses the implications of an agreement with the other nuclear weapons states to adopt such a policy; and

(C) addresses the implications of a verifiable bilateral agreement with the Russian Federation under which both countries withdraw from their arsenals and dismantle all tactical nuclear weapons, and seek to extend to all nuclear weapons states this zero option for tactical nuclear weapons.

(d) DEFINITIONS.—For purposes of this section:

(1) The term "IAEA" means the International Atomic Energy Agency.

(2) The term "IAEA safeguards" means the safeguards set forth in an agreement between a country and the IAEA, as authorized by Article III(A)(5) of the Statute of the International Atomic Energy Agency.

(3) The term "non-nuclear weapon state" means any country that is not a nuclear weapon state.

(4) The term "Nuclear Non-Proliferation Treaty" means the Treaty on the Non-Proliferation of Nuclear Weapons, signed at Washington, London, and Moscow on July 1, 1968.

(5) The term "nuclear weapon state" means any country that is a nuclear-weapon state, as defined by Article IX(3) of the Treaty on the Non-Proliferation of Nuclear Weapons, signed at Washington, London, and Moscow on July 1, 1968.

(6) The term "weapons-usable fissile materials" means highly enriched uranium and separated or reprocessed plutonium.

(7) The term "policy of no first use of nuclear weapons" means a commitment not to initiate the use of nuclear weapons.

(8) The term "START II treaty" means the Treaty on Further Reductions and Limitations of Strategic Offensive Arms, signed by the United States and the Russian Federation on January 3, 1993.

22 USC 5952 note.

SEC. 1612. CONDITION ON ASSISTANCE TO RUSSIA FOR CONSTRUCTION OF PLUTONIUM STORAGE FACILITY.

(a) LIMITATION.—Until a certification under subsection (b) is made, no funds may be obligated or expended by the United States for the purpose of assisting the Ministry of Atomic Energy of Russia to construct a storage facility for surplus plutonium from dismantled weapons.

(b) CERTIFICATION OF RUSSIA'S COMMITMENT TO HALT CHEMICAL SEPARATION OF WEAPON-GRADE PLUTONIUM.—The prohibition in subsection (a) shall cease to apply upon a certification by the President to Congress that Russia—

(1) is committed to halting the chemical separation of weapon-grade plutonium from spent nuclear fuel; and

(2) is taking all practical steps to halt such separation at the earliest possible date.

(c) SENSE OF CONGRESS ON PLUTONIUM POLICY.—It is the sense of Congress that a key objective of the United States with respect to the nonproliferation of nuclear weapons should be to obtain a clear and unequivocal commitment from the Government of Russia that it will (1) cease all production and separation of weapon-grade plutonium, and (2) halt chemical separation of plutonium produced in civil nuclear power reactors.

(d) REPORT.—Not later than June 1, 1994, the President shall submit to Congress a report on the status of efforts by the United States to secure the commitments and achieve the objective described in subsections (b) and (c). The President shall include in the report a discussion of the status of joint efforts by the United States and Russia to replace any remaining Russian plutonium production reactors with alternative power sources or to convert such reactors to operation with alternative fuels that would permit their operation without generating weapon-grade plutonium. President.

SEC. 1613. NORTH KOREA AND THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS.

(a) FINDINGS.—The Congress finds the following:

(1) The Treaty on the Non-Proliferation of Nuclear Weapons, to which 156 states are party, is the cornerstone of the international nuclear nonproliferation regime.

(2) Any nonnuclear weapon state that is a party to the Treaty on the Non-Proliferation of Nuclear Weapons is obligated to accept International Atomic Energy Agency safeguards on all source or special fissionable material that is within its territory, under its jurisdiction, or carried out under its control anywhere.

(3) The International Atomic Energy Agency is permitted to conduct inspections in a nonnuclear weapon state that is a party to the Treaty at any site, whether or not declared by that state, to ensure that all source or special fissionable material in that state is under safeguards.

(4) North Korea acceded to the Treaty on the Non-Proliferation of Nuclear Weapons as a nonnuclear weapons state in December 1985.

(5) North Korea, after acceding to that Treaty, refused until 1992 to accept International Atomic Energy Agency safeguards as required under the Treaty.

(6) Inspections of North Korea's nuclear materials by the International Atomic Energy Agency suggested discrepancies in North Korea's declarations regarding special nuclear materials.

(7) North Korea has not given a scientifically satisfactory explanation for those discrepancies.

(8) North Korea refused to provide International Atomic Energy Agency inspectors with full access to two sites for the purposes of verifying its compliance with the Treaty on the Non-Proliferation of Nuclear Weapons.

(9) When called upon by the International Atomic Energy Agency to provide such full access as required by the Treaty, North Korea announced its intention to withdraw from the Treaty, effective after the required three months notice.

(10) After intensive negotiations with the United States, North Korea agreed to suspend its intention to withdraw from the Treaty on the Non-Proliferation of Nuclear Weapons and begin consultations with the International Atomic Energy Agency on providing access to its suspect sites.

(11) In an attempt to persuade North Korea to abandon its nuclear weapons program, the United States has offered to discuss with North Korea specific incentives that could be provided for North Korea once (A) outstanding inspection issues between North Korea and the International Atomic Energy

Agency are resolved, and (B) progress is made in bilateral talks between North Korea and South Korea.

(b) CONGRESSIONAL STATEMENTS.—The Congress—

(1) notes that the continued refusal of North Korea nearly eight years after ratification of the Treaty on the Non-Proliferation of Nuclear Weapons to fully accept International Atomic Energy Agency safeguards raises serious questions regarding a possible North Korean nuclear weapons program;

(2) notes that possession by North Korea of nuclear weapons (A) would threaten peace and stability in Asia, (B) would jeopardize the existing nuclear non-proliferation regime, and (C) would undermine the goal of the United States to extend the Treaty on the Non-Proliferation of Nuclear Weapons at the 1995 review conference;

(3) urges continued pressure from the President, United States allies, and the United Nations Security Council on North Korea to adhere to the Treaty and provide full access to the International Atomic Energy Agency in the shortest time possible;

(4) urges the President, United States allies, and the United Nations Security Council to press for continued talks between North Korea and South Korea on denuclearization of the Korean peninsula;

(5) urges that no trade, financial, or other economic benefits be provided to North Korea by the United States or United States allies until North Korea has (A) provided full access to the International Atomic Energy Agency, (B) satisfactorily explained any discrepancies in its declarations of bomb-grade material, and (C) fully demonstrated that it does not have or seek a nuclear weapons capability; and

(6) calls on the President and the international community to take steps to strengthen the international nuclear non-proliferation regime.

SEC. 1614. SENSE OF CONGRESS RELATING TO THE PROLIFERATION OF SPACE LAUNCH VEHICLE TECHNOLOGIES.

(a) FINDINGS.—The Congress finds the following:

(1) The United States has joined with other nations in the Missile Technology Control Regime (MTCR), which restricts the transfer of missiles or equipment or technology that could contribute to the design, development, or production of missiles capable of delivering weapons of mass destruction.

(2) Missile technology is indistinguishable from, and interchangeable with, space launch vehicle technology.

(3) Transfers of missile technology or space launch vehicle technology cannot be safeguarded in a manner that would provide timely warning of diversion for military purposes.

(4) It has been United States policy since agreeing to the guidelines of the Missile Technology Control Regime to treat the sale or transfer of space launch vehicle technology as restrictively as the sale or transfer of missile technology.

(5) Previous congressional action on missile proliferation, notably title XVII of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1738), has explicitly supported the policy described in paragraph (4) through such actions as the statutory definition of the term "missile" to mean "a category I system as defined in the MTCR

Annex, and any other unmanned delivery system of similar capability, as well as the specially designed production facilities for these systems".

(6) There is strong evidence that emerging national space launch programs in the Third World are not economically viable.

(7) The United States has been successful in dissuading other countries from pursuing space launch vehicle programs in part by offering to cooperate with those countries in other areas of space science and technology.

(8) The United States has successfully dissuaded other MTCR adherents, and countries who have agreed to abide by MTCR guidelines, from providing assistance to emerging national space launch programs in the Third World.

(b) STRICT INTERPRETATION OF MTCR.—The Congress supports the strict interpretation by the United States of the Missile Technology Control Regime concerning—

(1) the inability to distinguish space launch vehicle technology from missile technology under the regime; and

(2) the inability to safeguard space launch vehicle technology in a manner that would provide timely warning of the diversion of such technology to military purposes.

(c) SENSE OF CONGRESS.—It is the sense of Congress that the United States Government and the governments of other nations adhering to the Missile Technology Control Regime should be recognized by the international community for—

(1) the success of those governments in restricting the export of space launch vehicle technology and of missile technology; and

(2) the significant contribution made by the imposition of such restrictions to reducing the proliferation of missile technology capable of being used to deliver weapons of mass destruction.

(d) DEFINITION.—For purposes of this section, the term "Missile Technology Control Regime" or "MTCR" means the policy statement, between the United States, the United Kingdom, the Federal Republic of Germany, France, Italy, Canada, and Japan, announced on April 16, 1987, to restrict sensitive missile-relevant transfers based on the MTCR Annex, and any amendments thereto.

TITLE XVII—CHEMICAL AND BIOLOGICAL WEAPONS DEFENSE

SEC. 1701. CONDUCT OF THE CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM. 50 USC 1522.

(a) GENERAL.—The Secretary of Defense shall carry out the chemical and biological defense program of the United States in accordance with the provisions of this section.

(b) MANAGEMENT AND OVERSIGHT.—In carrying out his responsibilities under this section, the Secretary of Defense shall do the following:

(1) Assign responsibility for overall coordination and integration of the chemical and biological warfare defense program and the chemical and biological medical defense program to a single office within the Office of the Secretary of Defense.

(2) Take those actions necessary to ensure close and continuous coordination between (A) the chemical and biological warfare defense program, and (B) the chemical and biological medical defense program.

(3) Exercise oversight over the chemical and biological defense program through the Defense Acquisition Board process.

(c) COORDINATION OF THE PROGRAM.—The Secretary of Defense shall designate the Army as executive agent for the Department of Defense to coordinate and integrate research, development, test, and evaluation, and acquisition, requirements of the military departments for chemical and biological warfare defense programs of the Department of Defense.

(d) FUNDING.—(1) The budget for the Department of Defense for each fiscal year after fiscal year 1994 shall reflect a coordinated and integrated chemical and biological defense program for the military departments.

(2) Funding requests for the program shall be set forth in the budget of the Department of Defense for each fiscal year as a separate account, with a single program element for each of the categories of research, development, test, and evaluation, acquisition, and military construction. Amounts for military construction projects may be set forth in the annual military construction budget. Funds for military construction for the program in the military construction budget shall be set forth separately from other funds for military construction projects. Funding requests for the program may not be included in the budget accounts of the military departments.

(3) All funding requirements for the chemical and biological defense program shall be reviewed by the Secretary of the Army as executive agent pursuant to subsection (c).

(e) MANAGEMENT REVIEW AND REPORT.—(1) The Secretary of Defense shall conduct a review of the management structure of the Department of Defense chemical and biological warfare defense program, including—

(A) research, development, test, and evaluation;
(B) procurement;
(C) doctrine development;
(D) policy;
(E) training;
(F) development of requirements;
(G) readiness; and
(H) risk assessment.

Reports.

(2) Not later than May 1, 1994, the Secretary shall submit to Congress a report that describes the details of measures being taken to improve joint coordination and oversight of the program and ensure a coherent and effective approach to its management.

50 USC 1522 note.

SEC. 1702. CONSOLIDATION OF CHEMICAL AND BIOLOGICAL DEFENSE TRAINING ACTIVITIES.

The Secretary of Defense shall consolidate all chemical and biological warfare defense training activities of the Department of Defense at the United States Army Chemical School.

50 USC 1523.

SEC. 1703. ANNUAL REPORT ON CHEMICAL AND BIOLOGICAL WARFARE DEFENSE.

(a) REPORT REQUIRED.—The Secretary of Defense shall include in the annual report of the Secretary under section 113(c) of title

10, United States Code, a report on chemical and biological warfare defense. The report shall assess—

(1) the overall readiness of the Armed Forces to fight in a chemical-biological warfare environment and shall describe steps taken and planned to be taken to improve such readiness; and

(2) requirements for the chemical and biological warfare defense program, including requirements for training, detection, and protective equipment, for medical prophylaxis, and for treatment of casualties resulting from use of chemical or biological weapons.

(b) MATTERS TO BE INCLUDED.—The report shall include information on the following:

(1) The quantities, characteristics, and capabilities of fielded chemical and biological defense equipment to meet wartime and peacetime requirements for support of the Armed Forces, including individual protective items.

(2) The status of research and development programs, and acquisition programs, for required improvements in chemical and biological defense equipment and medical treatment, including an assessment of the ability of the Department of Defense and the industrial base to meet those requirements.

(3) Measures taken to ensure the integration of requirements for chemical and biological defense equipment and material among the Armed Forces.

(4) The status of nuclear, biological, and chemical (NBC) warfare defense training and readiness among the Armed Forces and measures being taken to include realistic nuclear, biological, and chemical warfare simulations in war games, battle simulations, and training exercises.

(5) Measures taken to improve overall management and coordination of the chemical and biological defense program.

(6) Problems encountered in the chemical and biological warfare defense program during the past year and recommended solutions to those problems for which additional resources or actions by the Congress are required.

(7) A description of the chemical warfare defense preparations that have been and are being undertaken by the Department of Defense to address needs which may arise under article X of the Chemical Weapons Convention.

(8) A summary of other preparations undertaken by the Department of Defense and the On-Site Inspection Agency to prepare for and to assist in the implementation of the convention, including activities such as training for inspectors, preparation of defense installations for inspections under the convention using the Defense Treaty Inspection Readiness Program, provision of chemical weapons detection equipment, and assistance in the safe transportation, storage, and destruction of chemical weapons in other signatory nations to the convention.

SEC. 1704. SENSE OF CONGRESS CONCERNING FEDERAL EMERGENCY PLANNING FOR RESPONSE TO TERRORIST THREATS.

50 USC 1522 note.

It is the sense of Congress that the President should strengthen Federal interagency emergency planning by the Federal Emergency Management Agency and other appropriate Federal, State, and

local agencies for development of a capability for early detection and warning of and response to—

(1) potential terrorist use of chemical or biological agents or weapons; and

(2) emergencies or natural disasters involving industrial chemicals or the widespread outbreak of disease.

50 USC 1524.

SEC. 1705. AGREEMENTS TO PROVIDE SUPPORT TO VACCINATION PROGRAMS OF DEPARTMENT OF HEALTH AND HUMAN SERVICES.

(a) AGREEMENTS AUTHORIZED.—The Secretary of Defense may enter into agreements with the Secretary of Health and Human Services to provide support for vaccination programs of the Secretary of Health and Human Services in the United States through use of the excess peacetime biological weapons defense capability of the Department of Defense.

(b) REPORT.—Not later than February 1, 1994, the Secretary of Defense shall submit to the congressional defense committees a report on the feasibility of providing Department of Defense support for vaccination programs under subsection (a) and shall identify resource requirements that are not within the Department's capability.

Military Construction Authorization Act for Fiscal Year 1994.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the "Military Construction Authorization Act for Fiscal Year 1994".

TITLE XXI—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or location	Amount
Alabama	Fort Rucker	$42,650,000
Alaska	Fort Wainwright	$740,000
	Fort Richardson	$10,000,000
Arizona	Fort Huachuca	$8,850,000
California	Fort Irwin	$5,900,000
Colorado	Fort Carson	$4,050,000
	Fitzsimons Medical Center	$4,400,000
Georgia	Fort Benning	$37,650,000

Army: Inside the United States

State	Installation or location	Amount
	Fort Stewart	$20,300,000
	Fort Gillem	$2,600,000
Hawaii	Schofield Barracks	$18,600,000
Kansas	Fort Riley	$14,642,000
Kentucky	Fort Campbell	$40,300,000
	Fort Knox	$41,350,000
Maryland	Aberdeen Proving Ground	$21,700,000
Missouri	Fort Leonard Wood	$1,000,000
Nevada	Hawthorne Army Ammunition Plant	$11,700,000
New Jersey	Fort Monmouth	$7,500,000
	Picatinny Arsenal	$10,500,000
New Mexico	White Sands Missile Range	$6,200,000
New York	Fort Drum	$2,950,000
	United States Military Academy, West Point	$13,800,000
North Carolina	Fort Bragg	$118,690,000
Oklahoma	Fort Sill	$27,000,000
Pennsylvania	Tobyhanna Army Depot	$750,000
South Carolina	Fort Jackson	$2,700,000
Texas	Fort Bliss	$29,600,000
	Fort Hood	$56,500,000
	Fort Sam Houston	$5,651,000
Utah	Dugway Proving Ground	$16,500,000
	Tooele Army Depot	$1,500,000
Virginia	Fort Belvoir	$8,860,000
	Fort Lee	$32,600,000
	Fort Myer	$6,800,000
Washington	Fort Lewis	$14,200,000
CONUS Various	Classified Locations	$1,852,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the location outside the United States, and in the amount, set forth in the following table:

Army: Outside the United States

Country	Installation or location	Amount
Kwajalein Atoll	Kwajalein	$21,200,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Army: Family Housing

State	Installation	Purpose	Amount
California	Fort Irwin	220 units	$25,000,000
Hawaii	Schofield Barracks	348 units	$52,000,000
Maryland	Fort Meade	275 units	$26,000,000
Nevada	Hawthorne Army Ammunition Plant	Demolition	$500,000
New York	U.S. Military Academy, West Point	100 units	$15,000,000
North Carolina	Fort Bragg	224 units	$18,000,000
Wisconsin	Fort McCoy	16 units	$2,950,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $11,805,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may improve existing military family housing in an amount not to exceed $77,630,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1993, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $2,378,919,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $650,585,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $21,200,000.

(3) For the construction of the Chemical Demilitarization Facility, Anniston Army Depot, Alabama, authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101–510; 104 Stat.

1758), section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1508), and section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2586), $95,300,000.

(4) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $12,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $109,441,000.

(6) For military family housing functions:

(A) For construction and acquisition of military family housing and facilities, $228,885,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $1,110,108,000 of which not more than $268,139,000 may be obligated or expended for the leasing of military family housing worldwide.

(7) For the Homeowners Assistance Program as authorized by section 2832 of title 10, United States Code, $151,400,000, to remain available until expended.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

SEC. 2105. TERMINATION OF AUTHORITY TO CARRY OUT CERTAIN PROJECTS.

(a) FISCAL YEAR 1993 CONSTRUCTION PROJECT.—(1) The table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2587) is amended by striking out the item relating to Tooele Army Depot, Utah.

(2) Section 2105(a) of such Act (106 Stat. 2588) is amended—

(A) by striking out "$2,127,397,000" and inserting in lieu thereof "$2,118,197,000"; and

(B) in paragraph (1), by striking out "$338,860,000" and inserting in lieu thereof "$329,660,000".

(b) FISCAL YEAR 1992 CONSTRUCTION PROJECTS.—(1) Section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1508) is amended—

(A) under the heading "NEW YORK", by striking out the item relating to Seneca Army Depot; and

(B) under the heading "VIRGINIA", by striking out the item relating to Vint Hill Farms Station.

(2) Section 2105(a) of such Act (105 Stat. 1511) is amended—

(A) by striking out "$2,576,674,000" and inserting in lieu thereof "$2,571,974,000"; and

(B) in paragraph (1), by striking out "$718,829,000" and inserting in lieu thereof "$714,129,000".

SEC. 2106. CONSTRUCTION OF CHEMICAL MUNITIONS DISPOSAL FACILITIES.

(a) LIMITATION ON CONSTRUCTION.—None of the amounts appropriated pursuant to the authorization of appropriations in section 2104(a) may be obligated for the construction of a new chemical munitions disposal facility at Anniston Army Depot, Alabama, until the Secretary of Defense submits a certification described in subsection (b).

(b) CERTIFICATION.—A certification referred to in subsection (a) is a certification submitted by the Secretary of Defense to Congress that—

(1) the Johnston Atoll Chemical Agent Disposal System has operated successfully for a period of six months, has met all required environmental and safety standards, and has proven to be operationally effective; and

(2) if the Secretary of the Army awards a construction contract for the chemical munitions disposal facility at Anniston Army Depot, Alabama, the Secretary of the Army will schedule the award of a construction contract for a chemical munitions disposal facility at another non-low-volume chemical weapons storage site in the continental United States during the same 12-month period in which the construction contract for the facility at the Anniston Army Depot is awarded.

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or location	Amount
California	Barstow Marine Corps Logistics Base	$8,690,000
	Camp Pendleton Marine Corps Air Station	$3,850,000
	Camp Pendleton Marine Corps Base	$11,130,000
	Fallbrook Naval Weapons Station Annex	$4,630,000
	Lemoore Naval Air Station	$1,930,000
	San Diego Naval Hospital	$2,700,000
	San Diego Fleet Industrial Supply Center	$2,270,000
	San Diego Marine Corps Recruit Depot	$1,130,000
	Twentynine Palms, Marine Corps Air-Ground Combat Center	$7,900,000
Connecticut	New London Naval Submarine Base	$40,940,000

Navy: Inside the United States

State	Installation or location	Amount
District of Columbia	Washington, Commandant, Naval District	$3,110,000
	Naval Research Laboratory	$2,380,000
Florida	Jacksonville Naval Air Station	$14,420,000
	Mayport Naval Station	$3,260,000
	Pensacola Naval Air Station	$6,420,000
Georgia	Albany Marine Corps Logistics Base	$940,000
	Kings Bay Naval Submarine Base	$10,920,000
	Kings Bay Trident Training Facility	$3,870,000
Hawaii	Barbers Point Naval Air Station	$2,700,000
	Honolulu, Naval Communications and Telecommunications Area Master Station, Eastern Pacific	$9,120,000
	Pearl Harbor Naval Inactive Ship Maintenance Facility	$2,620,000
	Pearl Harbor Naval Submarine Base	$54,140,000
	Pearl Harbor Public Works Center	$27,540,000
	Pearl Harbor, Commander, Oceanographic System Pacific, Berthing Pier	$16,780,000
Indiana	Crane Naval Surface Warfare Center	$9,600,000
Maine	Kittery Portsmouth Naval Shipyard	$4,780,000
Maryland	Bethesda National Naval Medical Center	$3,090,000
	Indian Head, Naval Surface Weapons Center	$3,400,000
	Patuxent River Naval Air Warfare Center	$9,300,000
Mississippi	Gulfport Naval Construction Battalion Center	$4,400,000
Nevada	Fallon Naval Air Station	$1,600,000
New Jersey	Earle Naval Weapons Station	$2,580,000
North Carolina	Camp Lejeune Marine Corps Base	$41,290,000
	Camp Lejeune Naval Hospital	$2,370,000
	Cherry Point Marine Corps Air Station	$7,500,000
Pennsylvania	Philadelphia Aviation Supply Office	$1,900,000
	Philadelphia Naval Inactive Ship Maintenance Facility	$8,660,000
	Philadelphia Naval Shipyard	$13,500,000
Rhode Island	Newport Naval Education and Training Center	$11,300,000
South Carolina	Beaufort Marine Corps Air Station	$10,900,000

Navy: Inside the United States

State	Installation or location	Amount
	Charleston Naval Weapons Station	$580,000
Tennessee	Memphis Naval Air Station	$1,450,000
Texas	Corpus Christi Naval Air Station	$1,670,000
Virginia	Chesapeake, Marine Corps Security Battalion	$5,380,000
	Craney Island Fleet and Industrial Supply Center Annex	$11,740,000
	Norfolk, Commander, Operational Test and Evaluation Force	$8,100,000
	Norfolk Naval Air Station	$12,270,000
	Norfolk Public Works Center	$5,330,000
	Oceana Naval Air Station	$7,100,000
	Portsmouth, Norfolk Naval Shipyard	$13,420,000
	Quantico, Combat Development Command	$7,450,000
	Wallops Island, Naval Surface Weapons Center Detachment	$10,170,000
Washington	Bangor Naval Submarine Base	$3,100,000
	Everett Naval Station	$34,000,000
	Keyport, Naval Undersea Warfare Center Division	$8,980,000
Various Locations	Wastewater Collection and Treatment Facilities	$3,260,000
	Land Acquisition	$540,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or location	Amount
Guam	Naval Hospital	$2,460,000
	Anderson Air Force Base Naval Air Facility	$7,310,000
	Naval Station	$14,520,000
	Fleet/Industrial Supply Center	$21,200,000
	Public Works Center	$7,230,000
Italy	Naples Naval Support Activity	$11,740,000
	Sigonella Naval Air Station	$3,460,000
Spain	Rota Naval Station	$2,670,000
Various Locations	Host Nation Infrastructure Support	$2,960,000
	Land Acquisition	$800,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Navy: Family Housing

State	Installation	Purpose	Amount
California	San Diego Navy Public Works Center	318 units	$36,571,000
District of Columbia	Washington Navy Public Works Center	188 units	$21,556,000
Florida	Pensacola Navy Public Works Center	Housing Self Help/Warehouse	$300,000
Georgia	Kings Bay Naval Submarine Base	Housing Office/Self Help/Warehouse	$790,000
Maine	Brunswick Naval Air Station	Mobile Home Spaces	$490,000
Virginia	Norfolk, Naval Public Works Center/Naval Amphibious Base Little Creek	392 units	$50,674,000
	Oceana Naval Air Station	Community Center	$860,000
Washington	Bangor Naval Submarine Base	290 units	$27,438,000
	Whidbey Island, Naval Air Station	106 units	$10,000,000
United Kingdom	London Naval Activities Support	81 units	$15,470,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $22,924,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may

improve existing military family housing units in the amount of $183,135,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1993, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $1,858,505,000 as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $514,100,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $74,350,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $5,500,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $64,373,000.

(5) For military family housing functions:

(A) For construction and acquisition of military family housing and facilities, $370,208,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $819,974,000, of which not more than $113,308,000 may be obligated or expended for the leasing of military family housing units worldwide.

(6) For the construction of the large anachoic chamber facility at the Patuxent River Naval Warfare Center, Aircraft Division, Maryland, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2590), $10,000,000.

(b) LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

SEC. 2205. TERMINATION OF AUTHORITY TO CARRY OUT CERTAIN PROJECTS.

(a) FISCAL YEAR 1993 CONSTRUCTION AND FAMILY HOUSING PROJECTS.—(1) The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2589) is amended by striking out the items relating to the following installations:

(A) Mare Island Naval Shipyard, California.

(B) Miramar Naval Air Station, California.

(C) Cecil Field, Naval Air Station, Florida.

(D) Memphis, Naval Air Station, Tennessee.

(2) Section 2204(a) of such Act (106 Stat. 2592) is amended—

(A) by striking out "$1,450,529,000" and inserting in lieu thereof "$1,411,616,000";

(B) in paragraph (1), by striking out "$312,557,000" and inserting in lieu thereof "$274,897,000"; and

(C) in paragraph (5)(B), by striking out "$661,246,000" and inserting in lieu thereof "$659,993,000".

(b) FISCAL YEAR 1992 CONSTRUCTION PROJECTS.—(1) Section 2201(a) of the Military Construction Authorization Act for Fiscal

Year 1992 (division B of Public Law 102–190; 105 Stat. 1514) is amended—

(A) under the heading "ALASKA", by striking out the item relating to Adak, Naval Security Group Activity;

(B) under the heading "CALIFORNIA"—

(i) by striking out the item relating to Concord, Naval Weapons Station; and

(ii) by striking out the item relating to Vallejo, Mare Island Naval Shipyard;

(C) under the heading "DISTRICT OF COLUMBIA", in the item relating to Commandant Naval District Washington, by striking out "$5,570,000" and inserting in lieu thereof "$3,520,000";

(D) under the heading "FLORIDA"—

(i) in the item relating to Orlando, Naval Training Center, by striking out "$21,430,000" and inserting in lieu thereof "$13,450,000"; and

(ii) by striking out the item relating to Pensacola, Naval Supply Center;

(E) under the heading "GEORGIA", in the item relating to Kings Bay, Naval Submarine Base, by striking out "$9,780,000" and inserting in lieu thereof "$580,000";

(F) under the heading "MARYLAND", in the item relating to Annapolis, Naval Radio Transmitting Facility, by striking out "$5,220,000" and inserting in lieu thereof "$2,820,000";

(G) under the heading "SOUTH CAROLINA", by striking out the item relating to Charleston, Fleet and Mine Warfare Training Center;

(H) under the heading "VIRGINIA", by striking out the item relating to Norfolk, Naval Station; and

(I) under the heading "WASHINGTON", in the item relating to Whidbey Island, Naval Air Station, by striking out "$6,800,000" and inserting in lieu thereof "$3,451,000".

(2) Section 2205(a) of such Act (105 Stat. 1518) is amended—

(A) by striking out "$1,832,149,000" and inserting in lieu thereof "$1,759,990,000"; and

(B) in paragraph (1), by striking out "$739,859,000" and inserting in lieu thereof "$667,700,000".

(c) FISCAL YEAR 1991 CONSTRUCTION AND FAMILY HOUSING PROJECTS.—(1) Section 2201(a) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101–510; 104 Stat. 1763) is amended—

(A) under the heading "ALASKA", in the item relating to Amchitka, Fleet Surveillance Support Command, by striking out "$31,000,000" and inserting in lieu thereof "$25,344,000";

(B) under the heading "CALIFORNIA", by striking out the item relating to Point Mugu, Pacific Missile Test Center;

(C) under the heading "FLORIDA", in the item relating to Key West Naval Air Station, by striking out "$7,030,000" and inserting in lieu thereof "$4,020,000"; and

(D) under the heading "VIRGINIA", by striking out the item relating to Oceana, Naval Air Station.

(2) Section 2202(a) of such Act (104 Stat. 1767) is amended by striking out the item relating to Long Beach, Naval Station, California.

(3) Section 2205(a) of such Act (104 Stat. 1767), as amended by section 2209(a)(2) of the Military Construction Authorization

Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1520), is amended—

(A) by striking out "$1,954,513,000" and inserting in lieu thereof "$1,915,179,000";

(B) in paragraph (1), by striking out "$900,092,000" and inserting in lieu thereof "$885,686,000"; and

(C) in paragraph (7)(A), by striking out "$174,827,000" and inserting in lieu thereof "$149,899,000".

(d) FISCAL YEAR 1990 CONSTRUCTION AND FAMILY HOUSING PROJECTS; DEFENSE ACCESS ROADS.—(1) Section 2201(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101–189; 103 Stat. 1621) is amended under the heading "NEW YORK", in the item relating to New York, Naval Station, by striking out "$25,640,000" and inserting in lieu thereof "$20,978,000".

(2) Section 2202(a) of such Act (103 Stat. 1626) is amended by striking out the item relating to El Toro, Marine Corps Air Station, California.

(3) Section 2204(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (103 Stat. 1627), as amended by section 2209(b)(3) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1521), is amended—

(A) by striking out "$1,939,375,000" and inserting in lieu thereof "$1,917,613,000";

(B) in paragraph (1), by striking out "$892,561,000" and inserting in lieu thereof "$883,237,000";

(C) in paragraph (5), by striking out "$5,810,000" and inserting in lieu thereof "$2,810,000"; and

(D) in paragraph (6)(A), by striking out "$191,290,000" and inserting in lieu thereof "$177,190,000".

(e) FISCAL YEAR 1989 PROJECT.—(1) Section 2202(a) of the Military Construction Authorization Act, 1989 (division B of Public Law 100–456; 102 Stat. 2098), is amended in the item relating to Naval Station, Long Beach, California, by striking out "$26,110,000" and inserting in lieu thereof "$17,038,000".

(2) Section 2205(a) of such Act (102 Stat. 2099), as amended by section 2206(b) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2593), is amended—

(A) by striking out "$2,361,555,000" and inserting in lieu thereof "$2,352,483,000";

(B) in paragraph (6)(A), by striking out "$250,770,000" and inserting in lieu thereof "$241,698,000".

TITLE XXIII—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or location	Amount
Alabama	Gunter Air Force Base Annex	$4,680,000
	Maxwell Air Force Base	$16,170,000
Alaska	Eielson Air Force Base	$13,300,000
	Elmendorf Air Force Base	$33,305,000
	Cape Roman Air Force Station	$3,350,000
	Fort Richardson	$5,500,000
Arizona	Davis Monthan Air Force Base	$6,150,000
	Luke Air Force Base	$12,750,000
	Navajo Army Depot	$7,250,000
Arkansas	Little Rock Air Force Base	$4,500,000
California	Beale Air Force Base	$3,150,000
	Edwards Air Force Base	$11,300,000
	McClellan Air Force Base	$10,200,000
	Travis Air Force Base	$19,140,000
	Vandenberg Air Force Base	$20,728,000
Colorado	Buckley Air National Guard Base	$39,000,000
	Cheyenne Mountain Air Force Base	$4,450,000
	Peterson Air Force Base	$21,030,000
	United States Air Force Academy	$11,680,000
Delaware	Dover Air Force Base	$7,760,000
District of Columbia	Bolling Air Force Base	$2,000,000
Florida	Cape Canaveral Air Force Station	$19,200,000
	Eglin Air Force Base	$12,050,000
	Eglin Auxiliary Field No. 9	$7,829,000
	Patrick Air Force Base	$3,850,000
	Tyndall Air Force Base	$2,600,000
Georgia	Moody Air Force Base	$13,700,000
	Robins Air Force Base	$43,370,000
Hawaii	Hickam Air Force Base	$13,800,000
	Kaena Point	$7,350,000
Illinois	Scott Air Force Base	$7,450,000
Kansas	McConnell Air Force Base	$1,900,000
Louisiana	Barksdale Air Force Base	$13,860,000
Maryland	Andrews Air Force Base	$17,990,000
Mississippi	Columbus Air Force Base	$2,900,000
	Keesler Air Force Base	$8,710,000
Missouri	Whiteman Air Force Base	$36,388,000
Montana	Malmstrom Air Force Base	$7,700,000
Nebraska	Offutt Air Force Base	$11,000,000
Nevada	Nellis Air Force Base	$10,100,000
New Mexico	Cannon Air Force Base	$11,915,000
	Holloman Air Force Base	$11,100,000
	Kirtland Air Force Base	$35,061,000
North Carolina	Pope Air Force Base	$8,600,000
	Seymour Johnson Air Force Base	$5,380,000
North Dakota	Grand Forks Air Force Base	$16,050,000

Air Force: Inside the United States

State	Installation or location	Amount
	Minot Air Force Base	$10,500,000
Ohio	Wright-Patterson Air Force Base	$44,680,000
Oklahoma	Altus Air Force Base	$7,710,000
	Tinker Air Force Base	$20,749,000
	Vance Air Force Base	$11,000,000
South Carolina	Charleston Air Force Base	$1,100,000
	Shaw Air Force Base	$5,870,000
South Dakota	Ellsworth Air Force Base	$6,830,000
Tennessee	Arnold Air Force Base	$1,500,000
Texas	Brooks Air Force Base	$8,400,000
	Dyess Air Force Base	$15,590,000
	Goodfellow Air Force Base	$3,700,000
	Kelly Air Force Base	$27,481,000
	Lackland Air Force Base	$30,093,000
	Laughlin Air Force Base	$8,650,000
	Randolph Air Force Base	$5,300,000
	Reese Air Force Base	$900,000
	Sheppard Air Force Base	$18,030,000
Utah	Hill Air Force Base	$14,580,000
Virginia	Langley Air Force Base	$12,450,000
Washington	Fairchild Air Force Base	$3,500,000
	McChord Air Force Base	$10,900,000
Wyoming	F.E. Warren Air Force Base	$12,640,000
Various Locations	Classified	$8,140,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and may carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or location	Amount
Antigua Island	Antigua Air Station	$1,000,000
Ascension Island	Ascension Auxiliary Air Field	$3,400,000
Germany	Ramstein Air Base	$3,100,000
Greenland	Thule Air Base	$5,492,000
Indian Ocean	Diego Garcia Air Base	$2,260,000
Turkey	Incirlik Air Base	$2,400,000
United Kingdom	RAF Mildenhall	$4,800,000

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(8)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Air Force: Family Housing

State or Country	Installation	Purpose	Amount
Alabama	Maxwell Air Force Base	55 units	$4,080,000
Arkansas	Little Rock Air Force Base	Housing Office/ Maintenance Facility	$980,000
California	Vandenberg Air Force Base	166 units	$21,907,000
Florida	Patrick Air Force Base	155 units	$15,388,000
	Tyndall Air Force Base	Infrastructure	$5,732,000
Georgia	Robins Air Force Base	117 units	$7,424,000
Louisiana	Barksdale Air Force Base	118 units	$8,578,000
Massachusetts	Hanscom Air Force Base	48 units	$5,135,000
Montana	Malmstrom Air Force Base	Housing Office	$581,000
Texas	Dyess Air Force Base	Housing Maintenance Facility	$281,000
	Lackland Air Force Base	111 units	$8,770,000
Virginia	Langley Air Force Base	Housing Office	$452,000
Washington	Fairchild Air Force Base	1 unit	$184,000
Wyoming	F.E. Warren Air Force Base	104 units	$10,572,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(8)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $11,901,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(8)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $75,070,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1993, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $2,040,031,000 as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $877,539,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $22,452,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $6,844,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $63,180,000.

(5) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, $7,150,000.

(6) For the balance of the amount authorized under section 2301(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2594) for the construction of the climatic test chamber at Eglin Air Force Base, Florida, $37,000,000.

(7) For phase II of the relocation and construction of up to 1,068 family housing units at Scott Air Force Base, Illinois, authorized by section 2302(a) of the Military Construction Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2596), $10,000,000.

(8) For military family housing functions:

(A) For construction and acquisition of military family housing and facilities, $177,035,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $838,831,000 of which not more than $118,266,000 may be obligated or expended for leasing of military family housing units worldwide.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

SEC. 2305. TERMINATION OF AUTHORITY TO CARRY OUT CERTAIN PROJECTS.

(a) FISCAL YEAR 1993 CONSTRUCTION AND FAMILY HOUSING PROJECTS.—(1) The table in section 2302(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2595) is amended by striking out the item relating to March Air Force Base, California.

(2) Section 2303 of such Act (106 Stat. 2596) is amended by striking out "$150,000,000" and inserting in lieu thereof "$139,649,000".

(3) Section 2304(a) of such Act (106 Stat. 2596) is amended—

(A) by striking out "$2,062,707,000" and inserting in lieu thereof "$2,014,005,000"; and

(B) in paragraph (5)(A), by striking out "$283,786,000" and inserting in lieu thereof "$235,084,000".

(b) FISCAL YEAR 1992 CONSTRUCTION AND FAMILY HOUSING PROJECTS.—(1) Section 2301(a) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1521) is amended—

(A) under the heading "FLORIDA", by striking out the item relating to Homestead Air Force Base; and

(B) under the heading "NEW YORK"—

(i) in the item relating to Griffiss Air Force Base, by striking out "$2,700,000" and inserting in lieu thereof "$1,200,000"; and

(ii) in the item relating to Plattsburgh Air Force Base, by striking out "$9,040,000" and inserting in lieu thereof "$960,000.".

(2) Section 2303 of such Act (105 Stat. 1525) is amended by striking out "$141,236,000" and inserting in lieu thereof "$134,836,000".

(3) Section 2305(a) of such Act (105 Stat. 1525), as amended by section 2308(a)(2) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2598), is amended—

(A) by striking out "$2,054,713,000" and inserting in lieu thereof "$2,033,833,000";

(B) in paragraph (1), by striking out "$744,380,000" and inserting in lieu thereof "$729,900,000"; and

(C) in paragraph (8)(A), by striking out "$161,538,000" and inserting in lieu thereof "$155,138,000".

(c) FISCAL YEAR 1991 CONSTRUCTION PROJECTS.—(1) Section 2301(a) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101–510; 104 Stat. 1769) is amended—

(A) under the heading "CALIFORNIA", by striking out the item relating to March Air Force Base;

(B) under the heading "FLORIDA"—

(i) by striking out the item relating to Avon Park Range; and

(ii) in the item relating to Homestead Air Force Base, by striking out "$7,900,000" and inserting in lieu thereof "$2,400,000";

(C) under the heading "IDAHO", by striking out the item relating to Mountain Home Air Force Base;

(D) under the heading "MAINE", by striking out the item relating to Bangor Air National Guard Base; and

(E) under the heading "NEW YORK", by striking out the item relating to Griffiss Air Force Base.

(2) Section 2304(a) of such Act (104 Stat. 1773), as amended by section 2308(b)(3) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2598) and section 2310(a)(2) of the Military Construction

Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1527), is amended—

(A) by striking out "$1,905,075,000" and inserting in lieu thereof "$1,891,005,000"; and

(B) in paragraph (1), by striking out "$724,855,000" and inserting in lieu thereof "$710,785,000".

(d) FISCAL YEAR 1990 CONSTRUCTION PROJECTS.—(1) Section 2301(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101–189; 103 Stat. 1630) is amended—

(A) under the heading "FLORIDA", by striking out the item relating to Homestead Air Force Base; and

(B) under the heading "OHIO", in the item relating to Newark Air Force Base, by striking out "$2,980,000" and inserting in lieu thereof "$2,300,000".

(2) Section 2304(a) of such Act (103 Stat. 1636), as amended by section 2310(b)(2) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1528) and section 2306(b) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101–510; 104 Stat. 1774) is amended—

(A) by striking out "the total amount" and all that follows through "as follows:" and inserting in lieu thereof "the total amount of $2,057,118,000, as follows:"; and

(B) in paragraph (1), by striking out "section 2301(a)" and all that follows through the period and inserting in lieu thereof "section 2301(a), $809,316,000".

SEC. 2306. RELOCATION OF AIR FORCE ACTIVITIES FROM SIERRA ARMY DEPOT, CALIFORNIA, TO BEALE AIR FORCE BASE, CALIFORNIA.

(a) STUDENT DORMITORY.—Section 2301(a) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101–510; 104 Stat. 1769) is amended in the matter under the heading "CALIFORNIA"—

(1) by striking out "Sierra Army Depot, $3,650,000."; and

(2) by striking out "Beale Air Force Base, $6,300,000." and inserting in lieu thereof the following: "Beale Air Force Base, $9,950,000.".

(b) MUNITION MAINTENANCE FACILITY.—Section 2301(a) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1521) is amended in the matter under the heading "CALIFORNIA"—

(1) by striking out "Sierra Army Depot, $2,700,000."; and

(2) by striking out "Beale Air Force Base, $2,250,000." and inserting in lieu thereof the following: "Beale Air Force Base, $4,950,000.".

SEC. 2307. COMBAT ARMS TRAINING AND MAINTENANCE FACILITY RELOCATION FROM WHEELER AIR FORCE BASE, HAWAII, TO UNITED STATES ARMY SCHOFIELD BARRACKS OPEN RANGE, HAWAII.

Section 2301(a) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101–510; 104 Stat. 1770) is amended in the matter under the heading "HAWAII"—

(1) by striking out "Wheeler Air Force Base, $3,500,000." and inserting in lieu thereof the following: "Wheeler Air Force Base, $2,100,000."; and

(2) by inserting after the item relating to Hickam Air Force Base the following new item:

"United States Army Schofield Barracks Open Range, $1,400,000.".

SEC. 2308. AUTHORITY TO TRANSFER FUNDS AS PART OF THE IMPROVEMENT OF DYSART CHANNEL, LUKE AIR FORCE BASE, ARIZONA.

(a) TRANSFER AUTHORITY.—The Secretary of the Air Force may transfer to the Flood Control District of Maricopa County, Arizona (in this section referred to as the "District"), funds appropriated for fiscal years beginning after September 30, 1993, for a project, authorized in section 2301(a), to widen and make other improvements to Dysart Channel. Such improvements may include the construction of necessary detention basins and other features that are needed to prevent flooding of Luke Air Force Base, Arizona.

(b) USE OF FUNDS.—All funds transferred pursuant to subsection (a) shall be used by the District only for the purpose of conducting the project described in such subsection.

(c) CONDITIONS ON TRANSFER.—Funds may not be transferred pursuant to subsection (a) until after the date on which the Secretary and the District enter into an agreement that addresses cost sharing for the widening and other improvements to be made to Dysart Channel and such other matters associated with the project as the Secretary considers to be appropriate.

(d) LIMITATION ON AIR FORCE COST SHARE.—The Air Force share of the costs of the project described in subsection (a) may not exceed the lesser of—

(1) 50 percent of the total project cost; or

(2) $6,000,000.

(e) CONSIDERATION.—As consideration for the financial assistance provided pursuant to subsection (a), the District shall convey to the United States all right, title, and interest of the District in and to the real property, if any, acquired by the District in widening Dysart Channel and making the other improvements, such as detention basins as referred to in subsection (a).

SEC. 2309. AUTHORITY TO TRANSFER FUNDS FOR SCHOOL CONSTRUCTION FOR LACKLAND AIR FORCE BASE, TEXAS.

(a) TRANSFER AUTHORITY.—Subject to subsection (b), the Secretary of the Air Force may transfer to the Lackland Independent School District, Texas, not more than $8,000,000 of the funds appropriated by the Military Construction Appropriations Act, 1993 (Public Law 102–380; 106 Stat. 1366), pursuant to the authorization of appropriations in section 2304(a)(1) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2596) for military construction relating to Lackland Air Force Base, Texas, as authorized in section 2301(a) of the Military Construction Authorization Act for Fiscal Year 1993.

(b) USE OF FUNDS.—All funds transferred pursuant to subsection (a) shall be used by the Lackland Independent School District to pay for the design and construction of a new secondary school, the renovation of an elementary school, and the design and construction of a new kindergarten and special education facility.

SEC. 2310. TRANSFER OF FUNDS FOR CONSTRUCTION OF FAMILY HOUSING, SCOTT AIR FORCE BASE, ILLINOIS.

(a) TRANSFER REQUIRED.—The Secretary of the Air Force shall transfer to the County of St. Clair, Illinois (in this section referred to as the "County"), all funds made available for the construction of military family housing at Scott Air Force Base, Illinois, as authorized in section 2302(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2595).

(b) USE OF FUNDS.—All funds transferred pursuant to subsection (a) shall be used by the County for the construction, at a location acceptable to the Secretary, of a family housing complex to replace the Cardinal Creek Housing Complex at Scott Air Force Base.

SEC. 2311. INCREASE IN AUTHORIZED UNIT COST FOR CERTAIN FAMILY HOUSING, RANDOLPH AIR FORCE BASE, TEXAS.

Section 2303(b) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1635) is amended in the item relating to Randolph Air Force Base, Texas, by striking out "$78,000" and inserting in lieu thereof "$95,000".

TITLE XXIV—DEFENSE AGENCIES

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(1) and, in the case of the project described in section 2403(b)(2), other amounts appropriated pursuant to authorizations enacted after this Act for that project, the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

Agency	Installation or location	Amount
Defense Logistics Agency	Defense Reutilization and Marketing Office, Fairbanks, Alaska	$6,500,000
	Defense Reutilization and Marketing Office, March Air Force Base, California	$630,000
	Defense Fuel Support Point, Pearl Harbor, Hawaii	$2,250,000
	Defense Construction Supply Center, Columbia, Ohio	$3,100,000
	Defense Reutilization and Marketing Office, Hill Air Force Base, Utah	$1,700,000
	Defense General Supply Center, Richmond, Virginia	$17,000,000
	Fort Belvoir, Virginia	$5,200,000
Defense Medical Facility Office	Cannon Air Force Base, New Mexico	$13,600,000
	Edwards Air Force Base, California	$1,700,000

Defense Agencies: Inside the United States

Agency	Installation or location	Amount
	Ellsworth Air Force Base, South Dakota	$1,400,000
	Fairchild Air Force Base, Washington	$8,250,000
	Fort Detrick, Maryland	$4,300,000
	Fort Eustis, Virginia	$3,650,000
	Fort Sam Houston, Texas	$4,800,000
	Grand Forks Air Force Base, North Dakota	$860,000
	Marine Corps Air Station, Yuma, Arizona	$6,000,000
	Naval Education Training Center, Rhode Island	$4,000,000
	Offutt Air Force Base, Nebraska	$1,100,000
National Security Agency	Fort Meade, Maryland	$58,630,000
Office Secretary of Defense	CONUS Classified	$5,600,000
Section 6 Schools	Camp Lejeune, North Carolina	$1,793,000
	Fort Bragg, North Carolina	$8,838,000
	Fort Campbell, Kentucky	$13,182,000
	Fort Knox, Kentucky	$7,707,000
	Fort McClellan, Alabama	$2,798,000
	Fort Polk, Louisiana	$4,950,000
	Quantico Marine Corps Base, Virginia	$422,000
	Robins Air Force Base, Georgia	$3,160,000
Special Operations Force	Eglin Auxiliary Field No. 9, Florida	$19,582,000
	Fort Campbell, Kentucky	$6,950,000
	Fort Bragg, North Carolina	$38,450,000
	Little Creek Naval Amphibious Base, Virginia	$7,500,000
	Olmstead Field, Pennsylvania	$1,300,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Outside the United States

Agency	Installation or location	Amount
Defense Logistics Agency	Diego Garcia	$9,558,000

Defense Agencies: Outside the United States

Agency	Installation or location	Amount
Office Secretary of Defense	Classified location	$10,755,000

SEC. 2402. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(12), the Secretary of Defense may carry out energy conservation projects under section 2865 of title 10, United States Code.

SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1993, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of $3,268,394,000 as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $266,902,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $20,313,000.

(3) For military construction projects at Fort Sam Houston, Texas, hospital replacement, authorized by section 2401(a) of the Military Construction Authorization Act, 1987 (division B of Public Law 99–661; 100 Stat. 4035), $50,000,000.

(4) For military construction projects at Portsmouth Naval Hospital, Virginia, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101–189; 103 Stat. 1640), $20,000,000.

(5) For military construction projects at Walter Reed Institute of Research, Maryland, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2599), $15,000,000.

(6) For military construction projects at Elmendorf Air Force Base, Alaska, hospital replacement, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2599), $37,000,000.

(7) For military construction projects at Fort Bragg, North Carolina, hospital replacement, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2599), $35,000,000.

(8) For military construction projects at Millington Naval Air Station, Tennessee, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2599), $5,000,000.

(9) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $21,658,000.

(10) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $12,200,000.

(11) For architectural and engineering services and for construction design under section 2807 of title 10, United States Code, $42,405,000.

(12) For energy conservation projects authorized by section 2402, $50,000,000.

(13) For base closure and realignment activities as authorized by title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note), $12,830,000.

(14) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note):

(A) For military installations approved for closure or realignment in 1991, $1,526,310,000.

(B) For military installations approved for closure or realignment in 1993, $1,144,000,000.

(15) For military family housing functions (including functions described in section 2833 of title 10, United States Code), $27,496,000, of which not more than $22,882,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a); and

(2) $17,720,000 (the balance of the amount authorized under section 2401(a) for the construction of a supercomputer facility at Fort Meade, Maryland).

SEC. 2404. TERMINATION OF AUTHORITY TO CARRY OUT CERTAIN PROJECTS.

(a) FISCAL YEAR 1992 CONSTRUCTION PROJECTS.—Section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1528) is amended by striking out the following items:

(1) Under the heading "DEFENSE LOGISTICS AGENCY", the item relating to Dayton Defense Electronics Supply Station, Ohio.

(2) Under the heading "DEFENSE MEDICAL FACILITIES OFFICE", the items relating to—

(A) Homestead Air Force Base, Florida; and

(B) Dallas Naval Air Station, Texas.

(b) CONFORMING AMENDMENTS.—Section 2404 of such Act (105 Stat. 1531) is amended—

(1) in subsection (a)—

(A) by striking out "$1,680,940,000" and inserting in lieu thereof "$1,665,440,000"; and

(B) by striking out "$434,500,000" in paragraph (1) and inserting in lieu thereof "$419,000,000"; and

(2) in subsection (c)—

(A) by inserting "and" in paragraph (1) after the semicolon;

(B) by striking out "; and" at the end of paragraph (2) and inserting in lieu thereof a period; and

(C) by striking out paragraph (3).

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Infrastructure Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1993, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Infrastructure Program as authorized by section 2501, in the amount of $140,000,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

There are authorized to be appropriated for fiscal years beginning after September 30, 1993, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 133 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $283,483,000; and

(B) for the Army Reserve, $101,433,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, $25,013,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $236,341,000; and

(B) for the Air Force Reserve, $73,927,000.

SEC. 2602. REDUCTION IN AMOUNTS AUTHORIZED TO BE APPROPRIATED FOR RESERVE MILITARY CONSTRUCTION PROJECTS.

(a) FISCAL YEAR 1993 AUTHORIZATIONS.—Section 2601 of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2602) is amended—

(1) in paragraph (2), by striking out "$17,200,000" and inserting in lieu thereof "$10,700,000"; and

(2) in paragraph (3)(B), by striking out "36,580,000" and inserting in lieu thereof "34,880,000".

(b) FISCAL YEAR 1992 AUTHORIZATION.—Section 2601(2) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1534) is amended by striking out "$56,900,000" and inserting in lieu thereof "$31,800,000".

(c) FISCAL YEAR 1991 AUTHORIZATIONS.—Section 2601 of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101–510; 104 Stat. 1781) is amended—

(1) in paragraph (2), by striking out "$80,307,000" and inserting in lieu thereof "$78,667,000";

(2) in paragraph (3)(A), as amended by section 2602(a)(2) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1535), by striking out "$176,290,000" and inserting in lieu thereof "$171,090,000"; and

(3) in paragraph (3)(B), as amended by section 2602(a)(3) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1535) and section 2602(c) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2602), by striking out "(B)" and all that follows through the period and inserting in lieu thereof "(B) for the Air Force Reserve, $32,350,000".

(d) FISCAL YEAR 1990 AUTHORIZATIONS.—Section 2601 of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101–189; 103 Stat. 1645) is amended—

(1) in paragraph (2), by striking out "$56,600,000" and inserting in lieu thereof "$54,250,000"; and

(2) in paragraph (3)(A), as amended by section 2602(b)(1) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1535), by striking out "$195,628,000" and inserting in lieu thereof "$195,088,000".

SEC. 2603. UNITED STATES ARMY RESERVE COMMAND HEADQUARTERS FACILITY.

(a) PROJECT AUTHORIZED.—Using amounts appropriated pursuant to the authorization of appropriations in section 2601(1)(B), and other amounts appropriated pursuant to authorizations enacted after this Act for this project, the Secretary of the Army may construct at Fort McPherson, Georgia, a headquarters facility for the United States Army Reserve Command and may contract for architectural and engineering services and construction design services in connection with such construction project.

(b) LIMITATION ON TOTAL COST OF PROJECT.—The cost of the construction project authorized by subsection (a) may not exceed $36,400,000.

(c) MULTIYEAR CONTRACT AUTHORIZED.—In order to carry out the construction project authorized in subsection (a), the Secretary may enter into a multiyear contract in advance of appropriations therefor.

(d) FUNDING.—Of the amount authorized to be appropriated pursuant to section 2601(1)(B), $15,000,000 shall be available to carry out the project authorized by subsection (a).

SEC. 2604. LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.

Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total amount of all projects carried out under section 2601(1)(B) may not exceed the total amount authorized to be appropriated under such section and $21,400,000 (the balance of the amount authorized for the construction of a command headquarters facility at Fort McPherson, Georgia).

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Infrastructure program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 1996; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 1997.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Infrastructure program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 1996; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 1997 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Infrastructure program.

SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1991 PROJECTS.

(a) EXTENSIONS.—Notwithstanding section 2701(b) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101–510, 104 Stat. 1782), authorizations for the projects set forth in the tables in subsection (b), as provided in section 2101, 2201, 2301, or 2401 of that Act and extended by section 2702(a) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1535), shall remain in effect until October 1, 1994, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1995, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Army: Extension of 1991 Project Authorizations

State	Installation or location	Project	Amount
Colorado	Falcon Air Force Base	Satellite Control Certification Facility	$1,450,000
Missouri	Fort Leonard Wood	Child Development Center	$3,050,000
Virginia	Fort Myer	Child Development Center	$2,150,000

Navy: Extension of 1991 Project Authorization

State	Installation or location	Project	Amount
Connecticut	New London Naval Submarine Base	Thames River Dredging	$5,300,000

Air Force: Extension of 1991 Project Authorizations

State	Installation or location	Project	Amount
Alaska	Clear Air Force Station	Alter Dormitory (Phase II)	$5,000,000
	King Salmon Airport	Vehicle Refuel Maintenance Shop	$2,500,000
California	Sierra Army Depot	Dormitory	$3,650,000
Colorado	Buckley Air National Guard Base	Child Development Center	$4,550,000
	United States Air Force Academy	Consolidated Education & Training Facility	$15,000,000
Hawaii	Hickam Air Force Base	Dormitory	$6,100,000
	Wheeler Air Force Base	Combat Arms Training & Maintenance Facility	$1,400,000

Air Force: Extension of 1991 Project Authorizations

State	Installation or location	Project	Amount
Oklahoma	Tinker Air Force Base	AWACS Aircraft Fire Protection	$2,750,000
Texas	Dyess Air Force Base	Corrosion Control Facility	$4,100,000
Utah	Hill Air Force Base	Depot Warehouse	$16,000,000

Defense Agencies: Extension of 1991 Project Authorization

State	Installation or location	Project	Amount
Maryland	Defense Logistics Agency, Defense Reutilization and Marketing Office, Fort Meade	Covered Storage	$9,500,000

SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1990 PROJECTS.

(a) EXTENSIONS.—Notwithstanding section 2701(b) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101–189; 103 Stat. 1645), authorizations for the projects set forth in the table in subsection (b), as provided in section 2301 of that Act (103 Stat. 1631) and extended by section 2702(b) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1535) and section 2702 of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2604), shall remain in effect until October 1, 1994, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1995, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Air Force: Extension of 1990 Project Authorizations

State	Installation	Project	Amount
Colorado	Lowry Air Force Base	Computer operations facility	$15,500,000
		Logistics support facility	$3,500,000

SEC. 2704. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI shall take effect on the later of—

(1) October 1, 1993; and

(2) the date of the enactment of this Act.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. MILITARY FAMILY HOUSING LEASING PROGRAMS.

(a) LEASES IN UNITED STATES, PUERTO RICO, OR GUAM.—Subsection (b) of section 2828 of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(4) At the beginning of each fiscal year, the Secretary concerned shall adjust the maximum lease amount provided for under paragraphs (2) and (3) for the previous fiscal year by the percentage (if any) by which the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics, during the preceding fiscal year exceeds such Consumer Price Index for the fiscal year before such preceding fiscal year.".

(b) LEASES IN FOREIGN COUNTRIES.—Subsection (e) of such section is amended—

(1) in the first sentence of paragraph (1), by striking out "as adjusted for foreign currency fluctuation from October 1, 1987." and inserting in lieu thereof ", except that 300 units may be leased in foreign countries for not more than $25,000 per unit per year.";

(2) in the second sentence of paragraph (1), by striking out "That maximum lease amount" and inserting in lieu thereof "These maximum lease amounts"; and

(3) by redesignating paragraph (2) as paragraph (4); and

(4) by inserting after paragraph (1) the following new paragraphs:

"(2) In addition to the 300 units of family housing referred to in paragraph (1) for which the maximum lease amount is $25,000 per unit per year, the Secretary of the Navy may lease not more than 2,000 units of family housing in Italy subject to that maximum lease amount.

"(3) The Secretary concerned shall adjust the maximum lease amounts provided for under paragraphs (1) and (2) for the previous fiscal year—

"(A) for foreign currency fluctuations from October 1, 1987; and

"(B) at the beginning of each fiscal year, by the percentage (if any) by which the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics, during the preceding fiscal year exceeds such Consumer Price Index for the fiscal year before such preceding fiscal year.".

SEC. 2802. SALE OF ELECTRICITY FROM ALTERNATE ENERGY AND COGENERATION PRODUCTION FACILITIES.

(a) AVAILABILITY OF PROCEEDS FOR CERTAIN CONSTRUCTION PROJECTS.—Subsection (b) of section 2483 of title 10, United States Code, is amended—

(1) by inserting "(1)" after "(b)"; and

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

"(2) Subject to the availability of appropriations for this purpose, proceeds credited under paragraph (1) may be used to carry out military construction projects under the energy performance plan developed by the Secretary of Defense under section 2865(a) of this title, including minor military construction projects authorized under section 2805 of this title that are designed to increase energy conservation.".

(b) NOTIFICATION REGARDING PROJECTS.—Such section is further amended by adding at the end the following new subsection:

"(c) Before carrying out a military construction project described in subsection (b) using proceeds from sales under subsection (a), the Secretary concerned shall notify Congress in writing of the project, the justification for the project, and the estimated cost of the project. The project may be carried out only after the end of the 21-day period beginning on the date the notification is received by Congress.".

SEC. 2803. AUTHORITY FOR MILITARY DEPARTMENTS TO PARTICIPATE IN WATER CONSERVATION PROGRAMS.

(a) AUTHORITY.—Subchapter III of chapter 169 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2866. Water conservation at military installations

"(a) WATER CONSERVATION ACTIVITIES.—(1) The Secretary of Defense shall permit and encourage each military department, Defense Agency, and other instrumentality of the Department of Defense to participate in programs conducted by a utility for the management of water demand or for water conservation.

"(2) The Secretary of Defense may authorize a military installation to accept a financial incentive (including an agreement to reduce the amount of a future water bill), goods, or services generally available from a utility, for the purpose of adopting technologies and practices that—

"(A) relate to the management of water demand or to water conservation; and

"(B) as determined by the Secretary, are cost effective for the Federal Government.

"(3) Subject to paragraph (4), the Secretary of Defense may authorize the Secretary of a military department having jurisdiction over a military installation to enter into an agreement with a utility to design and implement a cost-effective program that provides incentives for the management of water demand and for water conservation and that addresses the requirements and circumstances of the installation. Activities under the program may include the provision of water management services, the alteration of a facility, and the installation and maintenance by the utility of a water-saving device or technology.

"(4)(A) If an agreement under paragraph (3) provides for a utility to pay in advance the financing costs for the design or

implementation of a program referred to in that paragraph and for such advance payment to be repayed by the United States, the cost of such advance payment may be recovered by the utility under terms that are not less favorable than the terms applicable to the most favored customer of the utility.

"(B) Subject to the availability of appropriations, a repayment of an advance payment under subparagraph (A) shall be made from funds available to a military department for the purchase of utility services.

"(C) An agreement under paragraph (3) shall provide that title to a water-saving device or technology installed at a military installation pursuant to the agreement shall vest in the United States. Such title may vest at such time during the term of the agreement, or upon expiration of the agreement, as determined to be in the best interests of the United States.

"(b) USE OF WATER COST SAVINGS.—Water cost savings realized under this section shall be used as provided in section 2865(b)(2) of this title.

"(c) WATER CONSERVATION CONSTRUCTION PROJECTS.—(1) The Secretary of Defense may carry out a military construction project for water conservation, not previously authorized, using funds appropriated or otherwise made available to the Secretary for water conservation.

"(2) When a decision is made to carry out a project under paragraph (1), the Secretary of Defense shall notify the Committees on Armed Services and Appropriations of the Senate and House of Representatives of that decision. Such project may be carried out only after the end of the 21-day period beginning on the date the notification is received by such committees.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

"2866. Water conservation at military installations.".

SEC. 2804. CLARIFICATION OF ENERGY CONSERVATION MEASURES FOR THE DEPARTMENT OF DEFENSE.

(a) ENERGY EFFICIENT MAINTENANCE.—Subsection (a) of section 2865 of title 10, United States Code, is amended—

(1) in paragraph (3), by inserting ", including energy efficient maintenance," after "conservation measures"; and

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

"(4) In paragraph (3), the term 'energy efficient maintenance' includes—

"(A) the repair by replacement of equipment or systems, such as lighting, heating, or cooling equipment or systems or industrial processes, with technology that—

"(i) will achieve the most cost-effective energy savings over the life-cycle of the equipment or system being repaired; and

"(ii) will meet the same end needs as the equipment or system being repaired; and

"(B) improvements in an operation or maintenance process, such as improved training or improved controls, that result in reduced costs through energy savings".

(b) USE OF SAVINGS AND USE OF PROCEEDS FROM ELECTRICITY SALES.—Subsection (b) of such section is amended—

(1) in paragraph (1)—

(A) by striking out "The Secretary shall provide that two-thirds" and inserting in lieu thereof "Two-thirds"; and

(B) by striking out "for any fiscal year beginning after fiscal year 1990"; and

(2) in paragraph (2), by striking out "(2) The amount" and all that follows through "the Secretary of Defense." and inserting in lieu thereof the following:

"(2) The Secretary shall provide that the amount that remains available for obligation under paragraph (1) and section 2866(b) of this title, and the funds made available under section 2483(b)(2) of this title, shall be used as follows:

"(A) One-half of the amount shall be used for the implementation of additional energy conservation measures and for water conservation activities at such buildings, facilities, or installations of the Department of Defense as may be designated (in accordance with regulations prescribed by the Secretary of Defense) by the head of the department, agency, or instrumentality that realized the savings referred to in paragraph (1) or in section 2866(b) of this title.".

(c) COVERED UTILITIES.—Subsection (d)(1) of such section is amended by adding before the period the following: "or by any utility for water conservation activities".

SEC. 2805. AUTHORITY TO ACQUIRE EXISTING FACILITIES IN LIEU OF CARRYING OUT CONSTRUCTION AUTHORIZED BY LAW.

(a) ACQUISITION AUTHORITY.—(1) Subchapter I of chapter 169 of title 10, United States Code, is amended by adding at the end the following:

"§ 2813. Acquisition of existing facilities in lieu of authorized construction

"(a) ACQUISITION AUTHORITY.—Using funds appropriated for a military construction project authorized by law for a military installation, the Secretary of the military department concerned may acquire an existing facility (including the real property on which the facility is located) at or near the military installation instead of carrying out the authorized military construction project if the Secretary determines that—

"(1) the acquisition of the facility satisfies the requirements of the military department concerned for the authorized military construction project; and

"(2) it is in the best interests of the United States to acquire the facility instead of carrying out the authorized military construction project.

"(b) MODIFICATION OR CONVERSION OF ACQUIRED FACILITY.—(1) As part of the acquisition of an existing facility under subsection (a), the Secretary of the military department concerned may carry out such modifications, repairs, or conversions of the facility as the Secretary considers to be necessary so that the facility satisfies the requirements for which the military construction project was authorized.

"(2) The costs of anticipated modifications, repairs, or conversions under paragraph (1) are required to remain within the authorized amount of the military construction project. The Secretary concerned shall consider such costs in determining whether the acquisition of an existing facility is—

"(A) more cost effective than carrying out the authorized military construction project; and

"(B) in the best interests of the United States.

"(c) NOTICE AND WAIT REQUIREMENTS.—A contract may not be entered into for the acquisition of a facility under subsection (a) until the end of the 30-day period beginning on the date the Secretary concerned transmits to the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives a written notification of the determination to acquire an existing facility instead of carrying out the authorized military construction project. The notification shall include the reasons for acquiring the facility.".

(2) The table of sections at the beginning of subchapter I of such chapter is amended by adding at the end the following:

"2813. Acquisition of existing facilities in lieu of authorized construction.".

(b) APPLICABILITY OF SECTION.—Section 2813 of title 10, United States Code, as added by subsection (a), shall apply with respect to military construction projects authorized on or after the date of the enactment of this Act. 10 USC 2813 note.

SEC. 2806. CLARIFICATION OF PARTICIPATION IN DEPARTMENT OF STATE HOUSING POOLS.

Section 2834(b) of title 10, United States Code, is amended to read as follows:

"(b) The maximum lease amounts specified in section 2828(e)(1) of this title for the rental of family housing in foreign countries shall not apply to housing made available to the Department of Defense under this section. To the extent that the lease amount for units of housing made available under this subsection exceeds such maximum lease amounts, such units shall not be counted in applying the limitation contained in such section on the number of units of family housing for which the Secretary concerned may waive such maximum lease amounts.".

SEC. 2807. EXTENSION OF AUTHORITY TO LEASE REAL PROPERTY FOR SPECIAL OPERATIONS ACTIVITIES.

(a) EXTENSION OF AUTHORITY.—Section 2680(d) of title 10, United States Code, is amended by striking out "September 30, 1993." and inserting in lieu thereof "September 30, 1995.".

(b) EXTENSION OF REPORTING REQUIREMENT.—Section 2863(b) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 10 U.S.C. 2680 note) is amended by striking out "March 1, 1993, and March 1, 1994," and inserting in lieu thereof "March 1 of each of the years 1994, 1995, and 1996,".

Subtitle B—Land Transactions Generally

SEC. 2811. LAND CONVEYANCE, BROWARD COUNTY, FLORIDA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to Broward County, Florida (in this section referred to as the "County"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 18.45 acres and comprising a portion of Fort Lauderdale-Hollywood International Airport, Florida.

(b) CONSIDERATION.—The County shall provide the United States with consideration for the real property conveyed under subsection (a) that is equal to at least the fair market value of the property conveyed. The County shall provide consideration by one of the following methods, to be selected by the Secretary:

(1) Constructing (or paying the costs of constructing) at a location selected by the Secretary within Broward County, Florida, a suitable facility to replace the improvements conveyed under subsection (a).

(2) Paying to the United States an amount equal to the fair market value of the real property conveyed under subsection (a).

(c) REQUIREMENT RELATING TO CONSTRUCTION.—If the County constructs (or pays the costs of constructing) a replacement facility under subsection (b)(1), the County shall pay to the United States the amount, if any, by which the fair market value of the property conveyed under subsection (a) exceeds the fair market value of the replacement facility.

(d) REPLACEMENT FACILITY.—If the County pays the fair market value of the real property under subsection (b)(2) as consideration for the conveyance authorized under subsection (a), the Secretary shall use the amount paid by the County to construct a suitable facility to replace the improvements conveyed under subsection (a).

(e) DEPOSIT OF PROCEEDS.—The Secretary shall deposit in the account established under section 204(h) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)) any amount paid to the United States under this section that is not used for the purpose of constructing a replacement facility under subsection (d).

(f) DETERMINATION OF FAIR MARKET VALUE.—The Secretary shall determine the fair market value of the real property to be conveyed under subsection (a) and of the improvements, if any, constructed under subsection (b)(1). Such determination shall be final.

(g) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey that is satisfactory to the Secretary. The cost of the survey shall be borne by the County.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2812. LAND CONVEYANCE, NAVAL AIR STATION OCEANA, VIRGINIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to the City of Virginia Beach, Virginia (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property included on the real property inventory of Naval Air Station Oceana in Virginia Beach, Virginia, and consisting of approximately 3.5 acres. As part of the conveyance of such parcel, the Secretary shall grant the City an easement on such additional acreage as may be necessary to provide adequate ingress and egress to the parcel.

(b) CONSIDERATION.—As consideration for the conveyance and easement under subsection (a), the City shall pay to the United

States an amount equal to the fair market value of the property to be conveyed and the fair market value of the easement to be granted. The Secretary shall determine the fair market value of the property and easement, and such determination shall be final.

(c) CONDITION OF CONVEYANCE.—The conveyance authorized by subsection (a) shall be subject to the condition that the City may use the property conveyed only for the following purposes:

(1) The maintenance, repair, storage, and berthing of erosion control and beach replenishment equipment and materiel, including a dredge.

(2) The berthing of police boats.

(3) The provision of operational and administrative personnel space related to the purposes specified in paragraphs (1) and (2).

(d) REVERSION.—All right, title, and interest of the City in and to the property conveyed under subsection (a) (including any improvements thereon) and the easement granted under such subsection shall revert to the United States, and the United States shall have the right of immediate reentry on the property, if the Secretary determines—

(1) at any time, that the property conveyed under subsection (a) is not being used for the purposes specified in subsection (c); or

(2) at the end of the 10-year period beginning on the date of the conveyance, that no significant improvements associated with the purposes specified in subsection (c) have been constructed on the property.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) and the easement to be granted under such subsection shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the City.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance and easement under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2813. LAND CONVEYANCE, CRANEY ISLAND FUEL DEPOT, NAVAL SUPPLY CENTER, VIRGINIA.

(a) CONVEYANCE REQUIRED.—The Secretary of the Navy shall convey to the City of Portsmouth, Virginia, all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 135.7 acres, including improvements thereon, comprising a portion of the Craney Island Fuel Depot, Naval Supply Center, Norfolk, Virginia. However, the parcel of real property to be conveyed under this section shall not include sites 3 and 12, as defined in Item 6 of the General Lease No. LO–267 N62470–89–RP–00156 between the City and the United States, dated December 15, 1992.

(b) DEFINITIONS.—For purposes of this section:

(1) The term "City" means the City of Portsmouth, Virginia.

(2) The term "Craney Island parcel" means the real property described in subsection (a) that is required to be conveyed under this section.

(3) The term "sites 3 and 12" means the parcels specifically excluded by subsection (a) from the conveyance.

(c) CONDITIONS OF CONVEYANCE.—(1) The City shall accept conveyance of the Craney Island parcel under subsection (a) as a potentially responsible party with respect to such parcel pursuant to section 120(h)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9260(h)(3)).

(2) Nothing in this section shall alter any liability of the United States under section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607(a)), section 7003 of the Solid Waste Disposal Act (42 U.S.C. 6973), or any similar State or local environmental law or regulation with respect to—

(A) the Craney Island parcel; or

(B) sites 3 and 12.

(d) CONSIDERATION.—As consideration for the conveyance of the Craney Island parcel under subsection (a), the City shall pay to the United States an amount equal to the fair market value of the Craney Island parcel. Using normal and customary procedures for determining the fair market value of real property, the Secretary shall determine the fair market value of the Craney Island parcel in consultation with the City Manager of the City. Such determination shall be final.

(e) DEPOSIT OF PROCEEDS.—The Secretary shall deposit amounts received as consideration for the conveyance under subsection (a) in the special account established pursuant to section 204(h) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)).

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the Craney Island parcel and sites 3 and 12 shall be determined by a survey satisfactory to the Secretary and the City Manager of the City. The cost of each survey shall be borne by the City.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance of the Craney Island parcel as the Secretary considers appropriate to protect the interests of the United States and are agreed to by the City.

SEC. 2814. LAND CONVEYANCE, PORTSMOUTH, VIRGINIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to Peck Iron and Metal Company, Inc. (in this section referred to as "Peck"), all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 1.45 acres, including improvements thereon, located in Portsmouth, Virginia, that, on the date of the enactment of this Act, is leased to Peck pursuant to Department of the Navy lease N62470–91–RP–00261, effective August 1, 1991.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), Peck shall pay to the United States an amount equal to the fair market value of the property to be conveyed, as determined by the Secretary.

(c) DEPOSIT OF PROCEEDS.—The Secretary shall deposit in the special account established under section 204(h) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)) the amount received from Peck under subsection (b).

(d) CONDITIONS OF CONVEYANCE.—(1) The conveyance authorized by subsection (a) shall be subject to the condition that Peck accept conveyance of the property as a potentially responsible party

with respect to the property pursuant to section 120(h)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9260(h)(3)).

(2) Nothing in this section shall alter any liability of the United States under section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607(a)), section 7003 of the Solid Waste Disposal Act (42 U.S.C. 6973), or any similar State or local environmental law or regulation with respect to the property conveyed under subsection (a).

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by Peck.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2815. LAND CONVEYANCE, IOWA ARMY AMMUNITION PLANT, IOWA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the City of Middletown, Iowa (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property (including improvements thereon) consisting of approximately 127 acres at the Iowa Army Ammunition Plant, Iowa.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the City shall pay to the United States an amount equal to the fair market value of the property to be conveyed. The Secretary shall determine the fair market value of the property, and such determination shall be final.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey that is satisfactory to the Secretary.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2816. LAND CONVEYANCE, RADAR BOMB SCORING SITE, CONRAD, MONTANA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to the City of Conrad, Montana (in this section referred to as the "City"), all right, title, and interest of the United States in and to the parcel of real property consisting of approximately 42 acres located in Conrad, Montana, which has served as the location of a support complex, recreational facilities, and family housing for the Radar Bomb Scoring Site, Conrad, Montana, together with any improvements thereon.

(b) CONDITION OF CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the condition that the City—

(1) utilize the property and recreational facilities conveyed under that subsection for housing and recreation purposes; or

(2) enter into an agreement with an appropriate public or private entity to lease such property and facilities to that entity for such uses.

(c) REVERSION.—If the Secretary determines at any time that the property conveyed under subsection (a) is not being utilized in accordance with subsection (b) all right, title, and interest in and to the property conveyed pursuant to such subsection, including any improvements thereon, shall revert to the United States and the United States shall have the right of immediate entry onto the property.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property conveyed under this section shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the City.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2817. LAND CONVEYANCE, CHARLESTON, SOUTH CAROLINA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to the Division of Public Railways, South Carolina Department of Commerce (in this section referred to as the "Railway") all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 10.9 acres and comprising a portion of the Charleston Naval Weapons Station South Annex, North Charleston, South Carolina.

(b) CONSIDERATION.—As consideration for the conveyance of the real property under subsection (a), the Railway shall pay to the United States an amount equal to the fair market value of the conveyed property, as determined by the Secretary.

(c) USE AND DEPOSIT OF PROCEEDS.—The Secretary may use the proceeds received from the sale of property authorized by this section to pay for the cost of any environmental restoration of the property being conveyed. Any proceeds which remain after any necessary environmental restoration has been completed shall be deposited in the special account established under section 204(h) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)).

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the Railway.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance authorized by subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2818. LAND CONVEYANCE, FORT MISSOULA, MONTANA.

(a) LAND USE DETERMINATION.—Not later than 30 days after the date of the enactment of this Act, the Secretary of the Army shall determine whether a parcel of land consisting of approximately 11 acres, and improvements thereon, located in Fort Missoula, Missoula County, Montana, is excess to the needs of the Department of the Army.

(b) CONVEYANCE AUTHORIZED.—If the Secretary determines that the property identified in subsection (a) is excess to the needs of the Department of the Army, the Secretary may convey all right, title, and interest of the United States in and to the property to the Northern Rockies Heritage Center, a nonprofit corporation incorporated in the State of Montana and held to be exempt from

taxation under section 501(c)(3) of the Internal Revenue Code of 1986.

(c) CONDITIONS.—The conveyance authorized in subsection (b) shall be subject to the conditions that—

(1) the property conveyed may be used only for historic, cultural, or educational purposes;

(2) the Northern Rockies Heritage Center shall enter into an agreement with the Secretary of Agriculture concerning the use of the property by the Department of Agriculture;

(3) the Northern Rockies Heritage Center shall indemnify the United States against all liability in connection with any hazardous materials, substances, or conditions that may be found on the property; and

(4) the Northern Rockies Heritage Center shall, prior to the conveyance and for the first year of operation of the Northern Rockies Heritage Center after the conveyance, establish, to the satisfaction of the Secretary of the Army, that it has the ability to maintain the property described in subsection (a) for the purposes described in paragraph (1).

(d) REVERSIONARY INTEREST.—If the property conveyed pursuant to subsection (b) is used for purposes other than those specified in subsection (c)(1), all right, title, and interest to and in the property shall revert to the United States at no cost to the United States, which shall have immediate right of entry on the land.

(e) DESCRIPTION.—The exact acreage and legal description of the property conveyed under subsection (b) shall be determined by surveys that the Secretary determines are satisfactory. The Northern Rockies Heritage Center shall pay the cost of any survey required by the Secretary.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may establish such additional terms and conditions in connection with the conveyance under subsection (b) as the Secretary considers appropriate to protect the interests of the United States.

(g) CONGRESSIONAL NOTIFICATION.—If the Secretary determines that the property identified in subsection (a) is not excess to the needs of the Department of the Army, the Secretary shall notify Congress in writing of the plans of the Department of the Army for maintaining and utilizing the property. Such notification shall be made not later than 60 days after the date of the enactment of this Act.

SEC. 2819. LAND ACQUISITION, NAVY LARGE CAVITATION CHANNEL, MEMPHIS, TENNESSEE.

(a) AUTHORITY TO ACQUIRE.—The Secretary of the Navy may acquire all right, title, and interest of any party in and to a parcel of real property, including improvements thereon, consisting of approximately 88 acres and located on President's Island, Memphis, Tennessee, the site of the Navy Large Cavitation Channel.

(b) COST OF ACQUISITION.—In acquiring the real property authorized to be acquired under subsection (a), the Secretary shall pay no more than the fair market value of the property, as determined by an appraisal satisfactory to the Secretary.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property authorized to be acquired under subsection (a) shall be determined by a survey that is satisfactory to the Secretary. The cost of the survey shall be borne by the Secretary.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the acquisition under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

(e) SOURCE OF FUNDS FOR ACQUISITION.—Funds for the acquisition of the real property authorized to be acquired under subsection (a) shall be available to the Secretary as provided in section 264.

SEC. 2820. RELEASE OF REVERSIONARY INTEREST, OLD SPANISH TRAIL ARMORY, HARRIS COUNTY, TEXAS.

(a) AUTHORITY TO RELEASE.—The Secretary of the Army may release the reversionary interest of the United States in and to approximately 6.89 acres of real property, including improvements thereon, containing the Old Spanish Trail Armory in Harris County, Texas. The United States acquired the reversionary interest by virtue of a quitclaim deed dated June 18, 1936.

(b) CONDITION.—The Secretary may effectuate the release authorized in subsection (a) only after obtaining satisfactory assurances that the State of Texas shall obtain, in exchange for the real property referred to in subsection (a), a parcel of real property that—

(1) is at least equal in value to the real property referred to in subsection (a), and

(2) beginning on the date on which the State first obtains the new parcel of real property, is subject to the same restrictions and covenants with respect to the United States as are applicable on the date of the enactment of this Act to the real property referred to in subsection (a).

(c) LEGAL DESCRIPTION OF REAL PROPERTY.—The exact acreage and legal descriptions of the real property referred to in subsection (a) shall be determined by a survey satisfactory to the Secretary.

SEC. 2821. GRANT OF EASEMENT, WEST LOCH BRANCH, NAVAL MAGAZINE LUALUALEI, HAWAII.

(a) IN GENERAL.—The Secretary of the Navy may grant to the City and County of Honolulu, Hawaii (in this section referred to as "Honolulu"), an easement on a parcel of real property consisting of not more than approximately 70 acres and located at West Loch Branch, Naval Magazine Lualualei, Hawaii. The purpose of the easement is to permit Honolulu to carry out drainage activities on such real property, and for other public purposes (as determined by the Secretary).

(b) CONSIDERATION.—(1) As consideration for the grant of an easement to Honolulu under subsection (a), Honolulu shall pay to the United States an amount equal to the fair market value of that easement, as determined by the Secretary.

(2) The Secretary may accept from Honolulu, in lieu of payment under paragraph (1), such improvements (including road, fencing, property security, and other improvements) to West Loch Branch, Naval Magazine Lualualei, Hawaii, as the Secretary determines to be equal in fair market value to the easement granted under subsection (a).

(c) USE OF PROCEEDS.—The Secretary shall utilize any funds paid to the United States under subsection (b)(1) for the construction of improvements referred to in subsection (b)(2).

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property subject to the easement granted under this section shall be determined by a survey that is satisfac-

tory to the Secretary. The cost of the survey shall be borne by Honolulu.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2822. REVIEW OF PROPOSED LAND EXCHANGE, FORT SHERIDAN, ILLINOIS, AND ARLINGTON COUNTY, VIRGINIA.

(a) REVIEW REQUIRED.—The Secretary of Defense shall review a proposed exchange of lands under the control of the Secretary of the Army, and lands under the control of the Secretary of the Navy, located at Fort Sheridan, Illinois, for a parcel of real property, consisting of approximately 7.1 acres, located in Arlington County, Virginia, and commonly known as the "Twin Bridges" parcel. The review shall include an evaluation of the use of the "Twin Bridges" parcel for the location of the National Museum of the United States Army, which is proposed to be constructed and operated on the parcel using only donated funds.

(b) REPORT.—Not later than September 24, 1993, the Secretary shall submit to Congress a report describing the results of the review required under subsection (a).

Subtitle C—Changes to Existing Land Transaction Authority

SEC. 2831. MODIFICATION OF LAND CONVEYANCE, NEW LONDON, CONNECTICUT.

(a) CONVEYANCE WITHOUT CONSIDERATION.—Subsection (a) of section 2841 of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1557) is amended by inserting after "convey" the following: ", without consideration,".

(b) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (b), by striking out paragraph (4);

(2) by striking out subsection (c); and

(3) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

SEC. 2832. MODIFICATION OF TERMINATION OF LEASE AND SALE OF FACILITIES, NAVAL RESERVE CENTER, ATLANTA, GEORGIA.

(a) CONSIDERATION.—Subsection (b) of section 2846 of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2623) is amended by striking out "aggregate" and all that follows through "subsection (a)(2)" and inserting in lieu thereof "lesser of the cost of expanding the Marine Corps Reserve Center to be constructed at Dobbins Air Force Base, Georgia, in accordance with subsection (c)(1), or $3,000,000".

(b) USE OF FUNDS.—Subsection (c) of such section is amended—

(1) by striking out paragraph (2);

(2) in paragraph (1)—

(A) by striking out "(A)";

(B) by striking out "subparagraph (B)" and inserting in lieu thereof "paragraph (2)"; and

(C) by redesignating subparagraph (B) as paragraph (2); and

(3) in paragraph (2), as so redesignated, by striking out "subparagraph (A)" and inserting in lieu thereof "paragraph (1)".

(c) LEASEBACK OF FACILITIES.—Such section is further amended—

(1) by redesignating subsection (d) as subsection (e); and

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

"(d) LEASEBACK OF FACILITIES.—The Secretary may lease from the Institute, at fair market rental value, the facilities referred to in subsection (a)(2) after the sale of such facilities referred to in that subsection. The term of such lease may not exceed 2 years.".

SEC. 2833. MODIFICATION OF LEASE AUTHORITY, NAVAL SUPPLY CENTER, OAKLAND, CALIFORNIA.

(a) EXPANSION OF LEASE AUTHORITY.—Paragraph (1) of subsection (b) of section 2834 of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2614) is amended by striking out "not more than 195 acres of real property" and all that follows through the period and inserting in lieu thereof "those portions of the Naval Supply Center, Oakland, California, that the Secretary determines to be available for lease.".

(b) CONSIDERATION.—Paragraph (2) of such subsection is amended—

(1) by striking out "and" at the end of subparagraph (A);

(2) by striking out the period at the end of subparagraph (B) and inserting in lieu thereof "; and"; and

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

"(C) be for nominal consideration.".

(c) CONFORMING AMENDMENTS.—Such subsection is further amended—

(1) in paragraph (2)(B), by striking out "shall";

(2) by striking out paragraphs (3), (4), and (5); and

(3) by redesignating paragraph (6) as paragraph (3).

SEC. 2834. EXPANSION OF LAND TRANSACTION AUTHORITY INVOLVING HUNTERS POINT NAVAL SHIPYARD, SAN FRANCISCO, CALIFORNIA.

Section 2824(a) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101–510; 104 Stat. 1790) is amended by adding at the end the following new paragraph:

"(3) In lieu of entering into a lease under paragraph (1), the Secretary may convey the property described in such paragraph to the City (or a local reuse organization approved by the City) for such consideration and under such terms as the Secretary considers appropriate.".

Subtitle D—Land Transactions Involving Utilities

SEC. 2841. CONVEYANCE OF NATURAL GAS DISTRIBUTION SYSTEM, FORT BELVOIR, VIRGINIA.

(a) AUTHORITY TO CONVEY.—(1) The Secretary of the Army may convey to the Washington Gas Company, Virginia (in this section referred to as "Washington Gas Company"), all right, title, and interest of the United States in and to the natural gas distribution system described in paragraph (2).

(2) The natural distribution gas system referred to in paragraph (1) is the natural gas distribution system located at Fort Belvoir, Virginia, consisting of approximately 15.6 miles of natural gas distribution lines and the equipment, fixtures, structures, and other improvements owned and utilized by the Federal Government at Fort Belvoir in order to provide natural gas to and distribute natural gas at Fort Belvoir. The natural gas distribution system does not include any real property.

(b) RELATED EASEMENTS.—The Secretary may grant to Washington Gas Company the following easements relating to the conveyance of the natural gas distribution system authorized by subsection (a):

(1) Such easements, if any, as the Secretary and Washington Gas Company jointly determine are necessary in order to provide access to the natural gas distribution system for maintenance, safety, and other purposes.

(2) Such rights of way appurtenant, if any, as the Secretary and Washington Gas Company jointly determine are necessary in order to satisfy requirements imposed by any Federal or State agency relating to the maintenance of a buffer zone around the natural gas distribution system.

(c) REQUIREMENT RELATING TO CONVEYANCE.—The Secretary may not carry out the conveyance of the natural gas distribution system authorized in subsection (a) unless Washington Gas Company agrees to accept the system in its existing condition at the time of the conveyance.

(d) CONDITIONS.—The conveyance of the natural gas distribution system authorized by subsection (a) is subject to the following conditions:

(1) That Washington Gas Company provide natural gas to and distribute natural gas at Fort Belvoir at a rate that is no less favorable than the rate Washington Gas Company would charge a public or private consumer of natural gas similar to Fort Belvoir for the provision and distribution of natural gas.

(2) That Washington Gas Company maintain, repair, conduct safety inspections, and conduct leak test surveys required for the natural gas distribution system.

(3) That Washington Gas Company, at no cost to the Federal Government, expand and upgrade the natural gas distribution system as necessary to meet the increasing needs of Fort Belvoir for natural gas that will result from conversion, to the extent anticipated by the Secretary at the time of conveyance, of oil-burning utilities at Fort Belvoir to natural gas-burning utilities.

(4) That Washington Gas Company comply with all applicable environmental laws and regulations (including any permit or license requirements) in providing and distributing natural gas to Fort Belvoir through the natural gas distribution system.

(5) That Washington Gas Company not commence any expansion of the natural gas distribution system without approval of such expansion by the commander of Fort Belvoir.

(e) FAIR MARKET VALUE.—The Secretary shall ensure that the value to the Army of the actions taken by Washington Gas Company in accordance with subsection (d) is at least equal to the fair market value of the natural gas distribution system conveyed pursuant to subsection (a).

(f) REVERSION.—If the Secretary determines at any time that Washington Gas Company is not complying with the conditions set forth in subsection (d), all right, title, and interest of Washington Gas Company in and to the natural gas distribution system conveyed pursuant to subsection (a), including improvements thereto and any modifications made to the system by Washington Gas Company after such conveyance, and any easements granted under subsection (b), shall revert to the United States and the United States shall have the right of immediate possession, including the right to operate the system.

(g) DESCRIPTION OF PROPERTY.—The exact legal description of the equipment, fixtures, structures, and improvements to be conveyed under subsection (a), and of any easements granted under subsection (b), shall be determined in a manner, including by survey, satisfactory to the Secretary. The cost of any survey or other services performed at the direction of the Secretary pursuant to the authority in the preceding sentence shall be borne by Washington Gas Company.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) and the grant of any easement under subsection (b) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2842. CONVEYANCE OF WATER DISTRIBUTION SYSTEM, FORT LEE, VIRGINIA.

(a) AUTHORITY TO CONVEY.—(1) The Secretary of the Army may convey to the American Water Company, Virginia (in this section referred to as "American Water Company"), all right, title, and interest of the United States in and to the water distribution system described in paragraph (2).

(2) The water distribution system described in paragraph (1) is the water distribution system located at Fort Lee, Virginia, consisting of approximately 7 miles of transmission lines, 85 miles of distribution and service lines, fire hydrants, elevated storage tanks, pumping stations, and other improvements, owned and utilized by the Federal Government in order to provide water to and distribute water at Fort Lee. The water distribution system does not include any real property.

(b) RELATED EASEMENTS.—The Secretary may grant to American Water Company the following easements relating to the conveyance of the water distribution system authorized by subsection (a):

(1) Such easements, if any, as the Secretary and American Water Company jointly determine are necessary in order to provide for access by American Water Company to the water distribution system for maintenance, safety, and related purposes.

(2) Such rights of way appurtenant, if any, as the Secretary and American Water Company jointly determine are necessary in order to satisfy requirements imposed by any Federal or State agency relating to the maintenance of a buffer zone around the water distribution system.

(c) REQUIREMENT RELATING TO CONVEYANCE.—The Secretary may not carry out the conveyance of the water distribution system authorized by subsection (a) unless Washington Gas Company agrees to accept the system in its existing condition at the time of the conveyance.

(d) CONDITIONS.—The conveyance of the water distribution system authorized in subsection (a) shall be subject to the following conditions:

(1) That American Water Company provide water to and distribute water at Fort Lee at a rate that is no less favorable than the rate American Water Company would charge a public or private consumer of water similar to Fort Lee for the provision and distribution of water.

(2) That American Water Company maintain, repair, and conduct safety inspections of the water distribution system.

(3) That American Water Company comply with all applicable environmental laws and regulations (including any permit or license requirements) in providing and distributing water at Fort Lee through the water distribution system.

(4) That American Water Company not commence any expansion of the water distribution system without approval of such expansion by the commander of Fort Lee.

(e) FAIR MARKET VALUE.—The Secretary shall ensure that the value to the Army of the actions taken by American Water Company in accordance with subsection (d) is at least equal to the fair market value of the water distribution system conveyed pursuant to subsection (a).

(f) REVERSION.—If the Secretary determines at any time that American Water Company is not complying with the conditions specified in subsection (d), all right, title, and interest of American Water Company in and to the water distribution system conveyed pursuant to subsection (a), including any improvements thereto and any modifications made to the system by American Water Company after such conveyance, and any easements granted under subsection (b), shall revert to the United States and the United States shall have the immediate right of possession, including the right to operate the water distribution system.

(g) DESCRIPTION OF PROPERTY.—The exact legal description of the water distribution system to be conveyed pursuant to subsection (a), including any easements granted with respect to such system under subsection (b), shall be determined in a manner, including by survey, satisfactory to the Secretary. The cost of any survey or other services performed at the direction of the Secretary pursuant to the authority in the preceding sentence shall be borne by American Water Company.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with

the conveyance under subsection (a) and the grant of any easement under subsection (b) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2843. CONVEYANCE OF WASTE WATER TREATMENT FACILITY, FORT PICKETT, VIRGINIA.

(a) AUTHORITY TO CONVEY.—The Secretary of the Army may convey to the Town of Blackstone, Virginia (in this section referred to as the "Town"), all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 11.5 acres, including a waste water treatment facility and other improvements thereon, located at Fort Pickett, Virginia.

(b) CONDITIONS.—The conveyance authorized in subsection (a) shall be subject to the following conditions:

(1) That the Town design and carry out such expansion or improvement of the waste water treatment facility as the Secretary and the Town jointly determine necessary in order to ensure operation of the facility in compliance with all applicable Federal and State environmental laws (including any permit or license requirements).

(2) That the Town operate the waste water treatment facility in compliance with such laws.

(3) That the Town provide disposal services, waste water treatment services, and other related services to Fort Pickett at a rate that is no less favorable than the rate the Town would charge a public or private entity similar to Fort Pickett for the provision of such services.

(4) That the Town reserve 75 percent of the operating capacity of the waste water treatment facility for use by the Army in the event that such use is necessitated by a realignment or change in the operations of Fort Pickett.

(5) That the Town accept liability under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) for any environmental restoration or remediation required at the facility by reason of the provision of waste water treatment services at the facility to entities other than the Army.

(c) FAIR MARKET VALUE.—The Secretary shall ensure that the value to the Army of the actions taken by the Town in accordance with subsection (b) is at least equal to the fair market value of the waste water treatment facility conveyed pursuant to subsection (a).

(d) REVERSION.—If the Secretary determines at any time that the Town is not complying with the conditions specified in subsection (b), all right, title, and interest of the Town in and to the real property (including the waste water treatment system) conveyed under subsection (a), including any improvements thereto and any modifications made to the system by the Town after such conveyance, shall revert to the United States and the United States shall have the right of immediate entry thereon, including the right of access to and operation of the waste water treatment system.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Town.

(f) ENVIRONMENTAL COMPLIANCE.—(1) The Town shall be responsible for compliance with all applicable environmental laws and regulations, including any permit or license requirements, relating to the real property (and any facilities thereon) conveyed under subsection (a). The Town shall also be responsible for executing and constructing environmental improvements to the plant as required by applicable law.

(2) The Secretary, subject to the availability of appropriated funds for this purpose, and the Town shall share future environmental compliance costs based on a pro rata share of reserved plant capacity, as determined by the Secretary.

(3) The Secretary shall complete any environmental removal or remediation required under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) with respect to the real property conveyed under this section before carrying out the conveyance.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance authorized under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2844. CONVEYANCE OF WATER DISTRIBUTION SYSTEM AND RESERVOIR, STEWART ARMY SUBPOST, NEW YORK.

(a) AUTHORITY TO CONVEY.—(1) The Secretary of the Army may convey to the Town of New Windsor, New York (in this section referred to as the "Town"), all right, title, and interest of the United States in and to the property described in paragraph (2).

(2) The property referred to in paragraph (1) is the following property located at the Stewart Army Subpost, New York:

(A) A parcel of real property consisting of approximately 7 acres, including a reservoir and improvements thereon, the site of the Stewart Army Subpost water distribution system.

(B) Any equipment, fixtures, structures, or other improvements (including any water transmission lines, water distribution and service lines, fire hydrants, water pumping stations, and other improvements) not located on the parcel described in subparagraph (A) that are owned and utilized by the Federal Government in order to provide water to and distribute water at Stewart Army Subpost.

(b) RELATED EASEMENTS.—The Secretary may grant to the Town the following easements relating to the conveyance of the property authorized by subsection (a):

(1) Such easements, if any, as the Secretary and the Town jointly determine are necessary in order to provide access to the water distribution system referred to in paragraph (2) of such subsection for maintenance, safety, and other purposes.

(2) Such rights of way appurtenant, if any, as the Secretary and the Town jointly determine are necessary in order to satisfy requirements imposed by any Federal or State agency relating to the maintenance of a buffer zone around the water distribution system.

(c) REQUIREMENTS RELATING TO CONVEYANCE.—(1) The Secretary may not carry out the conveyance of the water distribution system authorized in subsection (a) unless the Town agrees to accept the system in its existing condition at the time of the conveyance.

(2) The Secretary shall complete any environmental removal or remediation required under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) with respect to the facility conveyed under this section before carrying out the conveyance.

(d) CONDITIONS.—The conveyance authorized in subsection (a) shall be subject to the following conditions:

(1) That the Town provide water to and distribute water at Stewart Army Subpost at a rate that is no less favorable than the rate the Town would charge a public or private entity similar to Stewart Army Subpost for the provision and distribution of water.

(2) That the Town operate the water distribution system in compliance with all applicable Federal and State environmental laws and regulations (including any permit and license requirements).

(3) That the Town not commence any expansion of the water distribution system without approval of such expansion by the commander of Stewart Army Subpost.

(e) FAIR MARKET VALUE.—The Secretary shall ensure that the value to the Army of the actions taken by the Town in accordance with subsection (d) is at least equal to the fair market value of the water distribution system conveyed pursuant to subsection (a).

(f) REVERSION.—If the Secretary determines at any time that the Town is not complying with the conditions specified in subsection (d), all right, title, and interest of the Town in and to the property (including the water distribution system) conveyed pursuant to subsection (a), including any improvements thereto and any modifications made to the water distribution system by the Town after such conveyance, shall revert to the United States and the United States shall have the right of immediate entry thereon, including the right of access to and operation of the water distribution system.

(g) DESCRIPTION OF PROPERTY.—The exact legal description of the property to be conveyed under subsection (a), and of any easements granted under subsection (b), shall be determined in a manner, including by survey, satisfactory to the Secretary. The cost of any survey or other services performed at the direction of the Secretary pursuant to the authority in the preceding sentence, shall be borne by the Town.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance authorized under subsection (a) and the easements granted under subsection (b) that the Secretary considers appropriate to protect the interests of the United States.

SEC. 2845. CONVEYANCE OF ELECTRIC POWER DISTRIBUTION SYSTEM, NAVAL AIR STATION, ALAMEDA, CALIFORNIA.

(a) AUTHORITY TO CONVEY.—(1) The Secretary of the Navy may convey to the Bureau of Electricity of the City of Alameda, California (in this section referred to as the "Bureau"), all right, title, and interest of the United States in and to the electric power distribution system described in paragraph (2). The actual conveyance of the system shall be subject to negotiation by and approval of the Secretary.

(2) The electric power distribution system referred to in paragraph (1) is the electric power distribution system located at the Naval Air Station, Alameda, California, including such utility easements and right of ways as the Secretary and the Bureau consider to be necessary or appropriate to provide for ingress to and egress from the electric power distribution system.

(b) REQUIREMENT RELATING TO CONVEYANCE.—The Secretary may not carry out the conveyance of the electric power distribution system authorized by subsection (a) unless the Bureau agrees to accept the system in its existing condition at the time of the conveyance.

(c) CONDITIONS.—The conveyance of the electric power distribution system authorized in subsection (a) shall be subject to the following conditions:

(1) That the Bureau provide electric power to the Naval Air Station at a rate that is no less favorable than the rate the Bureau would charge a public or private consumer of electricity similar to the Naval Air Station for the provision and distribution of electricity.

(2) That the Bureau comply with all applicable environmental laws and regulations, including any permit or license requirements, in providing and distributing electricity at the Naval Air Station through the electric power distribution system.

(3) That the Bureau not commence any expansion of the electric power distribution system without the approval of the expansion by the Secretary.

(4) That the Bureau assume the responsibility for ownership, operation, maintenance, repair, and safety inspections for the electric power distribution system.

(d) FAIR MARKET VALUE.—The Secretary shall ensure that the value to the Navy of the actions taken by the Bureau in accordance with subsection (c) is at least equal to the fair market value of the electric power distribution system conveyed pursuant to subsection (a).

(e) REVERSION.—If the Secretary determines at any time that the Bureau is not complying with the conditions specified in subsection (c), all right, title, and interest of the Bureau in and to the electric power distribution system conveyed pursuant to subsection (a), including any improvements or modifications to the system, shall revert to the United States and the United States shall have the right of immediate access to the system, including the right to operate the system.

(f) DESCRIPTION OF PROPERTY.—The exact legal description of the electric power distribution system to be conveyed pursuant to subsection (a), including any easements granted as part of the conveyance, shall be determined in a manner, including by survey, satisfactory to the Secretary. The cost of any survey or other services performed at the direction of the Secretary pursuant to the authority in the preceding sentence shall be borne by the Bureau.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) and the grant of any easement as part of the conveyance as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2846. CONVEYANCE OF ELECTRICITY DISTRIBUTION SYSTEM, FORT DIX, NEW JERSEY.

(a) AUTHORITY TO CONVEY.—(1) The Secretary of the Army may convey to the Jersey Central Power and Light Company, New Jersey (in this section referred to as "Jersey Central"), all right, title, and interest of the United States in and to the electricity distribution system described in paragraph (2).

(2) The electricity distribution system referred to in paragraph (1) is the electricity distribution system located at Fort Dix, New Jersey, consisting of approximately 145.6 miles of electricity distribution lines, as well as electricity poles, transformers, electricity substations, and other electricity distribution improvements owned and utilized by the Federal Government in order to provide electricity to and distribute electricity at Fort Dix. The electricity distribution system does not include any real property.

(b) RELATED EASEMENTS.—The Secretary may grant to Jersey Central the following easements relating to the conveyance of the electricity distribution system authorized by subsection (a):

(1) Such easements, if any, as the Secretary and Jersey Central jointly determine are necessary in order to provide for the access by Jersey Central to the electricity distribution system for maintenance, safety, and related purposes.

(2) Such rights of way appurtenant, if any, as the Secretary and Jersey Central jointly determine are necessary in order to satisfy the requirements imposed by any Federal or State agency relating to the maintenance of a buffer zone around the electricity distribution system.

(c) REQUIREMENT RELATING TO CONVEYANCE.—The Secretary may not carry out the conveyance of the electricity distribution system authorized by subsection (a) unless Jersey Central agrees to accept the system in its existing condition at the time of the conveyance.

(d) CONDITIONS.—The conveyance of the electricity distribution system authorized in subsection (a) shall be subject to the following conditions:

(1) That Jersey Central provide electricity to and distribute electricity at Fort Dix at a rate that is no less favorable than the rate Jersey Central would charge a public or private consumer of electricity similar to Fort Dix for the provision and distribution of electricity.

(2) That Jersey Central carry out safety upgrades to permit the distribution system to carry electricity at up to 13,800 volts.

(3) That Jersey Central improve the electricity distribution system by installing additional lightning protection devices in such a manner as to permit the installation of air conditioning in family housing units.

(4) That Jersey Central maintain and repair, and conduct safety inspections and power factor surveys, of the electricity distribution system.

(5) That Jersey Central comply with all applicable environmental laws and regulations (including any permit or license requirements) in providing and distributing electricity at Fort Dix through the electricity distribution system.

(6) That Jersey Central not commence any expansion of the electricity distribution system without approval of such expansion by the commander of Fort Dix.

(e) FAIR MARKET VALUE.—The Secretary shall ensure that the value to the Army of the actions taken by Jersey Central in accordance with subsection (d) is at least equal to the fair market value of the electricity distribution system conveyed pursuant to subsection (a).

(f) REVERSION.—If the Secretary determines at any time that Jersey Central is not complying with the conditions specified in subsection (d), all right, title, and interest of Jersey Central in and to the electrical distribution system conveyed pursuant to subsection (a), including any improvements thereto and any modifications made to the system by Jersey Central after such conveyance, and any easements granted under subsection (b), shall revert to the United States and the United States shall have the right of immediate entry thereon, including the right to operate the electricity distribution system.

(g) DESCRIPTION OF PROPERTY.—The exact legal description of the electricity distribution system to be conveyed pursuant to subsection (a), and of any easements granted under subsection (b), shall be determined in a manner, including by survey, satisfactory to the Secretary. The cost of any survey or other services performed at the direction of the Secretary pursuant to the authority in the preceding sentence shall be borne by Jersey Central.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) and the grant of any easement under subsection (b) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2847. LEASE AND JOINT USE OF CERTAIN REAL PROPERTY, MARINE CORPS BASE, CAMP PENDLETON, CALIFORNIA.

(a) LEASE AUTHORIZED.—The Secretary of the Navy may lease to Tri-Cities Municipal Water District, a special governmental district of the State of California (in the section referred to as the "District"), such interests in real property located on, under, and within the northern portion of the Marine Corps Base, Camp Pendleton, California, as the Secretary determines to be necessary for the District to develop, operate, and maintain water extraction and distribution facilities for the mutual benefit of the District and Camp Pendleton. The lease may be for a period of up to 50 years, or such additional period as the Secretary determines to be in the interests of the United States.

(b) CONSIDERATION.—As consideration for the lease of real property under subsection (a), the District shall—

(1) construct, operate, and maintain such improvements as are necessary to fully develop the potential of the lower San Mateo Water Basin for sustained yield and storage of imported water for the joint benefit of the District and Camp Pendleton;

(2) assume operating and maintenance responsibilities for the existing water extraction, storage, distribution, and related infrastructure within the northern portion of Camp Pendleton; and

(3) pay to the United States, in the form of cash or additional services, an amount equal to the amount, if any, by which the fair market value of the real property interests leased under subsection (a) exceeds the fair market value of the services provided under paragraphs (1) and (2).

(c) DETERMINATION OF FAIR MARKET VALUE.—The Secretary shall establish a system of accounts to establish the relative costs and benefits accruing to the District and the United States under the lease under subsection (a) and to ensure that the United States receives at least fair market value for such lease, as determined by an independent appraisal acceptable to the Secretary.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the lease under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

Subtitle E—Other Matters

SEC. 2851. CONVEYANCE OF REAL PROPERTY AT MISSILE SITES TO ADJACENT LANDOWNERS.

(a) EXERCISE OF AUTHORITY BY ADMINISTRATOR OF GSA.—Section 9781 of title 10, United States Code, is amended—

(1) in subsection (a)(1), by striking out "Secretary of the Air Force" and inserting in lieu thereof "Administrator of General Services";

(2) in subsection (c), by striking out "Secretary" and inserting in lieu thereof "Administrator";

(3) in subsection (e)—

(A) by striking out "Secretary" the first place it appears and inserting in lieu thereof "Secretary of the Air Force"; and

(B) by striking out "Secretary" the second place it appears and inserting in lieu thereof "Administrator"; and

(4) in subsection (f), by striking out "Secretary" and inserting in lieu thereof "Administrator".

(b) ELIGIBLE LANDS.—Subsection (a)(2) of such section is amended by striking out subparagraph (D) and inserting in lieu thereof the following new subparagraph:

"(D) is surrounded by lands that are adjacent to such tract and that—

"(i) are owned in fee simple by one owner, either individually or by more than one person jointly, in common, or by the entirety; or

"(ii) are owned separately by two or more owners.".

(c) DISPOSITION.—Subsection (b) of such section is amended to read as follows:

"(b)(1)(A) Whenever the interest of the United States in a tract of real property or easement referred to in subsection (a) is available for disposition under this section, the Administrator shall transmit a notice of the availability of the real property or easement to each person described in subsection (a)(2)(D)(i) who owns lands adjacent to that real property or easement.

"(B) The Administrator shall convey, for fair market value, the interest of the United States in a tract of land referred to in subsection (a), or in any easement in connection with such a tract of land, to any person or persons described in subsection (a)(2)(D)(i) who, with respect to such land, are ready, willing, and able to purchase such interest for the fair market value of such interest.

"(2)(A) In the case of a tract of real property referred to in subsection (a) that is surrounded by adjacent lands that are owned

separately by two or more owners, the Administrator shall dispose of that tract of real property in accordance with this paragraph. In disposing of the real property, the Administrator shall satisfy the requirements specified in paragraph (1) regarding notice to owners, sale at fair market value, and the determination of the qualifications of the purchaser.

"(B) The Administrator shall dispose of such a tract of real property through a sealed bid competitive sale. The Administrator shall afford an opportunity to compete to acquire the interest of the United States in the real property to all of the persons described in subsection (a)(2)(D)(ii) who own lands adjacent to that real property. The Administrator shall restrict to these persons the opportunity to compete in the sealed bid competitive sale.

"(C) Subject to subparagraph (D), the Administrator shall convey the interest of the United States in the tract of real property to the highest bidder.

"(D) If all of the bids received by the Administrator in the sealed bid competitive sale of the tract of real property are less than the fair market value of the real property, the Administrator shall dispose of the real property in accordance with the provisions of title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.).".

SEC. 2852. PROHIBITION ON USE OF FUNDS FOR PLANNING AND DESIGN OF DEPARTMENT OF DEFENSE VACCINE PRODUCTION FACILITY.

(a) PROHIBITION.—None of the funds authorized to be appropriated for the Department of Defense for fiscal year 1994 may be obligated for architectural and engineering services or for construction design in connection with the Department of Defense vaccine production facility.

(b) REPORT.—Not later than February 1, 1994, the Secretary of Defense, in consultation with the Secretary of the Army, shall submit to the congressional defense committees a report containing a complete explanation of the necessity for constructing within the United States a Department of Defense facility for the production of vaccine for the Department of Defense.

SEC. 2853. GRANT RELATING TO ELEMENTARY SCHOOL FOR DEPENDENTS OF DEPARTMENT OF DEFENSE PERSONNEL, FORT BELVOIR, VIRGINIA.

(a) GRANT AUTHORIZED.—The Secretary of the Army may make a grant to the Fairfax County School Board, Virginia, in order to assist the School Board in constructing a public elementary school facility, to be owned and operated by the School Board, in the vicinity of Fort Belvoir, Virginia.

(b) CAPACITY REQUIREMENT.—The school facility constructed with the grant made under subsection (a) shall be sufficient (as determined by the Secretary) to accommodate the dependents of members of the Armed Forces assigned to duty at Fort Belvoir and the dependents of employees of the Department of Defense employed at Fort Belvoir.

(c) MAXIMUM AMOUNT OF GRANT.—The amount of the grant under this section may not exceed $8,000,000.

(d) REQUIREMENTS RELATING TO CONSTRUCTION OF SCHOOL.—(1) The Fairfax County School Board shall establish the design and function specifications applicable to the elementary school facility constructed with the grant made under this section.

(2) The Fairfax County School Board shall be responsible for soliciting bids and awarding contracts for the construction of the school facility and shall undertake responsibility for the timely construction of the school facility under such contracts.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms and conditions in connection with the grant authorized under subsection (a) that the Secretary considers appropriate to protect the interests of the United States.

SEC. 2854. ALLOTMENT OF SPACE IN FEDERAL BUILDINGS TO CREDIT UNIONS.

Section 124 of the Federal Credit Union Act (12 U.S.C. 1770) is amended in the first sentence—

(1) by striking out "at least 95 per centum" and all that follows through "and the members of their families,"; and

(2) by striking out "allot space to such credit union" and all that follows through the period and inserting in lieu thereof "allot space to such credit union without charge for rent or services if at least 95 percent of the membership of the credit union to be served by the allotment of space is composed of persons who either are presently Federal employees or were Federal employees at the time of admission into the credit union, and members of their families, and if space is available.".

SEC. 2855. FLOOD CONTROL PROJECT FOR COYOTE AND BERRYESSA CREEKS, CALIFORNIA.

(a) COYOTE AND BERRYESSA CREEKS, SANTA CLARA COUNTY, CALIFORNIA.—The Secretary of the Army is directed to construct a flood control project for Coyote and Berryessa Creeks in Santa Clara County, California, using amounts appropriated for civil works activities of the Corps of Engineers for fiscal year 1994.

(b) MAXIMUM COST REQUIREMENT.—Section 902 of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4183) shall not apply with respect to the project described in subsection (a).

SEC. 2856. RESTRICTIONS ON LAND TRANSACTIONS RELATING TO THE PRESIDIO OF SAN FRANCISCO, CALIFORNIA.

The Secretary of Defense (or the Secretary of the Army as the designee of the Secretary of Defense) may not transfer any parcel of real property (or any improvement thereon) located at the Presidio of San Francisco, California, from the jurisdiction and control of the Department of the Army to the jurisdiction and control of the Department of the Interior unless and until—

(1) the Secretary of the Army determines that the parcel proposed for transfer is excess to the needs of the Army; and

(2) the Secretary of Defense submits to the Committees on Armed Services of the Senate and House of Representatives a report describing the terms and conditions—

(A) under which transfers of real property at the Presidio will take place; and

(B) under which the Army will continue to use facilities at the Presidio after such transfers.

TITLE XXIX—DEFENSE BASE CLOSURE AND REALIGNMENT

Subtitle A—Base Closure Community Assistance

SEC. 2901. FINDINGS.

10 USC 2687 note.

Congress makes the following findings:

(1) The closure and realignment of military installations within the United States is a necessary consequence of the end of the Cold War and of changed United States national security requirements.

(2) A military installation is a significant source of employment for many communities, and the closure or realignment of an installation may cause economic hardship for such communities.

(3) It is in the interest of the United States that the Federal Government facilitate the economic recovery of communities that experience adverse economic circumstances as a result of the closure or realignment of a military installation.

(4) It is in the interest of the United States that the Federal Government assist communities that experience adverse economic circumstances as a result of the closure of military installations by working with such communities to identify and implement means of reutilizing or redeveloping such installations in a beneficial manner or of otherwise revitalizing such communities and the economies of such communities.

(5) The Federal Government may best identify and implement such means by requiring that the head of each department or agency of the Federal Government having jurisdiction over a matter arising out of the closure of a military installation under a base closure law, or the reutilization and redevelopment of such an installation, designate for each installation to be closed an individual in such department or agency who shall provide information and assistance to the transition coordinator for the installation designated under section 2915 on the assistance, programs, or other activities of such department or agency with respect to the closure or reutilization and redevelopment of the installation.

(6) The Federal Government may also provide such assistance by accelerating environmental restoration at military installations to be closed, and by closing such installations, in a manner that best ensures the beneficial reutilization and redevelopment of such installations by such communities.

(7) The Federal Government may best contribute to such reutilization and redevelopment by making available real and personal property at military installations to be closed to communities affected by such closures on a timely basis, and, if appropriate, at less than fair market value.

SEC. 2902. PROHIBITION ON TRANSFER OF CERTAIN PROPERTY LOCATED AT MILITARY INSTALLATIONS TO BE CLOSED.

(a) CLOSURES UNDER 1988 ACT.—(1) Section 204(b) of the Defense Authorization Amendments and Base Closure and Realign-

ment Act (title II of Public Law 100–526; 10 U.S.C. 2687 note) is amended—

(A) in paragraph (2)(E), by striking out "paragraphs (3) and (4)" and inserting in lieu thereof "paragraphs (3) through (6)";

(B) by redesignating paragraph (4) as paragraph (7); and

(C) by striking out paragraph (3) and inserting in lieu thereof the following new paragraph (3):

"(3)(A) Not later than 6 months after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1994, the Secretary, in consultation with the redevelopment authority with respect to each military installation to be closed under this title after such date of enactment, shall—

"(i) inventory the personal property located at the installation; and

"(ii) identify the items (or categories of items) of such personal property that the Secretary determines to be related to real property and anticipates will support the implementation of the redevelopment plan with respect to the installation.

"(B) If no redevelopment authority referred to in subparagraph (A) exists with respect to an installation, the Secretary shall consult with—

"(i) the local government in whose jurisdiction the installation is wholly located; or

"(ii) a local government agency or State government agency designated for the purpose of such consultation by the chief executive officer of the State in which the installation is located.

"(C)(i) Except as provided in subparagraphs (E) and (F), the Secretary may not carry out any of the activities referred to in clause (ii) with respect to an installation referred to in that clause until the earlier of—

"(I) one week after the date on which the redevelopment plan for the installation is submitted to the Secretary;

"(II) the date on which the redevelopment authority notifies the Secretary that it will not submit such a plan;

"(III) twenty-four months after the date referred to in subparagraph (A); or

"(IV) ninety days before the date of the closure of the installation.

"(ii) The activities referred to in clause (i) are activities relating to the closure of an installation to be closed under this title as follows:

"(I) The transfer from the installation of items of personal property at the installation identified in accordance with subparagraph (A).

"(II) The reduction in maintenance and repair of facilities or equipment located at the installation below the minimum levels required to support the use of such facilities or equipment for nonmilitary purposes.

"(D) Except as provided in paragraph (4), the Secretary may not transfer items of personal property located at an installation to be closed under this title to another installation, or dispose of such items, if such items are identified in the redevelopment plan for the installation as items essential to the reuse or redevelopment of the installation.

"(E) This paragraph shall not apply to any related personal property located at an installation to be closed under this title if the property—

"(i) is required for the operation of a unit, function, component, weapon, or weapons system at another installation;

"(ii) is uniquely military in character, and is likely to have no civilian use (other than use for its material content or as a source of commonly used components);

"(iii) is not required for the reutilization or redevelopment of the installation (as jointly determined by the Secretary and the redevelopment authority);

"(iv) is stored at the installation for purposes of distribution (including spare parts or stock items); or

"(v)(I) meets known requirements of an authorized program of another Federal department or agency for which expenditures for similar property would be necessary, and (II) is the subject of a written request by the head of the department or agency.

"(F) Notwithstanding subparagraphs (C)(i) and (D), the Secretary may carry out any activity referred to in subparagraph (C)(ii) or (D) if the Secretary determines that the carrying out of such activity is in the national security interest of the United States.".

(2) Section 204(b)(7)(A)(ii) of such Act, as redesignated by paragraph (1)(B), is amended by striking out "paragraph (3)" and inserting in lieu thereof "paragraphs (3) through (6)".

(b) CLOSURES UNDER 1990 ACT.—Section 2905(b) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(1) in paragraph (2)(A), by inserting "and paragraphs (3), (4), (5), and (6)" after "Subject to subparagraph (C)"; and

(2) by adding at the end the following:

"(3)(A) Not later than 6 months after the date of approval of the closure of a military installation under this part, the Secretary, in consultation with the redevelopment authority with respect to the installation, shall—

"(i) inventory the personal property located at the installation; and

"(ii) identify the items (or categories of items) of such personal property that the Secretary determines to be related to real property and anticipates will support the implementation of the redevelopment plan with respect to the installation.

"(B) If no redevelopment authority referred to in subparagraph (A) exists with respect to an installation, the Secretary shall consult with—

"(i) the local government in whose jurisdiction the installation is wholly located; or

"(ii) a local government agency or State government agency designated for the purpose of such consultation by the chief executive officer of the State in which the installation is located.

"(C)(i) Except as provided in subparagraphs (E) and (F), the Secretary may not carry out any of the activities referred to in clause (ii) with respect to an installation referred to in that clause until the earlier of—

"(I) one week after the date on which the redevelopment plan for the installation is submitted to the Secretary;

"(II) the date on which the redevelopment authority notifies the Secretary that it will not submit such a plan;

"(III) twenty-four months after the date of approval of the closure of the installation; or

"(IV) ninety days before the date of the closure of the installation.

"(ii) The activities referred to in clause (i) are activities relating to the closure of an installation to be closed under this part as follows:

"(I) The transfer from the installation of items of personal property at the installation identified in accordance with subparagraph (A).

"(II) The reduction in maintenance and repair of facilities or equipment located at the installation below the minimum levels required to support the use of such facilities or equipment for nonmilitary purposes.

"(D) Except as provided in paragraph (4), the Secretary may not transfer items of personal property located at an installation to be closed under this part to another installation, or dispose of such items, if such items are identified in the redevelopment plan for the installation as items essential to the reuse or redevelopment of the installation.

"(E) This paragraph shall not apply to any personal property located at an installation to be closed under this part if the property—

"(i) is required for the operation of a unit, function, component, weapon, or weapons system at another installation;

"(ii) is uniquely military in character, and is likely to have no civilian use (other than use for its material content or as a source of commonly used components);

"(iii) is not required for the reutilization or redevelopment of the installation (as jointly determined by the Secretary and the redevelopment authority);

"(iv) is stored at the installation for purposes of distribution (including spare parts or stock items); or

"(v)(I) meets known requirements of an authorized program of another Federal department or agency for which expenditures for similar property would be necessary, and (II) is the subject of a written request by the head of the department or agency.

"(F) Notwithstanding subparagraphs (C)(i) and (D), the Secretary may carry out any activity referred to in subparagraph (C)(ii) or (D) if the Secretary determines that the carrying out of such activity is in the national security interest of the United States.".

10 USC 2687 note.

(c) APPLICABILITY.—For the purposes of section 2905(b)(3) of the Defense Base Closure and Realignment Act of 1990, as added by subsection (b), the date of approval of closure of any installation approved for closure before the date of the enactment of this Act shall be deemed to be the date of the enactment of this Act.

SEC. 2903. AUTHORITY TO TRANSFER PROPERTY AT CLOSED INSTALLATIONS TO AFFECTED COMMUNITIES AND STATES.

(a) AUTHORITY UNDER 1988 ACT.—Section 204(b) of the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100–526; 10 U.S.C. 2687 note), as amended by section 2902(a), is further amended by adding after paragraph (3), as so added, the following:

"(4)(A) The Secretary may transfer real property and personal property located at a military installation to be closed under this title to the redevelopment authority with respect to the installation.

"(B)(i)(I) Except as provided in clause (ii), the transfer of property under subparagraph (A) may be for consideration at or below the estimated fair market value of the property transferred or without consideration. Such consideration may include consideration in kind (including goods and services), real property and improvements, or such other consideration as the Secretary considers appropriate. The Secretary shall determine the estimated fair market value of the property to be transferred under this subparagraph before carrying out such transfer.

"(II) The Secretary shall prescribe regulations that set forth guidelines for determining the amount, if any, of consideration required for a transfer under this paragraph. Such regulations shall include a requirement that, in the case of each transfer under this paragraph for consideration below the estimated fair market value of the property transferred, the Secretary provide an explanation why the transfer is not for the estimated fair market value of the property transferred (including an explanation why the transfer cannot be carried out in accordance with the authority provided to the Secretary pursuant to paragraph (1) or (2)). Regulations.

"(ii) The transfer of property under subparagraph (A) shall be without consideration in the case of any installation located in a rural area whose closure under this title will have a substantial adverse impact (as determined by the Secretary) on the economy of the communities in the vicinity of the installation and on the prospect for the economic recovery of such communities from such closure. The Secretary shall prescribe in the regulations under clause (i)(II) the manner of determining whether communities are eligible for the transfer of property under this clause.

"(iii) In the case of a transfer under subparagraph (A) for consideration below the fair market value of the property transferred, the Secretary may recoup from the transferee of such property such portion as the Secretary determines appropriate of the amount, if any, by which the sale or lease of such property by such transferee exceeds the amount of consideration paid to the Secretary for such property by such transferee. The Secretary shall prescribe regulations for determining the amount of recoupment under this clause.

"(C)(i) The transfer of personal property under subparagraph (A) shall not be subject to the provisions of sections 202 and 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483, 484) if the Secretary determines that the transfer of such property is necessary for the effective implementation of a redevelopment plan with respect to the installation at which such property is located.

"(ii) The Secretary may, in lieu of the transfer of property referred to in subparagraph (A), transfer personal property similar to such property (including property not located at the installation) if the Secretary determines that the transfer of such similar property is in the interest of the United States.

"(D) The provisions of section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)) shall apply to any transfer of real property under this paragraph.

"(E) The Secretary may require any additional terms and conditions in connection with a transfer under this paragraph as such Secretary considers appropriate to protect the interests of the United States.".

(b) AUTHORITY UNDER 1990 ACT.—Section 2905(b) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), as amended by section 2902(b), is further amended by adding at the end the following:

"(4)(A) The Secretary may transfer real property and personal property located at a military installation to be closed under this part to the redevelopment authority with respect to the installation.

"(B)(i)(I) Except as provided in clause (ii), the transfer of property under subparagraph (A) may be for consideration at or below the estimated fair market value of the property transferred or without consideration. Such consideration may include consideration in kind (including goods and services), real property and improvements, or such other consideration as the Secretary considers appropriate. The Secretary shall determine the estimated fair market value of the property to be transferred under this subparagraph before carrying out such transfer.

Regulations.

"(II) The Secretary shall prescribe regulations that set forth guidelines for determining the amount, if any, of consideration required for a transfer under this paragraph. Such regulations shall include a requirement that, in the case of each transfer under this paragraph for consideration below the estimated fair market value of the property transferred, the Secretary provide an explanation why the transfer is not for the estimated fair market value of the property transferred (including an explanation why the transfer cannot be carried out in accordance with the authority provided to the Secretary pursuant to paragraph (1) or (2)).

"(ii) The transfer of property under subparagraph (A) shall be without consideration in the case of any installation located in a rural area whose closure under this part will have a substantial adverse impact (as determined by the Secretary) on the economy of the communities in the vicinity of the installation and on the prospect for the economic recovery of such communities from such closure. The Secretary shall prescribe in the regulations under clause (i)(II) the manner of determining whether communities are eligible for the transfer of property under this clause.

"(iii) In the case of a transfer under subparagraph (A) for consideration below the fair market value of the property transferred, the Secretary may recoup from the transferee of such property such portion as the Secretary determines appropriate of the amount, if any, by which the sale or lease of such property by such transferee exceeds the amount of consideration paid to the Secretary for such property by such transferee. The Secretary shall prescribe regulations for determining the amount of recoupment under this clause.

"(C)(i) The transfer of personal property under subparagraph (A) shall not be subject to the provisions of sections 202 and 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483, 484) if the Secretary determines that the transfer of such property is necessary for the effective implementation of a redevelopment plan with respect to the installation at which such property is located.

"(ii) The Secretary may, in lieu of the transfer of property referred to in subparagraph (A), transfer property similar to such property (including property not located at the installation) if the Secretary determines that the transfer of such similar property is in the interest of the United States.

"(D) The provisions of section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)) shall apply to any transfer of real property under this paragraph.

"(E) The Secretary may require any additional terms and conditions in connection with a transfer under this paragraph as such Secretary considers appropriate to protect the interests of the United States.".

(c) CONSIDERATION OF ECONOMIC NEEDS.—In order to maximize the local and regional benefit from the reutilization and redevelopment of military installations that are closed, or approved for closure, pursuant to the operation of a base closure law, the Secretary of Defense shall consider locally and regionally delineated economic development needs and priorities into the process by which the Secretary disposes of real property and personal property as part of the closure of a military installation under a base closure law. In determining such needs and priorities, the Secretary shall take into account the redevelopment plan developed for the military installation involved. The Secretary shall ensure that the needs of the homeless in the communities affected by the closure of such installations are taken into consideration in the redevelopment plan with respect to such installations. 10 USC 2687 note.

(d) COOPERATION.—The Secretary of Defense shall cooperate with the State in which a military installation referred to in subsection (c) is located, with the redevelopment authority with respect to the installation, and with local governments and other interested persons in communities located near the installation in implementing the entire process of disposal of the real property and personal property at the installation. 10 USC 2687 note.

SEC. 2904. EXPEDITED DETERMINATION OF TRANSFERABILITY OF EXCESS PROPERTY OF INSTALLATIONS TO BE CLOSED.

(a) DETERMINATIONS UNDER 1988 ACT.—Section 204(b) of the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100–526; 10 U.S.C. 2687 note), as amended by section 2903(a), is further amended by adding after paragraph (4), as so added, the following:

"(5)(A) Except as provided in subparagraph (B), the Secretary shall take such actions as the Secretary determines necessary to ensure that final determinations under subsection (b)(1) regarding whether another department or agency of the Federal Government has identified a use for any portion of a military installation to be closed under this title after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1994, or will accept transfer of any portion of such installation, are made not later than 6 months after such date of enactment.

"(B) The Secretary may, in consultation with the redevelopment authority with respect to an installation, postpone making the final determinations referred to in subparagraph (A) with respect to the installation for such period as the Secretary determines appropriate if the Secretary determines that such postponement

is in the best interests of the communities affected by the closure of the installation.".

(b) DETERMINATIONS UNDER 1990 ACT.—Section 2905(b) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), as amended by section 2903(b), is further amended by adding at the end the following:

"(5)(A) Except as provided in subparagraph (B), the Secretary shall take such actions as the Secretary determines necessary to ensure that final determinations under subsection (b)(1) regarding whether another department or agency of the Federal Government has identified a use for any portion of a military installation to be closed under this part, or will accept transfer of any portion of such installation, are made not later than 6 months after the date of approval of closure of that installation.

"(B) The Secretary may, in consultation with the redevelopment authority with respect to an installation, postpone making the final determinations referred to in subparagraph (A) with respect to the installation for such period as the Secretary determines appropriate if the Secretary determines that such postponement is in the best interests of the communities affected by the closure of the installation.".

(c) APPLICABILITY.—The Secretary of Defense shall make the determinations required under section 2905(b)(5) of the Defense Base Closure and Realignment Act of 1990, as added by subsection (b), in the case of installations approved for closure under such Act before the date of the enactment of this Act, not later than 6 months after the date of the enactment of this Act.

SEC. 2905. AVAILABILITY OF PROPERTY FOR ASSISTING THE HOMELESS.

(a) AVAILABILITY OF PROPERTY UNDER 1988 ACT.—Section 204(b) of the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100–526; 10 U.S.C. 2687 note), as amended by section 2904(a), is further amended by adding after paragraph (5), as so added, the following:

"(6)(A) Except as provided in this paragraph, nothing in this section shall limit or otherwise affect the application of the provisions of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 et seq.) to military installations closed under this title.

"(B)(i) Not later than the date on which the Secretary of Defense completes the determination under paragraph (5) of the transferability of any portion of an installation to be closed under this title, the Secretary shall—

"(I) complete any determinations or surveys necessary to determine whether any building or property referred to in clause (ii) is excess property, surplus property, or unutilized or underutilized property for the purpose of the information referred to in section 501(a) of such Act (42 U.S.C. 11411(a)); and

"(II) submit to the Secretary of Housing and Urban Development information on any building or property that is so determined.

"(ii) The buildings and property referred to in clause (i) are any buildings or property located at an installation referred to in that clause for which no use is identified, or of which no Federal

department or agency will accept transfer, pursuant to the determination of transferability referred to in that clause.

"(C) Not later than 60 days after the date on which the Secretary of Defense submits information to the Secretary of Housing and Urban Development under subparagraph (B)(ii), the Secretary of Housing and Urban Development shall—

"(i) identify the buildings and property described in such information that are suitable for use to assist the homeless;

"(ii) notify the Secretary of Defense of the buildings and property that are so identified;

"(iii) publish in the Federal Register a list of the buildings and property that are so identified, including with respect to each building or property the information referred to in section 501(c)(1)(B) of such Act; and

Federal Register, publication.

"(iv) make available with respect to each building and property the information referred to in section 501(c)(1)(C) of such Act in accordance with such section 501(c)(1)(C).

"(D) Any buildings and property included in a list published under subparagraph (C)(iii) shall be treated as property available for application for use to assist the homeless under section 501(d) of such Act.

"(E) The Secretary of Defense shall make available in accordance with section 501(f) of such Act any buildings or property referred to in subparagraph (D) for which—

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"(i) a written notice of an intent to use such buildings or property to assist the homeless is received by the Secretary of Health and Human Services in accordance with section 501(d)(2) of such Act;

"(ii) an application for use of such buildings or property for such purpose is submitted to the Secretary of Health and Human Services in accordance with section 501(e)(2) of such Act; and

"(iii) the Secretary of Health and Human Services—

"(I) completes all actions on the application in accordance with section 501(e)(3) of such Act; and

"(II) approves the application under section 501(e) of such Act.

"(F)(i) Subject to clause (ii), a redevelopment authority may express in writing an interest in using buildings and property referred to in subparagraph (D), or use such buildings and property, in accordance with the redevelopment plan with respect to the installation at which such buildings and property are located as follows:

"(I) If no written notice of an intent to use such buildings or property to assist the homeless is received by the Secretary of Health and Human Services in accordance with section 501(d)(2) of such Act during the 60-day period beginning on the date of the publication of the buildings and property under subparagraph (C)(iii).

"(II) In the case of buildings and property for which such notice is so received, if no completed application for use of the buildings or property for such purpose is received by the Secretary of Health and Human Services in accordance with section 501(e)(2) of such Act during the 90-day period beginning on the date of the receipt of such notice.

"(III) In the case of building and property for which such application is so received, if the Secretary of Health and Human

Services rejects the application under section 501(e) of such Act.

"(ii) Buildings and property shall be available only for the purpose of permitting a redevelopment authority to express in writing an interest in the use of such buildings and property, or to use such buildings and property, under clause (i) as follows:

"(I) In the case of buildings and property referred to in clause (i)(I), during the one-year period beginning on the first day after the 60-day period referred to in that clause.

"(II) In the case of buildings and property referred to in clause (i)(II), during the one-year period beginning on the first day after the 90-day period referred to in that clause.

"(III) In the case of buildings and property referred to in clause (i)(III), during the one-year period beginning on the date of the rejection of the application referred to in that clause.

"(iii) A redevelopment authority shall express an interest in the use of buildings and property under this subparagraph by notifying the Secretary of Defense, in writing, of such an interest.

"(G)(i) Buildings and property available for a redevelopment authority under subparagraph (F) shall not be available for use to assist the homeless under section 501 of such Act while so available for a redevelopment authority.

"(ii) If a redevelopment authority does not express an interest in the use of buildings or property, or commence the use of buildings or property, under subparagraph (F) within the applicable time periods specified in clause (ii) of such subparagraph, such buildings or property shall be treated as property available for use to assist the homeless under section 501(a) of such Act.".

(b) AVAILABILITY OF PROPERTY UNDER 1990 ACT.—Section 2905(b) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), as amended by section 2904(b), is further amended by adding at the end the following:

"(6)(A) Except as provided in this paragraph, nothing in this section shall limit or otherwise affect the application of the provisions of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 et seq.) to military installations closed under this part.

"(B)(i) Not later than the date on which the Secretary of Defense completes the determination under paragraph (5) of the transferability of any portion of an installation to be closed under this part, the Secretary shall—

"(I) complete any determinations or surveys necessary to determine whether any building or property referred to in clause (ii) is excess property, surplus property, or unutilized or underutilized property for the purpose of the information referred to in section 501(a) of such Act (42 U.S.C. 11411(a)); and

"(II) submit to the Secretary of Housing and Urban Development information on any building or property that is so determined.

"(ii) The buildings and property referred to in clause (i) are any buildings or property located at an installation referred to in that clause for which no use is identified, or of which no Federal department or agency will accept transfer, pursuant to the determination of transferability referred to in that clause.

"(C) Not later than 60 days after the date on which the Secretary of Defense submits information to the Secretary of Housing and Urban Development under subparagraph (B)(ii), the Secretary of Housing and Urban Development shall—

"(i) identify the buildings and property described in such information that are suitable for use to assist the homeless;

"(ii) notify the Secretary of Defense of the buildings and property that are so identified;

"(iii) publish in the Federal Register a list of the buildings and property that are so identified, including with respect to each building or property the information referred to in section 501(c)(1)(B) of such Act; and

Federal Register, publication.

"(iv) make available with respect to each building and property the information referred to in section 501(c)(1)(C) of such Act in accordance with such section 501(c)(1)(C).

"(D) Any buildings and property included in a list published under subparagraph (C)(iii) shall be treated as property available for application for use to assist the homeless under section 501(d) of such Act.

"(E) The Secretary of Defense shall make available in accordance with section 501(f) of such Act any buildings or property referred to in subparagraph (D) for which—

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"(i) a written notice of an intent to use such buildings or property to assist the homeless is received by the Secretary of Health and Human Services in accordance with section 501(d)(2) of such Act;

"(ii) an application for use of such buildings or property for such purpose is submitted to the Secretary of Health and Human Services in accordance with section 501(e)(2) of such Act; and

"(iii) the Secretary of Health and Human Services—

"(I) completes all actions on the application in accordance with section 501(e)(3) of such Act; and

"(II) approves the application under section 501(e) of such Act.

"(F)(i) Subject to clause (ii), a redevelopment authority may express in writing an interest in using buildings and property referred to subparagraph (D), or use such buildings and property, in accordance with the redevelopment plan with respect to the installation at which such buildings and property are located as follows:

"(I) If no written notice of an intent to use such buildings or property to assist the homeless is received by the Secretary of Health and Human Services in accordance with section 501(d)(2) of such Act during the 60-day period beginning on the date of the publication of the buildings and property under subparagraph (C)(iii).

"(II) In the case of buildings and property for which such notice is so received, if no completed application for use of the buildings or property for such purpose is received by the Secretary of Health and Human Services in accordance with section 501(e)(2) of such Act during the 90-day period beginning on the date of the receipt of such notice.

"(III) In the case of buildings and property for which such application is so received, if the Secretary of Health and Human Services rejects the application under section 501(e) of such Act.

"(ii) Buildings and property shall be available only for the purpose of permitting a redevelopment authority to express in writing an interest in the use of such buildings and property, or to use such buildings and property, under clause (i) as follows:

"(I) In the case of buildings and property referred to in clause (i)(I), during the one-year period beginning on the first day after the 60-day period referred to in that clause.

"(II) In the case of buildings and property referred to in clause (i)(II), during the one-year period beginning on the first day after the 90-day period referred to in that clause.

"(III) In the case of buildings and property referred to in clause (i)(III), during the one-year period beginning on the date of the rejection of the application referred to in that clause.

"(iii) A redevelopment authority shall express an interest in the use of buildings and property under this subparagraph by notifying the Secretary of Defense, in writing, of such an interest.

"(G)(i) Buildings and property available for a redevelopment authority under subparagraph (F) shall not be available for use to assist the homeless under section 501 of such Act while so available for a redevelopment authority.

"(ii) If a redevelopment authority does not express an interest in the use of buildings or property, or commence the use of buildings or property, under subparagraph (F) within the applicable time periods specified in clause (ii) of such subparagraph, such buildings or property shall be treated as property available for use to assist the homeless under section 501(a) of such Act.".

SEC. 2906. AUTHORITY TO LEASE CERTAIN PROPERTY AT INSTALLATIONS TO BE CLOSED.

(a) LEASE AUTHORITY.—Subsection (f) of section 2667 of title 10, United States Code, is amended to read as follows:

"(f)(1) Notwithstanding subsection (a)(3), pending the final disposition of real property and personal property located at a military installation to be closed or realigned under a base closure law, the Secretary of the military department concerned may lease the property to any individual or entity under this subsection if the Secretary determines that such a lease would facilitate State or local economic adjustment efforts.

"(2) Notwithstanding subsection (b)(4), the Secretary concerned may accept consideration in an amount that is less than the fair market value of the lease interest if the Secretary concerned determines that—

"(A) a public interest will be served as a result of the lease; and

"(B) the fair market value of the lease is (i) unobtainable, or (ii) not compatible with such public benefit.

"(3) Before entering into any lease under this subsection, the Secretary shall consult with the Administrator of the Environmental Protection Agency in order to determine whether the environmental condition of the property proposed for leasing is such that the lease of the property is advisable. The Secretary and the Administrator shall enter into a memorandum of understanding setting forth procedures for carrying out the determinations under this paragraph.".

(b) DEFINITION.—Such section is further amended by adding at the end the following new subsection:

"(g) In this section, the term 'base closure law' means each of the following:

"(1) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

"(2) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).

"(3) Section 2687 of this title.".

SEC. 2907. AUTHORITY TO CONTRACT FOR CERTAIN SERVICES AT INSTALLATIONS BEING CLOSED.

(a) BASE CLOSURES UNDER 1988 ACT.—Section 204(b) of the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100–526; 10 U.S.C. 2687 note), as amended by section 2902(a)(1)(B), is further amended by adding at the end the following:

"(8)(A) Subject to subparagraph (C), the Secretary may contract with local governments for the provision of police services, fire protection services, airfield operation services, or other community services by such governments at military installations to be closed under this title if the Secretary determines that the provision of such services under such contracts is in the best interests of the Department of Defense.

"(B) The Secretary may exercise the authority provided under this paragraph without regard to the provisions of chapter 146 of title 10, United States Code.

"(C) The Secretary may not exercise the authority under subparagraph (A) with respect to an installation earlier than 180 days before the date on which the installation is to be closed.

"(D) The Secretary shall include in a contract for services entered into with a local government under this paragraph a clause that requires the use of professionals to furnish the services to the extent that professionals are available in the area under the jurisdiction of such government.".

(b) BASE CLOSURES UNDER 1990 ACT.—Section 2905(b) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), as amended by section 2905(b) of this Act, is further amended by adding at the end the following:

"(7)(A) Subject to subparagraph (C), the Secretary may contract with local governments for the provision of police services, fire protection services, airfield operation services, or other community services by such governments at military installations to be closed under this part if the Secretary determines that the provision of such services under such contracts is in the best interests of the Department of Defense.

"(B) The Secretary may exercise the authority provided under this paragraph without regard to the provisions of chapter 146 of title 10, United States Code.

"(C) The Secretary may not exercise the authority under subparagraph (A) with respect to an installation earlier than 180 days before the date on which the installation is to be closed.

"(D) The Secretary shall include in a contract for services entered into with a local government under this paragraph a clause that requires the use of professionals to furnish the services to

the extent that professionals are available in the area under the jurisdiction of such government.".

SEC. 2908. AUTHORITY TO TRANSFER PROPERTY AT MILITARY INSTALLATIONS TO BE CLOSED TO PERSONS PAYING THE COST OF ENVIRONMENTAL RESTORATION ACTIVITIES ON THE PROPERTY.

(a) BASE CLOSURES UNDER 1988 ACT.—Section 204 of the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100–526; 10 U.S.C. 2687 note) is amended by adding at the end the following new subsection:

"(d) TRANSFER AUTHORITY IN CONNECTION WITH PAYMENT OF ENVIRONMENTAL REMEDIATION COSTS.—(1)(A) Subject to paragraph (2) of this subsection and section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)), the Secretary may enter into an agreement to transfer by deed real property or facilities referred to in subparagraph (B) with any person who agrees to perform all environmental restoration, waste management, and environmental compliance activities that are required for the property or facilities under Federal and State laws, administrative decisions, agreements (including schedules and milestones), and concurrences.

"(B) The real property and facilities referred to in subparagraph (A) are the real property and facilities located at an installation closed or to be closed under this title that are available exclusively for the use, or expression of an interest in a use, of a redevelopment authority under subsection (b)(6)(F) during the period provided for that use, or expression of interest in use, under that subsection.

"(C) The Secretary may require any additional terms and conditions in connection with an agreement authorized by subparagraph (A) as the Secretary considers appropriate to protect the interests of the United States.

"(2) A transfer of real property or facilities may be made under paragraph (1) only if the Secretary certifies to Congress that—

"(A) the costs of all environmental restoration, waste management, and environmental compliance activities to be paid by the recipient of the property or facilities are equal to or greater than the fair market value of the property or facilities to be transferred, as determined by the Secretary; or

"(B) if such costs are lower than the fair market value of the property or facilities, the recipient of the property or facilities agrees to pay the difference between the fair market value and such costs.

"(3) As part of an agreement under paragraph (1), the Secretary shall disclose to the person to whom the property or facilities will be transferred any information of the Secretary regarding the environmental restoration, waste management, and environmental compliance activities described in paragraph (1) that relate to the property or facilities. The Secretary shall provide such information before entering into the agreement.

"(4) Nothing in this subsection shall be construed to modify, alter, or amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) or the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

"(5) Section 330 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 10 U.S.C. 2687 note)

shall not apply to any transfer under this subsection to persons or entities described in subsection (a)(2) of such section 330.

"(6) The Secretary may not enter into an agreement to transfer property or facilities under this subsection after the expiration of the five-year period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 1994.".

(b) BASE CLOSURES UNDER 1990 ACT.—Section 2905 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended by adding at the end the following new subsection:

"(e) TRANSFER AUTHORITY IN CONNECTION WITH PAYMENT OF ENVIRONMENTAL REMEDIATION COSTS.—(1)(A) Subject to paragraph (2) of this subsection and section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)), the Secretary may enter into an agreement to transfer by deed real property or facilities referred to in subparagraph (B) with any person who agrees to perform all environmental restoration, waste management, and environmental compliance activities that are required for the property or facilities under Federal and State laws, administrative decisions, agreements (including schedules and milestones), and concurrences.

"(B) The real property and facilities referred to in subparagraph (A) are the real property and facilities located at an installation closed or to be closed under this part that are available exclusively for the use, or expression of an interest in a use, of a redevelopment authority under subsection (b)(6)(F) during the period provided for that use, or expression of interest in use, under that subsection.

"(C) The Secretary may require any additional terms and conditions in connection with an agreement authorized by subparagraph (A) as the Secretary considers appropriate to protect the interests of the United States.

"(2) A transfer of real property or facilities may be made under paragraph (1) only if the Secretary certifies to Congress that—

"(A) the costs of all environmental restoration, waste management, and environmental compliance activities to be paid by the recipient of the property or facilities are equal to or greater than the fair market value of the property or facilities to be transferred, as determined by the Secretary; or

"(B) if such costs are lower than the fair market value of the property or facilities, the recipient of the property or facilities agrees to pay the difference between the fair market value and such costs.

"(3) As part of an agreement under paragraph (1), the Secretary shall disclose to the person to whom the property or facilities will be transferred any information of the Secretary regarding the environmental restoration, waste management, and environmental compliance activities described in paragraph (1) that relate to the property or facilities. The Secretary shall provide such information before entering into the agreement.

"(4) Nothing in this subsection shall be construed to modify, alter, or amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) or the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

"(5) Section 330 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 10 U.S.C. 2687 note)

shall not apply to any transfer under this subsection to persons or entities described in subsection (a)(2) of such section 330.

"(6) The Secretary may not enter into an agreement to transfer property or facilities under this subsection after the expiration of the five-year period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 1994.".

10 USC 2687 note.

(c) REGULATIONS.—Not later than nine months after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Administrator of the Environmental Protection Agency, shall prescribe any regulations necessary to carry out subsection (d) of section 204 of the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100–526; 10 U.S.C. 2687 note), as added by subsection (a), and subsection (e) of section 2905 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), as added by subsection (b).

SEC. 2909. SENSE OF CONGRESS ON AVAILABILITY OF SURPLUS MILITARY EQUIPMENT.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense take all actions that the Secretary determines practicable to make available the military equipment referred to in subsection (b) to communities suffering significant adverse economic circumstances as a result of the closure of military installations.

(b) COVERED EQUIPMENT.—The equipment referred to in subsection (a) is surplus military equipment that—

(1) is scheduled for retirement or disposal as a result of reductions in the size of the Armed Forces or the closure or realignment of a military installation under a base closure law;

(2) is important (as determined by the Secretary) to the economic development efforts of the communities referred to in subsection (a); and

(3) has no other military uses (as so determined).

SEC. 2910. IDENTIFICATION OF UNCONTAMINATED PROPERTY AT INSTALLATIONS TO BE CLOSED.

The identification by the Secretary of Defense required under section 120(h)(4)(A) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)(4)(A)), and the concurrence required under section 120(h)(4)(B) of such Act, shall be made not later than the earlier of—

(1) the date that is 9 months after the date of the submittal, if any, to the transition coordinator for the installation concerned of a specific use proposed for all or a portion of the real property of the installation; or

(2) the date specified in section 120(h)(4)(C)(iii) of such Act.

10 USC 2687 note.

SEC. 2911. COMPLIANCE WITH CERTAIN ENVIRONMENTAL REQUIREMENTS RELATING TO CLOSURE OF INSTALLATIONS.

Not later than 12 months after the date of the submittal to the Secretary of Defense of a redevelopment plan for an installation approved for closure under a base closure law, the Secretary of Defense shall, to the extent practicable, complete any environmental impact analyses required with respect to the installation, and with respect to the redevelopment plan, if any, for the installa-

tion, pursuant to the base closure law under which the installation is closed, and pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SEC. 2912. PREFERENCE FOR LOCAL AND SMALL BUSINESSES.

Contracts. Small business. 10 USC 2687 note.

(a) PREFERENCE REQUIRED.—In entering into contracts with private entities as part of the closure or realignment of a military installation under a base closure law, the Secretary of Defense shall give preference, to the greatest extent practicable, to qualified businesses located in the vicinity of the installation and to small business concerns and small disadvantaged business concerns. Contracts for which this preference shall be given shall include contracts to carry out activities for the environmental restoration and mitigation at military installations to be closed or realigned.

(b) DEFINITIONS.—In this section:

(1) The term "small business concern" means a business concern meeting the requirements of section 3 of the Small Business Act (15 U.S.C. 632).

(2) The term "small disadvantaged business concern" means the business concerns referred to in section 637(d)(1) of such Act (15 U.S.C. 637(d)(1)).

(3) The term "base closure law" includes section 2687 of title 10, United States Code.

SEC. 2913. CONSIDERATION OF APPLICATIONS OF AFFECTED STATES AND COMMUNITIES FOR ASSISTANCE.

Section 2391(b) of title 10, United States Code, is amended by adding at the end the following:

"(6) To the extent practicable, the Secretary of Defense shall inform a State or local government applying for assistance under this subsection of the approval or rejection by the Secretary of the application for such assistance as follows:

"(A) Before the end of the 7-day period beginning on the date on which the Secretary receives the application, in the case of an application for a planning grant.

"(B) Before the end of the 30-day period beginning on such date, in the case of an application for assistance to carry out a community adjustments and economic diversifications program.

"(7)(A) In attempting to complete consideration of applications within the time period specified in paragraph (6), the Secretary of Defense shall give priority to those applications requesting assistance for a community described in subsection (f)(1).

"(B) If an application under paragraph (6) is rejected by the Secretary, the Secretary shall promptly inform the State or local government of the reasons for the rejection of the application.".

SEC. 2914. CLARIFICATION OF UTILIZATION OF FUNDS FOR COMMUNITY ECONOMIC ADJUSTMENT ASSISTANCE.

(a) UTILIZATION OF FUNDS.—Subject to subsection (b), funds made available to the Economic Development Administration for economic adjustment assistance under section 4305 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2700) may by utilized by the administration for administrative activities in support of the provision of such assistance.

(b) LIMITATION.—Not more than three percent of the funds referred to in subsection (a) may be utilized by the administration for the administrative activities referred to in such subsection.

10 USC 2687 note.

SEC. 2915. TRANSITION COORDINATORS FOR ASSISTANCE TO COMMUNITIES AFFECTED BY THE CLOSURE OF INSTALLATIONS.

(a) IN GENERAL.—The Secretary of Defense shall designate a transition coordinator for each military installation to be closed under a base closure law. The transition coordinator shall carry out the activities for such coordinator set forth in subsection (c).

(b) TIMING OF DESIGNATION.—A transition coordinator shall be designated for an installation under subsection (a) as follows:

(1) Not later than 15 days after the date of approval of closure of the installation.

(2) In the case of installations approved for closure under a base closure law before the date of the enactment of this Act, not later than 15 days after such date of enactment.

(c) RESPONSIBILITIES.—A transition coordinator designated with respect to an installation shall—

(1) encourage, after consultation with officials of Federal and State departments and agencies concerned, the development of strategies for the expeditious environmental cleanup and restoration of the installation by the Department of Defense;

(2) assist the Secretary of the military department concerned in designating real property at the installation that has the potential for rapid and beneficial reuse or redevelopment in accordance with the redevelopment plan for the installation;

(3) assist such Secretary in identifying strategies for accelerating completion of environmental cleanup and restoration of the real property designated under paragraph (2);

(4) assist such Secretary in developing plans for the closure of the installation that take into account the goals set forth in the redevelopment plan for the installation;

(5) assist such Secretary in developing plans for ensuring that, to the maximum extent practicable, the Department of Defense carries out any activities at the installation after the closure of the installation in a manner that takes into account, and supports, the redevelopment plan for the installation;

(6) assist the Secretary of Defense in making determinations with respect to the transferability of property at the installation under section 204(b)(5) of the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100–526; 10 U.S.C. 2687 note), as added by section 2904(a) of this Act, and under section 2905(b)(5) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), as added by section 2904(b) of this Act, as the case may be;

(7) assist the local redevelopment authority with respect to the installation in identifying real property or personal property at the installation that may have significant potential for reuse or redevelopment in accordance with the redevelopment plan for the installation;

(8) assist the Office of Economic Adjustment of the Department of Defense and other departments and agencies of the Federal Government in coordinating the provision of assistance

under transition assistance and transition mitigation programs with community redevelopment activities with respect to the installation;

(9) assist the Secretary of the military department concerned in identifying property located at the installation that may be leased in a manner consistent with the redevelopment plan for the installation; and

(10) assist the Secretary of Defense in identifying real property or personal property at the installation that may be utilized to meet the needs of the homeless by consulting with the Secretary of Housing and Urban Development and the local lead agency of the homeless, if any, referred to in section 210(b) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11320(b)) for the State in which the installation is located.

SEC. 2916. SENSE OF CONGRESS ON SEMINARS ON REUSE OR REDEVELOPMENT OF PROPERTY AT INSTALLATIONS TO BE CLOSED.

It is the sense of Congress that the Secretary of Defense conduct seminars for each community in which is located a military installation to be closed under a base closure law. Any such seminar shall—

(1) be conducted within 6 months after the date of approval of closure of the installation concerned;

(2) address the various Federal programs for the reuse and redevelopment of the installation; and

(3) provide information about employment assistance (including employment assistance under Federal programs) available to members of such communities.

SEC. 2917. FEASIBILITY STUDY ON ASSISTING LOCAL COMMUNITIES AFFECTED BY THE CLOSURE OR REALIGNMENT OF MILITARY INSTALLATIONS.

(a) STUDY.—The Secretary of Defense shall conduct a study to determine the feasibility of assisting local communities recovering from the adverse economic impact of the closure or major realignment of a military installation under a base closure law by reserving for grants to the communities under section 2391(b) of title 10, United States Code, an amount equal to not less than 10 percent of the total projected savings to be realized by the Department of Defense in the first 10 years after the closure or major realignment of the installation as a result of the closure or realignment.

(b) REPORT.—Not later than March 1, 1994, the Secretary shall submit to Congress a report containing the results of the study required by this subsection. The report shall include—

(1) an estimate of the amount of the projected savings described in subsection (a) to be realized by the Department of Defense as a result of each base closure or major realignment approved before the date of the enactment of this Act; and

(2) a recommendation regarding the funding sources within the budget for the Department of Defense from which amounts for the grants described in subsection (a) could be derived.

SEC. 2918. DEFINITIONS.

10 USC 2687 note.

(a) SUBTITLE A OF TITLE XXIX.—In this subtitle:

(1) The term "base closure law" means the following:

(A) The provisions of title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).

(B) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

(2) The term "date of approval", with respect to a closure or realignment of an installation, means the date on which the authority of Congress to disapprove a recommendation of closure or realignment, as the case may be, of such installation under the applicable base closure law expires.

(3) The term "redevelopment authority", in the case of an installation to be closed under a base closure law, means any entity (including an entity established by a State or local government) recognized by the Secretary of Defense as the entity responsible for developing the redevelopment plan with respect to the installation and for directing the implementation of such plan.

(4) The term "redevelopment plan", in the case of an installation to be closed under a base closure law, means a plan that—

(A) is agreed to by the redevelopment authority with respect to the installation; and

(B) provides for the reuse or redevelopment of the real property and personal property of the installation that is available for such reuse and redevelopment as a result of the closure of the installation.

(b) BASE CLOSURE ACT 1988.—Section 209 of the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100–526; 10 U.S.C. 2687 note) is amended by adding at the end the following:

"(10) The term 'redevelopment authority', in the case of an installation to be closed under this title, means any entity (including an entity established by a State or local government) recognized by the Secretary of Defense as the entity responsible for developing the redevelopment plan with respect to the installation and for directing the implementation of such plan.

"(11) The term 'redevelopment plan' in the case of an installation to be closed under this title, means a plan that—

"(A) is agreed to by the redevelopment authority with respect to the installation; and

"(B) provides for the reuse or redevelopment of the real property and personal property of the installation that is available for such reuse or redevelopment as a result of the closure of the installation.".

(c) BASE CLOSURE ACT 1990.—Section 2910 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by adding at the end the following new paragraph:

"(8) The term 'date of approval', with respect to a closure or realignment of an installation, means the date on which the authority of Congress to disapprove a recommendation of closure or realignment, as the case may be, of such installation under this part expires.

"(9) The term 'redevelopment authority', in the case of an installation to be closed under this part, means any entity (including an entity established by a State or local government)

recognized by the Secretary of Defense as the entity responsible for developing the redevelopment plan with respect to the installation and for directing the implementation of such plan.

"(10) The term 'redevelopment plan' in the case of an installation to be closed under this part, means a plan that—

"(A) is agreed to by the local redevelopment authority with respect to the installation; and

"(B) provides for the reuse or redevelopment of the real property and personal property of the installation that is available for such reuse and redevelopment as a result of the closure of the installation.".

Subtitle B—Other Matters

SEC. 2921. BASE CLOSURE ACCOUNT MANAGEMENT FLEXIBILITY.

(a) BASE CLOSURES UNDER 1988 ACT.—Section 207(a) of the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100–526; 10 U.S.C. 2687 note) is amended by adding at the end the following new paragraph:

"(7) Proceeds received after September 30, 1995, from the transfer or disposal of any property at a military installation closed or realigned under this title shall be deposited directly into the Department of Defense Base Closure Account 1990 established by section 2906(a) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).".

(b) BASE CLOSURES UNDER 1990 ACT.—Section 2906 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(1) in subsection (a)(2)—

(A) by striking out "and" at the end of subparagraph (B);

(B) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof "; and"; and

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

"(D) proceeds received after September 30, 1995, from the transfer or disposal of any property at a military installation closed or realigned under title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).."; and

(2) in subsection (b), by striking out paragraph (1) and inserting in lieu thereof the following new paragraph:

"(1) The Secretary may use the funds in the Account only for the purposes described in section 2905 or, after September 30, 1995, for environmental restoration and property management and disposal at installations closed or realigned under title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).".

(c) TECHNICAL CORRECTION.—Paragraphs (2) and (3) of section 2906(c) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) are each amended by striking out "after the termination of the Commission" and inserting in lieu thereof "after the termination

of the authority of the Secretary to carry out a closure or realignment under this part".

10 USC 2687 note.

SEC. 2922. LIMITATION ON EXPENDITURE OF FUNDS FROM THE DEFENSE BASE CLOSURE ACCOUNT 1990 FOR MILITARY CONSTRUCTION IN SUPPORT OF TRANSFERS OF FUNCTIONS.

(a) LIMITATION.—If the Secretary of Defense recommends to the Defense Base Closure and Realignment Commission pursuant to section 2903(c) of the 1990 base closure Act that an installation be closed or realigned, the Secretary identifies in documents submitted to the Commission one or more installations to which a function performed at the recommended installation would be transferred, and the recommended installation is closed or realigned pursuant to such Act, then, except as provided in subsection (b), funds in the Defense Base Closure Account 1990 may not be used for military construction in support of the transfer of that function to any installation other than an installation so identified in such documents.

(b) EXCEPTION.—The limitation in subsection (a) ceases to be applicable to military construction in support of the transfer of a function to an installation on the 60th day following the date on which the Secretary submits to the Committees on Armed Services of the Senate and House of Representatives a notification of the proposed transfer that—

(1) identifies the installation to which the function is to be transferred; and

(2) includes the justification for the transfer to such installation.

(c) DEFINITIONS.—In this section:

(1) The term "1990 base closure Act" means the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

(2) The term "Defense Base Closure Account 1990" means the account established under section 2906 of the 1990 base closure Act.

SEC. 2923. MODIFICATION OF REQUIREMENT FOR REPORTS ON ACTIVITIES UNDER THE DEFENSE BASE CLOSURE ACCOUNT 1990.

Section 2906(c)(1) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(1) by inserting "(A)" after "(1)"; and

(2) by adding at the end the following:

"(B) The report for a fiscal year shall include the following:

"(i) The obligations and expenditures from the Account during the fiscal year, identified by subaccount, for each military department and Defense Agency.

"(ii) The fiscal year in which appropriations for such expenditures were made and the fiscal year in which funds were obligated for such expenditures.

"(iii) Each military construction project for which such obligations and expenditures were made, identified by installation and project title.

"(iv) A description and explanation of the extent, if any, to which expenditures for military construction projects for the fiscal year differed from proposals for projects and funding

levels that were included in the justification transmitted to Congress under section 2907(1), or otherwise, for the funding proposals for the Account for such fiscal year, including an explanation of—

"(I) any failure to carry out military construction projects that were so proposed; and

"(II) any expenditures for military construction projects that were not so proposed.".

SEC. 2924. RESIDUAL VALUE OF OVERSEAS INSTALLATIONS BEING CLOSED.

(a) ANNUAL REPORTS.—Section 1304(a) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 10 U.S.C. 113 note) is amended—

(1) in paragraph (1), by inserting "by installation" after "basing plan";

(2) by striking out paragraph (3) and inserting in lieu thereof the following:

"(3) both—

"(A) the status of negotiations, if any, between the United States and the host government as to (i) United States claims for compensation for the fair market value of the improvements made by the United States at each installation referred to in paragraph (2), and (ii) any claims of the host government for damages or restoration of the installation; and

"(B) the representative of the United States in any such negotiations;";

(3) by redesignating paragraph (6) as paragraph (7); and

(4) by striking out paragraph (5) and inserting in lieu thereof the following new paragraphs (5) and (6):

"(5) the cost to the United States of any improvements made at each installation referred to in paragraph (2) and the fair market value of such improvements, expressed in constant dollars based on the date of completion of the improvements;

"(6) in each case in which negotiations between the United States and a host government have resulted in an agreement for the payment to the United States by the host government of the value of improvements to an installation made by the United States, the amount of such payment, the form of such payment, and the expected date of such payment; and".

(b) OMB REVIEW OF PROPOSED SETTLEMENTS.—Section 2921 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2687 note) is amended by adding at the end the following:

"(g) OMB REVIEW OF PROPOSED SETTLEMENTS.—The Secretary of Defense may not enter into an agreement of settlement with a host country regarding the release to the host country of improvements made by the United States to facilities at an installation located in the host country until 30 days after the date on which the Secretary submits the proposed settlement to the Director of the Office of Management and Budget. The Director shall evaluate the overall equity of the proposed settlement. In evaluating the proposed settlement, the Director shall consider such factors as the extent of the United States capital investment in the improvements being released to the host country, the depreciation of the

improvements, the condition of the improvements, and any applicable requirements for environmental remediation or restoration at the installation.".

10 USC 2687 note.

SEC. 2925. SENSE OF CONGRESS ON DEVELOPMENT OF BASE CLOSURE CRITERIA.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense consider, in developing in accordance with section 2903(b)(2)(B) of the Defense Base Closure and Realignment Act of 1990 (Public Law 101-510; 10 U.S.C. 2687 note) amended criteria, whether such criteria should include the direct costs of such closures and realignments to other Federal departments and agencies.

(b) REPORT ON AMENDMENT.—(1) The Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on any amended criteria developed by the Secretary under section 2903(b)(2)(B) of the Defense Base Closure and Realignment Act of 1990 after the date of the enactment of this Act. Such report shall include a discussion of the amended criteria and include a justification for any decision not to propose a criterion regarding the direct costs of base closures and realignments to other Federal agencies and departments.

(2) The Secretary shall submit the report upon publication of the amended criteria in accordance with section 2903(b)(2)(B) of the Defense Base Closure and Realignment Act of 1990.

SEC. 2926. INFORMATION RELATING TO RECOMMENDATIONS FOR THE CLOSURE OR REALIGNMENT OF MILITARY INSTALLATIONS.

(a) SUBMITTAL OF REPORT TO COMMISSION.—Subsection (c)(1) of section 2903 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended by striking out "March 15, 1995," and inserting in lieu thereof "March 1, 1995,".

(b) SUMMARY OF SELECTION PROCESS AND JUSTIFICATION OF RECOMMENDATIONS.—Subsection (c)(2) of such section is amended by adding at the end the following: "The Secretary shall transmit the matters referred to in the preceding sentence not later than 7 days after the date of the transmittal to the congressional defense committees and the Commission of the list referred to in paragraph (1).".

(c) SUBMITTAL OF INFORMATION TO CONGRESS.—Subsection (c)(6) of such section is amended to read as follows:

"(6) Any information provided to the Commission by a person described in paragraph (5)(B) shall also be submitted to the Senate and the House or Representatives to be made available to the Members of the House concerned in accordance with the rules of that House. The information shall be submitted to the Senate and House of Representatives within 24 hours after the submission of the information to the Commission.".

(d) PUBLICATION OF INFORMATION ON CHANGES RECOMMENDED BY COMMISSION.—Subsection (d)(1)(2)(C)(iii) of such section is amended by striking out "30 days" and inserting in lieu thereof "45 days".

SEC. 2927. PUBLIC PURPOSE EXTENSIONS.

Section 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484) is amended—

(1) in subsection (o) in the first sentence by inserting "or (q)" after "subsection (p)"; and

(2) by adding at the end the following:

"(q)(1) Under such regulations as the Administrator, after consultation with the Secretary of Defense, may prescribe, the Administrator, or the Secretary of Defense, in the case of property located at a military installation closed or realigned pursuant to a base closure law, may, in his or her discretion, assign to the Secretary of Transportation for disposal such surplus real property, including buildings, fixtures, and equipment situated thereon, as is recommended by the Secretary of Transportation as being needed for the development or operation of a port facility. Regulations.

"(2) Subject to the disapproval of the Administrator or the Secretary of Defense within 30 days after notice by the Secretary of Transportation of a proposed conveyance of property for any of the purposes described in paragraph (1), the Secretary of Transportation, through such officers or employees of the Department of Transportation as he or she may designate, may convey, at no consideration to the United States, such surplus real property, including buildings, fixtures, and equipment situated thereon, for use in the development or operation of a port facility to any State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Mariana Islands, or any political subdivision, municipality, or instrumentality thereof.

"(3) No transfer of property may be made under this subsection until the Secretary of Transportation has—

"(A) determined, after consultation with the Secretary of Labor, that the property to be conveyed is located in an area of serious economic disruption;

"(B) received and, after consultation with the Secretary of Commerce, approved an economic development plan submitted by an eligible grantee and based on assured use of the property to be conveyed as part of a necessary economic development program; and

"(C) transmitted to Congress an explanatory statement that contains information substantially similar to the information contained in statements prepared under subsection (e)(6).

"(4) The instrument of conveyance of any surplus real property and related personal property disposed of under this subsection shall—

"(A) provide that all such property shall be used and maintained in perpetuity for the purpose for which it was conveyed, and that if the property ceases to be used or maintained for that purpose, all or any portion of the property shall, in its then existing condition, at the option of the United States, revert to the United States; and

"(B) contain such additional terms, reservations, restrictions, and conditions as the Secretary of Transportation shall by regulation require to assure use of the property for the purposes for which it was conveyed and to safeguard the interests of the United States. Regulations.

"(5) With respect to surplus real property and related personal property conveyed pursuant to this subsection, the Secretary of Transportation shall—

"(A) determine and enforce compliance with the terms, conditions, reservations, and restrictions contained in any instrument by which such conveyance was made;

"(B) reform, correct, or amend any such instrument by the execution of a corrective, reformative, or amendatory instrument if necessary to correct such instrument or to conform such conveyance to the requirements of applicable law; and

"(C)(i) grant releases from any of the terms, conditions, reservations, and restrictions contained in, and (ii) convey, quitclaim, or release to the grantee any right or interest reserved to the United States by, any instrument by which such conveyance was made, if the Secretary of Transportation determines that the property so conveyed no longer serves the purpose for which it was conveyed, or that such release, conveyance, or quitclaim deed will not prevent accomplishment of the purpose for which such property was so conveyed, except that any such release, conveyance, or quitclaim deed may be granted on, or made subject to, such terms and conditions as the Secretary of Transportation considers necessary to protect or advance the interests of the United States.

"(6) In this section, the term 'base closure law' means the following:

"(A) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).

"(B) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

"(C) Section 2687 of title 10, United States Code.".

SEC. 2928. EXPANSION OF CONVEYANCE AUTHORITY REGARDING FINANCIAL FACILITIES ON CLOSED MILITARY INSTALLATIONS TO INCLUDE ALL DEPOSITORY INSTITUTIONS.

(a) INCLUSION OF OTHER DEPOSITORY INSTITUTIONS WITH CREDIT UNIONS.—Section 2825 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 10 U.S.C. 2687 note) is amended—

(1) by striking "credit union" each place it appears and inserting in lieu thereof "depository institution";

(2) in subsection (c), by striking "business"; and

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

"(e) DEPOSITORY INSTITUTION DEFINED.—For purposes of this section, the term 'depository institution' has the meaning given that term in section 19(b)(1)(A) of the Federal Reserve Act (12 U.S.C. 461(b)(1)(A)).".

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"SEC. 2825. DISPOSITION OF FACILITIES OF DEPOSITORY INSTITUTIONS ON MILITARY INSTALLATIONS TO BE CLOSED.".

(2) The table of contents in section 2(b) of such Act is amended by striking out the item relating to section 2825 and inserting in lieu thereof the following:

"2825. Disposition of facilities of depository institutions on military installations to be closed.".

(c) AMENDMENT FOR STYLISTIC CONSISTENCY.—Subsection (c) of such section 2825 is amended by striking out "plan for the reuse of the installation developed in coordination with the community in which the facility is located" and inserting in lieu thereof "redevelopment plan with respect to the installation".

SEC. 2929. ELECTRIC POWER ALLOCATION AND ECONOMIC DEVELOPMENT AT CERTAIN MILITARY INSTALLATIONS TO BE CLOSED IN THE STATE OF CALIFORNIA.

For a 10-year period beginning on the date of the enactment of this Act, the electric power allocations provided as of that date by the Western Area Power Administration from the Central Valley Project to military installations in the State of California approved for closure pursuant to the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) shall be reserved for sale through long-term contracts to preference entities that agree to use such power to promote economic development at a military installation that is closed or selected for closure pursuant to that Act. To the extent power reserved by this section is not disposed of pursuant to this section, it shall be made available on a temporary basis during such period to military installations in the State of California through short-term contracts. Within one year of the date of the enactment of this Act, the Secretary of Energy shall, in consultation with the Secretary of Defense, submit to Congress a report with recommendations regarding the disposition of electric power allocations provided by the Federal Power Marketing Administrations to other military installations closed or approved for closure. The report shall consider the option of using such power to promote economic development at closed military installations. Reports.

SEC. 2930. TESTIMONY BEFORE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION.

(a) OATHS REQUIRED.—Section 2903(d)(1) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by adding at the end the following new sentence: "All testimony before the Commission at a public hearing conducted under this paragraph shall be presented under oath.".

(b) APPLICATION OF AMENDMENT.—The amendment made by this section shall apply with respect to all public hearings conducted by the Defense Base Closure and Realignment Commission after the date of the enactment of this Act. 10 USC 2687 note.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

SEC. 3101. WEAPONS ACTIVITIES.

(a) OPERATING EXPENSES.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for operating expenses incurred in carrying out weapons activities necessary for national security programs in the amount of $3,642,297,000, to be allocated as follows:

(1) For research and development, $1,129,325,000.
(2) For testing, $217,326,000.
(3) For stockpile support, $1,792,280,000.
(4) For program direction, $177,466,000.
(5) For complex reconfiguration, $168,500,000.
(6) For stockpile stewardship, $157,400,000.

(b) PLANT PROJECTS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto) in carrying out weapons activities necessary for national security programs as follows:

Project GPD–101, general plant projects, various locations, $16,500,000.

Project GPD–121, general plant projects, various locations, $7,700,000.

Project 94–D–102, nuclear weapons research, development, and testing facilities revitalization, Phase V, various locations, $4,000,000.

Project 94–D–124, hydrogen fluoride supply system, Oak Ridge Y–12 Plant, Oak Ridge, Tennessee, $5,000,000.

Project 94–D–125, upgrade life safety, Kansas City Plant, Kansas City, Missouri, $1,000,000.

Project 94–D–127, emergency notification system, Pantex Plant, Amarillo, Texas, $1,000,000.

Project 94–D–128, environmental safety and health analytical laboratory, Pantex Plant, Amarillo, Texas, $800,000.

Project 93–D–102, Nevada support facility, North Las Vegas, Nevada, $4,000,000.

Project 93–D–122, life safety upgrades, Y–12 Plant, Oak Ridge, Tennessee, $5,000,000.

Project 93–D–123, complex–21, various locations, $25,000,000.

Project 92–D–102, nuclear weapons research, development, and testing facilities revitalization, Phase IV, various locations, $27,479,000.

Project 92–D–126, replace emergency notification systems, various locations, $10,500,000.

Project 90–D–102, nuclear weapons research, development, and testing facilities revitalization, Phase III, various locations, $30,805,000.

Project 88–D–106, nuclear weapons research, development, and testing facilities revitalization, Phase II, various locations, $39,624,000.

Project 88–D–122, facilities capability assurance program, various locations, $27,100,000.

Project 88–D–123, security enhancements, Pantex Plant, Amarillo, Texas, $20,000,000.

Project 85–D–121, air and water pollution control facilities, Y–12 Plant, Oak Ridge, Tennessee, $3,000,000.

(c) CAPITAL EQUIPMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for capital equipment not related to construction in carrying out weapons activities necessary for national security programs in the amount of $118,034,000, to be allocated as follows:

(1) For research and development, $82,879,000.

(2) For testing, $19,400,000.

(3) For stockpile support, $12,136,000.

(4) For program direction, $3,619,000.

(d) ADJUSTMENTS.—The total amount authorized to be appropriated pursuant to this section is the sum of the amounts authorized to be appropriated in subsections (a) through (c)—

(1) reduced by—

(A) $443,641,000, for use of prior year balances; and

(B) $50,000,000, for salary reductions; and

(2) increased by $100,000,000, for contractor employment transition.

SEC. 3102. ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.

(a) OPERATING EXPENSES.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for operating expenses incurred in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $4,918,878,000, to be allocated as follows:

(1) For corrective activities, $2,170,000.

(2) For environmental restoration, $1,536,027,000.

(3) For waste management, $2,362,106,000.

(4) For technology development, $371,150,000.

(5) For transportation management, $19,730,000.

(6) For program direction, $82,427,000.

(7) For facility transition, $545,268,000.

(b) PLANT PROJECTS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto) in carrying out environmental restoration and waste management activities necessary for national security programs as follows:

Project GPD–171, general plant projects, various locations, $48,180,000.

Project 94–D–122, underground storage tanks, Rocky Flats, Colorado, $700,000.

Project 94–D–400, high explosive wastewater treatment system, Los Alamos National Laboratory, Los Alamos, New Mexico, $1,000,000.

Project 94–D–401, emergency response facility, Idaho National Engineering Laboratory, Idaho, $600,000.

Project 94–D–402, liquid waste treatment system, Nevada Test Site, Nevada, $2,114,000.

Project 94–D–404, Melton Valley storage tank capacity increase, Oak Ridge National Laboratory, Oak Ridge, Tennessee, $9,400,000.

Project 94–D–405, central neutralization facility pipeline extension project, K–25, Oak Ridge, Tennessee, $1,714,000.

Project 94–D–406, low-level waste disposal facilities, K–25, Oak Ridge, Tennessee, $6,000,000.

Project 94–D–407, initial tank retrieval systems, Richland, Washington, $7,000,000.

Project 94–D–408, office facilities—200 East, Richland, Washington, $1,200,000.

Project 94–D–411, solid waste operation complex, Richland, Washington, $7,100,000.

Project 94–D–412, 300 area process sewer piping upgrade, Richland, Washington, $1,100,000.

Project 94–D–414, site 300 explosive waste storage facility, Lawrence Livermore National Laboratory, Livermore, California, $370,000.

Project 94–D–415, medical facilities, Idaho National Engineering Laboratory, Idaho, $1,110,000.

Project 94–D–416, solvent storage tanks installation, Savannah River, South Carolina, $1,500,000.

Project 94–D–451, infrastructure replacement, Rocky Flats Plant, Golden, Colorado, $6,600,000.

Project 93–D–172, electrical upgrade, Idaho National Engineering Laboratory, Idaho, $9,600,000.

Project 93–D–174, plant drain waste water treatment upgrades, Y–12 Plant, Oak Ridge, Tennessee, $3,500,000.

Project 93–D–175, industrial waste compaction facility, Y–12 Plant, Oak Ridge, Tennessee, $1,800,000.

Project 93–D–176, Oak Ridge reservation storage facility, K–25 Plant, Oak Ridge, Tennessee, $6,039,000.

Project 93–D–177, disposal of K–1515 sanitary water treatment plant waste, K–25 Plant, Oak Ridge, Tennessee, $7,100,000.

Project 93–D–178, building 374 liquid waste treatment facility, Rocky Flats, Golden, Colorado, $1,000,000.

Project 93–D–181, radioactive liquid waste line replacement, Richland, Washington, $6,000,000.

Project 93–D–182, replacement of cross-site transfer system, Richland, Washington, $6,500,000.

Project 93–D–183, multi-tank waste storage facility, Richland, Washington, $45,660,000.

Project 93–D–184, 325 facility compliance/renovation, Richland, Washington, $3,500,000.

Project 93–D–185, landlord program safety compliance, Phase II, Richland, Washington, $1,351,000.

Project 93–D–187, high-level waste removal from filled waste tanks, Savannah River, Aiken, South Carolina, $3,000,000.

Project 93–D–188, new sanitary landfill, Savannah River, Aiken, South Carolina, $1,020,000.

Project 92–D–125, master safeguards and security agreement/materials surveillance task force security upgrades, Rocky Flats Plant, Golden, Colorado, $3,900,000.

Project 92–D–172, hazardous waste treatment and processing facility, Pantex Plant, Amarillo, Texas, $300,000.

Project 92–D–173, nitrogen oxide abatement facility, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, $10,000,000.

Project 92–D–177, tank 101–AZ waste retrieval system, Richland, Washington, $7,000,000.

Project 92–D–181, INEL fire and life safety improvements, Idaho National Engineering Laboratory, Idaho, $5,000,000.

Project 92–D–182, INEL sewer system upgrade, Idaho National Engineering Laboratory, Idaho, $1,450,000.

Project 92–D–183, INEL transportation complex, Idaho National Engineering Laboratory, Idaho, $7,198,000.

Project 92–D–184, Hanford infrastructure underground storage tanks, Richland, Washington, $300,000.

Project 92–D–186, steam system rehabilitation, Phase II, Richland, Washington, $4,300,000.

Project 92–D–187, 300 area electrical distribution, conversion, and safety improvements, Phase II, Richland, Washington, $10,276,000.

Project 92–D–188, waste management ES&H, and compliance activities, various locations, $8,568,000.

Project 92–D–403, tank upgrade project, Lawrence Livermore National Laboratory, California, $3,888,000.

Project 91–D–171, waste receiving and processing facility, module 1, Richland, Washington, $17,700,000.

Project 91–D–175, 300 area electrical distribution, conversion, and safety improvements, Phase I, Richland, Washington, $1,500,000.

Project 90–D–172, aging waste transfer line, Richland, Washington, $5,000,000.

Project 90–D–175, landlord program safety compliance–I, Richland, Washington, $1,800,000.

Project 90–D–177, RWMC transuranic (TRU) waste characterization and storage facility, Idaho National Engineering Laboratory, Idaho, $21,700,000.

Project 89–D–172, Hanford environmental compliance, Richland, Washington, $11,700,000.

Project 89–D–173, tank farm ventilation upgrade, Richland, Washington, $1,000,000.

Project 89–D–174, replacement high-level waste evaporator, Savannah River, South Carolina, $12,974,000.

Project 88–D–173, Hanford waste vitrification plant, Richland, Washington, $40,000,000.

Project 87–D–181, diversion box and pump pit containment buildings, Savannah River, South Carolina, $2,137,000.

Project 86–D–103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, California, $10,260,000.

Project 83–D–148, nonradioactive hazardous waste management, Savannah River, South Carolina, $2,169,000.

Project 81–T–105, defense waste processing facility, Savannah River, South Carolina, $43,873,000.

(c) CAPITAL EQUIPMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for capital equipment not related to construction in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $203,826,000, to be allocated as follows:

(1) For corrective activities, $600,000.

(2) For waste management, $138,781,000.

(3) For technology development, $29,850,000.

(4) For transportation management, $400,000.

(5) For program direction, $9,469,000.

(6) For facility transition and management, $24,726,000.

(d) GENERAL REDUCTION IN OPERATING EXPENSES.—The amount authorized to be appropriated for operating expenses pursuant to subsection (a) is the amount authorized to be appropriated in that subsection reduced by $280,000,000.

(e) PRIOR YEAR BALANCES.—The total amount authorized to be appropriated pursuant to this section is the sum of the amounts authorized to be appropriated in subsections (a), (b), and (c) reduced by $86,600,000. In determining the amount authorized to be appropriated pursuant to subsection (a) for the purposes of this subsection, subsection (d) shall be taken into account.

SEC. 3103. NUCLEAR MATERIALS SUPPORT AND OTHER DEFENSE PROGRAMS.

(a) OPERATING EXPENSES.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for operating expenses incurred in carrying out nuclear materials support and other defense programs necessary for national security programs in the amount of $2,182,315,000, to be allocated as follows:

(1) For nuclear materials support, $873,123,000.

(2) For verification and control technology, $341,941,000.

(3) For nuclear safeguards and security, $82,700,000.

(4) For security investigations, $49,000,000.

(5) For security evaluations, $14,961,000.

(6) For nuclear safety, $24,859,000.

(7) For worker training and adjustment, $100,000,000.

(8) For naval reactors, including enrichment materials, $695,731,000.

(b) PLANT PROJECTS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto) in carrying out nuclear materials support and other defense programs necessary for national security programs as follows:

(1) For materials support:

Project GPD–146, general plant projects, various locations, $23,000,000.

Project 93–D–147, domestic water system upgrade, Phases I and II, Savannah River, South Carolina, $7,720,000.

Project 93–D–148, replace high-level drain lines, Savannah River, South Carolina, $1,800,000.

Project 93–D–152, environmental modification for production facilities, Savannah River, South Carolina, $20,000,000.

Project 92–D–140, F&H canyon exhaust upgrades, Savannah River, South Carolina, $15,000,000.

Project 92–D–142, nuclear material processing training center, Savannah River, South Carolina, $8,900,000.

Project 92–D–143, health protection instrument calibration facility, Savannah River, South Carolina, $9,600,000.

Project 92–D–150, operations support facilities, Savannah River, South Carolina, $26,900,000.

Project 92–D–153, engineering support facility, Savannah River, South Carolina, $9,500,000.

Project 90–D–149, plantwide fire protection, Phases I and II, Savannah River, South Carolina, $25,950,000.

Project 86–D–149, productivity retention program, Phases I, II, III, IV, V, and VI, various locations, $3,700,000.

(2) For verification and control technology:

Project 90–D–186, center for national security and arms control, Sandia National Laboratories, Albuquerque, New Mexico, $8,515,000.

(3) For naval reactors development:

Project GPN–101, general plant projects, various locations, $7,500,000.

Project 93–D–200, engineering services facilities, Knolls Atomic Power Laboratory, Niskayuna, New York, $7,000,000.

Project 92–D–200, laboratories facilities upgrades, various locations, $2,800,000.

(c) CAPITAL EQUIPMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for capital equipment not related to construction in carrying out nuclear materials support and other defense programs necessary for national security programs as follows:

(1) For materials support, $65,000,000.

(2) For verification and control technology, $15,573,000.

(3) For nuclear safeguards and security, $4,101,000.

(4) For nuclear safety, $50,000.

(5) For naval reactors, $46,900,000.

(d) ADJUSTMENTS.—The total amount that may be appropriated pursuant to this section is the sum of the amounts authorized to be appropriated in subsections (a) through (c) reduced by—

(1) $100,000,000, for recovery of overpayment to the Savannah River Pension Fund;

(2) $409,132,000, for use of prior year balances for materials support and other defense programs; and

(3) $18,937,000, for salary reductions.

(e) ECONOMIC ADJUSTMENT ASSISTANCE.—Of the amount provided under subsection (a)(7) for worker training and adjustment, $6,000,000 shall be available for providing economic assistance and development funding for local counties or localities surrounding the property of the Department of Energy defense nuclear facility at the Savannah River Site, South Carolina. To the extent prac-

ticable, the amount of assistance to be provided should be distributed as follows:

(1) $1,000,000 to plan community adjustments and economic diversification.

(2) $5,000,000 to carry out a community adjustments and economic diversification program.

(f) USE OF TECHNOLOGY TRANSFER FUNDS AT THE SAVANNAH RIVER SITE.—Of amounts authorized to be appropriated in subsection (a)(1) for nuclear materials support, there are hereby authorized to be appropriated $4,000,000 for technology transfer activities at the Department of Energy defense production facility at the Savannah River Site, South Carolina.

SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of $120,000,000.

Subtitle B—Recurring General Provisions

SEC. 3121. REPROGRAMMING.

(a) NOTICE TO CONGRESS.—(1) Except as otherwise provided in this title—

(A) no amount appropriated pursuant to this title may be used for any program in excess of the lesser of—

(i) 105 percent of the amount authorized for that program by this title; or

(ii) $10,000,000 more than the amount authorized for that program by this title; and

(B) no amount appropriated pursuant to this title may be used for any program which has not been presented to, or requested of, the Congress.

(2) An action described in paragraph (1) may not be taken until—

(A) the Secretary of Energy has submitted to the congressional defense committees a report containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action; and

(B) a period of 30 days has elapsed after the date on which the report is received by the committees.

(3) In the computation of the 30-day period under paragraph (2), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 calendar days to a day certain.

(b) LIMITATION ON AMOUNT OBLIGATED.—In no event may the total amount of funds obligated pursuant to this title exceed the total amount authorized to be appropriated by this title.

SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.

(a) IN GENERAL.—The Secretary of Energy may carry out any construction project under the general plant projects provisions authorized by this title if the total estimated cost of the construction project does not exceed $2,000,000.

(b) REPORT TO CONGRESS.—If, at any time during the construction of any general plant project authorized by this title, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds $2,000,000, the Secretary shall immediately furnish a complete report to the congressional defense committees explaining the reasons for the cost variation.

SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.

(a) IN GENERAL.—(1) Except as provided in paragraph (2), construction on a construction project may not be started or additional obligations incurred in connection with the project above the total estimated cost, whenever the current estimated cost of the construction project, which is authorized by sections 3101, 3102, and 3103, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of—

(A) the amount authorized for the project; or

(B) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to the Congress.

(2) An action described in paragraph (1) may be taken if—

(A) the Secretary of Energy has submitted to the congressional defense committees a report on the action and the circumstances making such action necessary; and

(B) a period of 30 days has elapsed after the date on which the report is received by the committees.

(3) In the computation of the 30-day period under paragraph (2), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 calendar days to a day certain.

(b) EXCEPTION.—Subsection (a) shall not apply to any construction project which has a current estimated cost of less than $5,000,000.

SEC. 3124. FUND TRANSFER AUTHORITY.

Funds appropriated pursuant to this title may be transferred to other agencies of the Federal Government for the performance of the work for which the funds were appropriated, and funds so transferred may be merged with the appropriations of the agency to which the funds are transferred.

SEC. 3125. AUTHORITY FOR CONSTRUCTION DESIGN.

(a) IN GENERAL.—(1) Within the amounts authorized by this title for plant engineering and design, the Secretary of Energy may carry out advance planning and construction design (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such planning and design does not exceed $2,000,000.

(2) In the case of any project in which the total estimated cost for advance planning and design exceeds $300,000, the Secretary shall notify the congressional defense committees in writing of the details of such project at least 30 days before any funds are obligated for design services for such project.

(b) SPECIFIC AUTHORITY REQUIRED.—In any case in which the total estimated cost for advance planning and construction design in connection with any construction project exceeds $2,000,000,

funds for such planning and design must be specifically authorized by law.

SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DESIGN, AND CONSTRUCTION ACTIVITIES.

(a) AUTHORITY.—The Secretary of Energy may use any funds available to the Department of Energy, including those funds authorized to be appropriated for advance planning and construction design under sections 3101, 3102, and 3103, to perform planning, design, and construction activities for any Department of Energy defense activity construction project that, as determined by the Secretary, must proceed expeditiously in order to protect public health and safety, meet the needs of national defense, or protect property.

(b) LIMITATION.—The Secretary may not exercise the authority under subsection (a) in the case of any construction project until the Secretary has submitted to the congressional defense committees a report on the activities that the Secretary intends to carry out under this section and the circumstances making such activities necessary.

(c) SPECIFIC AUTHORITY.—The requirement of section 3125(b) does not apply to emergency planning, design, and construction activities conducted under this section.

(d) REPORT.—The Secretary of Energy shall promptly report to the congressional defense committees any exercise of authority under this section.

SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY.

Subject to the provisions of appropriation Acts and section 3121, amounts appropriated pursuant to this title for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

SEC. 3128. AVAILABILITY OF FUNDS.

When so specified in an appropriation Act, amounts appropriated for operating expenses, plant projects, and capital equipment may remain available until expended.

Subtitle C—Program Authorizations, Restrictions, and Limitations

SEC. 3131. DEFENSE INERTIAL CONFINEMENT FUSION PROGRAM.

Of the funds authorized to be appropriated to the Department of Energy for fiscal year 1994 for operating expenses and plant and capital equipment, $188,413,000 shall be available for the defense inertial confinement fusion program.

SEC. 3132. PAYMENT OF PENALTY ASSESSED AGAINST HANFORD PROJECT.

The Secretary of Energy may pay to the Hazardous Substances Response Trust, from funds appropriated to the Department of Energy for environmental restoration and waste management activities pursuant to section 3102, a stipulated civil penalty in the amount of $100,000 assessed under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42

U.S.C. 9601 et seq.) and the Hanford Consent Agreement and Compliance Order for Department of Energy Hanford.

SEC. 3133. WATER MANAGEMENT PROGRAMS.

From funds authorized to be appropriated pursuant to section 3102(a) to the Department of Energy for environmental restoration and waste management activities, the Secretary of Energy may reimburse the cities of Westminster, Broomfield, Thornton, and Northglenn, in the State of Colorado, $11,300,000 for the cost of implementing water management programs. Reimbursements for the water management programs shall not be considered a major Federal action for purposes of section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)).

SEC. 3134. TECHNOLOGY TRANSFER.

(a) IN GENERAL.—(1) The Secretary of Energy may use for technology transfer activities described in paragraph (2), and for cooperative research and development agreements and partnerships to carry out such activities, funds appropriated or otherwise made available to the Department of Energy for fiscal year 1994 under sections 3101 and 3103.

(2) The activities that may be funded under this paragraph are those activities determined by the Secretary of Energy to facilitate the maintenance and enhancement of critical skills required for research on, and development of, any dual-use critical technology.

(b) APPLICABILITY OF CERTAIN LAWS.—The Secretary of Energy shall conduct the activities funded under subsection (a) in accordance with applicable laws and regulations relating to grants, contracts, and cooperative agreements of the Department of Energy, including the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.), the National Competitiveness Technology Transfer Act of 1989 (15 U.S.C. 3701 note), and section 3136 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (42 U.S.C. 2123).

(c) DEFINITION.—For purposes of this section, the term "dual-use critical technology" has the meaning given such term by section 3136(b) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (42 U.S.C. 2123(b)).

SEC. 3135. TECHNOLOGY TRANSFER AND ECONOMIC DEVELOPMENT ACTIVITIES FOR COMMUNITIES SURROUNDING SAVANNAH RIVER SITE.

(a) PLAN.—(1) The Secretary of Energy shall submit to the Congress a plan for the expenditure of funds in an equitable manner to foster technology transfer to, and economic development activities in, the communities surrounding the Savannah River Site, South Carolina.

(2) The plan required under paragraph (1)—

(A) shall be based on a report on the matters referred to in that paragraph that is prepared by the appropriate official of the Department of Energy at the Savannah River Site and submitted to the Secretary; and

(B) shall be submitted to the Congress by the Secretary within 30 days after the date on which the report referred to in subparagraph (A) is submitted to the Secretary.

(b) LIMITATION.—The Secretary of Energy may not, for the purpose of fostering technology transfer to, and economic develop-

ment activities in, the communities referred to in subsection (a)(1), obligate more than $5,000,000 of the $30,000,000 appropriated to the Department of Energy for such purpose pursuant to the authorization of appropriations in section 3102 until 30 days after the date on which the Secretary submits to the Congress the plan required under that subsection.

42 USC 2121 note.

SEC. 3136. PROHIBITION ON RESEARCH AND DEVELOPMENT OF LOW-YIELD NUCLEAR WEAPONS.

(a) UNITED STATES POLICY.—It shall be the policy of the United States not to conduct research and development which could lead to the production by the United States of a new low-yield nuclear weapon, including a precision low-yield warhead.

(b) LIMITATION.—The Secretary of Energy may not conduct, or provide for the conduct of, research and development which could lead to the production by the United States of a low-yield nuclear weapon which, as of the date of the enactment of this Act, has not entered production.

(c) EFFECT ON OTHER RESEARCH AND DEVELOPMENT.—Nothing in this section shall prohibit the Secretary of Energy from conducting, or providing for the conduct of, research and development necessary—

(1) to design a testing device that has a yield of less than five kilotons;

(2) to modify an existing weapon for the purpose of addressing safety and reliability concerns; or

(3) to address proliferation concerns.

(d) DEFINITION.—In this section, the term "low-yield nuclear weapon" means a nuclear weapon that has a yield of less than five kilotons.

42 USC 2121 note.

SEC. 3137. TESTING OF NUCLEAR WEAPONS.

(a) IN GENERAL.—Of the funds authorized to be appropriated under section 3101(a)(2) for the Department of Energy for fiscal year 1994 for weapons testing, $211,326,000 shall be available for infrastructure maintenance at the Nevada Test Site, and for maintaining the technical capability to resume underground nuclear testing at the Nevada Test Site.

(b) ATMOSPHERIC TESTING OF NUCLEAR WEAPONS.—None of the funds appropriated pursuant to this Act or any other Act for any fiscal year may be available to maintain the capability of the United States to conduct atmospheric testing of a nuclear weapon.

42 USC 2121 note.

SEC. 3138. STOCKPILE STEWARDSHIP PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Energy shall establish a stewardship program to ensure the preservation of the core intellectual and technical competencies of the United States in nuclear weapons, including weapons design, system integration, manufacturing, security, use control, reliability assessment, and certification.

(b) PROGRAM ELEMENTS.—The program shall include the following:

(1) An increased level of effort for advanced computational capabilities to enhance the simulation and modeling capabilities of the United States with respect to the detonation of nuclear weapons.

(2) An increased level of effort for above-ground experimental programs, such as hydrotesting, high-energy lasers, inertial confinement fusion, plasma physics, and materials research.

(3) Support for new facilities construction projects that contribute to the experimental capabilities of the United States, such as an advanced hydrodynamics facility, the National Ignition Facility, and other facilities for above-ground experiments to assess nuclear weapons effects.

(c) AUTHORIZATION OF APPROPRIATIONS.—Of funds authorized to be appropriated to the Secretary of Energy for fiscal year 1994 for weapons activities, $157,400,000 shall be available for the stewardship program established under subsection (a).

(d) REPORT.—Each year, at the same time the President submits the budget under section 1105 of title 31, United States Code, the President shall submit to the Congress a report covering the most recently completed calendar year which sets forth— President.

(1) any concerns with respect to the safety, security, effectiveness, or reliability of existing United States nuclear weapons raised by the Stockpile Surveillance Program of the Department of Energy, and the calculations and experiments performed by Sandia National Laboratories, Lawrence Livermore National Laboratory, or Los Alamos National Laboratory; and

(2) if such concerns have been raised, the President's evaluation of each concern and a report on what actions are being or will be taken to address that concern.

SEC. 3139. NATIONAL SECURITY PROGRAMS.

Notwithstanding any other provision of law, not more than 95 percent of the funds appropriated to the Department of Energy for national security programs under this title may be obligated for such programs until the Secretary of Energy submits to the congressional defense committees the five-year budget plan with respect to fiscal year 1994 required under section 3144 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1681; 42 U.S.C. 7271b).

SEC. 3140. EXPENDED CORE FACILITY DRY CELL.

None of the funds appropriated or otherwise made available to the Department of Energy for fiscal year 1994 may be obligated for project 90-N-102, expended core facility dry cell project, Naval Reactors Facility, Idaho, until shipment of spent naval nuclear fuel from United States naval surface ships and submarines to the Idaho Engineering Laboratory, Idaho, is resumed.

SEC. 3141. SCHOLARSHIP AND FELLOWSHIP PROGRAM FOR ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.

Of the funds authorized to be appropriated to the Department of Energy for fiscal year 1994 for environmental restoration and waste management, $1,000,000 shall be available for the Scholarship and Fellowship Program for Environmental Restoration and Waste Management carried out under section 3132 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (42 U.S.C. 7274e).

SEC. 3142. HAZARDOUS MATERIALS MANAGEMENT AND HAZARDOUS MATERIALS EMERGENCY RESPONSE TRAINING PROGRAM.

Of the funds authorized to be appropriated to the Department of Energy for fiscal year 1994 under section 3102, not more than $10,000,000 shall be available to carry out a hazardous materials management and hazardous materials emergency response training program.

SEC. 3143. WORKER HEALTH AND PROTECTION.

(a) HANFORD HEALTH INFORMATION NETWORK.—Of the funds authorized to be appropriated to the Department of Energy for fiscal year 1994 under section 3101(a), $1,750,000 shall be available for activities relating to the Hanford health information network established pursuant to the authority set forth in section 3138 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1834).

(b) PROTECTION OF NUCLEAR WEAPONS FACILITIES WORKERS.—Of the funds authorized to be appropriated to the Department of Energy for fiscal year 1994 for environmental restoration and waste management, $11,000,000 shall be available to carry out activities authorized under section 3131 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 42 U.S.C. 7274d), relating to worker protection at nuclear weapons facilities.

SEC. 3144. VERIFICATION AND CONTROL TECHNOLOGY.

Of the funds authorized to be appropriated to the Department of Energy for fiscal year 1994 for operating expenses for activities relating to verification and control technology, not more than $334,441,000 may be obligated until the Secretary of Defense submits the report required by section 1606.

SEC. 3145. TRITIUM PRODUCTION REQUIREMENTS.

(a) EVALUATION.—(1) The Secretary of Energy shall evaluate—

(A) a range of contingency options for meeting potential tritium requirements of the United States before 2008; and

(B) long-term options for the production of tritium to meet the tritium requirements of the United States after 2008.

(2) Among the long-term options evaluated under paragraph (1)(B), the Secretary of Energy shall consider—

(A) those technologies and reactors that are evaluated by the Secretary for plutonium disposition and are appropriate for the production of tritium, for the feasibility and cost-effectiveness of using such technologies and reactors for the production of tritium; and

(B) any proposals for the private financing of tritium production facilities or for the commercial production of tritium that the Secretary considers promising.

(b) REPORT.—Not later than six months after the date of the enactment of this Act, the Secretary of Energy shall submit to the Congress a report on the contingency options evaluated under subsection (a)(1)(A) which sets forth the Secretary's plan for meeting, through 2008, the requirements of the United States for tritium for national security purposes. The report shall include an assessment of the effect of the closing of the K reactor at the Savannah River Site, South Carolina, on the ability of the Department of

Energy to meet such requirements. The report shall be submitted in unclassified form, with a classified appendix if necessary.

(c) ENVIRONMENTAL IMPACT STATEMENT.—The Secretary of Energy shall include an assessment of the capacity of the Department of Energy to produce tritium after 2008 in the Secretary's programmatic environmental impact statement under 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) on the reconfiguration of the Department of Energy nuclear weapons complex. The Secretary shall issue the programmatic environmental impact statement not later than March 1, 1995.

Subtitle D—Other Matters

SEC. 3151. LIMITATIONS ON THE RECEIPT AND STORAGE OF SPENT NUCLEAR FUEL FROM FOREIGN RESEARCH REACTORS.

42 USC 2160 note.

(a) PURPOSE.—It is the purpose of this section to regulate the receipt and storage of spent nuclear fuel at the Department of Energy defense nuclear facility located at the Savannah River Site, South Carolina (in this section referred to as the "Savannah River Site").

(b) RECEIPT IN EMERGENCY CIRCUMSTANCES.—When the Secretary of Energy determines that emergency circumstances make it necessary to receive spent nuclear fuel, the Secretary shall submit a notification of that determination to the Congress. The Secretary may not receive spent nuclear fuel at the Savannah River Site until the expiration of the 30-day period beginning on the date on which the Congress receives the notification.

(c) LIMITATION ON STORAGE IN NON-EMERGENCY CIRCUMSTANCES.—The Secretary of Energy may not, under other than emergency circumstances, receive and store at the Savannah River Site any spent nuclear fuel in excess of the amount that (as of the date of the enactment of this Act) the Savannah River Site is capable of receiving and storing, until, with respect to the receipt and storage of any such spent nuclear fuel—

(1) the completion of an environmental impact statement under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C));

(2) the expiration of the 90-day period (as prescribed by regulation pursuant to such Act) beginning on the date of such completion; and

(3) the signing by the Secretary of a record of decision following such completion.

(d) LIMITATIONS ON RECEIPT.—The Secretary of Energy may not, under emergency or non-emergency circumstances, receive spent nuclear fuel if the spent nuclear fuel—

(1) cannot be transferred in an expeditious manner from its port of entry in the United States to a storage facility that is located at a Department of Energy facility and is capable of receiving and storing the spent nuclear fuel; or

(2) will remain on a vessel in the port of entry for a period that exceeds the period necessary to unload the fuel from the vessel pursuant to routine unloading procedures.

(e) CRITERIA FOR PORT OF ENTRY.—The Secretary of Energy shall, if economically feasible and to the maximum extent practicable, provide for the receipt of spent nuclear fuel under this

section at a port of entry in the United States which, as determined by the Secretary and compared to each other port of entry in the United States that is capable of receiving the spent nuclear fuel—

(1) has the lowest human population in the area surrounding the port of entry;

(2) is closest in proximity to the facility which will store the spent nuclear fuel; and

(3) has the most appropriate facilities for, and experience in, receiving spent nuclear fuel.

(f) DEFINITION.—In this section, the term "spent nuclear fuel" means nuclear fuel that—

(1) was originally exported to a foreign country from the United States in the form of highly enriched uranium; and

(2) was used in a research reactor by the Government of a foreign country or by a foreign-owned or foreign-controlled entity.

SEC. 3152. EXTENSION OF REVIEW OF WASTE ISOLATION PILOT PLANT IN NEW MEXICO.

Section 1433(a) of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456; 102 Stat. 2073) is amended in the second sentence by striking out "four additional one-year periods" and inserting in lieu thereof "nine additional one-year periods".

42 USC 7274k.

SEC. 3153. BASELINE ENVIRONMENTAL MANAGEMENT REPORTS.

(a) ANNUAL ENVIRONMENTAL RESTORATION REPORTS.—(1) The Secretary of Energy shall (in the years and at the times specified in paragraph (2)) submit to the Congress a report on the activities and projects necessary to carry out the environmental restoration of all Department of Energy defense nuclear facilities.

(2) Reports under paragraph (1) shall be submitted as follows:

(A) The initial report shall be submitted not later than March 1, 1995.

(B) A report after the initial report shall be submitted in each year after 1995 during which the Secretary of Energy conducts, or plans to conduct, environmental restoration activities and projects, not later than 30 days after the date on which the President submits to the Congress the budget for the fiscal year beginning in that year.

(b) ANNUAL WASTE MANAGEMENT REPORTS.—(1) The Secretary of Energy shall (in the years and at the times specified in paragraph (2)) submit to the Congress a report on all activities and projects for waste management, transition of operational facilities to safe shutdown status, and technology research and development related to such activities and projects that are necessary for Department of Energy defense nuclear facilities.

(2) Reports required under paragraph (1) shall be submitted as follows:

(A) The initial report shall be submitted not later than June 1, 1995.

(B) A report after the initial report shall be submitted in each year after 1995, not later than 30 days after the date on which the President submits to the Congress the budget for the fiscal year beginning in that year.

(c) CONTENTS OF REPORTS.—A report required under subsection (a) or (b) shall be based on compliance with all applicable provisions of law, permits, regulations, orders, and agreements, and shall—

(1) provide the estimated total cost of, and the complete schedule for, the activities and projects covered by the report; and

(2) with respect to each such activity and project, contain—

(A) a description of the activity or project;

(B) a description of the problem addressed by the activity or project;

(C) the proposed remediation of the problem, if the remediation is known or decided;

(D) the estimated cost to complete the activity or project, including, where appropriate, the cost for every five-year increment; and

(E) the estimated date for completion of the activity or project, including, where appropriate, progress milestones for every five-year increment.

(d) ANNUAL STATUS AND VARIANCE REPORTS.—(1)(A) The Secretary of Energy shall (in the years and at the time specified in subparagraph (B)) submit to the Congress a status and variance report on environmental restoration and waste management activities and projects at Department of Energy defense nuclear facilities.

(B) A report under subparagraph (A) shall be submitted in 1995 and in each year thereafter during which the Secretary of Energy conducts environmental restoration and waste management activities, not later than 30 days after the date on which the President submits to the Congress the budget for the fiscal year beginning in that year.

(2) Each status and variance report under paragraph (1) shall contain the following:

(A) Information on each such activity and project for which funds were appropriated for the fiscal year immediately before the fiscal year during which the report is submitted, including the following:

(i) Information on whether or not the activity or project has been completed, and information on the estimated date of completion for activities or projects that have not been completed.

(ii) The total amount of funds expended for the activity or project during such prior fiscal year, including the amount of funds expended from amounts made available as the result of supplemental appropriations or a transfer of funds, and an estimate of the total amount of funds required to complete the activity or project.

(iii) Information on whether the President requested an amount of funds for the activity or project in the budget for the fiscal year during which the report is submitted, and whether such funds were appropriated or transferred.

(iv) An explanation of the reasons for any projected cost variance between actual and estimated expenditures of more than 15 percent or $10,000,000, or any schedule delay of more than six months, for the activity or project.

(B) For the fiscal year during which the report is submitted, a disaggregation of the funds appropriated for Department of Energy defense environmental restoration and waste management into the activities and projects (including discrete

parts of multiyear activities and projects) that the Secretary of Energy expects to accomplish during that fiscal year.

(C) For the fiscal year for which the budget is submitted, a disaggregation of the Department of Energy defense environmental restoration and waste management budget request into the activities and projects (including discrete parts of multiyear activities and projects) that the Secretary of Energy expects to accomplish during that fiscal year.

(e) COMPLIANCE TRACKING.—In preparing a report under this section, the Secretary of Energy shall provide, with respect to each activity and project identified in the report, information which is sufficient to track the Department of Energy's compliance with relevant Federal and State regulatory milestones.

SEC. 3154. LEASE OF PROPERTY AT DEPARTMENT OF ENERGY WEAPON PRODUCTION FACILITIES.

Section 646 of the Department of Energy Organization Act (42 U.S.C. 7256) is amended by adding at the end the following new subsections:

"(c) The Secretary may lease, upon terms and conditions the Secretary considers appropriate to promote national security or the public interest, acquired real property and related personal property that—

"(1) is located at a facility of the Department of Energy to be closed or reconfigured;

"(2) at the time the lease is entered into, is not needed by the Department of Energy; and

"(3) is under the control of the Department of Energy.

"(d)(1) A lease entered into under subsection (c) may not be for a term of more than 10 years, except that the Secretary may enter into a lease that includes an option to renew for a term of more than 10 years if the Secretary determines that entering into such a lease will promote the national security or be in the public interest.

"(2) A lease entered into under subsection (c) may provide for the payment (in cash or in kind) by the lessee of consideration in an amount that is less than the fair market rental value of the leasehold interest. Services relating to the protection and maintenance of the leased property may constitute all or part of such consideration.

"(e)(1) Before entering into a lease under subsection (c), the Secretary shall consult with the Administrator of the Environmental Protection Agency (with respect to property located on a site on the National Priorities List) or the appropriate State official (with respect to property located on a site that is not listed on the National Priorities List) to determine whether the environmental conditions of the property are such that leasing the property, and the terms and conditions of the lease agreement, are consistent with safety and the protection of public health and the environment.

"(2) Before entering into a lease under subsection (c), the Secretary shall obtain the concurrence of the Administrator of the Environmental Protection Agency or the appropriate State official, as the case may be, in the determination required under paragraph (1). The Secretary may enter into a lease under subsection (c) without obtaining such concurrence if, within 60 days after the Secretary requests the concurrence, the Administrator or appropriate State official, as the case may be, fails to submit to the

Secretary a notice of such individual's concurrence with, or rejection of, the determination.

"(f) To the extent provided in advance in appropriations Acts, the Secretary may retain and use money rentals received by the Secretary directly from a lease entered into under subsection (c) in any amount the Secretary considers necessary to cover the administrative expenses of the lease, the maintenance and repair of the leased property, or environmental restoration activities at the facility where the leased property is located. Amounts retained under this subsection shall be retained in a separate fund established in the Treasury for such purpose. The Secretary shall annually submit to the Congress a report on amounts retained and amounts used under this subsection.". Reports.

SEC. 3155. AUTHORITY TO TRANSFER CERTAIN DEPARTMENT OF ENERGY PROPERTY. 42 USC 7274*l*.

(a) AUTHORITY TO TRANSFER.—(1) Notwithstanding any other provision of law, the Secretary of Energy may transfer, for consideration, all right, title, and interest of the United States in and to the property referred to in subsection (b) to any person if the Secretary determines that such transfer will mitigate the adverse economic consequences that might otherwise arise from the closure of a Department of Energy facility.

(2) The amount of consideration received by the United States for a transfer under paragraph (1) may be less than the fair market value of the property transferred if the Secretary determines that the receipt of such lesser amount by the United States is in accordance with the purpose of such transfer under this section.

(3) The Secretary may require any additional terms and conditions with respect to a transfer of property under paragraph (1) that the Secretary determines appropriate to protect the interests of the United States.

(b) COVERED PROPERTY.—Property referred to in subsection (a) is the following property of the Department of Energy that is located at a Department of Energy facility to be closed or reconfigured:

(1) The personal property and equipment at the facility that the Secretary determines to be excess to the needs of the Department of Energy.

(2) Any personal property and equipment at the facility (other than the property and equipment referred to in paragraph (1)) the replacement cost of which does not exceed an amount equal to 110 percent of the costs of relocating the property or equipment to another facility of the Department of Energy.

SEC. 3156. IMPROVED CONGRESSIONAL OVERSIGHT OF DEPARTMENT OF ENERGY SPECIAL ACCESS PROGRAMS.

(a) IN GENERAL.—Chapter 9 of the Atomic Energy Act of 1954 (42 U.S.C. 2121 et seq.) is amended by adding at the end the following new section:

"SEC. 93. CONGRESSIONAL OVERSIGHT OF SPECIAL ACCESS PROGRAMS. 42 USC 2122a.

"(a) ANNUAL REPORT ON SPECIAL ACCESS PROGRAMS.—

"(1) IN GENERAL.—Not later than February 1 of each year, the Secretary of Energy shall submit to the congressional defense committees a report on special access programs of

the Department of Energy carried out under the atomic energy defense activities of the Department.

"(2) MATTERS TO BE INCLUDED.—Each such report shall set forth—

"(A) the total amount requested for such programs in the President's budget for the next fiscal year submitted under section 1105 of title 31, United States Code; and

"(B) for each such program in that budget, the following:

"(i) A brief description of the program.

"(ii) A brief discussion of the major milestones established for the program.

"(iii) The actual cost of the program for each fiscal year during which the program has been conducted before the fiscal year during which that budget is submitted.

"(iv) The estimated total cost of the program and the estimated cost of the program for (I) the current fiscal year, (II) the fiscal year for which the budget is submitted, and (III) each of the four succeeding fiscal years during which the program is expected to be conducted.

"(b) ANNUAL REPORT ON NEW SPECIAL ACCESS PROGRAMS.—

"(1) IN GENERAL.—Not later than February 1 of each year, the Secretary of Energy shall submit to the congressional defense committees a report that, with respect to each new special access program, provides—

"(A) notice of the designation of the program as a special access program; and

"(B) justification for such designation.

"(2) MATTERS TO BE INCLUDED.—A report under paragraph (1) with respect to a program shall include—

"(A) the current estimate of the total program cost for the program; and

"(B) an identification of existing programs or technologies that are similar to the technology, or that have a mission similar to the mission, of the program that is the subject of the notice.

"(3) NEW SPECIAL ACCESS PROGRAM DEFINED.—In this subsection, the term 'new special access program' means a special access program that has not previously been covered in a notice and justification under this subsection.

"(c) REPORTS ON CHANGES IN CLASSIFICATION OF SPECIAL ACCESS PROGRAMS.—

"(1) NOTICE TO CONGRESSIONAL COMMITTEES.—Whenever a change in the classification of a special access program of the Department of Energy is planned to be made or whenever classified information concerning a special access program of the Department of Energy is to be declassified and made public, the Secretary of Energy shall submit to the congressional defense committees a report containing a description of the proposed change, the reasons for the proposed change, and notice of any public announcement planned to be made with respect to the proposed change.

"(2) TIME FOR NOTICE.—Except as provided in paragraph (3), any report referred to in paragraph (1) shall be submitted

not less than 14 days before the date on which the proposed change or public announcement is to occur.

"(3) TIME WAIVER FOR EXCEPTIONAL CIRCUMSTANCES.—If the Secretary determines that because of exceptional circumstances the requirement of paragraph (2) cannot be met with respect to a proposed change or public announcement concerning a special access program of the Department of Energy, the Secretary may submit the report required by paragraph (1) regarding the proposed change or public announcement at any time before the proposed change or public announcement is made and shall include in the report an explanation of the exceptional circumstances.

"(d) NOTICE OF CHANGE IN SAP DESIGNATION CRITERIA.—Whenever there is a modification or termination of the policy and criteria used for designating a program of the Department of Energy as a special access program, the Secretary of Energy shall promptly notify the congressional defense committees of such modification or termination. Any such notification shall contain the reasons for the modification or termination and, in the case of a modification, the provisions of the policy as modified.

"(e) WAIVER AUTHORITY.—

"(1) IN GENERAL.—The Secretary of Energy may waive any requirement under subsection (a), (b), or (c) that certain information be included in a report under that subsection if the Secretary determines that inclusion of that information in the report would adversely affect the national security. The Secretary may waive the report-and-wait requirement in subsection (f) if the Secretary determines that compliance with such requirement would adversely affect the national security. Any waiver under this paragraph shall be made on a case-by-case basis.

"(2) LIMITED NOTICE REQUIRED.—If the Secretary exercises the authority provided under paragraph (1), the Secretary shall provide the information described in that subsection with respect to the special access program concerned, and the justification for the waiver, jointly to the chairman and ranking minority member of each of the congressional defense committees.

"(f) REPORT AND WAIT FOR INITIATING NEW PROGRAMS.—A special access program may not be initiated until—

"(1) the congressional defense committees are notified of the program; and

"(2) a period of 30 days elapses after such notification is received.

"(g) CONGRESSIONAL DEFENSE COMMITTEES DEFINED.—In this section, the term 'congressional defense committees' means the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives.".

(b) CLERICAL AMENDMENT.—The table of contents at the beginning of the Atomic Energy Act of 1954 is amended by inserting after the item relating to section 92 the following new item:

"Sec. 93. Congressional oversight of special access programs.".

SEC. 3157. REAUTHORIZATION AND EXPANSION OF AUTHORITY TO LOAN PERSONNEL AND FACILITIES.

(a) AUTHORITY TO LOAN PERSONNEL.—Subsection (a)(1) of section 1434 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456; 102 Stat. 2074) is amended—

(1) in subparagraph (A)—

(A) by striking out "and" at the end of clause (i);

(B) by striking out the period at the end of clause (ii) and inserting in lieu thereof a semicolon; and

(C) by adding at the end the following:

"(iii) at the Savannah River Site, South Carolina, to loan personnel in accordance with this section to any community-based organization; and

"(iv) at the Oak Ridge Reservation, Tennessee, to loan personnel in accordance with this section to any community-based organization."; and

(2) in subparagraph (B)—

(A) by striking out "and the Idaho" and inserting in lieu thereof ", the Idaho"; and

(B) by adding before the period at the end the following: ", the Savannah River Site, and the Oak Ridge Reservation".

(b) AUTHORITY TO LOAN FACILITIES.—Subsection (b) of such Act is amended—

(1) by striking out "or the Idaho" and inserting in lieu thereof "the Idaho"; and

(2) by inserting "the Savannah River Site, South Carolina, or the Oak Ridge Reservation, Tennessee," before "to any community-based organization".

(c) DURATION OF PROGRAM.—Subsection (c) of such section is amended—

(1) by striking out "Reservation, and" and inserting in lieu thereof "Reservation,"; and

(2) by inserting after "Idaho National Engineering Laboratory" the following: ", and September 30, 1995, with respect to the Savannah River Site, and to the Oak Ridge Reservation".

SEC. 3158. MODIFICATION OF PAYMENT PROVISION.

Section 1532(a) of the Department of Defense Authorization Act, 1986 (Public Law 99–145; 42 U.S.C. 2391 note) is amended by striking out "1996" and inserting in lieu thereof "1995".

42 USC 7256 note.

SEC. 3159. CONTRACT GOAL FOR SMALL DISADVANTAGED BUSINESSES AND CERTAIN INSTITUTIONS OF HIGHER EDUCATION.

(a) GOAL.—Except as provided in subsection (c), a goal of 5 percent of the amount described in subsection (b) shall be the objective of the Department of Energy in carrying out national security programs of the Department in each of fiscal years 1994 through 2000 for the total combined amount obligated for contracts and subcontracts entered into with—

(1) small business concerns, including mass media and advertising firms, owned and controlled by socially and economically disadvantaged individuals (as such term is used in section 8(d) of the Small Business Act (15 U.S.C. 637(d) and regulations issued under that section), the majority of the earnings of which directly accrue to such individuals;

(2) historically Black colleges and universities, including any nonprofit research institution that was an integral part of such a college or university before November 14, 1986; and

(3) minority institutions (as defined in section 1046(3) of the Higher Education Act of 1965 (20 U.S.C. 1135d-5(3)), which, for the purposes of this section, shall include Hispanic-serving institutions (as defined in section 316(b)(1) of such Act (20 U.S.C. 1059c(b)(1)).

(b) AMOUNT.—(1) Except as provided in paragraph (2), the requirements of subsection (a) for any fiscal year apply to the combined total of the funds obligated for contracts entered into by the Department of Energy pursuant to competitive procedures for such fiscal year for purposes of carrying out national security programs of the Department.

(2) In computing the combined total of funds under paragraph (1) for a fiscal year, funds obligated for such fiscal year for contracts for naval reactor programs shall not be included.

(c) APPLICABILITY.—Subsection (a) does not apply—

(1) to the extent to which the Secretary of Energy determines that compelling national security considerations require otherwise; and

(2) if the Secretary notifies the Congress of such a determination and the reasons for the determination.

SEC. 3160. AMENDMENTS TO STEVENSON-WYDLER TECHNOLOGY INNOVATION ACT OF 1980.

Section 12(d) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)) is amended—

(1) in paragraph (2)(B)—

(A) by inserting "(including a weapon production facility of the Department of Energy)" after "facilities"; and

(B) by inserting ", or the production, maintenance, testing, or dismantlement of a nuclear weapon or its components," after "research and development";

(2) in paragraph (2)(C)—

(A) by inserting "(including a weapon production facility of the Department of Energy)" after "facility"; and

(B) by inserting ", or the production, maintenance, testing, or dismantlement of a nuclear weapon or its components," after "research and development";

(3) in paragraph (2), by striking out "propulsion program; and" in the matter following subparagraph (C) and inserting in lieu thereof "propulsion program;";

(4) in paragraph (3), by striking out the period and inserting in lieu thereof "; and"; and

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

"(4) the term 'weapon production facility of the Department of Energy' means a facility under the control or jurisdiction of the Secretary of Energy that is operated for national security purposes and is engaged in the production, maintenance, testing, or dismantlement of a nuclear weapon or its components.".

SEC. 3161. CONFLICT OF INTEREST PROVISIONS FOR DEPARTMENT OF ENERGY EMPLOYEES.

(a) REPEAL.—Sections 603, 604, 605, 606, and 607 of the Department of Energy Organization Act (42 U.S.C. 7213 through 7217) are repealed.

(b) WAIVER.—Subsection (c) of section 602 of such Act (42 U.S.C. 7212) is amended—

(1) by inserting "(1)" after "(c)";

(2) by redesignating paragraphs (1), (2), and (3), as subparagraphs (A), (B), and (C), respectively; and

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

"(2)(A) The Secretary may, on a case-by-case basis, waive the requirements of this section for a supervisory employee covered if the Secretary finds that the waiver is in the best interests of the Department. A waiver under this paragraph is effective for that supervisory employee only if that supervisory employee establishes a qualified trust as provided in subparts D and E of 5 Code of Federal Regulations part 2634, as in effect on the date of the enactment of this provision. The provisions of section 2634.403(b)(3) of such part shall not apply to this paragraph.

"(B) A waiver under this paragraph shall be published in the Federal Register and shall contain the basis for the finding required by this paragraph. The waiver shall be for such period as the Secretary shall prescribe and may be renewed by the Secretary.".

(c) CONFORMING AMENDMENTS.—(1) Part A of title VI of such Act (42 U.S.C. 7211 et seq.) is amended—

42 USC 7211.

(A) in section 601(c)(1), by striking out "sections 602 through 606" and inserting in lieu thereof "section 602";

(B) in section 601(d)—

(i) by striking out "sections 602(a), 603(a), 605(a), and 606" and inserting in lieu thereof "section 602(a)"; and

(ii) by striking out the third sentence;

42 USC 7212.

(C) in section 602(d), by striking out "pursuant to section 603" and inserting in lieu thereof "to the extent known";

42 USC 7218.

(D) by redesignating section 608 as section 603; and

(E) in section 603, as redesignated by subparagraph (D)—

(i) by striking out subsections (a) and (c);

(ii) by redesignating subsections (b) and (d) as subsections (a) and (b), respectively; and

(iii) in subsection (a), as redesignated by clause (ii), by striking out "section 602, 603, 604, 605, or 606" and inserting in lieu thereof "section 602".

(2) The table of contents at the beginning of such Act is amended by striking out the items relating to sections 603, 604, 605, 606, 607, and 608 and inserting in lieu thereof the following:

"Sec. 603. Sanctions.".

(d) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Energy shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the application of part A of title VI of the Department of Energy Organization Act (42 U.S.C 7211 et seq.) to the Department of Energy and its officers and employees. The report shall—

(1) take into consideration the amendments to part A of title VI of such Act made by subsections (a), (b), and (c) of this section;

(2) examine whether the provisions of part A of title VI of such Act are necessary, taking into consideration other provisions of law regarding conflicts of interest and other statutes and requirements similar to part A that are applicable to

other Federal agencies, including offices and bureaus of the Department of the Interior and the Federal Communications Commission;

(3) examine the scope of coverage under the provisions of part A of title VI of such Act for supervisory employees of the Department of Energy, and the definition of the term 'energy concern' under section 601(b) of such Act, taking into consideration changes in responsibilities and duties of the Department of Energy under the Energy Policy Act of 1992 (Public Law 102–486; 106 Stat. 2776) and under other laws enacted after the establishment of the Department, and advise whether such provisions are adequate, overly broad, or too limiting, as applied to the Department;

(4) examine whether the divestiture provisions of part A of title VI of such Act are needed, in addition to other applicable provisions of law and regulations relating to divestiture, to protect the public interest;

(5) identify the provisions of law and regulations referred to in paragraph (4) and explain the manner and extent to which such provisions are adequate for all of the employees covered by part A of title VI of such Act; and

(6) include any recommendations that the Secretary considers appropriate.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 1994, $16,560,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

SEC. 3202. REQUIREMENT FOR TRANSMITTAL TO CONGRESS OF CERTAIN INFORMATION PREPARED BY DEFENSE NUCLEAR FACILITIES SAFETY BOARD.

(a) REQUIREMENT.—Chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.) is amended—

(1) by redesignating section 320 as section 321; and 42 USC 2286i.

(2) by inserting after section 319 the following new section 320:

"SEC. 320. TRANSMITTAL OF CERTAIN INFORMATION TO CONGRESS. 42 USC 2286h-1.

"Whenever the Board submits or transmits to the President or the Director of the Office of Management and Budget any legislative recommendation, or any statement or information in preparation of a report to be submitted to the Congress pursuant to section 316(a), the Board shall submit at the same time a copy thereof to the Congress.".

(b) CLERICAL AMENDMENT.—The table of contents at the beginning of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) is amended by striking out the item relating to section 320 and inserting in lieu thereof the following:

"Sec. 320. Transmittal of certain information to Congress.
"Sec. 321. Annual authorization of appropriations.".

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

Subtitle A—Authorizations of Disposals and Use of Funds

50 USC 98d note.

SEC. 3301. DISPOSAL OF OBSOLETE AND EXCESS MATERIALS CONTAINED IN THE NATIONAL DEFENSE STOCKPILE.

(a) DISPOSAL AUTHORIZED.—Subject to the conditions specified in subsection (b), the President may dispose of obsolete and excess materials currently contained in the National Defense Stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c) in order to modernize the stockpile. The materials subject to disposal under this subsection and the quantity of each material authorized to be disposed of by the President are set forth in the following table:

Authorized Stockpile Disposals

Material for disposal	Quantity
Analgesics	53,525 pounds of anhydrous morphine alkaloid
Antimony	32,140 short tons
Diamond Dies, Small	25,473 pieces
Manganese, Electrolytic	14,172 short tons
Mica, Muscovite Block, Stained and Better	1,866,166 pounds
Mica, Muscovite Film, 1st & 2d quality	158,440 pounds
Mica, Muscovite Splittings	12,540,382 pounds
Quinidine	2,471,287 avoirdupois ounces
Quinidine, Non-Stockpile Grade	1,691 avoirdupois ounces
Quinine	2,770,091 avoirdupois ounces
Quinine, Non-Stockpile Grade	475,950 avoirdupois ounces
Rare Earths	504 short dry tons
Vanadium Pentoxide	718 short tons of contained vanadium

(b) CONDITIONS ON DISPOSAL.—The authority of the President under subsection (a) to dispose of materials stored in the National Defense Stockpile may not be used unless and until the Secretary of Defense certifies to Congress that the disposal of such materials will not adversely affect the capability of the stockpile to supply the strategic and critical materials necessary to meet the needs of the United States during a period of national emergency that requires a significant level of mobilization of the economy of the United States, including any reconstitution of the military and industrial capabilities necessary to meet the planning assumptions used by the Secretary of Defense under section 14(b) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h–5(b)).

SEC. 3302. AUTHORIZED USES OF STOCKPILE FUNDS.

Subject to such limitations as may be provided in appropriations Acts, during fiscal year 1994, the National Defense Stockpile Manager may obligate up to $67,300,000 of the funds in the National Defense Stockpile Transaction Fund established under subsection (a) of section 9 of the Strategic and Critical Materials Stock Piling

Act (50 U.S.C. 98h) for the authorized uses of such funds under subsection (b)(2) of such section.

SEC. 3303. REVISION OF AUTHORITY TO DISPOSE OF CERTAIN MATERIALS AUTHORIZED FOR DISPOSAL IN FISCAL YEAR 1993.

50 USC 98d note.

(a) CHROMITE AND MANGANESE ORES.—During fiscal year 1994, the disposal of chromite and manganese ores of metallurgical grade under the authority of section 3302(a) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2649; 50 U.S.C. 98d note) may be made only for processing within the United States and the territories and possessions of the United States.

(b) CHROMIUM AND MANGANESE FERRO.—Section 3302(f) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2651; 50 U.S.C. 98d note) is amended by striking out "October 1, 1993" and inserting in lieu thereof "October 1, 1994".

SEC. 3304. CONVERSION OF CHROMIUM ORE TO HIGH PURITY CHROMIUM METAL.

(a) UPGRADE PROGRAM AUTHORIZED.—Subject to subsection (b), the National Defense Stockpile Manager may carry out a program to upgrade to high purity chromium metal any stocks of chromium ore held in the National Defense Stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c) if the National Defense Stockpile Manager determines that additional quantities of high purity chromium metal are needed in the stockpile.

Reports.

(b) INCLUSION IN ANNUAL MATERIALS PLAN.—Before entering into any contract in connection with the upgrade program authorized under subsection (a), the National Defense Stockpile Manager shall include a description of the upgrade program in the report containing the annual materials plan for the operation of the National Defense Stockpile required to be submitted to Congress under section 11(b) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h–2(b)) or in a revision of the report made in the manner provided by section 5(a)(2) of such Act (50 U.S.C. 98d(a)(2)).

Subtitle B—Programmatic Changes

SEC. 3311. STOCKPILING PRINCIPLES.

Section 2(c) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a(c)) is amended—

(1) in paragraph (2), by striking out "The quantities" and inserting in lieu thereof "Before October 1, 1994, the quantities"; and

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

"(3) On and after October 1, 1994, the quantities of materials stockpiled under this Act should be sufficient to meet the needs of the United States during a period of a national emergency that would necessitate an expansion of the Armed Forces together with a significant mobilization of the economy of the United States under planning guidance issued by the Secretary of Defense.".

SEC. 3312. MODIFICATION OF NOTICE AND WAIT REQUIREMENTS FOR DEVIATIONS FROM ANNUAL MATERIALS PLAN.

Section 5(a)(2) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98d(a)(2)) is amended by striking out "and a period of 30 days" and all that follows through "more than three days to a day certain." and inserting in lieu thereof "and a period of 45 days has passed from the date of the receipt of such statement by such committees.".

SEC. 3313. ADDITIONAL AUTHORIZED USES OF THE NATIONAL DEFENSE STOCKPILE TRANSACTION FUND.

(a) EMPLOYEE PAY AND OTHER EXPENSES.—Section 9(b)(2) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(b)(2)) is amended by adding at the end the following new subparagraphs:

"(J) Pay of employees of the National Defense Stockpile program.

"(K) Other expenses of the National Defense Stockpile program.".

(b) CONFORMING AMENDMENT.—Section 9(b) of such Act (50 U.S.C. 98h(b)) is amended by striking out paragraph (4).

SEC. 3314. NATIONAL EMERGENCY PLANNING ASSUMPTIONS FOR BIENNIAL REPORT ON STOCKPILE REQUIREMENTS.

Section 14(b) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h–5(b)) is amended—

(1) in the first sentence, by striking out ", based upon" and all that follows through "three years." and inserting in lieu thereof a period; and

(2) by inserting after the first sentence the following new sentences: "Before October 1, 1994, such assumptions shall be based upon the total mobilization of the economy of the United States for a sustained conventional global war for a period of not less than three years. On and after October 1, 1994, such assumptions shall be based on an assumed national emergency involving military conflict that necessitates an expansion of the Armed Forces together with a significant mobilization of the economy of the United States.".

TITLE XXXIV—CIVIL DEFENSE

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated $146,391,000 for fiscal year 1994 for the purpose of carrying out the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2251 et seq.).

SEC. 3402. MODERNIZATION OF THE CIVIL DEFENSE SYSTEM.

(a) DECLARATION OF POLICY.—Section 2 of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2251) is amended to read as follows:

"SEC. 2. DECLARATION OF POLICY.

"The purpose of this Act is to provide a system of civil defense for the protection of life and property in the United States from hazards and to vest responsibility for civil defense jointly in the Federal Government and the several States and their political subdivisions. The Congress recognizes that the organizational structure

established jointly by the Federal Government and the several States and their political subdivisions for civil defense purposes can be effectively utilized to provide relief and assistance to people in areas of the United States struck by a hazard. The Federal Government shall provide necessary direction, coordination, and guidance and shall provide necessary assistance as authorized in this Act.".

(b) DEFINITION OF HAZARD.—Section 3 of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2252) is amended—

(1) by redesignating subsections (a) through (h) as subsections (b) through (i), respectively;

(2) by inserting before subsection (b), as so redesignated, the following new subsection (a):

"(a) The term 'hazard' means an emergency or disaster resulting from—

"(1) a natural disaster; or

"(2) an accidental or man-caused event, including a civil disturbance and an attack-related disaster.";

(3) in subsection (b), as so redesignated—

(A) by striking out "attack" the first place it appears and inserting in lieu thereof "attack-related disaster"; and

(B) by striking out "atomic" and inserting in lieu thereof "nuclear";

(4) in subsection (c), as so redesignated, by striking out "and, for the purposes of this Act" and all that follows through "natural disaster;" and inserting in lieu thereof a period; and

(5) by striking out subsection (d), as so redesignated, and inserting in lieu thereof the following new subsection:

"(d) The term 'civil defense' means all those activities and measures designed or undertaken to minimize the effects of a hazard upon the civilian population, to deal with the immediate emergency conditions which would be created by the hazard, and to effectuate emergency repairs to, or the emergency restoration of, vital utilities and facilities destroyed or damaged by the hazard. Such term shall include the following:

"(1) Measures to be undertaken in preparation for anticipated hazards (including the establishment of appropriate organizations, operational plans, and supporting agreements, the recruitment and training of personnel, the conduct of research, the procurement and stockpiling of necessary materials and supplies, the provision of suitable warning systems, the construction or preparation of shelters, shelter areas, and control centers, and, when appropriate, the non-military evacuation of civil population).

"(2) Measures to be undertaken during a hazard (including the enforcement of passive defense regulations prescribed by duly established military or civil authorities, the evacuation of personnel to shelter areas, the control of traffic and panic, and the control and use of lighting and civil communications).

"(3) Measures to be undertaken following a hazard (including activities for fire fighting, rescue, emergency medical, health and sanitation services, monitoring for specific dangers of special weapons, unexploded bomb reconnaissance, essential debris clearance, emergency welfare measures, and immediately essential emergency repair or restoration of damaged vital facilities).".

(c) CONFORMING AMENDMENTS TO REFLECT DEFINITION OF HAZARD.—(1) Section 201 of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2281) is amended—

(A) in subsection (c), by striking out "an attack or natural disaster" and inserting in lieu thereof "a hazard";

(B) in subsection (d), by striking out "attacks and natural disasters" and inserting in lieu thereof "hazards"; and

(C) in subsection (g)—

(i) by striking out "an attack or natural disaster" the first place it appears and inserting in lieu thereof "a hazard"; and

(ii) by striking out "undergoing an attack or natural disaster" and inserting in lieu thereof "experiencing a hazard".

(2) Section 205(d)(1) of such Act (50 U.S.C. App. 2286(d)(1)) is amended by striking out "natural disasters" and inserting in lieu thereof "hazards".

(d) STATE USE OF FUNDS FOR PREPARATION AND RESPONSE.—(1) Section 207 of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2289) is amended to read as follows:

"SEC. 207. USE OF FUNDS TO PREPARE FOR AND RESPOND TO HAZARDS.

"Funds made available to the States under this Act may be used by the States for the purposes of preparing for, and providing emergency assistance in response to hazards. Regulations prescribed to carry out this section shall authorize the use of civil defense personnel, materials, and facilities supported in whole or in part through contributions under this Act for civil defense activities and measures related to hazards.".

Regulations.

(2) The item relating to section 207 in the table of contents in the first section of such Act is amended to read as follows:

"Sec. 207. Use of funds to prepare for and respond to hazards.".

(e) REPEAL OF OBSOLETE PROVISIONS.—(1) Title V of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2301-2303) is repealed.

(2) The table of contents in the first section of such Act is amended by striking out the items related to title V.

(f) TECHNICAL AND CONFORMING AMENDMENTS.—(1) The table of contents in the first section of the Federal Civil Defense Act of 1950 is amended—

(A) by inserting after the item relating to section 204 the following new item:

"Sec. 205. Contributions for personnel and administrative expenses."; and

(B) by inserting after the item relating to section 412 the following new item:

"Sec. 413. Applicability of Reorganization Plan Numbered 1.".

(2) Section 3 of such Act (50 U.S.C. App. 2252), as amended by subsection (b) of this section, is further amended—

(A) in each of subsections (b), (e), (f), and (g), as redesignated by subsection (b)(1) of this section, by striking out the semicolon at the end and inserting in lieu thereof a period; and

(B) in subsection (h), as so redesignated, by striking out "; and" and inserting in lieu thereof a period.

(3) Section 205 of such Act (50 U.S.C. App. 2286) is amended by striking out "SEC. 205." and inserting in lieu thereof the following:

"SEC. 205. CONTRIBUTIONS FOR PERSONNEL AND ADMINISTRATIVE EXPENSES.".

(g) AMENDMENT FOR STYLISTIC CONSISTENCY.—The Federal Civil Defense Act of 1950 (50 U.S.C. App. 2251 et seq.) is further amended so that the section designation and section heading of each section of such Act shall be in the same form and typeface as the section designation and heading of section 2 of such Act, as amended by subsection (a) of this section. 50 USC app. 2251 note.

TITLE XXXV—PANAMA CANAL COMMISSION

Panama Canal Commission Authorization Act for Fiscal Year 1994.

SEC. 3501. SHORT TITLE.

This title may be cited as the "Panama Canal Commission Authorization Act for Fiscal Year 1994".

SEC. 3502. AUTHORIZATION OF EXPENDITURES.

(a) IN GENERAL.—The Panama Canal Commission is authorized to make such expenditures within the limits of funds and borrowing authority available to it in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as may be necessary under the Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.) for the operation, maintenance, and improvement of the Panama Canal for fiscal year 1994.

(b) LIMITATIONS.—Expenditures under subsection (a) for administrative expenses may not exceed $51,742,000, of which not more than—

(1) $11,000 may be expended for official reception and representation expenses of the Supervisory Board of the Commission;

(2) $5,000 may be expended for official reception and representation expenses of the Secretary of the Commission; and

(3) $30,000 may be expended for official reception and representation expenses of the Administrator of the Commission.

(c) REPLACEMENT VEHICLES.—Available funds may be used, under the authority of subsection (a), for the purchase of not more than 35 passenger motor vehicles (including large heavy-duty vehicles used to transport Commission personnel across the Isthmus of Panama). A vehicle may be purchased under the authority of the preceding sentence only as necessary to replace a passenger motor vehicle of the Commission that is disposed of by the Commission. The purchase price of each vehicle may not exceed $18,000.

SEC. 3503. EXPENDITURES IN ACCORDANCE WITH OTHER LAWS.

Expenditures authorized under this Act may be made only in accordance with the Panama Canal Treaties of 1977 and any law of the United States implementing those treaties.

SEC. 3504. EMPLOYMENT OF COMMISSION EMPLOYEES BY THE GOVERNMENT OF PANAMA. 22 USC 3641 note.

(a) CONSENT OF CONGRESS.—Subject to subsection (b), the Congress consents to employees of the Panama Canal Commission

who are not citizens of the United States accepting civil employment with agencies and organizations affiliated with the Government of Panama (and compensation for that employment) for which the consent of Congress is required by the 8th clause of section 9 of article I of the Constitution of the United States, relating to acceptance of emolument, office, or title from a foreign State.

(b) CONDITION.—Employees described in subsection (a) may accept employment described in such subsection (and compensation for that employment) only if the employment is approved by the designated agency ethics official of the Panama Canal Commission designated pursuant to the Ethics in Government Act of 1978 (5 U.S.C. App.), and by the Administrator of the Panama Canal Commission.

SEC. 3505. LABOR-MANAGEMENT RELATIONS.

Section 1271(a) of the Panama Canal Act of 1979 (22 U.S.C. 3701(a)) is amended—

(1) in paragraph (1), by striking out "and" after the semicolon;

(2) in paragraph (2), by striking out "supervisors." and inserting in lieu thereof "supervisors; and"; and

(3) by adding at the end the following:

"(3) any negotiated grievance procedures under section 7121 of title 5, United States Code, including any provisions relating to binding arbitration, shall, with respect to any personnel action to which subchapter II of chapter 75 of such title applies (as determined under section 7512 of such title), be available to the same extent and in the same manner as if employees of the Panama Canal Commission were not excluded from such subchapter under section 7511(b)(8) of such title.".

22 USC 3701 note.

SEC. 3506. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this title shall take effect as of October 1, 1993.

(b) SPECIAL RULE.—Paragraph (3) of section 1271(a) of the Panama Canal Act of 1979 (22 U.S.C. 3701(a)), as added by section 3505(3), shall take effect on the date of the enactment of this Act and shall apply with respect to grievances arising on or after such date.

Approved November 30, 1993.

LEGISLATIVE HISTORY—H.R. 2401 (S. 1298) (S. 1337) (S. 1338) (S. 1339):

HOUSE REPORTS: Nos. 103-200 (Comm. on Armed Services) and 103-357 (Comm. of Conference).
SENATE REPORTS: No. 103-112 accompanying S. 1298 (Comm. on Armed Services).
CONGRESSIONAL RECORD, Vol. 139 (1993):
Aug. 4, Sept. 8, 9, 13, 28, 29, considered and passed House.
Sept. 7-10, 13, S. 1298 considered in Senate.
Sept. 14, S. 1298, S. 1337, S. 1338, and S. 1339 considered and passed Senate.
Oct. 6, H.R. 2401 considered and passed Senate, amended.
Nov. 15, House agreed to conference report.
Nov. 17, Senate agreed to conference report.

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UNITED STATES STATUTES AT LARGE

CONTAINING THE

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ENACTED DURING THE FIRST SESSION OF THE
ONE HUNDRED THIRD CONGRESS
OF THE UNITED STATES OF AMERICA

1993

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6588	National D.A.R.E. Day, 1993 and 1994	Sept. 9, 1993	2720
6589	Commodore John Barry Day, 1993	Sept. 13, 1993	2722
6590	Gold Star Mother's Day	Sept. 13, 1993	2723
6591	Minority Enterprise Development Week, 1993	Sept. 13, 1993	2724
6592	National Hispanic Heritage Month, 1993	Sept. 15, 1993	2725
6593	Citizenship Day and Constitution Week, 1993	Sept. 17, 1993	2726
6594	National Historically Black Colleges and Universities Week, 1993.	Sept. 21, 1993	2727
6595	National Farm Safety and Health Week, 1993	Sept. 21, 1993	2728
6596	National Rehabilitation Week, 1993 and 1994	Sept. 22, 1993	2729
6597	Energy Awareness Month, 1993	Sept. 22, 1993	2730
6598	Death of General James H. Doolittle	Sept. 30, 1993	2731
6599	To Amend the Generalized System of Preferences	Sept. 30, 1993	2731
6600	National Breast Cancer Awareness Month, 1993	Sept. 30, 1993	2732
6601	Fire Prevention Week, 1993	Sept. 30, 1993	2734
6602	Child Health Day, 1993	Oct. 4, 1993	2735
6603	Mental Illness Awareness Week, 1993	Oct. 5, 1993	2736
6604	German-American Day, 1993	Oct. 5, 1993	2738
6605	National Disability Employment Awareness Month, 1993.	Oct. 6, 1993	2739
6606	Country Music Month, 1993	Oct. 7, 1993	2740
6607	Leif Erikson Day, 1993	Oct. 8, 1993	2741
6608	Columbus Day, 1993	Oct. 8, 1993	2742
6609	National School Lunch Week, 1993	Oct. 8, 1993	2743
6610	General Pulaski Memorial Day, 1993	Oct. 9, 1993	2744
6611	National Down Syndrome Awareness Month, 1993	Oct. 14, 1993	2745

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6612	White Cane Safety Day, 1993	Oct. 15, 1993	2746
6613	World Food Day, 1993 and 1994	Oct. 16, 1993	2746
6614	National Forest Products Week, 1993	Oct. 16, 1993	2747
6615	National Mammography Day, 1993	Oct. 18, 1993	2749
6616	National Biomedical Research Day, 1993	Oct. 20, 1993	2750
6617	National Consumers Week, 1993	Oct. 21, 1993	2752
6618	United Nations Day, 1993	Oct. 23, 1993	2752
6619	National Domestic Violence Awareness Month, 1993 and 1994.	Oct. 28, 1993	2754
6620	National Health Information Management Week, 1993	Nov. 3, 1993	2755
6621	Veterans Day, 1993	Nov. 5, 1993	2756
6622	National Women Veterans Recognition Week, 1993	Nov. 10, 1993	2758
6623	Geography Awareness Week, 1993 and 1994	Nov. 14, 1993	2758
6624	National Farm-City Week, 1993	Nov. 16, 1993	2760
6625	Thanksgiving Day, 1993	Nov. 17, 1993	2761
6626	National Children's Day, 1993	Nov. 18, 1993	2762
6627	National Military Families Recognition Day, 1993	Nov. 18, 1993	2763
6628	National Family Week, 1993 and 1994	Nov. 22, 1993	2764
6629	National Adoption Week, 1993 and 1994	Nov. 24, 1993	2765

PUBLIC LAWS

(CONTINUED)

Public Law 103-161
103d Congress

An Act

To amend title 38, United States Code, to increase the rate of special pension payable to persons who have received the Congressional Medal of Honor.

Nov. 30, 1993
[H.R. 3341]

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

SECTION 1. INCREASE IN RATE OF SPECIAL PENSION FOR PERSONS ON THE MEDAL OF HONOR ROLL.

(a) IN GENERAL.—Section 1562(a) of title 38, United States Code, is amended by striking "$200" and inserting "$400".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to months beginning after the date of the enactment of this Act.

38 USC 1562 note.

Approved November 30, 1993.

LEGISLATIVE HISTORY—H.R. 3341:

HOUSE REPORTS: No. 103-313 (Comm. on Veterans' Affairs).
CONGRESSIONAL RECORD, Vol. 139 (1993):
Nov. 2, considered and passed House.
Nov. 17, considered and passed Senate.

Public Law 103-162
103d Congress

An Act

Dec. 1, 1993
[H.R. 2650]

To designate portions of the Maurice River and its tributaries in the State of New Jersey as components of the National Wild and Scenic Rivers Systems.

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

SECTION 1. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the Maurice River and its tributaries, Menantico Creek, the Manumuskin River, and Muskee Creek, are eligible for inclusion into the National Wild and Scenic Rivers System, the segments and their classifications being as follows—

(A) the Maurice River, lower segment, from the United States Geological Survey Station at Shellpile to Route 670 Bridge at Mauricetown, approximately 7.0 miles, as a recreational river;

(B) the Maurice River, middle segment, from Route 670 Bridge at Mauricetown to 3.6 miles upstream (at drainage ditch just upstream of Fralinger Farm), approximately 3.8 miles as a scenic river;

(C) the Maurice River, middle segment, from the drainage ditch just upstream of Fralinger Farm to one-half mile upstream from the United States Geological Survey Station at Burcham Farm, approximately 3.1 miles, as a recreational river;

(D) the Maurice River, upper segment, from one-half mile upstream from the United States Geological Survey Station at Burcham Farm to the south side of the Millville sewage treatment plant, approximately 3.6 miles, as a scenic river;

(E) the Menantico Creek, lower segment, from its confluence with the Maurice River to the Route 55 Bridge, approximately 1.4 miles, as a recreational river;

(F) the Menantico Creek, upper segment, from the Route 55 Bridge to the base of the Impoundment at Menantico Lake, approximately 6.5 miles, as a scenic river;

(G) the Manumuskin River, lower segment, from its confluence with the Maurice River to 2.0 miles upstream, as a recreational river;

(H) the Manumuskin River, upper segment, from 2.0 miles upstream from its confluence with the Maurice River to headwaters near Route 557, approximately 12.3 miles, as a scenic river; and

(I) the Muskee Creek from its confluence to the Pennsylvania Reading Seashore Line Railroad bridge, approximately 2.7 miles, as a scenic river;

(2) a resource assessment of the Maurice River and its tributaries, Menantico Creek, the Manumuskin River, and the Muskee Creek shows that the area possesses numerous outstandingly remarkable natural, cultural, scenic, and recreational resources that are significant at the local, regional, and international levels, including rare plant and animal species and critical habitats for birds migrating to and from the north and south hemispheres; and

(3) a river management plan for the river system has been developed by the Cumberland County Department of Planning and Development and adopted by the Maurice River Township, Commercial Township, and the City of Millville that would meet the requirements of section 6(c) of the Wild and Scenic Rivers Act, the City of Vineland has adopted a master plan which calls for river planning and management and is in the process of adopting zoning ordinances to implement their plan, and Buena Vista Township in Atlantic County has adopted a land use plan consistent with the Pinelands Comprehensive Plan which is more restrictive than the Cumberland County local river management plan.

(b) PURPOSES.—The purposes of this Act are to—

(1) declare the importance and irreplaceable resource values of the Maurice River and its tributaries to water quality, human health, traditional economic activities, ecosystem integrity, biotic diversity, fish and wildlife, scenic open space and recreation and protect such values through designation of the segments as components of the National Wild and Scenic Rivers System;

(2) recognize that the Maurice River System will continue to be threatened by major development and that land use regulations of the individual local political jurisdictions through which the river segments pass cannot alone provide for an adequate balance between conservation of the river's resources and commercial and industrial development; and

(3) recognize that segments of the Maurice River and its tributaries additional to those designated under this Act are eligible for potential designation at some point in the near future.

SEC. 2. DESIGNATION.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding the following new paragraphs at the end thereof:

"( ) THE MAURICE RIVER, MIDDLE SEGMENT.—From Route 670 Bridge at Mauricetown to 3.6 miles upstream (at drainage ditch just upstream of Fralinger Farm), approximately 3.8 miles to be administered by the Secretary of the Interior as a scenic river.

"( ) THE MAURICE RIVER, MIDDLE SEGMENT.—From the drainage ditch just upstream of Fralinger Farm to one-half mile upstream from the United States Geological Survey Station at Burcham Farm, approximately 3.1 miles, to be administered by the Secretary of the Interior as a recreational river.

"( ) THE MAURICE RIVER, UPPER SEGMENT.—From one-half mile upstream from the United States Geological Survey Station at Burcham Farm to the south side of the Millville sewage treatment plant, approximately 3.6 miles, to be administered by the Secretary of the Interior as a scenic river.

"( ) THE MENANTICO CREEK, LOWER SEGMENT.—From its confluence with the Maurice River to the Route 55 Bridge, approximately 1.4 miles, to be administered by the Secretary of the Interior as a recreational river.

"( ) THE MENANTICO CREEK, UPPER SEGMENT.—From the Route 55 Bridge to the base of the impoundment at Menantico Lake, approximately 6.5 miles, to be administered by the Secretary of the Interior as a scenic river.

"( ) MANUMUSKIN RIVER, LOWER SEGMENT.—From its confluence with the Maurice River to a point 2.0 miles upstream, to be administered by the Secretary of the Interior as a recreational river.

"( ) MANUMUSKIN RIVER, UPPER SEGMENT.—From a point 2.0 miles upstream from its confluence with the Maurice River to its headwaters near Route 557, approximately 12.3 miles, to be administered by the Secretary of the Interior as a scenic river.

"( ) MUSKEE CREEK, NEW JERSEY.—From its confluence with the Maurice River to the Pennsylvania Seashore Line Railroad Bridge, approximately 2.7 miles, to be administered by the Secretary of the Interior as a scenic river.".

16 USC 1274 note.

SEC. 3. MANAGEMENT.

(a) DUTIES OF SECRETARY.—The Secretary of the Interior shall manage the river segments designated as components of the National Wild and Scenic Rivers System by this Act through cooperative agreements with the political jurisdictions within which such segments pass, pursuant to section 10(e) of the Wild and Scenic Rivers Act, and in consultation with such jurisdictions, except that publicly-owned lands within the boundaries of such segments shall continue to be managed by the agency having jurisdiction over such lands.

(b) AGREEMENTS.—(1) Cooperative agreements for management of the river segments referred to in subsection (a) shall provide for the long-term protection, preservation, and enhancement of such segments and shall be consistent with the comprehensive management plan for such segments to be prepared by the Secretary of the Interior pursuant to section 3(d) of the Wild and Scenic Rivers Act and with the local river management plans prepared by appropriate local political jurisdictions in conjunction with the Secretary of the Interior.

(2) The Secretary of the Interior, in consultation with appropriate representatives of local political jurisdictions and the State of New Jersey, shall review local river management plans described in paragraph (1) to assure that their proper implementation will protect the values for which the river segments described in section 2 were designated as components of the National Wild and Scenic Rivers System. If after such review the Secretary determines that

such plans and their implementing local zoning ordinances meet the protection standards specified in section 6(c) of the Wild and Scenic Rivers Act, then such plans shall be deemed to constitute "local zoning ordinances" and each township and other incorporated local jurisdiction covered by such plans shall be deemed to constitute a "village" for the purposes of section 6(c) (prohibiting the acquisition of lands by condemnation) of the Wild and Scenic Rivers Act.

(3) The Secretary of the Interior shall biennially review compliance with the local river management plans described in paragraph (1) and shall promptly report to the Committee on Natural Resources of the United States House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate any deviation from such which would result in any diminution of the values for which the river segment concerned was designated as a component of the National Wild and Scenic Rivers System.

(c) PLANNING ASSISTANCE.—The Secretary of the Interior may provide planning assistance to local political subdivisions of the State of New Jersey through which flow river segments that are designated as components of the National Wild and Scenic Rivers System, and may enter into memoranda of understanding or cooperative agreements with officials or agencies of the United States or the State of New Jersey to ensure that Federal and State programs that could affect such segments are carried out in a manner consistent with the Wild and Scenic Rivers Act and applicable river management plans.

(d) SEGMENT ADDITIONS.—The Secretary of the Interior is encouraged to continue to work with the local municipalities to negotiate agreement and support for designating those segments of the Maurice River and its tributaries which were found eligible for designation pursuant to Public Law 100–33 and were not designated pursuant to this Act (hereinafter referred to as "additional eligible segments"). For a period of 3 years after the date of enactment of this Act, the provisions of the Wild and Scenic Rivers Act applicable to segments included in section 5 of that Act shall apply to the additional eligible segments. The Secretary of the Interior is directed to report to the appropriate congressional committees within 3 years after the date of enactment of this Act on the status of discussions and negotiations with the local municipalities and on recommendations toward inclusion of additional river segments into the National Wild and Scenic Rivers System.

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(e) APPROPRIATIONS.—For the purposes of the segment described by subsection (a), there are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

Approved December 1, 1993.

LEGISLATIVE HISTORY—H.R. 2650:

HOUSE REPORTS: No. 103-282 (Comm. on Natural Resources).
CONGRESSIONAL RECORD, Vol. 139 (1993):
Oct. 12, considered and passed House.
Nov. 18, considered and passed Senate.

Public Law 103-163
103d Congress

An Act

To authorize the Air Force Memorial Foundation to establish a memorial in the District of Columbia or its environs.

Dec. 2, 1993
[H.R. 898]

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

SECTION 1. AUTHORITY TO ESTABLISH MEMORIAL.

40 USC 1003 note.

(a) IN GENERAL.—The Air Force Memorial Foundation is authorized to establish a memorial on Federal land in the District of Columbia or its environs to honor the men and women who have served in the United States Air Force and its predecessors.

(b) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—The establishment of the memorial shall be in accordance with the Act entitled "An Act to provide standards for placement of commemorative works on certain Federal lands in the District of Columbia and its environs, and for other purposes", approved November 14, 1986 (40 U.S.C. 1001 et seq.).

SEC. 2. PAYMENT OF EXPENSES.

40 USC 1003 note.

The Air Force Memorial Foundation shall be solely responsible for acceptance of contributions for, and payment of the expenses of, the establishment of the memorial. No Federal funds may be used to pay any expense of the establishment of the memorial.

SEC. 3. DEPOSIT OF EXCESS FUNDS.

40 USC 1003 note.

If, upon payment of all expenses of the establishment of the memorial (including the maintenance and preservation amount provided for in section 8(b) of the Act referred to in section 1(b)), or upon expiration of the authority for the memorial under section 10(b) of such Act, there remains a balance of funds received for the establishment of the memorial, the Air Force Memorial Foundation shall transmit the amount of the balance to the Secretary of the Treasury for deposit in the account provided for in section 8(b)(1) of such Act.

Approved December 2, 1993.

LEGISLATIVE HISTORY—H.R. 898 (S. 297):

CONGRESSIONAL RECORD, Vol. 139 (1993):
Nov. 16, considered and passed House.
Nov. 20, considered and passed Senate.

Public Law 103-164
103d Congress

Joint Resolution

Dec. 2, 1993
[H.J. Res. 75]

Designating January 16, 1994, as "National Good Teen Day".

Whereas Salem City Schools in Salem, Ohio, have proclaimed January 16, 1992, as "Good Teen Day";
Whereas there are more than twenty-four million teenagers in the United States according to the 1990 Census;
Whereas our Nation's teenagers represent an important part of our society, and the many physical and emotional changes and character-building experiences which teenagers go through are an important concern;
Whereas it is easy to stereotype teenagers as either those who have problems or those who excel;
Whereas teenagers should not simply be recognized for their intelligence, abilities, skills and talents, but rather for the good which is inherent in all human beings;
Whereas as unique individuals, teenagers are encouraged to esteem the good as well as the potential that is within each of them;
Whereas a day should be created to focus on the positive qualities in America's youth; and
Whereas teenagers are the future of this great country: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That January 16, 1994, is designated as "National Good Teen Day", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe such day by recognizing the teenagers of the United States and by participating in appropriate ceremonies and activities.

Approved December 2, 1993.

LEGISLATIVE HISTORY—H.J. Res. 75:

CONGRESSIONAL RECORD, Vol. 139 (1993):
Nov. 8, considered and passed House.
Nov. 19, considered and passed Senate.

Public Law 103-165
103d Congress

Joint Resolution

To express appreciation to W. Graham Claytor, Jr., for a lifetime of dedicated and inspired service to the Nation.

Dec. 2, 1993
[H.J. Res. 294]

Whereas W. Graham Claytor, Jr., has announced his retirement at age 81 from the National Railroad Passenger Corporation, better known as Amtrak, where he has served as President and Chairman of the Board since 1982;

Whereas W. Graham Claytor, Jr., has provided remarkable, energetic, inspired, and at times heroic service to the Nation during a career that has included service in the United States Navy, a brilliant legal career, leadership of one of the Nation's largest private railroads, service as Secretary of the Navy, Acting Secretary of Transportation, and Deputy Secretary of Defense, and stewardship of Amtrak during a period that witnessed the rebirth of the Nation's passenger rail system;

Whereas W. Graham Claytor, Jr., has brought to his work enormous intellectual and analytical skills developed at the University of Virginia, where he received his bachelor's degree in 1933, and Harvard Law School, where he graduated in 1936 summa cum laude and as President of the Harvard Law Review;

Whereas W. Graham Claytor, Jr., worked as a law clerk for two of the finest and most brilliant jurists in this Nation's history, Judge Learned Hand of the United States Court of Appeals for the Second District in 1936–1937, and Supreme Court Justice Louis D. Brandeis in 1937–1938, and later as an associate and partner at the law firm of Covington & Burling;

Whereas W. Graham Claytor, Jr., served his Nation during World War II, advancing in the United States Navy from ensign to lieutenant commander, and held commands of the U.S.S. SC–516, the U.S.S. Lee Fox, and the U.S.S. Cecil J. Doyle;

Whereas W. Graham Claytor, Jr., is credited with having saved almost 100 survivors of the sinking heavy cruiser U.S.S. Indianapolis, which had been torpedoed in shark-infested waters in the Pacific, by decisively changing the course of his ship, the U.S.S. Doyle, to rescue the survivors hours before receiving orders to take part in the rescue;

Whereas W. Graham Claytor, Jr., retired in 1977 as Chairman and Chief Executive Officer of Southern Railways, where he also had served as Vice President of Law and President, and was responsible for revamping the corporation's management style, planning, and long-term focus, and for making the railroad one of the largest and most successful in the Nation;

Whereas W. Graham Claytor, Jr., brought his experience as a decisive Naval officer and premier corporate manager to bear on the challenge of shaping a strong, versatile, modern Navy through his appointment by President Jimmy Carter and confirmation by the Senate in 1977 as Secretary of the Navy, and on the challenge of providing for a strong defense within mounting budgetary constraints in 1979 as Deputy Secretary of Defense, as well as serving as Acting Secretary of Transportation;

Whereas W. Graham Claytor, Jr., was appointed President and Chairman of the Board of Amtrak in 1982 at the age of 71, and is directly responsible for the dramatic improvement in the economics, quality, and marketability of rail passenger service that has occurred over the last decade, and in the resurgence of demand for Amtrak service as a means of addressing growing highway and airport congestion across the Nation;

Whereas the vision of leadership of W. Graham Claytor, Jr., is responsible for having enabled Amtrak and Congress to withstand zealous attempts to eliminate the Nation's rail passenger system by demanding of his corporation that Amtrak operate as a private business with strict attention to the bottom line and to improvements in efficiency and quality of service, and by engineering a substantial reduction in the corporation's revenue-to-cost ratio and in level of Federal support required to operate the system;

Whereas W. Graham Claytor, Jr., has positioned Amtrak to be the Nation's leader in the development of high-speed rail for the next century and has overseen development of the Northeast Corridor as the Nation's premier rail passenger line and a model for high-speed operations across the country; and

Whereas the retirement of W. Graham Claytor, Jr., will mean the loss of one of the Nation's most knowledgeable, inspiring, and persuasive voices in government service and of a close, personal friend to many in Congress, the Government, and business: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress recognizes the critical role of Amtrak in the Nation's transportation system, and that the Nation profoundly thanks W. Graham Claytor, Jr., for a lifetime of dedication and superb service to this Nation, for his willingness to assume major new public challenges at a time when his peers had long ago retired, for his ability to profoundly change the course of events, from the lives of the sailors of the U.S.S. Indianapolis to the preservation of national rail passenger service, and for his brilliant stewardship of Amtrak over the past decade.

Approved December 2, 1993.

LEGISLATIVE HISTORY—H.J. Res. 294:

CONGRESSIONAL RECORD, Vol. 139 (1993):
Nov. 19, considered and passed House and Senate.

Public Law 103-166
103d Congress

An Act

Dec. 2, 1993
[S. 1667]

To extend authorities under the Middle East Peace Facilitation Act of 1993 by six months.

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

SECTION 1. EXTENSION OF AUTHORITIES.

Ante, p. 1309.

Section 3(a) of the Middle East Peace Facilitation Act of 1993 (Public Law 103-125) is amended by striking "January 1" and inserting in lieu thereof "July 1".

Approved December 2, 1993.

LEGISLATIVE HISTORY—S. 1667:

CONGRESSIONAL RECORD, Vol. 139 (1993):
Nov. 17, considered and passed Senate.
Nov. 18, considered and passed House.

Public Law 103-167
103d Congress

Joint Resolution

Designating January 2, 1994, through January 8, 1994, as "National Law Enforcement Training Week".

Dec. 2, 1993
[S.J. Res. 75]

Whereas law enforcement training and the sciences related to law enforcement are critical to the immediate and long-term safety and well-being of this Nation because law enforcement professionals provide service and protection to citizens in all sectors of society;

Whereas law enforcement training is a critical component of national efforts to protect the citizens of this Nation from violent crime, to combat the malignancy of illicit drugs, and to apprehend criminals who commit personal, property, and business crimes;

Whereas law enforcement training serves the hard working and law abiding citizens of this Nation;

Whereas it is essential that the citizens of this Nation be able to enjoy an inherent right of freedom from fear and learn of the significant contributions that law enforcement trainers have made to assure such right;

Whereas it is vital to build and maintain a highly trained and motivated law enforcement work force that is educated and trained in the skills of law enforcement and the sciences related to law enforcement in order to take advantage of the opportunities that law enforcement provides;

Whereas it is in the national interest to stimulate and encourage the youth of this Nation to understand the significance of law enforcement training in the law enforcement profession and to the safety and security of all citizens;

Whereas it is in the national interest to encourage the youth of this Nation to appreciate the intellectual fascination of law enforcement training; and

Whereas it is in the national interest to make the youth of this Nation aware of career options available in law enforcement and disciplines related to law enforcement: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That January 2, 1994, through January 8, 1994, is designated as "National Law Enforcement Training Week".

Approved December 2, 1993.

LEGISLATIVE HISTORY—S.J. Res. 75:

CONGRESSIONAL RECORD, Vol. 139 (1993):
Oct. 28, considered and passed Senate.
Nov. 18, considered and passed House.

Public Law 103-168
103d Congress

Joint Resolution

Designating December 1993 as "National Drunk and Drugged Driving Prevention Month".

Dec. 2, 1993
[S.J. Res. 122]

Whereas impaired driving is the most frequently committed violent crime in the United States;

Whereas last year 45 percent of those who died on our Nation's highways were the result of alcohol involved crashes;

Whereas last year nearly eighteen thousand people were killed and one million two hundred thousand were injured in crashes involving alcohol;

Whereas impaired driving continues to cost society some $46,000,000,000 each year in direct costs;

Whereas medical costs associated with impaired driving run approximately $5,500,000,000 a year;

Whereas injury and property damage resulting from impaired driving cause physical, emotional, and economic hardship for hundreds of thousands of adults and young people;

Whereas the ongoing work of citizen activists groups such as Mothers Against Drunk Driving (MADD), Students Against Driving Drunk (SADD), Remove Intoxicated Drivers (RID), and the National Commission Against Drunk Driving continue to promote good prevention efforts which have contributed to a 30 percent reduction in alcohol-related traffic deaths over the past decade;

Whereas a decade of intense public education effort has proved that alcohol-related highway crashes are not accidents and can be prevented;

Whereas comprehensive community-based strategies to further reduce and prevent impaired driving tragedies are known to be effective;

Whereas an increased public awareness of the gravity of the problem of drunk and drugged driving may help to sustain efforts to develop comprehensive solutions at the State and local levels;

Whereas more than seventy public and private sector organizations have joined together to carry out a nationwide public information, education, and enforcement campaign during the December holiday season;

Whereas the Secretary of Transportation has set a goal by the year 1997 to reduce alcohol-related fatalities to 43 percent and MADD has set a goal by the year 2000 to reduce alcohol-related traffic fatalities to 40 percent;

Whereas the Secretary of Health and Human Services has set a goal by the year 2000 for all fifty States to prohibit any allowable blood-alcohol concentration tolerance level for drivers younger than age twenty-one; and

Whereas December is a month of many holidays and celebrations, with more drivers on the roads and an increased number of social functions, is a particularly appropriate time to focus national attention on this critical problem; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of December, 1993 is designated as "National Drunk and Drugged Driving Prevention Month", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that month with appropriate activities.

Approved December 2, 1993.

LEGISLATIVE HISTORY—S.J. Res. 122:

CONGRESSIONAL RECORD, Vol. 139 (1993):
Oct. 28, considered and passed Senate.
Nov. 18, considered and passed House.

Public Law 103-169
103d Congress

An Act

To protect Lechuguilla Cave and other resources and values in and adjacent to Carlsbad Caverns National Park.

Dec. 2, 1993
[H.R. 698]

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

Lechuguilla Cave Protection Act of 1993.
16 USC 4301 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lechuguilla Cave Protection Act of 1993".

16 USC 4301 note.

SEC. 2. FINDING.

Congress finds that Lechuguilla Cave and adjacent public lands have internationally significant scientific, environmental, and other values, and should be retained in public ownership and protected against adverse effects of mineral exploration and development and other activities presenting threats to the areas.

16 USC 4301 note.

SEC. 3. LAND WITHDRAWAL.

(a) WITHDRAWAL.—Subject to valid existing rights, all Federal lands within the boundaries of the cave protection area described in subsection (b) are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws; from location, entry, and patent under the United States mining laws; and from disposition under all laws pertaining to mineral and geothermal leasing, and all amendments thereto.

(b) LAND DESCRIPTION.—The cave protection area referred to in subsection (a) shall consist of approximately 6,280 acres of lands in New Mexico as generally depicted on the map entitled "Lechuguilla Cave Protection Area" numbered 130/80,055 and dated April 1993.

Federal Register, publication.

(c) PUBLICATION, FILING, CORRECTION, AND INSPECTION.—(1) As soon as practicable after the date of enactment of this Act, the Secretary of the Interior (hereinafter referred to as the "Secretary") shall publish in the Federal Register the legal description of the lands withdrawn under subsection (a) and shall file such legal description and a detailed map with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives.

(2) Such map and legal description shall have the same force and effect as if included in this Act except that the Secretary may correct clerical and typographical errors.

(3) Copies of such map and legal description shall be available for inspection in the appropriate offices of the Bureau of Land Management.

16 USC 4301 note.

SEC. 4. MANAGEMENT OF EXISTING LEASES.

(a) SUSPENSION.—The Secretary shall not permit any new drilling on or involving any Federal mineral or geothermal lease within the cave protection area referred to in section 3(a) until the effective date of the Record of Decision for the Dark Canyon Environmental Impact Statement, or for 12 months after the date of enactment of this Act, whichever occurs first.

(b) AUTHORITY TO CANCEL EXISTING MINERAL OR GEOTHERMAL LEASES.—Upon the effective date of the Record of Decision for the Dark Canyon Environmental Impact Statement and in order to protect Lechuguilla Cave or other cave resources, the Secretary is authorized to—

(1) cancel any Federal mineral or geothermal lease in the cave protection area referred to in section 3(a); or

(2) enter into negotiations with the holder of a Federal mineral or geothermal lease in the cave protection area referred to in section 3(a) to determine appropriate compensation, if any, for the complete or partial termination of such lease.

16 USC 4301 note.

SEC. 5. ADDITIONAL PROTECTION AND RELATION TO OTHER LAWS.

(a) IN GENERAL.—In order to protect Lechuguilla Cave or Federal lands within the cave protection area, the Secretary, subject to valid existing rights, may limit or prohibit access to or across lands owned by the United States or prohibit the removal from such lands of any mineral, geological, or cave resources: *Provided,* That existing access to private lands within the cave protection area shall not be affected by this subsection.

(b) NO EFFECT ON PIPELINES.—Nothing in this title shall have the effect of terminating any validly issued right-of-way, or customary operation, maintenance, repair, and replacement activities in such right-of-way; prohibiting the upgrading of and construction on existing facilities in such right-of-way for the purpose of increasing capacity of the existing pipeline; or prohibiting the renewal of such right-of-way within the cave protection area referred to in section 3(a).

(c) RELATION TO OTHER LAWS.—Nothing in this Act shall be construed as increasing or diminishing the ability of any party to seek compensation pursuant to other applicable law, including but not limited to the Tucker Act (28 U.S.C. 1491), or as precluding any defenses or claims otherwise available to the United States in connection with any action seeking such compensation from the United States.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

16 USC 4301 note.

There is hereby authorized to be appropriated such sums as may be necessary to carry out this Act: *Provided*, That no funds shall be made available except to the extent, or in such amounts as are provided in advance in appropriation Acts.

Approved December 2, 1993.

LEGISLATIVE HISTORY—H.R. 698:

HOUSE REPORTS: No. 103-86 (Comm. on Natural Resources).
CONGRESSIONAL RECORD, Vol. 139 (1993):
May 11, considered and passed House.
Nov. 18, considered and passed Senate, amended.
Nov. 21, House concurred in Senate amendment.

Public Law 103-170
103d Congress

An Act

Dec. 2, 1993
[H.R. 914]

To amend the Wild and Scenic Rivers Act to designate certain segments of the Red River in Kentucky as components of the national wild and scenic rivers system, and for other purposes.

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

Red River Designation Act of 1993. 16 USC 1271 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Red River Designation Act of 1993".

SEC. 2. FINDINGS.

Congress finds that—

(1) the natural, scenic, and recreational qualities of the Red River in Kentucky are unique and irreplaceable resources; and

(2) the majority of the Red River corridor is within the Red River National Geologic area, which contains sedimentary rock formations unique to Kentucky and the United States, and should therefore be preserved for public enjoyment.

SEC. 3. DESIGNATION OF RIVER.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following new paragraph:

"( )(A) RED RIVER, KENTUCKY.—The 19.4-mile segment of the Red River extending from the Highway 746 Bridge to the School House Branch, to be administered by the Secretary of Agriculture in the following classes:

"(i) The 9.1-mile segment known as the 'Upper Gorge' from the Highway 746 Bridge to Swift Camp Creek, as a wild river. This segment is identified as having the same boundary as the Kentucky Wild River.

"(ii) The 10.3-mile segment known as the 'Lower Gorge' from Swift Camp Creek to the School House Branch, as a recreational river.

Appropriation authorization.

"(B) There are authorized to be appropriated such sums as are necessary to carry out this paragraph.".

SEC. 4. LIMITATION.

Nothing in this Act, or in the amendment to the Wild and Scenic Rivers Act made by this Act, shall be construed as authorizing any acquisition of any scenic easement that without the consent of such landowner would affect any regular use of relevant lands that was exercised prior to the acquisition of such easement.

Approved December 2, 1993.

LEGISLATIVE HISTORY—H.R. 914:

HOUSE REPORTS: No. 103-281 (Comm. on Natural Resources).
CONGRESSIONAL RECORD, Vol. 139 (1993):
Oct. 18, considered and passed House.
Nov. 18, considered and passed Senate.

Public Law 103-171
103d Congress

An Act

Dec. 2, 1993
[H.R. 3161]

To make technical amendments necessitated by the enactment of the Older Americans Act Amendments of 1992, and for other purposes.

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

Older Americans Act Technical Amendments of 1993.
42 USC 3001 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Older Americans Act Technical Amendments of 1993".

SEC. 2. TECHNICAL AMENDMENTS TO THE OLDER AMERICANS ACT OF 1965.

The Older Americans Act of 1965 (42 U.S.C. 3001–3058ee) is amended—

42 USC 3002. (1) in section 102(3) by inserting "of the United States" after "Virgin Islands",

42 USC 3012. (2) in section 202(a)(18)—

(A) by striking ", and service providers,", and

(B) by inserting ", and service providers," after "on aging",

(3) in section 202(a)(27)(C) by striking "1994" and inserting "1995",

42 USC 3013. (4) in section 203(a)(3) by striking "Federal" the first place it appears,

42 USC 3017. (5) in section 206(g)—

(A) in paragraph (1) by striking "1994" and inserting "1995",

(B) in paragraph (2)(B) by striking "1993" and inserting "1994", and

(C) in paragraph (3) by striking "1994" and inserting "1995",

42 USC 3020b. (6) in the first sentence of section 211 by striking "agencies," and inserting "agencies",

42 USC 3022. (7) in section 302 by striking paragraph (10),

42 USC 3025. (8) in paragraphs (1) and (2) of section 305(b) by striking "clause (1) of subsection (a)" each place it appears, and inserting "subsection (a)(1)",

42 USC 3027. (9) in section 307—

(A) in section 307(a)—

(i) in the last sentence of paragraph (8) by striking "knowledgable" and inserting "knowledgeable", and

(ii) in paragraph (24) by striking the semicolon at the end and inserting a period, and

(B) in subsection (b)(2) by striking "the requirement described in clause (3)(B) of subsection (a)" and inserting "such requirement",

(10) in section 310(a)(1) by striking "Disaster Relief and Emergency Assistance Act" and inserting "Robert T. Stafford Disaster Relief and Emergency Assistance Act", 42 USC 3030.

(11) in section 314(a) by striking "(a) PROMOTION.—", 42 USC 3030c-1.

(12) in section 321(a)(15) by striking "clause (16) of section 307(a)" and inserting "chapter 3 of subtitle A of title VII and section 307(a)(16)", 42 USC 3030d.

(13) in section 361(a) by inserting "and Prevention" after "Control", 42 USC 3030m.

(14) in section 402(b) by striking "Alcohol, Drug Abuse, and Mental Health Administration" and inserting "Substance Abuse and Mental Health Services Administration", 42 USC 3030bb.

(15) in section 411(e) by striking "431(b)" and inserting "section 431(b)", 42 USC 3031.

(16) in the first sentence of section 421(a) by striking "purposes" the last place it appears and inserting "purpose", 42 USC 3035.

(17) in section 429G(a)(2)(B)(v)(X) by striking "and" at the end, 42 USC 3035o.

(18) in subsections (a) and (b)(2) of section 429I by striking "black" and inserting "Black", 42 USC 3035q.

(19) in section 429J(a)(2)(D) by inserting "of 1974" after "Act", 42 USC 3035r.

(20) in section 510 by striking "section 203 of such Act (29 U.S.C. 1603)" and inserting "sections 203 and 204(d)(5)(A) of such Act (29 U.S.C. 1603, 1604(d)(5)(A))", and 42 USC 3056h.

(21) in subsections (c) and (d) of section 614 by striking "Commission" and inserting "Assistant Secretary". 42 USC 3057e.

SEC. 3. ASSISTANT SECRETARY FOR AGING.

(a) AMENDMENTS TO THE OLDER AMERICANS ACT OF 1965.—The Older Americans Act of 1965 (42 U.S.C. 3001–3058ee) is amended—

(1) by amending section 102(2) to read as follows: 42 USC 3002.

"(2) The term 'Assistant Secretary' means the Assistant Secretary for Aging.",

(2) in section 201— 42 USC 3011.

(A) in subsection (a) by striking "a Commissioner on" and inserting "an Assistant Secretary for",

(B) in subsection (c)—

(i) in paragraph (2) by striking "an Associate Commissioner on" and inserting "a Director of the Office for", and

(ii) in paragraph (3) by striking "Associate Commissioner on" and inserting "Director of the Office for",

(C) in subsection (d)—

(i) by striking "an Associate Commissioner for Ombudsman Programs" and inserting "a Director of the Office of Long-Term Care Ombudsman Programs", and

(ii) by striking "Associate Commissioner" each place it appears and inserting "Director", and

(D) by striking "Commissioner" each place it appears and inserting "Assistant Secretary",

42 USC 3012.

(3) in section 202—

(A) in the heading by striking "COMMISSIONER" and inserting "ASSISTANT SECRETARY",

(B) in subsection (a)(21)(A) by striking "Associate Commissioner for Ombudsman Programs" and inserting "Director of the Office of Long-Term Care Ombudsman Programs",

(C) in subsection (e)(1)(A)(iv) by striking "Associate Commissioner on" and inserting "Director of the Office for", and

(D) by striking "Commissioner" each place it appears and inserting "Assistant Secretary",

42 USC 3020c, 3035m.

(4) in sections 212 and 429E—

(A) by striking "Associate Commissioner on" and inserting "Director of the Office for", and

(B) by striking "Commissioner" each place it appears and inserting "Assistant Secretary",

42 USC 3027.

(5) in section 307—

(A) in subsections (d) and (e) by striking "Commissioner's" each place it appears and inserting "Assistant Secretary's", and

(B) by striking "Commissioner" each place it appears and inserting "Assistant Secretary",

42 USC 3030a.

(6) in section 311(a)(4)(B) by striking "Commissioner" and inserting "Assistant Secretary for Aging",

42 USC 3035f.

(7) in section 427—

(A) in subsection (a) by striking "Commissioner" and inserting "Assistant Secretary", and

(B) in subsection (b) by striking "Commissioner on Aging" each place it appears and inserting "Assistant Secretary",

42 USC 3056a, 3056c.

(8) in subsections (a) and (b)(1) of section 503, and in section 505(a), by striking "Commissioner" each place it appears and inserting "Assistant Secretary for Aging",

42 USC 3058g.

(9) in section 712—

(A) in subsection (h)(4)(A) by striking "Associate Commissioner for Ombudsman Programs" and inserting "Director of the Office of Long-Term Care Ombudsman Programs", and

(B) by striking "Commissioner" each place it appears and inserting "Assistant Secretary",

42 USC 3058aa.

(10) in section 751—

(A) in subsection (a) by striking "Associate Commissioner on" and inserting "Director of the Office for", and

(B) in subsections (a) and (b) by striking "Commissioner" each place it appears and inserting "Assistant Secretary",

42 USC 3030g–13, 3035i, 3035o, 3058dd.

(11) in the headings of sections 338B(b), 429A(g)(2), 429G(c)(2), and 763(b) by striking "COMMISSIONER" and inserting "ASSISTANT SECRETARY",

42 USC 3037b.

(12) in the heading of section 433 by striking "COMMISSIONER" and inserting "ASSISTANT SECRETARY", and

42 USC 3013 *et seq.*

(13) by striking "Commissioner" each place it appears, and inserting "Assistant Secretary", in sections 203(a), 203A, 204(d), 205, 206(g), 207, 211, 214, 215(b)(2), 301, 304, 305, 306, 308, 309(a), 310, 312, 313(a), 314, 321, 331, 336, 337, 338(a), 338A, 338B, 341, 351, 361, 381, 402, 411, 412, 421, 422, 423, 424,

425(a), 428, 429, 429A, 429B, 429C, 429D, 429F, 429G, 429H, 429I, 429J, 431, 432, 433, 613, 614, 614A, 623, 624, 631, 632, 701, 703, 705(a)(7)(D), 713, 741(a)(4)(G), 763, and 764(a).

(b) AMENDMENTS TO OTHER LAW.—(1) Section 5315 of title 5 of the United States Code is amended in the item relating to Assistant Secretaries of Health and Human Services by striking "(5)" and inserting "(6)".

(2) Section 9(b) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 958(b)) is amended by striking "Commissioner on Aging" and inserting "Assistant Secretary for Aging".

(3) Sections 911(a)(8) and 921(a)(2) of the Alzheimer's Disease and Related Dementias Services Research Act of 1986 (42 U.S.C. 11211(a)(8), 11221(a)(2)) are amended by striking "Commissioner on Aging" and inserting "Assistant Secretary for Aging".

(4) Section 17(o)(3)(A) of the National School Lunch Act (42 U.S.C. 1766(o)(3)(A)) is amended by striking "Commissioner of Aging" and inserting "Assistant Secretary for Aging".

(c) REFERENCES.—Any reference to the Commissioner on Aging in any order, rule, guideline, contract, grant, suit, or proceeding that is pending, enforceable, or in effect on the date of the enactment of this Act shall be deemed to be a reference to the Assistant Secretary for Aging. 42 USC 3011 note.

SEC. 4. MATTERS RELATING TO THE OLDER AMERICANS ACT AMENDMENTS OF 1992.

(a) TECHNICAL AMENDMENTS.—The Older Americans Act Amendments of 1992 (Public Law 102–375; 106 Stat. 1195–1310) is amended—

(1) in section 202(g) by striking "1993" each place it appears and inserting "1994", 106 Stat. 1205.

(2) in section 211 by striking "1994" and inserting "1995", and 42 USC 3001 note.

(3) in section 502(b)— 42 USC 3056a.

(A) in the matter preceding paragraph (1) by striking "The first sentence of section" and inserting "Section", and

(B) in paragraph (1) by inserting "in the first sentence" after "(1)".

(b) DELAYED APPLICABILITY OF CERTAIN AMENDMENTS.—The amendments made by— 42 USC 3001 note.

(1) sections 303(a)(2), 303(a)(3), 304 (excluding paragraphs (1) and (2) of subsection (a)), 305, 306, 307, and 317, and

(2) title VII,

of the Older Americans Act Amendments of 1992 (Public Law 102–375; 106 Stat. 1221 et seq.) shall not apply with respect to fiscal year 1993.

SEC. 5. TECHNICAL AMENDMENTS TO THE NATIVE AMERICAN PROGRAMS ACT OF 1974.

The Native American Programs Act of 1974 (42 U.S.C. 2991–2992d) is amended—

(1) in section 802 by striking "Alaskan" and inserting "Alaska", and 42 USC 2991a.

(2) in the first sentence of section 803(a) by striking "non-reservation areas" and inserting "areas that are not Indian reservations or Alaska Native villages", 42 USC 2991b.

(3) in section 803A— 42 USC 2991b–1.

(A) in subsections (b), (c), and (d)(1) by striking "to which a grant is awarded under subsection (a)(1)" each place it appears,

(B) in subsection (d)(2) by striking "to which a grant is made under subsection (a)(1)", and

(C) in subsection (f)(1) by striking "for fiscal years 1988, 1989, and 1990 the aggregate amount $3,000,000 for all such fiscal years" and inserting "for each of the fiscal years 1992, 1993, and 1994, $1,000,000",

42 USC 2991b-2. (4) in section 803B(c)—

(A) in paragraph (5) by striking "individuals who" and inserting "agencies described in section 803(a) that", and

(B) in paragraph (6) by striking "such individuals" and inserting "Native Americans,",

42 USC 2991d-1. (5) in section 806(a)(2) by striking "Alaskan" and inserting "Alaska",

42 USC 2992c. (6) in section 815—

(A) in paragraph (2) by striking "Alaskan" each place it appears and inserting "Alaska", and

(B) in paragraph (4) by adding a semicolon at the end, and

42 USC 2992d. (6) in section 816—

(A) in subsections (a) and (b) by inserting a comma after "803A" each place it appears,

(B) in subsection (c) by striking "are" and inserting "is",

(C) in subsection (e) by striking "fiscal years 1992 and 1993" and inserting "fiscal year 1994", and

(D) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

SEC. 6. AMENDMENTS REGARDING THE WHITE HOUSE CONFERENCE ON AGING.

Title II of the Older Americans Amendments of 1987 (42 U.S.C. 3001 note) is amended—

(1) in section 202(a) by striking "December 31, 1994" and inserting "May 31, 1995,",

(2) in section 203(b)—

(A) in paragraph (1) by striking "subsection (a)(2)" and inserting "subsection (a)(3)", and

(B) in paragraph (3) by striking "subsection (a)(5)" and inserting "subsection (a)(6)",

(3) in section 204—

(A) in subsection (a)—

(i) in paragraph (1) by striking "90 days after the enactment of the Older Americans Act Amendments of 1992" and inserting "December 31, 1993", and

(ii) in paragraph (2)(B) by striking "60 days" and inserting "90 days",

(B) in subsection (b) by moving the left margin of paragraph (2) 2 ems to the right so as to align such margin with the left margin of paragraph (1), and

(C) in subsection (d) by striking "prescribed rate for GS–18 under section 5332" and inserting "equivalent of the maximum rate of pay payable under section 5376",

(4) in section 206(5) by inserting "of the United States" after "Virgin Islands", and

(5) in section 207—

(A) in subsection (a)(1) by striking "1994" and inserting "1996", and

(B) in subsection (b)—

(i) in paragraph (1)—

(I) by striking "June 30, 1995, or", and

(II) by striking ", whichever occurs earlier",

(ii) in paragraph (2)—

(I) by striking "June 30, 1995, or", and

(II) by striking ", whichever occurs earlier,", and

(iii) in paragraph (3) by striking "June 30, 1994" and inserting "December 31, 1995".

SEC. 7. AMENDMENTS TO THE COMMUNITY SERVICES BLOCK GRANT ACT.

(a) DISCRETIONARY AUTHORITY.—Section 681(a)(2) of the Community Services Block Grant Act (42 U.S.C. 9910(a)(2)) is amended—

(1) in subparagraph (D) by striking "(including" and all that follows through "facilities", and inserting ", including rental housing for low-income individuals",

(2) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively, and

(3) by inserting after subparagraph (D) the following:

"(E) technical assistance and training programs regarding the planning and development of rural community facilities (in selecting entities to carry out such programs, the Secretary shall give priority to organizations described in subparagraph (D));".

(b) ANNUAL REPORT.—Section 682 of the Community Services Block Grant Act (42 U.S.C. 9911) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking "contract with" and inserting "awarding a grant or contract to",

(ii) by striking "this subtitle" and inserting "section 674", and

(iii) by striking subparagraphs (A) and (B) and inserting the following:

"(A) The uses of the Community Services Block Grant to the States that are related to the purposes of the subtitle.

"(B) The number of entities eligible for funds under this subtitle, the number of low-income persons served under this subtitle, and that amount of information concerning the demographics of the low-income populations served by such eligible entities as is determined to be feasible.

"(C) Any information in addition to that described in subparagraph (B) that the Secretary considers to be appropriate to carry out this subtitle, except that the Secretary may not require a State to provide such additional information until the expiration of the 1-year period beginning on the date on which the Secretary notifies such State that such additional information will be required to be provided.",

(B) by striking paragraphs (2) and (3), and

(C) by adding at the end the following:

"(2) In selecting an entity to prepare a report under this subsection, the Secretary shall give a preference to any nonprofit entity that has demonstrated the ability to secure the voluntary cooperation of grantees under this subtitle in designing and implementing national Community Services Block Grant information systems.", and

(2) in subsection (b) by striking "Not later" and all that follows through "prepared, the", and inserting "The".

(c) TECHNICAL AMENDMENTS.—The Community Services Block Grant Act (42 U.S.C. 9901–9912) is amended—

42 USC 9902. (1) in section 673(4) by inserting "of the United States" after "Virgin Islands",

42 USC 9903. (2) in section 674(a)—

(A) in paragraphs (1)(B) and (2)(A)(ii) by striking "681(c)" each place it appears and inserting "681(d)", and

(B) in paragraph (3) by inserting "of the United States" after "Virgin Islands",

42 USC 9909. (3) in section 680(a) by striking "681(c)" and inserting "681(d)", and

42 USC 9910a. (4) in section 681A by striking "Statewide" and inserting "statewide".

SEC. 8. TECHNICAL AMENDMENTS WITH RESPECT TO CHILD CARE.

42 USC 9858h, 9858q, 9858n. Section 8 of Public Law 102–586 is amended by striking "Child Care and Development Block Grant Act Amendments of 1992" each place it appears and inserting "Child Care and Development Block Grant Act of 1990".

SEC. 9. AMENDMENTS TO THE CHILD ABUSE PREVENTION AND TREATMENT ACT.

(a) IN GENERAL.—The first sentence of section 114(d) of the Child Abuse, Domestic Violence, Adoption and Family Services Act of 1992 (42 U.S.C. 5106a note; Public Law 102–295) is amended—

(1) by striking "on October 1, 1993, or", and

(2) by striking ", whichever occurs first".

42 USC 5106a. (b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on September 30, 1993.

Approved December 2, 1993.

LEGISLATIVE HISTORY—H.R. 3161:

HOUSE REPORTS: No. 103-130 (Comm. on Education and Labor).
CONGRESSIONAL RECORD, Vol. 139 (1993):
Nov. 8, considered and passed House.
Nov. 16, considered and passed Senate.

Public Law 103-172
103d Congress

An Act

To amend title 5, United States Code, to provide for the establishment of programs to encourage Federal employees to commute by means other than single-occupancy motor vehicles.

Dec. 2, 1993
[H.R. 3318]

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

Federal Employees Clean Air Incentives Act.
Conservation.
Environmental protection.
5 USC 7901 note.
5 USC 7905 note.

SECTION 1. SHORT TITLE; PURPOSE.

(a) SHORT TITLE.—This Act may be cited as the "Federal Employees Clean Air Incentives Act".

(b) PURPOSE.—The purpose of this Act is to improve air quality and to reduce traffic congestion by providing for the establishment of programs to encourage Federal employees to commute by means other than single-occupancy motor vehicles.

SEC. 2. AUTHORITY TO ESTABLISH PROGRAMS.

(a) IN GENERAL.—Chapter 79 of title 5, United States Code, is amended by adding at the end the following:

"§ 7905. Programs to encourage commuting by means other than single-occupancy motor vehicles

"(a) For the purpose of this section—

"(1) the term 'employee' means an employee as defined by section 2105 and a member of a uniformed service;

"(2) the term 'agency' means—

"(A) an Executive agency;

"(B) an entity of the legislative branch; and

"(C) the judicial branch;

"(3) the term 'entity of the legislative branch' means the House of Representatives, the Senate, the Office of the Architect of the Capitol (including the Botanic Garden), the Capitol Police, the Congressional Budget Office, the Copyright Royalty Tribunal, the Government Printing Office, the Library of Congress, and the Office of Technology Assessment; and

"(4) the term 'transit pass' means a transit pass as defined by section 132(f)(5) of the Internal Revenue Code of 1986.

"(b)(1) The head of each agency may establish a program to encourage employees of such agency to use means other than single-occupancy motor vehicles to commute to or from work.

"(2) A program established under this section may involve such options as—

"(A) transit passes (including cash reimbursements therefor, but only if a voucher or similar item which may be exchanged only for a transit pass is not readily available for direct distribution by the agency);

"(B) furnishing space, facilities, or services to bicyclists; and

"(C) any non-monetary incentive which the agency head may otherwise offer under any other provision of law or other authority.

"(c) The functions of an agency head under this section shall—

"(1) with respect to the judicial branch, be carried out by the Director of the Administrative Office of the United States Courts;

"(2) with respect to the House of Representatives, be carried out by the Committee on House Administration of the House of Representatives; and

"(3) with respect to the Senate, be carried out by the Committee on Rules and Administration of the Senate.

President. "(d) The President shall designate 1 or more agencies which shall—

"(1) prescribe guidelines for programs under this section;

"(2) on request, furnish information or technical advice on the design or operation of any program under this section; and

Reports. "(3) submit to the President and the Congress, before January 1, 1995, and at least every 2 years thereafter, a written report on the operation of this section, including, with respect to the period covered by the report—

"(A) the number of agencies offering programs under this section;

"(B) a brief description of each of the various programs;

"(C) the extent of employee participation in, and the costs to the Government associated with, each of the various programs;

"(D) an assessment of any environmental or other benefits realized as a result of programs established under this section; and

"(E) any other matter which may be appropriate.".

(b) CHAPTER ANALYSIS.—The analysis for chapter 79 of title 5, United States Code, is amended by adding at the end the following:

"7905. Programs to encourage commuting by means other than single-occupancy motor vehicles.".

SEC. 3. EFFECTIVE DATE. 5 USC 7905 note.

This Act and the amendments made by this Act shall take effect on January 1, 1994.

Approved December 2, 1993.

LEGISLATIVE HISTORY—H.R. 3318:

HOUSE REPORTS: No. 103-356, Pt. 1 (Comm. on Post Office and Civil Service).
CONGRESSIONAL RECORD, Vol. 139 (1993):
Nov. 15, considered and passed House.
Nov. 19, considered and passed Senate.

Public Law 103-173
103d Congress

An Act

Dec. 2, 1993
[H.R. 3378]

To amend title 18, United States Code, with respect to parental kidnapping, and for other purposes.

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

International Parental Kidnapping Crime Act of 1993.
18 USC 1201 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "International Parental Kidnapping Crime Act of 1993".

SEC. 2. TITLE 18 AMENDMENT.

(a) IN GENERAL.—Chapter 55 (relating to kidnapping) of title 18, United States Code, is amended by adding at the end the following:

"§ 1204. International parental kidnapping

"(a) Whoever removes a child from the United States or retains a child (who has been in the United States) outside the United States with intent to obstruct the lawful exercise of parental rights shall be fined under this title or imprisoned not more than 3 years, or both.

"(b) As used in this section—

"(1) the term 'child' means a person who has not attained the age of 16 years; and

"(2) the term 'parental rights', with respect to a child, means the right to physical custody of the child—

"(A) whether joint or sole (and includes visiting rights); and

"(B) whether arising by operation of law, court order, or legally binding agreement of the parties.

"(c) It shall be an affirmative defense under this section that—

"(1) the defendant acted within the provisions of a valid court order granting the defendant legal custody or visitation rights and that order was obtained pursuant to the Uniform Child Custody Jurisdiction Act and was in effect at the time of the offense;

"(2) the defendant was fleeing an incidence or pattern of domestic violence;

"(3) the defendant had physical custody of the child pursuant to a court order granting legal custody or visitation rights and failed to return the child as a result of circumstances beyond the defendant's control, and the defendant notified or made reasonable attempts to notify the other parent or lawful custodian of the child of such circumstances within 24 hours

after the visitation period had expired and returned the child as soon as possible.

"(d) This section does not detract from The Hague Convention on the Civil Aspects of International Parental Child Abduction, done at The Hague on October 25, 1980.".

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that, inasmuch as use of the procedures under the Hague Convention on the Civil Aspects of International Parental Child Abduction has resulted in the return of many children, those procedures, in circumstances in which they are applicable, should be the option of first choice for a parent who seeks the return of a child who has been removed from the parent. 18 USC 1204 note.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of title 18, United States Code, is amended by adding at the end the following:

"1204. International parental kidnapping.".

SEC. 3. STATE COURT PROGRAMS REGARDING INTERSTATE AND INTERNATIONAL PARENTAL CHILD ABDUCTION. Appropriation authorization.

There is authorized to be appropriated $250,000 to carry out under the State Justice Institute Act of 1984 (42 U.S.C. 10701–10713) national, regional, and in-State training and educational programs dealing with criminal and civil aspects of interstate and international parental child abduction.

Approved December 2, 1993.

LEGISLATIVE HISTORY—H.R. 3378:

HOUSE REPORTS: No. 103-390 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 139 (1993):
Nov. 20, considered and passed House and Senate.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 29 (1993):
Dec. 2, Presidential statement.

Public Law 103-174
103d Congress

An Act

Dec. 2, 1993
[H.R. 3471]

To authorize the leasing of naval vessels to certain foreign countries.

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

SECTION 1. AUTHORITY TO LEASE NAVAL VESSELS TO CERTAIN FOREIGN COUNTRIES.

The Secretary of the Navy is authorized to lease to the following foreign governments the following naval vessels:

(1) BRAZIL.—To the Government of Brazil, the "KNOX" class frigates HEPBURN (FF 1055), PATTERSON (FF 1061), FRANCIS HAMMOND (FF 1067), DOWNES (FF 1070), BLAKELY (FF 1072), and PAUL (FF 1080).

(2) EGYPT.—To the Government of Egypt, the "KNOX" class frigates JESSE L. BROWN (FFT 1089) and MOINESTER (FFT 1097).

(3) MOROCCO.—To the Government of Morocco, the "KNOX" class frigate VALDEZ (FF 1096).

(4) OMAN.—To the Government of Oman, the "KNOX" class frigate MILLER (FF 1091).

(5) SPAIN.—To the Government of Spain, the "KNOX" class frigates AYLWIN (FF 1081) and PHARRIS (FF 1094).

(6) TAIWAN.—To the Coordination Council for North American Affairs (which is the Taiwan instrumentality designated pursuant to section 10(a) of the Taiwan Relations Act), the "KNOX" class frigates JOSEPH HEWES (FFT 1078), COOK (FF 1083), and BARBEY (FF 1088).

(7) THAILAND.—To the Government of Thailand, the "KNOX" class frigates MARVIN SHIELDS (FF 1066), HAROLD E. HOLT (FF 1074), OUELLET (FF 1077), and TRUETT (FFT 1095).

(8) TURKEY.—To the Government of Turkey, the "KNOX" class frigates BOWEN (FFT 1079), McCANDLESS (FFT 1084), DONALD B. BEARY (FFT 1085), and AINSWORTH (FFT 1090).

(9) VENEZUELA.—To the Government of Venezuela, the "KNOX" class frigates ROARK (FF 1053) and GRAY (FF 1054).

SEC. 2. APPLICABLE LAW.

The leases authorized by section 1 shall be in accordance with chapter 6 of the Arms Export Control Act (22 U.S.C. 2796 and following), except that section 62 of that Act (22 U.S.C. 2796a; relating to reports to Congress) shall apply only to renewal of the leases.

SEC. 3. COSTS OF LEASES.

Any expense of the United States in connection with a lease authorized by section 1 shall be charged to the recipient.

SEC. 4. EXPIRATION OF AUTHORITY.

The authority granted by section 1 shall expire at the end of the 2-year period beginning on the date of the enactment of this Act, except that leases entered into under that authority during that period may be renewed.

Approved December 2, 1993.

LEGISLATIVE HISTORY—H.R. 3471:

CONGRESSIONAL RECORD, Vol. 139 (1993):
Nov. 18, considered and passed House.
Nov. 20, considered and passed Senate.

Public Law 103-175
103d Congress

An Act

Dec. 2, 1993
[S. 433]

To authorize and direct the Secretary of the Interior to convey certain lands in Cameron Parish, Louisiana, and for other purposes.

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

SECTION 1. CONVEYANCE OF LANDS.

(a) IN GENERAL.—Subject to the limitations set forth in this section, the Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") is directed to convey by quitclaim deed and without monetary consideration, all right, title, and interest of the United States in and to certain lands located in Cameron Parish, Louisiana, described as section 32, Township 15 south, Range 10 West, Louisiana Meridian, as depicted on the official plat of survey on file with the Bureau of Land Management, to the West Cameron Port Commission for use as a public port facility or for other public purposes. As used in this subsection, the term "other public purposes" means governmental or public welfare purposes (including, but not limited, to schools and roads) within the authority of a unit of local government under the laws of the State of Louisiana, and includes a commercial use by the West Cameron Port Authority of lands conveyed by the United States pursuant to this Act so long as the revenue from such use is devoted to such governmental or public welfare purposes.

(b) RESERVATION OF MINERALS.—The United States hereby excepts and reserves from the provisions of subsection (a) all minerals underlying the lands, including the right to enter and remove same.

(c) REVERSION TO THE UNITED STATES.—If the lands conveyed by the United States pursuant to this Act cease to be operated by the West Cameron Port Authority for use as a public port facility or for other public purposes, such lands shall revert to the United States: *Provided,* That the lands shall not revert if the Secretary determines that such lands, or any portion thereof, have become contaminated with hazardous substances (as defined in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 and following)).

(d) RETENTION OF PROPERTY FOR COAST GUARD.—The Secretary, after consultation with the Coast Guard and the West Cameron Port Authority, shall except and reserve from such conveyance all right, title, and interest to approximately 3.0 acres of land known as the Calcasieu Pass Radio Beacon Site used by the Coast Guard, along with any improvements thereon, for the continued use and benefit of the Coast Guard.

(e) RETENTION OF OTHER ENCUMBRANCES.—(1) The Secretary shall not convey any right, title, or interest held by the United States on the date of enactment of this Act in or to the following encumbrances, as identified on the map referred to in section 2—

(A) a permit granted to the United States Army to install and maintain an automatic tide gauge for recording storm and hurricane tides; and

(B) height restrictions in relation to the radio beacon tower.

(2) The Secretary, after consultation with the Coast Guard, may include in the deed of conveyance any other restrictions the Secretary determines necessary for the benefit of the Coast Guard, including, but not limited to restrictions on height of structures, and requirements to shield seaward facing lights.

SEC. 2. LETTERMAN-LAIR COMPLEX AT PRESIDIO. California.

The Secretary of the Interior is authorized to negotiate and enter into leases, at fair market rental and without regard to section 321 of chapter 314 of the Act of June 30, 1932 (40 U.S.C. 303b), for all or part of the Letterman-LAIR complex at the Presidio of San Francisco to be used for scientific, research or educational purposes. For 5 years from the date of enactment of this section, the proceeds from any such lease shall be retained by the Secretary and used for the preservation, restoration, operation and maintenance, improvement, repair and related expenses incurred with respect to Presidio properties. For purposes of any such lease, the Secretary may adjust the rental by taking into account any amounts to be expended by the lessee for preservation, maintenance, restoration, improvement, repair and related expenses with respect to the leased properties.

Approved December 2, 1993.

LEGISLATIVE HISTORY—S. 433:

HOUSE REPORTS: No. 103-365 (Comm. on Natural Resources).
SENATE REPORTS: No. 103-18 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 139 (1993):
Mar. 24, considered and passed Senate.
Nov. 15, considered and passed House, amended.
Nov. 17, Senate concurred in House amendment.

69-194 O - 94 - 3 : QL. 3 Part 3

Public Law 103-176
103d Congress

An Act

Dec. 3, 1993
[H.R. 1268]

To assist the development of tribal judicial systems, and for other purposes.

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

Indian Tribal Justice Act.
25 USC 3601 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Indian Tribal Justice Act".

25 USC 3601.

SEC. 2. FINDINGS.

The Congress finds and declares that—

(1) there is a government-to-government relationship between the United States and each Indian tribe;

(2) the United States has a trust responsibility to each tribal government that includes the protection of the sovereignty of each tribal government;

(3) Congress, through statutes, treaties, and the exercise of administrative authorities, has recognized the self-determination, self-reliance, and inherent sovereignty of Indian tribes;

(4) Indian tribes possess the inherent authority to establish their own form of government, including tribal justice systems;

(5) tribal justice systems are an essential part of tribal governments and serve as important forums for ensuring public health and safety and the political integrity of tribal governments;

(6) Congress and the Federal courts have repeatedly recognized tribal justice systems as the appropriate forums for the adjudication of disputes affecting personal and property rights;

(7) traditional tribal justice practices are essential to the maintenance of the culture and identity of Indian tribes and to the goals of this Act;

(8) tribal justice systems are inadequately funded, and the lack of adequate funding impairs their operation; and

(9) tribal government involvement in and commitment to improving tribal justice systems is essential to the accomplishment of the goals of this Act.

25 USC 3602.

SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) The term "Bureau" means the Bureau of Indian Affairs of the Department of the Interior.

(2) The term "Courts of Indian Offenses" means the courts established pursuant to part 11 of title 25, Code of Federal Regulations.

(3) The term "Indian tribe" means any Indian tribe, band, nation, pueblo, or other organized group or community, includ-

ing any Alaska Native entity, which administers justice under its inherent authority or the authority of the United States and which is recognized as eligible for the special programs and services provided by the United States to Indian tribes because of their status as Indians.

(4) The term "judicial personnel" means any judge, magistrate, court counselor, court clerk, court administrator, bailiff, probation officer, officer of the court, dispute resolution facilitator, or other official, employee, or volunteer within the tribal justice system.

(5) The term "Office" means the Office of Tribal Justice Support within the Bureau of Indian Affairs.

(6) The term "Secretary" means the Secretary of the Interior.

(7) The term "tribal organization" means any organization defined in section 4(l) of the Indian Self-Determination and Education Assistance Act.

(8) The term "tribal justice system" means the entire judicial branch, and employees thereof, of an Indian tribe, including (but not limited to) traditional methods and forums for dispute resolution, lower courts, appellate courts (including intertribal appellate courts), alternative dispute resolution systems, and circuit rider systems, established by inherent tribal authority whether or not they constitute a court of record.

TITLE I—TRIBAL JUSTICE SYSTEMS

SEC. 101. OFFICE OF TRIBAL JUSTICE SUPPORT. 25 USC 3611.

(a) ESTABLISHMENT.—There is hereby established within the Bureau the Office of Tribal Justice Support. The purpose of the Office shall be to further the development, operation, and enhancement of tribal justice systems and Courts of Indian Offenses.

(b) TRANSFER OF EXISTING FUNCTIONS AND PERSONNEL.—All functions performed before the date of the enactment of this Act by the Branch of Judicial Services of the Bureau and all personnel assigned to such Branch as of the date of the enactment of this Act are hereby transferred to the Office of Tribal Justice Support. Any reference in any law, regulation, executive order, reorganization plan, or delegation of authority to the Branch of Judicial Services is deemed to be a reference to the Office of Tribal Justice Support.

(c) FUNCTIONS.—In addition to the functions transferred to the Office pursuant to subsection (b), the Office shall perform the following functions:

(1) Provide funds to Indian tribes and tribal organizations for the development, enhancement, and continuing operation of tribal justice systems.

(2) Provide technical assistance and training, including programs of continuing education and training for personnel of Courts of Indian Offenses.

(3) Study and conduct research concerning the operation of tribal justice systems.

(4) Promote cooperation and coordination among tribal justice systems and the Federal and State judiciary systems.

(5) Oversee the continuing operations of the Courts of Indian Offenses.

(6) Provide funds to Indian tribes and tribal organizations for the continuation and enhancement of traditional tribal judicial practices.

(d) NO IMPOSITION OF STANDARDS.—Nothing in this Act shall be deemed or construed to authorize the Office to impose justice standards on Indian tribes.

(e) ASSISTANCE TO TRIBES.—(1) The Office shall provide technical assistance and training to any Indian tribe or tribal organization upon request. Technical assistance and training shall include (but not be limited to) assistance for the development of—

(A) tribal codes and rules of procedure;

(B) tribal court administrative procedures and court records management systems;

(C) methods of reducing case delays;

(D) methods of alternative dispute resolution;

(E) tribal standards for judicial administration and conduct; and

(F) long-range plans for the enhancement of tribal justice systems.

(2) Technical assistance and training provided pursuant to paragraph (1) may be provided through direct services, by contract with independent entities, or through grants to Indian tribes or tribal organizations.

(f) INFORMATION CLEARINGHOUSE ON TRIBAL JUSTICE SYSTEMS.—The Office shall maintain an information clearinghouse (which shall include an electronic data base) on tribal justice systems and Courts of Indian Offenses, including (but not limited to) information on staffing, funding, model tribal codes, tribal justice activities, and tribal judicial decisions. The Office shall take such actions as may be necessary to ensure the confidentiality of records and other matters involving privacy rights.

Confidential information.

25 USC 3612.

SEC. 102. SURVEY OF TRIBAL JUDICIAL SYSTEMS.

Contracts.

(a) IN GENERAL.—Not later than six months after the date of the enactment of this Act, the Secretary, in consultation with Indian tribes, shall enter into a contract with a non-Federal entity to conduct a survey of conditions of tribal justice systems and Courts of Indian Offenses to determine the resources and funding, including base support funding, needed to provide for expeditious and effective administration of justice. The Secretary, in like manner, shall annually update the information and findings contained in the survey required under this section.

(b) LOCAL CONDITIONS.—In the course of any annual survey, the non-Federal entity shall document local conditions of each Indian tribe, including, but not limited to—

(1) the geographic area and population to be served;

(2) the levels of functioning and capacity of the tribal justice system;

(3) the volume and complexity of the caseloads;

(4) the facilities, including detention facilities, and program resources available;

(5) funding levels and personnel staffing requirements for the tribal justice system; and

(6) the training and technical assistance needs of the tribal justice system.

(c) CONSULTATION WITH INDIAN TRIBES.—The non-Federal entity shall actively consult with Indian tribes and tribal organiza-

tions in the development and conduct of the surveys, including updates thereof, under this section. Indian tribes and tribal organizations shall have the opportunity to review and make recommendations regarding the findings of the survey, including updates thereof, prior to final publication of the survey or any update thereof. After Indian tribes and tribal organizations have reviewed and commented on the results of the survey, or any update thereof, the non-Federal entity shall report its findings, together with the comments and recommendations of the Indian tribes and tribal organizations, to the Secretary, the Committee on Indian Affairs of the Senate, and the Subcommittee on Native American Affairs of the Committee on Natural Resources of the House of Representatives.

Reports.

SEC. 103. BASE SUPPORT FUNDING FOR TRIBAL JUSTICE SYSTEMS.

25 USC 3613.

(a) IN GENERAL.—Pursuant to the Indian Self-Determination and Education Assistance Act, the Secretary is authorized (to the extent provided in advance in appropriations Acts) to enter into contracts, grants, or agreements with Indian tribes for the performance of any function of the Office and for the development, enhancement, and continuing operation of tribal justice systems and traditional tribal judicial practices by Indian tribal governments.

(b) PURPOSES FOR WHICH FINANCIAL ASSISTANCE MAY BE USED.—Financial assistance provided through contracts, grants, or agreements entered into pursuant to this section may be used for—

(1) planning for the development, enhancement, and operation of tribal justice systems;

(2) the employment of judicial personnel;

(3) training programs and continuing education for tribal judicial personnel;

(4) the acquisition, development, and maintenance of a law library and computer assisted legal research capacities;

(5) the development, revision, and publication of tribal codes, rules of practice, rules of procedure, and standards of judicial performance and conduct;

(6) the development and operation of records management systems;

(7) the construction or renovation of facilities for tribal justice systems;

(8) membership and related expenses for participation in national and regional organizations of tribal justice systems and other professional organizations; and

(9) the development and operation of other innovative and culturally relevant programs and projects, including (but not limited to) programs and projects for—

(A) alternative dispute resolution;

(B) tribal victims assistance or victims services;

(C) tribal probation services or diversion programs;

(D) juvenile services and multidisciplinary investigations of child abuse; and

(E) traditional tribal judicial practices, traditional tribal justice systems, and traditional methods of dispute resolution.

(c) FORMULA.—(1) Not later than 180 days after the date of the enactment of this Act, the Secretary, with the full participation of Indian tribes, shall establish and promulgate by regulation, a

Regulations.

formula which establishes base support funding for tribal justice systems in carrying out this section.

(2) The Secretary shall assess caseload and staffing needs for tribal justice systems that take into account unique geographic and demographic conditions. In the assessment of these needs, the Secretary shall work cooperatively with Indian tribes and tribal organizations and shall refer to any data developed as a result of the surveys conducted pursuant to section 102 and to relevant assessment standards developed by the Judicial Conference of the United States, the National Center for State Courts, the American Bar Association, and appropriate State bar associations.

(3) Factors to be considered in the development of the base support funding formula shall include, but are not limited to—

(A) the caseload and staffing needs identified under paragraph (2);

(B) the geographic area and population to be served;

(C) the volume and complexity of the caseloads;

(D) the projected number of cases per month;

(E) the projected number of persons receiving probation services or participating in diversion programs; and

(F) any special circumstances warranting additional financial assistance.

(4) In developing and administering the formula for base support funding for the tribal judicial systems under this section, the Secretary shall ensure equitable distribution of funds.

25 USC 3614.

SEC. 104. TRIBAL JUDICIAL CONFERENCES.

The Secretary is authorized to provide funds to tribal judicial conferences, under section 101 of this Act, pursuant to contracts entered into under the authority of the Indian Self-Determination and Education Assistance Act for the development, enhancement, and continuing operation of tribal justice systems of Indian tribes which are members of such conference. Funds provided under this section may be used for—

(1) the employment of judges, magistrates, court counselors, court clerks, court administrators, bailiffs, probation officers, officers of the court, or dispute resolution facilitators;

(2) the development, revision, and publication of tribal codes, rules of practice, rules of procedure, and standards of judicial performance and conduct;

(3) the acquisition, development, and maintenance of a law library and computer assisted legal research capacities;

(4) training programs and continuing education for tribal judicial personnel;

(5) the development and operation of records management systems;

(6) planning for the development, enhancement, and operation of tribal justice systems; and

(7) the development and operation of other innovative and culturally relevant programs and projects, including (but not limited to) programs and projects for—

(A) alternative dispute resolution;

(B) tribal victims assistance or victims services;

(C) tribal probation services or diversion programs;

(D) juvenile services and multidisciplinary investigations of child abuse; and

(E) traditional tribal judicial practices, traditional justice systems, and traditional methods of dispute resolution.

TITLE II—AUTHORIZATIONS OF APPROPRIATIONS

SEC. 201. TRIBAL JUSTICE SYSTEMS. 25 USC 3621.

(a) OFFICE.—There is authorized to be appropriated to carry out the provisions of sections 101 and 102 of this Act, $7,000,000 for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000. None of the funds provided under this subsection may be used for the administrative expenses of the Office.

(b) BASE SUPPORT FUNDING FOR TRIBAL JUSTICE SYSTEMS.—There is authorized to be appropriated to carry out the provisions of section 103 of this Act, $50,000,000 for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000.

(c) ADMINISTRATIVE EXPENSES FOR OFFICE.—There is authorized to be appropriated, for the administrative expenses of the Office, $500,000 for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000.

(d) ADMINISTRATIVE EXPENSES FOR TRIBAL JUDICIAL CONFERENCES.—There is authorized to be appropriated, for the administrative expenses of tribal judicial conferences, $500,000 for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000.

(e) SURVEY.—For carrying out the survey under section 102, there is authorized to be appropriated, in addition to the amount authorized under subsection (a) of this section, $400,000.

(f) INDIAN PRIORITY SYSTEM.—Funds appropriated pursuant to the authorizations provided by this section and available for a tribal justice system shall not be subject to the Indian priority system. Nothing in this Act shall preclude a tribal government from supplementing any funds received under this Act with funds received from any other source including the Bureau or any other Federal agency.

(g) ALLOCATION OF FUNDS.—In allocating funds appropriated pursuant to the authorization contained in subsection (a) among the Bureau, Office, tribal governments and Courts of Indian Offenses, the Secretary shall take such actions as may be necessary to ensure that such allocation is carried out in a manner that is fair and equitable to all tribal governments and is proportionate to base support funding under section 103 received by the Bureau, Office, tribal governments, and Courts of Indian Offenses.

(h) NO OFFSET.—No Federal agency shall offset funds made available pursuant to this Act for tribal justice systems against other funds otherwise available for use in connection with tribal justice systems.

TITLE III—DISCLAIMERS

SEC. 301. TRIBAL AUTHORITY. 25 USC 3631.

Nothing in this Act shall be construed to—

(1) encroach upon or diminish in any way the inherent sovereign authority of each tribal government to determine the role of the tribal justice system within the tribal government or to enact and enforce tribal laws;

(2) diminish in any way the authority of tribal governments to appoint personnel;

(3) impair the rights of each tribal government to determine the nature of its own legal system or the appointment of authority within the tribal government;

(4) alter in any way any tribal traditional dispute resolution forum;

(5) imply that any tribal justice system is an instrumentality of the United States; or

(6) diminish the trust responsibility of the United States to Indian tribal governments and tribal justice systems of such governments.

Approved December 3, 1993.

LEGISLATIVE HISTORY—H.R. 1268 (S. 521):

HOUSE REPORTS: Nos. 103-205 (Comm. on Natural Resources) and 103-383 (Comm. of Conference).
SENATE REPORTS: No. 103-88 accompanying S. 521 (Comm. on Indian Affairs).
CONGRESSIONAL RECORD, Vol. 139 (1993):
July 21, S. 521 considered and passed Senate.
Aug. 2, H.R. 1268 considered and passed House.
Aug. 6, considered and passed Senate, amended.
Nov. 19, House and Senate agreed to conference report.

Public Law 103-177
103d Congress

An Act

To improve the management, productivity, and use of Indian agricultural lands and resources.

Dec. 3, 1993
[H.R. 1425]

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

American Indian Agricultural Resource Management Act. 25 USC 3701 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "American Indian Agricultural Resource Management Act".

25 USC 3701.

SEC. 2. FINDINGS.

The Congress finds and declares that—

(1) the United States and Indian tribes have a government to government relationship;

(2) the United States has a trust responsibility to protect, conserve, utilize, and manage Indian agricultural lands consistent with its fiduciary obligation and its unique relationship with Indian tribes;

(3) Indian agricultural lands are renewable and manageable natural resources which are vital to the economic, social, and cultural welfare of many Indian tribes and their members; and

(4) development and management of Indian agricultural lands in accordance with integrated resource management plans will ensure proper management of Indian agricultural lands and will produce increased economic returns, enhance Indian self-determination, promote employment opportunities, and improve the social and economic well-being of Indian and surrounding communities.

25 USC 3702.

SEC. 3. PURPOSES.

The purposes of this Act are to—

(1) carry out the trust responsibility of the United States and promote the self-determination of Indian tribes by providing for the management of Indian agricultural lands and related renewable resources in a manner consistent with identified tribal goals and priorities for conservation, multiple use, and sustained yield;

(2) authorize the Secretary to take part in the management of Indian agricultural lands, with the participation of the beneficial owners of the land, in a manner consistent with the trust responsibility of the Secretary and with the objectives of the beneficial owners;

(3) provide for the development and management of Indian agricultural lands; and

(4) increase the educational and training opportunities available to Indian people and communities in the practical, technical, and professional aspects of agriculture and land management to improve the expertise and technical abilities of Indian tribes and their members.

25 USC 3703.

SEC. 4. DEFINITIONS.

For the purposes of this Act:

(1) The term "Indian agricultural lands" means Indian land, including farmland and rangeland, but excluding Indian forest land, that is used for the production of agricultural products, and Indian lands occupied by industries that support the agricultural community, regardless of whether a formal inspection and land classification has been conducted.

(2) The term "agricultural product" means—

(A) crops grown under cultivated conditions whether used for personal consumption, subsistence, or sold for commercial benefit;

(B) domestic livestock, including cattle, sheep, goats, horses, buffalo, swine, reindeer, fowl, or other animal specifically raised and utilized for food or fiber or as beast of burden;

(C) forage, hay, fodder, feed grains, crop residues and other items grown or harvested for the feeding and care of livestock, sold for commercial profit, or used for other purposes; and

(D) other marketable or traditionally used materials authorized for removal from Indian agricultural lands.

(3) The term "agricultural resource" means—

(A) all the primary means of production, including the land, soil, water, air, plant communities, watersheds, human resources, natural and physical attributes, and man-made developments, which together comprise the agricultural community; and

(B) all the benefits derived from Indian agricultural lands and enterprises, including cultivated and gathered food products, fibers, horticultural products, dyes, cultural or religious condiments, medicines, water, aesthetic, and other traditional values of agriculture.

(4) The term "agricultural resource management plan" means a plan developed under section 101(b).

(5) The term "Bureau" means the Bureau of Indian Affairs of the Department of the Interior.

(6) The term "farmland" means Indian land excluding Indian forest land that is used for production of food, feed, fiber, forage and seed oil crops, or other agricultural products, and may be either dryland, irrigated, or irrigated pasture.

(7) The term "Indian forest land" means forest land as defined in section 304(3) of the National Indian Forest Resources Management Act (25 U.S.C. 3103(3)).

(8) The term "Indian" means an individual who is a member of an Indian tribe.

(9) The term "Indian land" means land that is—

(A) held in trust by the United States for an Indian tribe; or

(B) owned by an Indian or Indian tribe and is subject to restrictions against alienation.

(10) The term "Indian tribe" means any Indian tribe, band, nation, pueblo, or other organized group or community, including any Alaska Native village or regional corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(11) The term "integrated resource management plan" means the plan developed pursuant to the process used by tribal governments to assess available resources and to provide identified holistic management objectives that include quality of life, production goals and landscape descriptions of all designated resources that may include (but not be limited to) water, fish, wildlife, forestry, agriculture, minerals, and recreation, as well as community and municipal resources, and may include any previously adopted tribal codes and plans related to such resources.

(12) The term "land management activity" means all activities, accomplished in support of the management of Indian agricultural lands, including (but not limited to)—

(A) preparation of soil and range inventories, farmland and rangeland management plans, and monitoring programs to evaluate management plans;

(B) agricultural lands and on-farm irrigation delivery system development, and the application of state of the art, soil and range conservation management techniques to restore and ensure the productive potential of Indian lands;

(C) protection against agricultural pests, including development, implementation, and evaluation of integrated pest management programs to control noxious weeds, undesirable vegetation, and vertebrate or invertebrate agricultural pests;

(D) administration and supervision of agricultural leasing and permitting activities, including determination of proper land use, carrying capacities, and proper stocking rates of livestock, appraisal, advertisement, negotiation, contract preparation, collecting, recording, and distributing lease rental receipts;

(E) technical assistance to individuals and tribes engaged in agricultural production or agribusiness; and

(F) educational assistance in agriculture, natural resources, land management and related fields of study, including direct assistance to tribally-controlled community colleges in developing and implementing curriculum for vocational, technical, and professional course work.

(13) The term "Indian landowner" means the Indian or Indian tribe that—

(A) owns such Indian land, or

(B) is the beneficiary of the trust under which such Indian land is held by the United States.

(14) The term "rangeland" means Indian land, excluding Indian forest land, on which the native vegetation is predominantly grasses, grass-like plants, forbs, half-shrubs or shrubs suitable for grazing or browsing use, and includes lands revegetated naturally or artificially to provide a forage cover that is managed as native vegetation.

(15) The term "Secretary" means the Secretary of the Interior.

TITLE I—RANGELAND AND FARMLAND ENHANCEMENT

25 USC 3711.

SEC. 101. MANAGEMENT OF INDIAN RANGELANDS AND FARMLANDS.

(a) MANAGEMENT OBJECTIVES.—Consistent with the provisions of the Indian Self-Determination and Education Assistance Act, the Secretary shall provide for the management of Indian agricultural lands to achieve the following objectives:

(1) To protect, conserve, utilize, and maintain the highest productive potential on Indian agricultural lands through the application of sound conservation practices and techniques. These practices and techniques shall be applied to planning, development, inventorying, classification, and management of agricultural resources.

(2) To increase production and expand the diversity and availability of agricultural products for subsistence, income, and employment of Indians and Alaska Natives, through the development of agricultural resources on Indian lands.

(3) To manage agricultural resources consistent with integrated resource management plans in order to protect and maintain other values such as wildlife, fisheries, cultural resources, recreation and to regulate water runoff and minimize soil erosion.

(4) To enable Indian farmers and ranchers to maximize the potential benefits available to them through their land by providing technical assistance, training, and education in conservation practices, management and economics of agribusiness, sources and use of credit and marketing of agricultural products, and other applicable subject areas.

(5) To develop Indian agricultural lands and associated value-added industries of Indians and Indian tribes to promote self-sustaining communities.

(6) To assist trust and restricted Indian landowners in leasing their agricultural lands for a reasonable annual return, consistent with prudent management and conservation practices, and community goals as expressed in the tribal management plans and appropriate tribal ordinances.

(b) INDIAN AGRICULTURAL RESOURCE MANAGEMENT PLANNING PROGRAM.—(1) To meet the management objectives of this section, a 10-year Indian agriculture resource management and monitoring plan shall be developed and implemented as follows:

(A) Pursuant to a self-determination contract or self-governance compact, an Indian tribe may develop or implement an Indian agriculture resource plan. Subject to the provisions of subparagraph (C), the tribe shall have broad discretion in designing and carrying out the planning process.

(B) If a tribe chooses not to contract the development or implementation of the plan, the Secretary shall develop or implement, as appropriate, the plan in close consultation with the affected tribe.

(C) Whether developed directly by the tribe or by the Secretary, the plan shall—

(i) determine available agriculture resources;

(ii) identify specific tribal agricultural resource goals and objectives;

(iii) establish management objectives for the resources;

(iv) define critical values of the Indian tribe and its members and provide identified holistic management objectives;

(v) identify actions to be taken to reach established objectives;

(vi) be developed through public meetings;

(vii) use the public meeting records, existing survey documents, reports, and other research from Federal agencies, tribal community colleges, and land grant universities; and

(viii) be completed within three years of the initiation of activity to establish the plan.

(2) Indian agriculture resource management plans developed and approved under this section shall govern the management and administration of Indian agricultural resources and Indian agricultural lands by the Bureau and the Indian tribal government.

SEC. 102. INDIAN PARTICIPATION IN LAND MANAGEMENT ACTIVITIES. 25 USC 3712.

(a) TRIBAL RECOGNITION.—The Secretary shall conduct all land management activities on Indian agricultural land in accordance with goals and objectives set forth in the approved agricultural resource management plan, in an integrated resource management plan, and in accordance with all tribal laws and ordinances, except in specific instances where such compliance would be contrary to the trust responsibility of the United States.

(b) TRIBAL LAWS.—Unless otherwise prohibited by Federal law, the Secretary shall comply with tribal laws and ordinances pertaining to Indian agricultural lands, including laws regulating the environment and historic or cultural preservation, and laws or ordinances adopted by the tribal government to regulate land use or other activities under tribal jurisdiction. The Secretary shall—

(1) provide assistance in the enforcement of such tribal laws;

(2) provide notice of such laws to persons or entities undertaking activities on Indian agricultural lands; and

(3) upon the request of an Indian tribe, require appropriate Federal officials to appear in tribal forums.

(c) WAIVER OF REGULATIONS.—In any case in which a regulation or administrative policy of the Department of the Interior conflicts with the objectives of the agricultural resource management plan provided for in section 101, or with a tribal law, the Secretary may waive the application of such regulation or administrative policy unless such waiver would constitute a violation of a Federal statute or judicial decision or would conflict with his general trust responsibility under Federal law.

(d) SOVEREIGN IMMUNITY.—This section does not constitute a waiver of the sovereign immunity of the United States, nor does it authorize tribal justice systems to review actions of the Secretary.

SEC. 103. INDIAN AGRICULTURAL LANDS TRESPASS. 25 USC 3713.

(a) CIVIL PENALTIES; REGULATIONS.—Not later than one year after the date of enactment of this Act, the Secretary shall issue regulations that—

(1) establish civil penalties for the commission of trespass on Indian agricultural lands, which provide for—

(A) collection of the value of the products illegally used or removed plus a penalty of double their values;

(B) collection of the costs associated with damage to the Indian agricultural lands caused by the act of trespass; and

(C) collection of the costs associated with enforcement of the regulations, including field examination and survey, damage appraisal, investigation assistance and reports, witness expenses, demand letters, court costs, and attorney fees;

(2) designate responsibility within the Department of the Interior for the detection and investigation of Indian agricultural lands trespass; and

(3) set forth responsibilities and procedures for the assessment and collection of civil penalties.

(b) TREATMENT OF PROCEEDS.—The proceeds of civil penalties collected under this section shall be treated as proceeds from the sale of agricultural products from the Indian agricultural lands upon which such trespass occurred.

(c) CONCURRENT JURISDICTION.—Indian tribes which adopt the regulations promulgated by the Secretary pursuant to subsection (a) shall have concurrent jurisdiction with the United States to enforce the provisions of this section and the regulations promulgated thereunder. The Bureau and other agencies of the Federal Government shall, at the request of the tribal government, defer to tribal prosecutions of Indian agricultural land trespass cases. Tribal court judgments regarding agricultural trespass shall be entitled to full faith and credit in Federal and State courts to the same extent as a Federal court judgment obtained under this section. Nothing in this Act shall be construed to diminish the sovereign authority of Indian tribes with respect to trespass.

25 USC 3714.

SEC. 104. ASSESSMENT OF INDIAN AGRICULTURAL MANAGEMENT PROGRAMS.

Contracts.

(a) ASSESSMENT.—Within six months after the date of enactment of this Act, the Secretary, in consultation with affected Indian tribes, shall enter into a contract with a non-Federal entity knowledgeable in agricultural management on Federal and private lands to conduct an independent assessment of Indian agricultural land management and practices. Such assessment shall be national in scope and shall include a comparative analysis of Federal investment and management efforts for Indian trust and restricted agricultural lands as compared to federally-owned lands managed by other Federal agencies or instrumentalities and as compared to federally-served private lands.

(b) PURPOSES.—The purposes of the assessment shall be—

(1) to establish a comprehensive assessment of the improvement, funding, and development needs for all Indian agricultural lands;

(2) to establish a comparison of management and funding provided to comparable lands owned or managed by the Federal Government through Federal agencies other than the Bureau; and

(3) to identify any obstacles to Indian access to Federal or private programs relating to agriculture or related rural development programs generally available to the public at large.

(c) IMPLEMENTATION.—Within one year after the date of enactment of this Act, the Secretary shall provide the Subcommittee on Native American Affairs of the Committee on Natural Resources of the House of Representatives and the Committee on Indian Affairs of the Senate with a status report on the development of the comparative analysis required by this section and shall file a final report with the Congress not later than 18 months after the date of enactment of this Act. Reports.

SEC. 105. LEASING OF INDIAN AGRICULTURAL LANDS. 25 USC 3715.

(a) AUTHORITY OF THE SECRETARY.—The Secretary is authorized to—

(1) approve any agricultural lease or permit with (A) a tenure of up to 10 years, or (B) a tenure longer than 10 years but not to exceed 25 years unless authorized by other Federal law, when such longer tenure is determined by the Secretary to be in the best interest of the Indian landowners and when such lease or permit requires substantial investment in the development of the lands or crops by the lessee; and

(2) lease or permit agricultural lands to the highest responsible bidder at rates less than the Federal appraisal after satisfactorily advertising such lands for lease, when, in the opinion of the Secretary, such action would be in the best interest of the Indian landowner.

(b) AUTHORITY OF THE TRIBE.—When authorized by an appropriate tribal resolution establishing a general policy for leasing of Indian agricultural lands, the Secretary—

(1) shall provide a preference to Indian operators in the issuance and renewal of agricultural leases and permits so long as the lessor receives fair market value for his property;

(2) shall waive or modify the requirement that a lessee post a surety or performance bond on agricultural leases and permits issued by the Secretary;

(3) shall provide for posting of other collateral or security in lieu of surety or other bonds; and

(4) when such tribal resolution sets forth a tribal definition of what constitutes "highly fractionated undivided heirship lands" and adopts an alternative plan for providing notice to owners, may waive or modify any general notice requirement of Federal law and proceed to negotiate and lease or permit such highly fractionated undivided interest heirship lands in conformity with tribal law in order to prevent waste, reduce idle land acreage, and ensure income.

(c) RIGHTS OF INDIVIDUAL LANDOWNERS.—(1) Nothing in this section shall be construed as limiting or altering the authority or right of an individual allottee in the legal or beneficial use of his or her own land or to enter into an agricultural lease of the surface interest of his or her allotment under any other provision of law.

(2)(A) The owners of a majority interest in any trust or restricted land are authorized to enter into an agricultural lease of the surface interest of a trust or restricted allotment, and such lease shall be binding upon the owners of the minority interests in such land if the terms of the lease provide such minority interests with not less than fair market value for such land.

(B) For the purposes of subparagraph (A), a majority interest in trust or restricted land is an interest greater than 50 percent of the legal or beneficial title.

(3) The provisions of subsection (b) shall not apply to a parcel of trust or restricted land if the owners of at least 50 percent of the legal or beneficial interest in such land file with the Secretary a written objection to the application of all or any part of such tribal rules to the leasing of such parcel of land.

TITLE II—EDUCATION IN AGRICULTURE MANAGEMENT

25 USC 3731.

SEC. 201. INDIAN AND ALASKA NATIVE AGRICULTURE MANAGEMENT EDUCATION ASSISTANCE PROGRAMS.

(a) AGRICULTURAL RESOURCES INTERN PROGRAM.—(1) Notwithstanding the provisions of title 5, United States Code, governing appointments in the competitive service, the Secretary shall establish and maintain in the Bureau or other appropriate office or bureau within the Department of the Interior at least 20 agricultural resources intern positions for Indian and Alaska Native students enrolled in an agriculture study program. Such positions shall be in addition to the forester intern positions authorized in section 314(a) of the National Indian Forest Resources Management Act (25 U.S.C. 3113(a)).

(2) For purposes of this subsection—

(A) the term "agricultural resources intern" means an Indian who—

(i) is attending an approved postsecondary school in a full-time agriculture or related field, and

(ii) is appointed to one of the agricultural resources intern positions established under paragraph (1);

(B) the term "agricultural resources intern positions" means positions established pursuant to paragraph (1) for agricultural resources interns; and

(C) the term "agriculture study program" includes (but is not limited to) agricultural engineering, agricultural economics, animal husbandry, animal science, biological sciences, geographic information systems, horticulture, range management, soil science, and veterinary science.

(3) The Secretary shall pay, by reimbursement or otherwise, all costs for tuition, books, fees, and living expenses incurred by an agricultural resources intern while attending an approved postsecondary or graduate school in a full-time agricultural study program.

(4) An agricultural resources intern shall be required to enter into an obligated service agreement with the Secretary to serve as an employee in a professional agriculture or natural resources position with the Department of the Interior or other Federal agency or an Indian tribe for one year for each year of education for which the Secretary pays the intern's educational costs under paragraph (3).

(5) An agricultural resources intern shall be required to report for service with the Bureau of Indian Affairs or other bureau or agency sponsoring his internship, or to a designated work site, during any break in attendance at school of more than 3 weeks duration. Time spent in such service shall be counted toward satis-

faction of the intern's obligated service agreement under paragraph (4).

(b) COOPERATIVE EDUCATION PROGRAM.—(1) The Secretary shall maintain, through the Bureau, a cooperative education program for the purpose, among other things, of recruiting Indian and Alaska Native students who are enrolled in secondary schools, tribally controlled community colleges, and other postsecondary or graduate schools, for employment in professional agricultural or related positions with the Bureau or other Federal agency providing Indian agricultural or related services.

(2) The cooperative educational program under paragraph (1) shall be modeled after, and shall have essentially the same features as, the program in effect on the date of enactment of this Act pursuant to chapter 308 of the Federal Personnel Manual of the Office of Personnel Management.

(3) The cooperative educational program shall include, among others, the following:

(A) The Secretary shall continue the established specific programs in agriculture and natural resources education at Southwestern Indian Polytechnic Institute (SIPI) and at Haskell Indian Junior College.

(B) The Secretary shall develop and maintain a cooperative program with the tribally controlled community colleges to coordinate course requirements, texts, and provide direct technical assistance so that a significant portion of the college credits in both the Haskell and Southwestern Indian Polytechnic Institute programs can be met through local program work at participating tribally controlled community colleges.

(C) Working through tribally controlled community colleges and in cooperation with land grant institutions, the Secretary shall implement an informational and educational program to provide practical training and assistance in creating or maintaining a successful agricultural enterprise, assessing sources of commercial credit, developing markets, and other subjects of importance in agricultural pursuits.

(D) Working through tribally controlled community colleges and in cooperation with land grant institutions, the Secretary shall implement research activities to improve the basis for determining appropriate management measures to apply to Indian agricultural management.

(4) Under the cooperative agreement program under paragraph (1), the Secretary shall pay, by reimbursement or otherwise, all costs for tuition, books, and fees of an Indian student who—

(A) is enrolled in a course of study at an education institution with which the Secretary has entered into a cooperative agreement; and

(B) is interested in a career with the Bureau, an Indian tribe or a tribal enterprise in the management of Indian rangelands, farmlands, or other natural resource assets.

(5) A recipient of assistance under the cooperative education program under this subsection shall be required to enter into an obligated service agreement with the Secretary to serve as a professional in an agricultural resource related activity with the Bureau, or other Federal agency providing agricultural or related services to Indians or Indian tribes, or an Indian tribe for one year for each year for which the Secretary pays the recipients educational costs pursuant to paragraph (3).

(c) SCHOLARSHIP PROGRAM.—(1) The Secretary may grant scholarships to Indians enrolled in accredited agriculture related programs for postsecondary and graduate programs of study as full-time students.

(2) A recipient of a scholarship under paragraph (1) shall be required to enter into an obligated service agreement with the Secretary in which the recipient agrees to accept employment for one year for each year the recipient received a scholarship, following completion of the recipients course of study, with—

(A) the Bureau or other agency of the Federal Government providing agriculture or natural resource related services to Indians or Indian tribes;

(B) an agriculture or related program conducted under a contract, grant, or cooperative agreement entered into under the Indian Self-Determination and Education Assistance Act; or

(C) a tribal agriculture or related program.

(3) The Secretary shall not deny scholarship assistance under this subsection solely on the basis of an applicant's scholastic achievement if the applicant has been admitted to and remains in good standing in an accredited post secondary or graduate institution.

(d) EDUCATIONAL OUTREACH.—The Secretary shall conduct, through the Bureau, and in consultation with other appropriate local, State and Federal agencies, and in consultation and coordination with Indian tribes, an agricultural resource education outreach program for Indian youth to explain and stimulate interest in all aspects of management and careers in Indian agriculture and natural resources.

(e) ADEQUACY OF PROGRAMS.—The Secretary shall administer the programs described in this section until a sufficient number of Indians are trained to ensure that there is an adequate number of qualified, professional Indian agricultural resource managers to manage the Bureau agricultural resource programs and programs maintained by or for Indian tribes.

25 USC 3732.

SEC. 202. POSTGRADUATION RECRUITMENT, EDUCATION AND TRAINING PROGRAMS.

(a) ASSUMPTION OF LOANS.—The Secretary shall establish and maintain a program to attract Indian professionals who are graduates of a course of postsecondary or graduate education for employment in either the Bureau agriculture or related programs or, subject to the approval of the tribe, in tribal agriculture or related programs. According to such regulations as the Secretary may prescribe, such program shall provide for the employment of Indian professionals in exchange for the assumption by the Secretary of the outstanding student loans of the employee. The period of employment shall be determined by the amount of the loan that is assumed.

Regulations.

(b) POSTGRADUATE INTERGOVERNMENTAL INTERNSHIPS.—For the purposes of training, skill development and orientation of Indian and Federal agricultural management personnel, and the enhancement of tribal and Bureau agricultural resource programs, the Secretary shall establish and actively conduct a program for the cooperative internship of Federal and Indian agricultural resource personnel. Such program shall—

(1) for agencies within the Department of the Interior—

(A) provide for the internship of Bureau and Indian agricultural resource employees in the agricultural resource related programs of other agencies of the Department of the Interior, and

(B) provide for the internship of agricultural resource personnel from the other Department of the Interior agencies within the Bureau, and, with the consent of the tribe, within tribal agricultural resource programs;

(2) for agencies not within the Department of the Interior, provide, pursuant to an interagency agreement, internships within the Bureau and, with the consent of the tribe, within a tribal agricultural resource program of other agricultural resource personnel of such agencies who are above their sixth year of Federal service;

(3) provide for the continuation of salary and benefits for participating Federal employees by their originating agency;

(4) provide for salaries and benefits of participating Indian agricultural resource employees by the host agency; and

(5) provide for a bonus pay incentive at the conclusion of the internship for any participant.

(c) CONTINUING EDUCATION AND TRAINING.—The Secretary shall maintain a program within the Trust Services Division of the Bureau for Indian agricultural resource personnel which shall provide for—

(1) orientation training for Bureau agricultural resource personnel in tribal-Federal relations and responsibilities;

(2) continuing technical agricultural resource education for Bureau and Indian agricultural resource personnel; and

(3) development training of Indian agricultural resource personnel in agricultural resource based enterprises and marketing.

SEC. 203. COOPERATIVE AGREEMENT BETWEEN THE DEPARTMENT OF THE INTERIOR AND INDIAN TRIBES.

25 USC 3733.

(a) COOPERATIVE AGREEMENTS.—

(1)(A) To facilitate the administration of the programs and activities of the Department of the Interior, the Secretary may negotiate and enter into cooperative agreements with Indian tribes to—

(i) engage in cooperative manpower and job training,

(ii) develop and publish cooperative agricultural education and resource planning materials, and

(iii) perform land and facility improvements and other activities related to land and natural resource management and development.

(B) The Secretary may enter into these agreements when the Secretary determines the interest of Indians and Indian tribes will be benefited.

(2) In cooperative agreements entered into under paragraph (1), the Secretary may advance or reimburse funds to contractors from any appropriated funds available for similar kinds of work or by furnishing or sharing materials, supplies, facilities, or equipment without regard to the provisions of section 3324 of title 31, United States Code, relating to the advance of public moneys.

(b) SUPERVISION.—In any agreement authorized by this section, Indian tribes and their employees may perform cooperative work

under the supervision of the Department of the Interior in emergencies or otherwise as mutually agreed to, but shall not be deemed to be Federal employees other than for the purposes of sections 2671 through 2680 of title 28, United States Code, and sections 8101 through 8193 of title 5, United States Code.

(c) SAVINGS CLAUSE.—Nothing in this Act shall be construed to limit the authority of the Secretary to enter into cooperative agreements otherwise authorized by law.

25 USC 3734.

SEC. 204. OBLIGATED SERVICE; BREACH OF CONTRACT.

(a) OBLIGATED SERVICE.—Where an individual enters into an agreement for obligated service in return for financial assistance under any provision of this title, the Secretary shall adopt such regulations as are necessary to provide for the offer of employment to the recipient of such assistance as required by such provision. Where an offer of employment is not reasonably made, the regulations shall provide that such service shall no longer be required.

(b) BREACH OF CONTRACT; REPAYMENT.—Where an individual fails to accept a reasonable offer of employment in fulfillment of such obligated service or unreasonably terminates or fails to perform the duties of such employment, the Secretary shall require a repayment of the financial assistance provided, prorated for the amount of time of obligated service that was performed, together with interest on such amount which would be payable if at the time the amounts were paid they were loans bearing interest at the maximum legal prevailing rate, as determined by the Secretary of the Treasury.

TITLE III—GENERAL PROVISIONS

25 USC 3741.

SEC. 301. REGULATIONS.

Except as otherwise provided by this Act, the Secretary shall promulgate final regulations for the implementation of this Act within 24 months after the date of enactment of this Act. All regulations promulgated pursuant to this Act shall be developed by the Secretary with the participation of the affected Indian tribes.

25 USC 3742.

SEC. 302. TRUST RESPONSIBILITY.

Nothing in this Act shall be construed to diminish or expand the trust responsibility of the United States toward Indian trust lands or natural resources, or any legal obligation or remedy resulting therefrom.

25 USC 3743.

SEC. 303. SEVERABILITY.

If any provision of this Act, or the application of any provision of this Act to any person or circumstance, is held invalid, the application of such provision or circumstance and the remainder of this Act shall not be affected thereby.

25 USC 3744.

SEC. 304. FEDERAL, STATE AND LOCAL AUTHORITY.

(a) DISCLAIMER.—Nothing in this Act shall be construed to supersede or limit the authority of Federal, State or local agencies otherwise authorized by law to provide services to Indians.

(b) DUPLICATION OF SERVICES.—The Secretary shall work with all appropriate Federal departments and agencies to avoid duplication of programs and services currently available to Indian tribes and landowners from other sources.

SEC. 305. AUTHORIZATION OF APPROPRIATIONS. 25 USC 3745.

(a) GENERAL AUTHORIZATION.—There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

(b) FUNDING SOURCE.—The activities required under title II may only be funded from appropriations made pursuant to this Act. To the greatest extent possible, such activities shall be coordinated with activities funded from other sources.

Approved December 3, 1993.

LEGISLATIVE HISTORY—H.R. 1425:

HOUSE REPORTS: No. 103-367 (Comm. on Natural Resources).
SENATE REPORTS: No. 103-186 (Comm. on Indian Affairs).
CONGRESSIONAL RECORD, Vol. 139 (1993):
Nov. 16, considered and passed House.
Nov. 19, considered and passed Senate.

Public Law 103-178
103d Congress

An Act

Dec. 3, 1993
[H.R. 2330]

To authorize appropriations for fiscal year 1994 for the intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

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

Intelligence Authorization Act for Fiscal Year 1994.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Intelligence Authorization Act for Fiscal Year 1994".

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 1994 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Central Intelligence Agency.
(2) The Department of Defense.
(3) The Defense Intelligence Agency.
(4) The National Security Agency.
(5) The National Reconnaissance Office.
(6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
(7) The Department of State.
(8) The Department of the Treasury.
(9) The Department of Energy.
(10) The Federal Bureau of Investigation.
(11) The Drug Enforcement Administration.
(12) The Central Imagery Office.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(A) SPECIFICATIONS OF AMOUNTS AND PERSONNEL CEILINGS.—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 1994, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the conference report on the bill H.R. 2330 of the One Hundred Third Congress.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House

of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch. President.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR ADJUSTMENTS.—The Director of Central Intelligence may authorize employment for civilian personnel in excess of the number authorized for fiscal year 1994 under section 102 of this Act when the Director determines that such action is necessary to the performance of important intelligence functions, except that such number may not, for any element of the intelligence community, exceed 2 percent of the number of civilian personnel authorized under such section for such element.

(b) NOTICE TO INTELLIGENCE COMMITTEES.—The Director of Central Intelligence shall promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever the Director exercises the authority granted by this section.

SEC. 104. COMMUNITY MANAGEMENT ACCOUNT.

(A) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Community Management Account of the Director of Central Intelligence for fiscal year 1994 the sum of $113,800,000. Within such amounts authorized, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for the Advanced Research and Development Committee and the Environmental Task Force shall remain available until September 30, 1995.

(b) AUTHORIZED PERSONNEL LEVELS.—The Community Management Account of the Director of Central Intelligence is authorized 222 full-time personnel as of September 30, 1994. Such personnel of the Community Management Account may be permanent employees of the Community Management Account or personnel detailed from other elements of the United States Government.

(c) REIMBURSEMENT.—During fiscal year 1994, any officer or employee of the United States or a member of the Armed Forces who is detailed to the Community Management Staff from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 1994 the sum of $182,300,000.

SEC. 202. TECHNICAL CORRECTIONS.

(a) IN GENERAL.—The Central Intelligence Agency Retirement Act is amended—

(1) in section 101(7) (50 U.S.C. 2001(7))—

(A) by striking the comma after "basic pay" and inserting in lieu thereof "and"; and

(B) by striking ", and interest determined under section 281";

(2) in section 201(c) (50 U.S.C. 2011(c)), by striking "the proviso of section 102(d)(3) of the National Security Act of 1947 (50 U.S.C. 403(d)(3))" and inserting in lieu thereof "section 103(c)(5) of the National Security Act of 1947 (50 U.S.C. 403–3(c)(5))";

(3) in section 211(c)(2)(B) (50 U.S.C. 2021(c)(2)(B)), by striking "the requirement under section 241(b)(4)" and inserting in lieu thereof "prior notification of a current spouse, if any, unless the participant establishes to the satisfaction of the Director, in accordance with regulations which the Director may prescribe, that the participant does not know, and has taken all reasonable steps to determine, the whereabouts of the current spouse";

(4) in section 221 (50 U.S.C. 2031)—

(A) by striking "(or, in the case of an annuity computed under section 232 and based on less than 3 years, over the total service)" in subsection (a)(4);

(B) in subsection (f)(1)(A)—

(i) by inserting "after the participant's death" before the period in the first sentence; and

(ii) by striking "after the participant's death" in the second sentence;

(C) by striking "(or is remarried" in subsection (g)(1) and inserting in lieu thereof "(or is remarried,"; and

(D) by striking "(except as provided in paragraph (2))" in subsection (j);

(5) in section 222 (50 U.S.C. 2032)—

(A) by striking "other" the first place it appears in subsection (a)(7) and inserting in lieu thereof "survivor";

(B) by inserting "the participant" before "or does not qualify" in subsection (c)(3)(C); and

(C) by inserting "spouse's or the" after "month before the" in subsection (c)(4);

(6) in section 224(c)(1)(B)(i) (50 U.S.C. 2034(c)(1)(B)(i)), by striking "former participant" and inserting in lieu thereof "retired participant";

(7) in section 225(c) (50 U.S.C. 2035(c))—

(A) by striking "other" the first place it appears in paragraph (3) and inserting in lieu thereof "survivor"; and

(B) by striking "1991" in paragraph (4)(A) and inserting in lieu thereof "1990";

(8) in section 231(d)(2) (50 U.S.C. 2051(d)(2)), by striking "241(b)" and inserting in lieu thereof "241(a)";

(9) in section 232(b)(4) (50 U.S.C. 2052(b)(4)), by striking "section 222" and inserting in lieu thereof "section 224";

(10) in section 234(b) (50 U.S.C. 2054(b)), by striking "sections 241 and 281" and inserting in lieu thereof "section 241";

(11) in section 241 (50 U.S.C. 2071)—

(A) by striking "A lump-sum benefit that would have been payable to a participant, former participant, or annuitant, or to a survivor annuitant, authorized by subsection (d) or (e) of this section or by section 234(b) or 281(d)" in subsection (c) and inserting in lieu thereof "A lump-sum payment authorized by subsection (d) or (e) of this

section 281(d) and a payment of any accrued and unpaid annuity authorized by subsection (f) of this section"; and

(B) by redesignating subsection (f) as subsection (g) and inserting after subsection (e) the following new subsection:

"(f) PAYMENT OF ACCRUED AND UNPAID ANNUITY WHEN RETIRED PARTICIPANT DIES.—If a retired participant dies, any annuity accrued and unpaid shall be paid in accordance with subsection (c).";

(12) in section 264(b) (50 U.S.C. 2094)—

(A) by inserting "and" after the semicolon at the end of paragraph (2);

(B) by striking "and to any payment of a return of contributions under section 234(a); and" in paragraph (3) and inserting in lieu thereof ", and the amount of any such payment;"; and

(C) by striking paragraph (4);

(13) in section 265 (50 U.S.C. 2095), by striking "Act" in both places it appears and inserting in lieu thereof "title";

(14) in section 291(b)(2) (50 U.S.C. 2131(b)(2)), by striking "or section 232(c)"; and

(15) in section 304(i)(1) (50 U.S.C. 2154(i)(1)), by striking "section 102(a)(3)" and inserting in lieu thereof "section 102(a)(4)".

(b) RETROACTIVE EFFECTIVE DATE..—The amendments made by subsection (a) shall take effect as of February 1, 1993. 50 USC 2001 note.

SEC. 203. SURVIVOR ANNUITY, RETIREMENT ANNUITY, AND HEALTH BENEFITS FOR CERTAIN EX-SPOUSES OF CENTRAL INTELLIGENCE AGENCY EMPLOYEES. 50 USC 2032 note.

(a) SURVIVOR ANNUITY.—

(1) IN GENERAL.—

(A) ENTITLEMENT OF FORMER WIFE OR HUSBAND.—Any person who was divorced on or before December 4, 1991, from a participant or retired participant in the Central Intelligence Agency Retirement and Disability System and who was married to such participant for not less than 10 years during such participant's creditable service, at least five years of which were spent by the participant during the participant's service as an employee of the Central Intelligence Agency outside the United States, or otherwise in a position the duties of which qualified the participant for designation by the Director of Central Intelligence as a participant under section 203 of the Central Intelligence Agency Retirement Act (50 U.S.C. 2013), shall be entitled, except to the extent such person is disqualified under paragraph (2), to a survivor annuity equal to 55 percent of the greater of—

(i) the unreduced amount of the participant's annuity, as computed under section 221(a) of such Act; or

(ii) the unreduced amount of what such annuity as so computed would be if the participant had not elected payment of the lump-sum credit under section 294 of such Act.

(B) REDUCTION IN SURVIVOR ANNUITY.—A survivor annuity payable under this subsection shall be reduced

by an amount equal to any survivor annuity payments made to the former wife or husband under section 226 of such Act.

(2) LIMITATIONS.—A former wife or husband is not entitled to a survivor annuity under this subsection if—

(A) the former wife or husband remarries before age 55, except that the entitlement of the former wife or husband to such a survivor annuity shall be restored on the date such remarriage is dissolved by death, annulment, or divorce;

(B) the former wife or husband is less than 50 years of age; or

(C) the former wife or husband meets the definition of "former spouse" that was in effect under section 204(b)(4) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees before December 4, 1991.

(3) COMMENCEMENT AND TERMINATION OF ANNUITY.—

(A) COMMENCEMENT OF ANNUITY.—The entitlement of a former wife or husband to a survivor annuity under this subsection shall commence—

(i) in the case of a former wife or husband of a participant or retired participant who is deceased as of October 1, 1994, beginning on the later of—

(I) the 60th day after such date; or

(II) the date on which the former wife or husband reaches age 50; and

(ii) in the case of any other former wife or husband, beginning on the latest of—

(I) the date on which the participant or retired participant to whom the former wife or husband was married dies;

(II) the 60th day after October 1, 1994; or

(III) the date on which the former wife or husband attains age 50.

(B) TERMINATION OF ANNUITY.—The entitlement of a former wife or husband to a survivor annuity under this subsection terminates on the last day of the month before the former wife's or husband's death or remarriage before attaining age 55. The entitlement of a former wife or husband to such a survivor annuity shall be restored on the date such remarriage is dissolved by death, annulment, or divorce.

(4) ELECTION OF BENEFITS.—A former wife or husband of a participant or retired participant shall not become entitled under this subsection to a survivor annuity or to the restoration of the survivor annuity unless the former wife or husband elects to receive it instead of any other survivor annuity to which the former wife or husband may be entitled under the Central Intelligence Agency Retirement and Disability System or any other retirement system for Government employees on the basis of a marriage to someone other than the participant.

(5) APPLICATION—

(A) TIME LIMIT; WAIVER.—A survivor annuity under this subsection shall not be payable unless appropriate written application is provided to the Director, complete with any supporting documentation which the Director may by regulation require. Any such application shall be submit-

ted not later than October 1, 1995. The Director may waive the application deadline under the preceding sentence in any case in which the Director determines that the circumstances warrant such a waiver.

(B) RETROACTIVE BENEFITS.—Upon approval of an application provided under subparagraph (A), the appropriate survivor annuity shall be payable to the former wife or husband with respect to all periods before such approval during which the former wife or husband was entitled to such annuity under this subsection, but in no event shall a survivor annuity be payable under this subsection with respect to any period before October 1, 1994.

(6) RESTORATION OF ANNUITY.—Notwithstanding paragraph (5)(A), the deadline by which an application for a survivor annuity must be submitted shall not apply in cases in which a former spouse's entitlement to such a survivor annuity is restored after October 1, 1994, under paragraph (2)(A) or (3)(B).

(7) APPLICABILITY IN CASES OF PARTICIPANTS TRANSFERRED TO FERS.—

(A) ENTITLEMENT.—Except as provided in paragraph (2), this subsection shall apply to a former wife or husband of a participant under the Central Intelligence Agency Retirement and Disability System who has elected to become subject to chapter 84 of title 5, United States Code.

(B) AMOUNT OF ANNUITY.—The survivor annuity of a person covered by subparagraph (A) shall be equal to 50 percent of the unreduced amount of the participant's annuity computed in accordance with section 302(a) of the Federal Employees' Retirement System Act of 1986 and shall be reduced by an amount equal to any survivor annuity payments made to the former wife or husband under section 8445 of title 5, United States Code.

(b) RETIREMENT ANNUITY.—

(1) IN GENERAL.—

(A) ENTITLEMENT OF FORMER WIFE OR HUSBAND.—A person described in subsection (a)(1)(A) shall be entitled, except to the extent such former spouse is disqualified under paragraph (2), to an annuity—

(i) if married to the participant throughout the creditable service of the participant, equal to 50 percent of the annuity of the participant; or

(ii) if not married to the participant throughout such creditable service, equal to that former wife's or husband's pro rata share of 50 percent of such annuity (determined in accordance with section 222(a)(1)(B) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2032 (a)(1)(B)).

(B) REDUCTION IN RETIREMENT ANNUITIES.—

(i) AMOUNT OF REDUCTION.—An annuity payable under this subsection shall be reduced by an amount equal to any apportionment payments payable to the former wife or husband pursuant to the terms of a court order incident to the dissolution of the marriage of such former spouse and the participant, former participant, or retired participant.

(ii) DEFINITION OF TERMS.—For purposes of clause (i):

(I) APPORTIONMENT.—The term "apportionment" means a portion of a retired participant's annuity payable to a former wife or husband either by the retired participant or the Government in accordance with the terms of a court order.

(II) COURT ORDER.—The term "court order" means any decree of divorce or annulment or any court order or court-approved property settlement agreement incident to such decree.

(2) LIMITATIONS.—A former wife or husband is not entitled to an annuity under this subsection if—

(A) the former wife or husband remarries before age 55, except that the entitlement of the former wife or husband to an annuity under this subsection shall be restored on the date such remarriage is dissolved by death, annulment, or divorce;

(B) the former wife or husband is less than 50 years of age; or

(C) the former wife or husband meets the definition of "former spouse" that was in effect under section 204(b)(4) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees before December 4, 1991.

(3) COMMENCEMENT AND TERMINATION.—

(A) RETIREMENT ANNUITIES.—The entitlement of a former wife or husband to an annuity under this subsection—

(i) shall commence on the later of—

(I) October 1, 1994;

(II) the day the participant upon whose service the right to the annuity is based becomes entitled to an annuity under such Act; or

(III) such former wife's or husband's 50th birthday; and

(ii) shall terminate on the earlier of—

(I) the last day of the month before the former wife or husband dies or remarries before 55 years of age, except that the entitlement of the former wife or husband to an annuity under this subsection shall be restored on the date such remarriage is dissolved by death, annulment, or divorce; or

(II) the date on which the annuity of the participant terminates.

(B) DISABILITY ANNUITIES.—Notwithstanding subparagraph (A)(i)(II), in the case of a former wife or husband of a disability annuitant—

(i) the annuity of the former wife or husband shall commence on the date on which the participant would qualify on the basis of the participant's creditable service for an annuity under the Central Intelligence Agency Retirement Act (other than a disability annuity) or the date the disability annuity begins, whichever is later; and

(ii) the amount of the annuity of the former wife or husband shall be calculated on the basis of the

annuity for which the participant would otherwise so qualify.

(C) ELECTION OF BENEFITS.—A former wife or husband of a participant or retired participant shall not become entitled under this subsection to an annuity or to the restoration of an annuity unless the former wife or husband elects to receive it instead of any survivor annuity to which the former wife or husband may be entitled under the Central Intelligence Agency Retirement and Disability System or any other retirement system for Government employees on the basis of a marriage to someone other than the participant.

(D) APPLICATION.—

(i) TIME LIMIT; WAIVER.—An annuity under this subsection shall not be payable unless appropriate written application is provided to the Director of Central Intelligence, complete with any supporting documentation which the Director may by regulation require, not later than October 1, 1995. The Director may waive the application deadline under the preceding sentence in any case in which the Director determines that the circumstances warrant such a waiver.

(ii) RETROACTIVE BENEFITS.—Upon approval of an application under clause (i), the appropriate annuity shall be payable to the former wife or husband with respect to all periods before such approval during which the former wife or husband was entitled to an annuity under this subsection, but in no event shall an annuity be payable under this subsection with respect to any period before October 1, 1994.

(4) RESTORATION OF ANNUITIES.—Notwithstanding paragraph (3)(D)(i), the deadline by which an application for a retirement annuity must be submitted shall not apply in cases in which a former spouse's entitlement to such annuity is restored after October 1, 1994, under paragraph (2)(A) or (3)(A)(ii).

(5) APPLICABILITY IN CASES OF PARTICIPANTS TRANSFERRED TO FERS.—The provisions of this subsection shall apply to a former wife or husband of a participant under the Central Intelligence Agency Retirement and Disability System who has elected to become subject to chapter 84 of title 5, United States Code. For purposes of this paragraph, any reference in this section to a participant's annuity under the Central Intelligence Agency Retirement and Disability System shall be deemed to refer to the transferred participant's annuity computed in accordance with section 302(a) of the Federal Employee's Retirement System Act of 1986.

(6) SAVINGS PROVISION.—Nothing in this subsection shall be construed to impair, reduce, or otherwise affect the annuity or the entitlement to an annuity of a participant or former participant under title II or III of the Central Intelligence Agency Retirement Act.

(c) HEALTH BENEFITS.—

(1) IN GENERAL.—Section 16 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403p) is amended—

(A) by redesignating subsections (c) through (e) as subsections (e) through (g), respectively; and

(B) by inserting after subsection (b) the following:

"(c) ELIGIBILITY OF FORMER WIVES OR HUSBANDS.—(1) Notwithstanding subsections (a) and (b) and except as provided in subsections (d), (e), and (f), an individual—

"(A) who was divorced on or before December 4, 1991, from a participant or retired participant in the Central Intelligence Agency Retirement and Disability System or the Federal Employees Retirement System Special Category;

"(B) who was married to such participant for not less than ten years during the participant's creditable service, at least five years of which were spent by the participant during the participant's service as an employee of the Agency outside the United States, or otherwise in a position the duties of which qualified the participant for designation by the Director of Central Intelligence as a participant under section 203 of the Central Intelligence Agency Retirement Act (50 U.S.C. 2013); and

"(C) who was enrolled in a health benefits plan as a family member at any time during the 18-month period before the date of dissolution of the marriage to such participant;

is eligible for coverage under a health benefits plan.

"(2) A former spouse eligible for coverage under paragraph (1) may enroll in a health benefits plan in accordance with subsection (b)(1), except that the election for such enrollment must be submitted within 60 days after the date on which the Director notifies the former spouse of such individual's eligibility for health insurance coverage under this subsection.

"(d) CONTINUATION OF ELIGIBILITY.—Notwithstanding subsections (a), (b), and (c) and except as provided in subsections (e) and (f), an individual divorced on or before December 4, 1991, from a participant or retired participant in the Central Intelligence Agency Retirement and Disability System or Federal Employees' Retirement System Special Category who enrolled in a health benefits plan following the dissolution of the marriage to such participant may continue enrollment following the death of such participant notwithstanding the termination of the retirement annuity of such individual.".

(2) CONFORMING AMENDMENTS.—(A) Subsection (a) of such section is amended by striking "subsection (c)(1)" and inserting in lieu thereof "subsection (e)".

(B) Subsection (e)(2) of such section (as redesignated by paragraph (1) of this section) is amended by inserting "or to subsection (d)" after "subsection (b)(1)".

(d) SOURCE OF PAYMENT FOR ANNUITIES.—Annuities provided under subsections (a) and (b) shall be payable from the Central Intelligence Agency Retirement and Disability Fund maintained under section 202 of the Central Intelligence Agency Retirement Act (50 U.S.C. 2012).

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), subsections (a) and (b) shall take effect as of October 1, 1994, the amendments made by subsection (c) shall apply to individuals on and after October 1, 1994, and no benefits provided pursuant to those subsections shall be payable with respect to any period before October 1, 1994.

(2) Section 16(d) of the Central Intelligence Agency Act of 1949 (as added by subsection (c) of this section) shall apply to individuals beginning on the date of enactment of this Act.

SEC. 204. CROSS-REFERENCE CORRECTIONS TO REVISED CIARDS STATUTE.

(a) ANNUAL INTELLIGENCE AUTHORIZATION ACTS.—Section 306 of the Intelligence Authorization Act, Fiscal Year 1990 (50 U.S.C. 403r–1) is amended by striking "section 303 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees" and inserting in lieu thereof "section 303 of the Central Intelligence Agency Retirement Act (50 U.S.C. 2153)".

(b) FOREIGN SERVICE ACT OF 1980.—The Foreign Service Act of 1980 is amended—

(1) in section 853 (22 U.S.C. 4071b), by striking "title II of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees" in subsection (c) and inserting in lieu thereof "title II of the Central Intelligence Agency Retirement Act (50 U.S.C. 2011 et seq.)";

(2) in section 854 (22 U.S.C. 4071c)—

(A) by striking "title II of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees" in subsection (a)(3) and inserting in lieu thereof "title II of the Central Intelligence Agency Retirement Act (50 U.S.C. 2011 et seq.)"; and

(B) by striking "title III of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees" in subsection (d) and inserting in lieu thereof "title III of the Central Intelligence Agency Retirement Act (50 U.S.C. 2151 et seq.)"; and

(3) in section 855 (22 U.S.C. 4071d), by striking "under title II of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees or under section 302(a) or 303(b) of that Act" in subsection (b)(2)(A)(ii) and inserting in lieu thereof "under title II of the Central Intelligence Agency Retirement Act (50 U.S.C. 2011 et seq.) or under section 302(a) or 303(b) of that Act (50 U.S.C. 2152(a), 2153(b))".

(c) INTERNAL REVENUE CODE OF 1986.—Section 3121(b)(5)(H)(i) of the Internal Revenue Code of 1986 is amended by striking "section 307 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees" and inserting in lieu thereof "section 307 of the Central Intelligence Agency Retirement Act (50 U.S.C. 2157)". 26 USC 3121.

(d) SOCIAL SECURITY ACT.—Section 210(a)(5)(H)(i) of the Social Security Act (42 U.S.C. 410(a)(5)(H)(i)) is amended by striking "section 307 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees" and inserting in lieu thereof "section 307 of the Central Intelligence Agency Retirement Act (50 U.S.C. 2157)".

TITLE III—GENERAL PROVISIONS

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased

by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or laws of the United States.

SEC. 303. TEMPORARY PAY RETENTION FOR CERTAIN FBI EMPLOYEES.

5 USC 5305 note.

(a) IN GENERAL.—Section 406 of the Federal Employees Pay Comparability Act of 1990 (104 Stat. 1467) is amended to read as follows:

"SEC. 406. FBI NEW YORK FIELD DIVISION.

"(a) The total pay of an employee of the Federal Bureau of Investigation assigned to the New York Field Division before the date of September 29, 1993, in a position covered by the demonstration project conducted under section 601 of the Intelligence Authorization Act for Fiscal Year 1989 (Public Law 100–453) shall not be reduced as a result of the termination of the demonstration project during the period that employee remains employed after that date in a position covered by the demonstration project.

"(b) Beginning on September 30, 1993, any periodic payment under section 601(a)(2) of the Intelligence Authorization Act for Fiscal Year 1989 for any such employee shall be reduced by the amount of any increase in basic pay under title 5, United States Code, including the following provisions: an annual adjustment under section 5303, locality-based comparability payment under section 5304, initiation or increase in a special pay rate under section 5305, promotion under section 5334, periodic step increase under section 5335, merit increase under section 5404, or other increase to basic pay under any provision of law.".

5 USC 5305 note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as of September 30, 1993, and shall apply to the pay of employees to whom the amendment applies that is earned on or after that date.

SEC. 304. ANNUAL REPORT ON INTELLIGENCE COMMUNITY.

(a) ANNUAL DCI REPORT.—Title I of the National Security Act of 1947 is amended by adding at the end the following new section:

"ANNUAL REPORT ON INTELLIGENCE COMMUNITY ACTIVITIES

50 USC 404d.

"SEC. 109. (a) IN GENERAL.—The Director of Central Intelligence shall submit to Congress an annual report on the activities of the intelligence community. The annual report under this section shall be unclassified.

"(b) MATTERS TO BE COVERED IN ANNUAL REPORT.—Each report under this section shall describe—

"(1) the activities of the intelligence community during the preceding fiscal year, including significant successes and failures that can be described in an unclassified manner; and

"(2) the areas of the world and the issues that the Director expects will require increased or unusual attention from the intelligence community during the next fiscal year.

"(c) TIME FOR SUBMISSION.—The report under this section for any year shall be submitted at the same time that the President

submits the budget for the next fiscal year pursuant to section 1105 of title 31, United States Code.".

(b) CLERICAL AMENDMENT.—The table of contents in the first section of such Act is amended by inserting after the item relating to section 108 the following new item:

"Sec. 109. Annual report on intelligence community activities.".

SEC. 305. SECURITY REVIEWS.

(a) FINDINGS.—The Congress finds that—

(1) the President directed the Director of the Information Security Oversight Office to review Executive Order 12356 and other directives relating to the protection of national security information and to report no later than November 30, 1993; and

(2) the Secretary of Defense and the Director of Central Intelligence have established a joint security commission to conduct a review of security practices and procedures at the Department of Defense and the Central Intelligence Agency and to report within 1 year of the establishment of the commission.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Director of Central Intelligence, the Secretary of Defense, and the Director of the Information Security Oversight Office should conduct the reviews referred to in subsection (a) with maximum consultation with each other; and

(2) the results of these reviews should be incorporated into a consolidated recommendation for the President.

SEC. 306. REPORT ON UNITED STATES EFFORTS TO COUNTER TERRORISM.

(a) IN GENERAL.—The Secretary of State, the Attorney General of the United States, and the Director of Central Intelligence shall jointly submit to the Congress, not later than May 1, 1994, a report on United States Government programs to counter terrorism.

(b) MATTERS TO BE COVERED IN REPORT.—The report required by subsection (a) shall, at a minimum—

(1) identify Federal Government activities, programs and assets which are being utilized or could be utilized to counter terrorism;

(2) assess the processing, analysis, and distribution of intelligence or terrorism and make recommendations for improvement;

(3) make recommendations on appropriate national policies, both preventive and reactive, to counter terrorism;

(4) assess the coordination among law enforcement, intelligence, and defense agencies involved in counterterrorism activities and make recommendations concerning how coordination can be improved; and

(5) assess whether there should be more centralized operational control over Federal Government activities, programs, and assets utilized to counter terrorism, and, if so, make recommendations concerning how such control should be achieved.

SEC. 307. REPORT ON INTELLIGENCE GAPS.

(a) REPORT.—The Director of Central Intelligence and the Secretary of Defense jointly shall prepare and submit by February 15, 1994, to the Select Committee on Intelligence, the Committee

on Armed Services, and the Committee on Appropriations of the Senate, and to the Permanent Select Committee on Intelligence, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives a report described in subsection (b).

(b) CONTENTS OF REPORT.—The report required by subsection (a) shall—

(1) identify and assess the critical gaps between the information needs of the United States Government and intelligence collection capabilities, to include the identification of topics and areas of the world of significant interest to the United States to which the application of additional resources, technology, or other efforts would generate new information of high priority to senior officials of the United States Government;

(2) identify and assess gaps in the ability of the intelligence community (as defined in section 3(4) of the National Security Act of 1947) to provide intelligence support needed by the Armed Forces of the United States and, in particular, by the commanders of combatant commands established under section 161(a) of title 10, United States Code; and

(3) contain joint recommendations of the Director of Central Intelligence and the Secretary of Defense on appropriate means, to include specific budgetary adjustments, for reducing or eliminating the gaps identified under paragraphs (1) and (2).

SEC. 308. INTELLIGENCE COMMUNITY CONTRACTING.

It is the sense of Congress that the Director of Central Intelligence should continue to direct that elements of the intelligence community, whenever compatible with the national security interests of the United States and consistent with the operational and security concerns related to the conduct of intelligence activities, and where fiscally sound, should award contracts in a manner that would maximize the procurement of products properly designated as having been made in the United States.

SEC. 309. AMENDMENT TO SECTION 307 OF THE NATIONAL SECURITY ACT.

50 USC 411.

Section 307 of the National Security Act of 1947 is amended by striking "provisions and purposes of this Act" and inserting in lieu thereof "provisions and purposes of this Act (other than the provisions and purposes of sections 102, 103, 104, 105 and titles V, VI, and VII)".

SEC. 310. RATIFICATION OF FUNDING TRANSACTION.

Funds obligated or expended for the Accelerated Architecture Acquisition Initiative of the Plan to Improve the Imagery Ground Architecture based upon the notification to the appropriate committees of Congress by the Director of Central Intelligence dated August 16, 1993, shall be deemed to have been specifically authorized by the Congress for purposes of section 504(a)(3) of the National Security Act of 1947.

SEC. 311. NATIONAL SECURITY EDUCATION TRUST FUND.

(a) REDUCTION OF AMOUNTS IN TRUST FUND.—The amount in the National Security Education Trust Fund established pursuant to section 804 of Public Law 102–183 (50 U.S.C. 1904) in excess of $120,000,000 that has not been appropriated from the

trust fund as of the date of enactment of this Act shall be transferred to the Treasury of the United States as miscellaneous receipts.

(b) ANNUAL ASSESSMENT.—(1) Section 806 of such Public Law (50 U.S.C. 1903) is amended by adding at the end the following new subsection: 50 USC 1906.

"(d) CONSULTATION.—During the preparation of each report required by subsection (a), the Secretary shall consult with the members of the Board specified in paragraphs (1) through (7) of section 803(b). Each such member shall submit to the Secretary an assessment of their hiring needs in the areas of language and area studies and a projection of the deficiencies in such areas. The Secretary shall include all assessments in the report required by subsection (a).".

(2) Section 802(a) of such Public Law (50 U.S.C. 1902(a)) is amended—

(A) in paragraph (1)(A), by inserting before the semicolon at the end the following: "in those language and study areas where deficiencies exist (as identified in the assessments undertaken pursuant to section 806(d))"; and

(B) in paragraph (1)(B)(i), by inserting before the semicolon at the end the following: "and in which deficiencies exist (as identified in the assessments undertaken pursuant to section 806(d))".

(c) FUNDING FOR FISCAL YEARS 1993 THROUGH 1996.—Title VIII of such Public Law (50 U.S.C. 1901 et seq.) is amended by adding at the end the following:

"SEC. 810. FUNDING. 50 USC 1910.

"(a) FISCAL YEARS 1993 AND 1994.—Amounts appropriated to carry out this title for fiscal years 1993 and 1994 shall remain available until expended.

"(b) FISCAL YEARS 1995 AND 1996.—There is authorized to be appropriated from, and may be obligated from, the Fund for each of the fiscal years 1995 and 1996 not more than the amount credited to the Fund in interest only for the preceding fiscal year under section 804(e).".

(d) TECHNICAL CORRECTION.—Section 802(a)(1)(A) of such Public Law (50 U.S.C. 1902(a)(1)(A)) is amended by striking the comma after "term,".

TITLE IV—CENTRAL INTELLIGENCE AGENCY

SEC. 401. SUPPORT FOR SCIENCE, MATHEMATICS, AND ENGINEERING EDUCATION. 50 USC 403 note.

(a) GENERAL AUTHORITY.—In recognition of the importance of science, mathematics, and engineering to the national security and in order to encourage students to pursue studies in science, mathematics, and engineering, the Director of Central Intelligence may carry out a program in fiscal years 1994 and 1995 to award cash prizes and visits to the Central Intelligence Agency (including the payment of costs associated with such visits) for students who participate in high school science fairs within the United States.

(b) MERIT.—Awards made under subsection (a) shall be made solely on the basis of merit.

(c) EQUITABLE REGIONAL REPRESENTATION.—The Director shall ensure that there is equitable regional representation with respect to the program carried out under subsection (a).

(d) LIMITATION ON EXPENDITURES.—The Director may not expend more than $5,000 for each of the fiscal years 1994 and 1995 to carry out this section.

TITLE V—ADDITIONAL TECHNICAL AMENDMENTS

SEC. 501. CENTRAL INTELLIGENCE AGENCY ACT OF 1949.

The Central Intelligence Agency Act of 1949 is amended—

(1) in section 5(a) (50 U.S.C. 403f(a))—

(A) by striking "Bureau of the Budget" and inserting in lieu thereof "Office of Management and Budget"; and

(B) by striking "sections 102 and 303 of the National Security Act of 1947 (Public Law 253, Eighteith Congress)" in the first sentence and inserting in lieu thereof "subparagraphs (B) and (C) of section 102(a)(2), subsections (c)(5) and (d) of section 103, subsections (a) and (g) of section 104, and section 303 of the National Security Act of 1947 (50 U.S.C. 403(a)(2), 403–3, 403–4, and 405)";

(2) in the first sentence of section 6 (50 U.S.C. 403g)—

(A) by striking "the proviso of section 102(d)(3) of the National Security Act of 1947 (Public Law 253, Eightieth Congress, first session)" and inserting in lieu thereof "section 103(c)(5) of the National Security Act of 1947 (50 U.S.C. 403–3(c)(5))"; and

(B) by striking "Bureau of the Budget" and inserting in lieu thereof "Office of Management and Budget"; and

(3) in section 19(b) (50 U.S.C. 403s(b))—

(A) by striking "SECTION 231" in the heading after "(b)" and inserting in lieu thereof "SECTION 232";

(B) by striking "(50 U.S.C. 403 note)" in paragraph (2) and inserting in lieu thereof "(50 U.S.C. 2013)"; and

(C) by striking "section 231" in the matter following paragraph (4) and inserting in lieu thereof "section 232".

SEC. 502. NATIONAL SECURITY ACT OF 1947.

Section 103(d)(3) of the National Security Act of 1947 (50 U.S.C. 403–3(d)(3)) is amended by striking "providing" and inserting in lieu thereof "provide".

SEC. 503. CODIFICATION IN TITLE 10, UNITED STATES CODE, OF CERTAIN PERMANENT PROVISIONS.

(a) INTELLIGENCE-RELATED PROVISION.—(1) Chapter 21 of title 10, United States Code, is amended by inserting after section 424 the following new section:

"§ 425. Disclosure of personnel information: exemption for National Reconnaissance Office

"(a) EXEMPTION FROM DISCLOSURE.—Except as required by the President or as provided in subsection (b), no provision of law shall be construed to require the disclosure of the name, title, or salary of any person employed by, or assigned or detailed to, the National Reconnaissance Office or the disclosure of the number of such persons.

"(b) PROVISION OF INFORMATION TO CONGRESS.—Subsection (a) does not apply with respect to the provision of information to Congress.".

(2) The table of sections at the beginning of subchapter I of such chapter is amended by adding at the end the following new item:

"425. Disclosure of personnel information: exemption for National Reconnaissance Office.".

(b) CONFORMING REPEAL.—Section 406 of the Intelligence Authorization Act for Fiscal Year 1993 (Public Law 102–496; 10 U.S.C. 424 note) is repealed.

Approved December 3, 1993.

LEGISLATIVE HISTORY—H.R. 2330 (S. 1301):

HOUSE REPORTS: Nos. 103–162, Pt. 1 (Permanent Select Comm. on Intelligence) and Pt. 2 (Comm. on Armed Services), and 103–377 (Comm. of Conference).

SENATE REPORTS: Nos. 103–115 (Permanent Select Comm. on Intelligence) and 103–155 (Comm. on Armed Services), both accompanying S. 1301.

CONGRESSIONAL RECORD, Vol. 139 (1993):

Aug. 4, considered and passed House.

Nov. 10, considered and passed Senate, amended, in lieu of S. 1301.

Nov. 20, House and Senate agreed to conference report.

Public Law 103-179
103d Congress

An Act

Dec. 3, 1993
[H.R. 2632]

To authorize appropriations for the Patent and Trademark Office in the Department of Commerce for fiscal year 1994, and for other purposes.

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

Patent and Trademark Office Authorization Act of 1993.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Patent and Trademark Office Authorization Act of 1993".

SEC. 2. AUTHORIZATION OF AMOUNTS AVAILABLE TO THE PATENT AND TRADEMARK OFFICE.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Patent and Trademark Office for salaries and necessary expenses the sum of $103,000,000 for fiscal year 1994, to be derived from deposits in the Patent and Trademark Office Fee Surcharge Fund established under section 10101 of the Omnibus Budget Reconciliation Act of 1990 (35 U.S.C. note).

(b) FEES.—There are also authorized to be made available to the Patent and Trademark Office for fiscal year 1994, to the extent provided in advance in appropriation Acts, such sums as are equal to the amount collected during such fiscal year from fees under title 35, United States Code, and the Trademark Act of 1946 (15 U.S.C. 1051 and following).

SEC. 3. AMOUNTS AUTHORIZED TO BE CARRIED OVER.

Amounts appropriated or made available pursuant to this Act may remain available until expended.

15 USC 1113 note.

SEC. 4. ADJUSTMENT OF TRADEMARK FEES.

Effective on the date of the enactment of this Act, the fee under section 31(a) of the Trademark Act of 1946 (15 U.S.C. 1113(a)) for filing an application for the registration of a trademark shall be $245. Any adjustment of such fee under the second sentence of such section may not be effective before October 1, 1994.

SEC. 5. INTERIM PATENT EXTENSIONS.

Section 156 of title 35, United States Code, is amended—

(1) in subsection (c)(4) by striking out "extended" and inserting "extended under subsection (e)(1)";

(2) in the second sentence of subsection (d)(1) by striking "Such" and inserting "Except as provided in paragraph (5), such"; and

(3) by adding at the end of subsection (d) the following new paragraph:

"(5)(A) If the owner of record of the patent or its agent reasonably expects that the applicable regulatory review period described in paragraph (1)(B)(ii), (2)(B)(ii), (3)(B)(ii), (4)(B)(ii), or (5)(B)(ii) of subsection (g) that began for a product that is the subject of such patent may extend beyond the expiration of the patent term in effect, the owner or its agent may submit an application to the Commissioner for an interim extension during the period beginning 6 months, and ending 15 days, before such term is due to expire. The application shall contain—

"(i) the identity of the product subject to regulatory review and the Federal statute under which such review is occurring;

"(ii) the identity of the patent for which interim extension is being sought and the identity of each claim of such patent which claims the product under regulatory review or a method of using or manufacturing the product;

"(iii) information to enable the Commissioner to determine under subsection (a)(1), (2), and (3) the eligibility of a patent for extension;

"(iv) a brief description of the activities undertaken by the applicant during the applicable regulatory review period to date with respect to the product under review and the significant dates applicable to such activities; and

"(v) such patent or other information as the Commissioner may require.

"(B) If the Commissioner determines that, except for permission to market or use the product commercially, the patent would be eligible for an extension of the patent term under this section, the Commissioner shall publish in the Federal Register a notice of such determination, including the identity of the product under regulatory review, and shall issue to the applicant a certificate of interim extension for a period of not more than 1 year. Federal Register, publication.

"(C) The owner of record of a patent, or its agent, for which an interim extension has been granted under subparagraph (B), may apply for not more than 4 subsequent interim extensions under this paragraph, except that, in the case of a patent subject to subsection (g)(6)(C), the owner of record of the patent, or its agent, may apply for only 1 subsequent interim extension under this paragraph. Each such subsequent application shall be made during the period beginning 60 days before, and ending 30 days before, the expiration of the preceding interim extension.

"(D) Each certificate of interim extension under this paragraph shall be recorded in the official file of the patent and shall be considered part of the original patent.

"(E) Any interim extension granted under this paragraph shall terminate at the end of the 60-day period beginning on the date on which the product involved receives permission for commercial marketing or use, except that, if within that 60-day period the applicant notifies the Commissioner of such permission and submits any additional information under paragraph (1) of this subsection not previously contained in the application for interim extension, the patent shall be further extended, in accordance with the provisions of this section—

"(i) for not to exceed 5 years from the date of expiration of the original patent term; or

"(ii) if the patent is subject to subsection (g)(6)(C), from the date on which the product involved receives approval for commercial marketing or use.

"(F) The rights derived from any patent the term of which is extended under this paragraph shall, during the period of interim extension—

"(i) in the case of a patent which claims a product, be limited to any use then under regulatory review;

"(ii) in the case of a patent which claims a method of using a product, be limited to any use claimed by the patent then under regulatory review; and

"(iii) in the case of a patent which claims a method of manufacturing a product, be limited to the method of manufacturing as used to make the product then under regulatory review.".

SEC. 6. CONFORMING AMENDMENTS.

Section 156 of title 35, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1) by striking "(d)" and inserting "(d)(1)"; and

(B) in paragraph (3) by striking "subsection (d)" and inserting "paragraphs (1) through (4) of subsection (d)";

(2) in subsection (b) by striking "The rights" and inserting "Except as provided in subsection (d)(5)(F), the rights"; and

(3) in subsection (e)—

(A) in paragraph (1) by striking "subsection (d)" and inserting "paragraphs (1) through (4) of subsection (d)"; and

(B) in paragraph (2) by striking "(d)" and inserting "(d)(1)".

SEC. 7. PATENT TERM EXTENSIONS FOR AMERICAN LEGION.

(a) BADGE OF AMERICAN LEGION.—The term of a certain design patent numbered 54,296 (for the badge of the American Legion) is renewed and extended for a period of 14 years beginning on the date of enactment of this Act, with all the rights and privileges pertaining to such patent.

(b) BADGE OF AMERICAN LEGION WOMEN'S AUXILIARY.—The term of a certain design patent numbered 55,398 (for the badge of the American Legion Women's Auxiliary) is renewed and extended for a period of 14 years beginning on the date of enactment of this Act, with all the rights and privileges pertaining to such patent.

(c) BADGE OF SONS OF THE AMERICAN LEGION.—The term of a certain design patent numbered 92,187 (for the badge of the Sons of the American Legion) is renewed and extended for a period of 14 years beginning on the date of enactment of this Act, with all the rights and privileges pertaining to such patent.

SEC. 8. INTERVENING RIGHTS.

The renewals and extensions of the patents under section 6 shall not result in infringement of any such patent on account of any use of the subject matter of the patent, or substantial preparation for such use, which began after the patent expired, but before the date of the enactment of this Act.

Approved December 3, 1993.

LEGISLATIVE HISTORY—H.R. 2632:

HOUSE REPORTS: No. 103-285 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 139 (1993):
Oct. 12, considered and passed House.
Nov. 10, considered and passed Senate, amended.
Nov. 19, House concurred in Senate amendment with amendments.
Nov. 20, Senate concurred in House amendments.

Public Law 103-180
103d Congress

An Act

Dec. 3, 1993
[S. 412]

To amend title 49, United States Code, relating to procedures for resolving claims involving unfiled, negotiated transportation rates, and for other purposes.

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

Negotiated Rates Act of 1993.
49 USC 10101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Negotiated Rates Act of 1993".

SEC. 2. PROCEDURES FOR RESOLVING CLAIMS INVOLVING UNFILED, NEGOTIATED TRANSPORTATION RATES.

(a) IN GENERAL.—Section 10701 of title 49, United States Code, is amended by adding at the end the following:

"(f) PROCEDURES FOR RESOLVING CLAIMS INVOLVING UNFILED, NEGOTIATED TRANSPORTATION RATES.—

"(1) IN GENERAL.—When a claim is made by a motor carrier of property (other than a household goods carrier) providing transportation subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title, by a freight forwarder (other than a household goods freight forwarder), or by a party representing such a carrier or freight forwarder regarding the collection of rates or charges for such transportation in addition to those originally billed and collected by the carrier or freight forwarder for such transportation, the person against whom the claim is made may elect to satisfy the claim under the provisions of paragraph (2), (3), or (4) of this subsection, upon showing that—

"(A) the carrier or freight forwarder is no longer transporting property or is transporting property for the purpose of avoiding the application of this subsection; and

"(B) with respect to the claim—

"(i) the person was offered a transportation rate by the carrier or freight forwarder other than that legally on file with the Commission for the transportation service;

"(ii) the person tendered freight to the carrier or freight forwarder in reasonable reliance upon the offered transportation rate;

"(iii) the carrier or freight forwarder did not properly or timely file with the Commission a tariff providing for such transportation rate or failed to enter into an agreement for contract carriage;

"(iv) such transportation rate was billed and collected by the carrier or freight forwarder; and

"(v) the carrier or freight forwarder demands additional payment of a higher rate filed in a tariff.

If there is a dispute as to the showing under subparagraph (A), such dispute shall be resolved by the court in which the claim is brought. If there is a dispute as to the showing under subparagraph (B), such dispute shall be resolved by the Commission. Pending the resolution of any such dispute, the person shall not have to pay any additional compensation to the carrier or freight forwarder. Satisfaction of the claim under paragraph (2), (3), or (4) of this subsection shall be binding on the parties, and the parties shall not be subject to chapter 119 of this title.

"(2) CLAIMS INVOLVING SHIPMENTS WEIGHING 10,000 POUNDS OR LESS.—A person from whom the additional legally applicable and effective tariff rate or charges are sought may elect to satisfy the claim if the shipments each weighed 10,000 pounds or less, by payment of 20 percent of the difference between the carrier's applicable and effective tariff rate and the rate originally billed and paid. In the event that a dispute arises as to the rate that was legally applicable to the shipment, such dispute shall be resolved by the Commission.

"(3) CLAIMS INVOLVING SHIPMENTS WEIGHING MORE THAN 10,000 POUNDS.—A person from whom the additional legally applicable and effective tariff rate or charges are sought may elect to satisfy the claim if the shipments each weighed more than 10,000 pounds, by payment of 15 percent of the difference between the carrier's applicable and effective tariff rate and the rate originally billed and paid. In the event that a dispute arises as to the rate that was legally applicable to the shipment, such dispute shall be resolved by the Commission.

"(4) CLAIMS INVOLVING PUBLIC WAREHOUSEMEN.—Notwithstanding paragraphs (2) and (3), a person from whom the additional legally applicable and effective tariff rate or charges are sought may elect to satisfy the claim by payment of 5 percent of the difference between the carrier's applicable and effective tariff rate and the rate originally billed and paid if such person is a public warehouseman. In the event that a dispute arises as to the rate that was legally applicable to the shipment, such dispute shall be resolved by the Commission.

"(5) EFFECTS OF ELECTION.—When a person from whom additional legally applicable freight rates or charges are sought does not elect to use the provisions of paragraph (2), (3), or (4), the person may pursue all rights and remedies existing under this title.

"(6) STAY OF ADDITIONAL COMPENSATION.—When a person proceeds under this section to challenge the reasonableness of the legally applicable freight rate or charges being claimed by a carrier or freight forwarder described in paragraph (1) in addition to those already billed and collected, the person shall not have to pay any additional compensation to the carrier or freight forwarder until the Commission has made a determination as to the reasonableness of the challenged rate as applied to the freight of the person against whom the claim is made.

"(7) LIMITATION ON STATUTORY CONSTRUCTION.—Except as authorized in paragraphs (2), (3), (4), and (9) of this subsection,

nothing in this subsection shall relieve a motor common carrier of the duty to file and adhere to its rates, rules, and classifications as required in sections 10761 and 10762 of this title.

"(8) NOTIFICATION OF ELECTION.—

"(A) GENERAL RULE.—A person must notify the carrier or freight forwarder as to its election to proceed under paragraph (2), (3), or (4). Except as provided in subparagraphs (B), (C), and (D), such election may be made at any time.

"(B) DEMANDS FOR PAYMENT INITIALLY MADE AFTER DATE OF ENACTMENT.—If the carrier or freight forwarder or party representing such carrier or freight forwarder initially demands the payment of additional freight charges after the date of the enactment of this subsection and notifies the person from whom additional freight charges are sought of the provisions of paragraphs (1) through (7) at the time of the making of such initial demand, the election must be made not later than the later of—

"(i) the 60th day following the filing of an answer to a suit for the collection of such additional legally applicable freight rate or charges, or

"(ii) the 90th day following the date of the enactment of this subsection.

"(C) PENDING SUITS FOR COLLECTION MADE BEFORE OR ON DATE OF ENACTMENT.—If the carrier or freight forwarder or party representing such carrier or freight forwarder has filed, before or on the date of the enactment of this subsection, a suit for the collection of additional freight charges and notifies the person from whom additional freight charges are sought of the provisions of paragraphs (1) through (7), the election must be made not later than the 90th day following the date on which such notification is received.

"(D) DEMANDS FOR PAYMENT MADE BEFORE OR ON DATE OF ENACTMENT.—If the carrier or freight forwarder or party representing such carrier or freight forwarder has demanded the payment of additional freight charges, and has not filed a suit for the collection of such additional freight charges, before or on the date of the enactment of this subsection and notifies the person from whom additional freight charges are sought of the provisions of paragraphs (1) through (7), the election must be made not later than the later of—

"(i) the 60th day following the filing of an answer to a suit for the collection of such additional legally applicable freight rate or charges, or

"(ii) the 90th day following the date of the enactment of this subsection.

"(9) CLAIMS INVOLVING SMALL-BUSINESS CONCERNS, CHARITABLE ORGANIZATIONS, AND RECYCLABLE MATERIALS.—Notwithstanding paragraphs (2), (3), and (4), a person from whom the additional legally applicable and effective tariff rate or charges are sought shall not be liable for the difference between the carrier's applicable and effective tariff rate and the rate originally billed and paid—

"(A) if such person qualifies as a small-business concern under the Small Business Act (15 U.S.C. 631 et seq.),

"(B) if such person is an organization which is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code, or

"(C) if the cargo involved in the claim is recyclable materials, as defined in section 10733.".

(b) CONFORMING AMENDMENT.—Subsection (e) of such section is amended by striking "In" and inserting "Except as provided in subsection (f), in". 49 USC 10701.

(c) APPLICABILITY.—The amendments made by subsections (a) and (b) of this section shall apply to all claims pending as of the date of the enactment of this Act and to all claims arising from transportation shipments tendered on or before the last day of the 24-month period beginning on such date of enactment. 49 USC 10701 note.

(d) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Interstate Commerce Commission shall transmit to Congress a report regarding whether there exists a justification for extending the applicability of amendments made by subsections (a) and (b) of this section beyond the period specified in subsection (c). 49 USC 10701 note.

(e) ALTERNATIVE PROCEDURE FOR RESOLVING DISPUTES.— 49 USC 10701 note.

(1) GENERAL RULE.—For purposes of section 10701 of title 49, United States Code, it shall be an unreasonable practice for a motor carrier of property (other than a household goods carrier) providing transportation subject to the jurisdiction of the Commission under subchapter II of chapter 105 of such title, a freight forwarder (other than a household goods freight forwarder), or a party representing such a carrier or freight forwarder to attempt to charge or to charge for a transportation service provided before September 30, 1990, the difference between the applicable rate that is lawfully in effect pursuant to a tariff that is filed in accordance with chapter 107 of such title by the carrier or freight forwarder applicable to such transportation service and the negotiated rate for such transportation service if the carrier or freight forwarder is no longer transporting property between places described in section 10521(a)(1) of such title or is transporting property between places described in section 10521(a)(1) of such title for the purpose of avoiding the application of this subsection.

(2) JURISDICTION OF COMMISSION.—The Commission shall have jurisdiction to make a determination of whether or not attempting to charge or the charging of a rate by a motor carrier or freight forwarder or party representing a motor carrier or freight forwarder is an unreasonable practice under paragraph (1). If the Commission determines that attempting to charge or the charging of the rate is an unreasonable practice under paragraph (1), the carrier, freight forwarder, or party may not collect the difference described in paragraph (1) between the applicable rate and the negotiated rate for the transportation service. In making such determination, the Commission shall consider—

(A) whether the person was offered a transportation rate by the carrier or freight forwarder or party other than that legally on file with the Commission for the transportation service;

(B) whether the person tendered freight to the carrier or freight forwarder in reasonable reliance upon the offered transportation rate;

(C) whether the carrier or freight forwarder did not properly or timely file with the Commission a tariff providing for such transportation rate or failed to enter into an agreement for contract carriage;

(D) whether the transportation rate was billed and collected by the carrier or freight forwarder; and

(E) whether the carrier or freight forwarder or party demands additional payment of a higher rate filed in a tariff.

(3) STAY OF ADDITIONAL COMPENSATION.—When a person proceeds under this subsection to challenge the reasonableness of the practice of a motor carrier, freight forwarder, or party described in paragraph (1) to attempt to charge or to charge the difference described in paragraph (1) between the applicable rate and the negotiated rate for the transportation service in addition to those charges already billed and collected for the transportation service, the person shall not have to pay any additional compensation to the carrier, freight forwarder, or party until the Commission has made a determination as to the reasonableness of the practice as applied to the freight of the person against whom the claim is made.

(4) TREATMENT.—Paragraph (1) of this subsection is enacted as an exception, and shall be treated as an exception, to the requirements of sections 10761(a) and 10762 of title 49, United States Code, relating to a filed tariff rate for a transportation or service subject to the jurisdiction of the Commission and other general tariff requirements.

(5) NONAPPLICABILITY OF NEGOTIATED RATE DISPUTE RESOLUTION PROCEDURE.—If a person elects to seek enforcement of paragraph (1) with respect to a rate for a transportation or service, section 10701(f) of title 49, United States Code, as added by subsection (a) of this section, shall not apply to such rate.

(6) DEFINITIONS.—For purposes of this subsection, the following definitions apply:

(A) COMMISSION, HOUSEHOLD GOODS, HOUSEHOLD GOODS FREIGHT FORWARDER, AND MOTOR CARRIER.—The terms "Commission", "household goods", "household goods freight forwarder", and "motor carrier" have the meaning such terms have under section 10102 of title 49, United States Code.

(B) NEGOTIATED RATE.—The term "negotiated rate" means a rate, charge, classification, or rule agreed upon by a motor carrier or freight forwarder described in paragraph (1) and a shipper through negotiations pursuant to which no tariff was lawfully and timely filed with the Commission and for which there is written evidence of such agreement.

49 USC 10701 note.

(f) PRIOR SETTLEMENTS AND ADJUDICATIONS.—Any claim that, but for this subsection, would be subject to any provision of this Act (including any amendment made by this Act) and that was settled by mutual agreement of the parties to such claim, or resolved by a final adjudication of a Federal or State court, before the date of the enactment of this Act shall be treated as binding,

enforceable, and not contrary to law, unless such settlement was agreed to as a result of fraud or coercion.

(g) RATE REASONABLENESS.—Section 10701(e) of title 49, United States Code, is amended by adding at the end the following: "Any complaint brought against a motor carrier (other than a carrier described in subsection (f)(1)(A)) by a person (other than a motor carrier) for unreasonably high rates for past or future transportation shall be determined under this subsection.".

SEC. 3. STATUTE OF LIMITATIONS.

(a) MOTOR CARRIER CHARGES.—Section 11706(a) of title 49, United States Code, is amended by striking the period at the end and inserting the following: "; except that a motor carrier (other than a motor carrier providing transportation of household goods) or freight forwarder (other than a household goods freight forwarder)—

"(1) must begin such a civil action within 2 years after the claim accrues if the transportation or service is provided by the carrier in the 1-year period beginning on the date of the enactment of the Negotiated Rates Act of 1993; and

"(2) must begin such a civil action within 18 months after the claim accrues if the transportation or service is provided by the carrier after the last day of such 1-year period.".

(b) MOTOR CARRIER OVERCHARGES.—Section 11706(b) of title 49, United States Code, is amended by striking ". If that claim is against a common carrier" and inserting the following: "; except that a person must begin a civil action to recover overcharges from a motor carrier subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title for transportation or service—

"(1) within 2 years after the claim accrues if such transportation or service is provided in the 1-year period beginning on the date of the enactment of the Negotiated Rate Act of 1993; and

"(2) within 18 months after the claim accrues if such transportation or service is provided after the last day of such 1-year period.

If the claim is against a common carrier".

(c) CONFORMING AMENDMENT.—Section 11706(d) of title 49, United States Code, is amended—

(1) by striking "3-year period" each place it appears and inserting "limitation periods";

(2) by striking "is extended" the first place it appears and inserting "are extended"; and

(3) by striking "each".

SEC. 4. TARIFF RECONCILIATION RULES FOR MOTOR CARRIERS OF PROPERTY.

(a) IN GENERAL.—Chapter 117 of title 49, United States Code, is amended by adding at the end the following:

"§ 11712. Tariff reconciliation rules for motor common carriers of property

"(a) MUTUAL CONSENT.—Subject to Commission review and approval, motor carriers subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title (other than motor carriers providing transportation of household goods) and shippers may resolve, by mutual consent, overcharge and under-

charge claims resulting from incorrect tariff provisions or billing errors arising from the inadvertent failure to properly and timely file and maintain agreed upon rates, rules, or classifications in compliance with sections 10761 and 10762 of this title. Resolution of such claims among the parties shall not subject any party to the penalties of chapter 119 of this title.

"(b) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall relieve the motor carrier of the duty to file and adhere to its rates, rules, and classifications as required in sections 10761 and 10762, except as provided in subsection (a) of this section.

"(c) RULEMAKING PROCEEDING.—Not later than 90 days after the date of the enactment of this section, the Commission shall institute a proceeding to establish rules pursuant to which the tariff requirements of sections 10761 and 10762 of this title shall not apply under circumstances described in subsection (a) of this section.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 117 of title 49, United States Code, is amended by adding at the end the following:

"11712. Tariff reconciliation rules for motor common carriers of property.".

SEC. 5. CUSTOMER ACCOUNT CODES AND RANGE TARIFFS.

(a) CUSTOMER ACCOUNT CODES.—Section 10762 of title 49, United States Code, is amended by adding at the end the following:

"(h) CUSTOMER ACCOUNT CODES.—No tariff filed by a motor carrier of property with the Commission before, on, or after the date of the enactment of this subsection may be held invalid solely on the basis that a numerical or alpha account code is used in such tariff to designate customers or to describe the applicability of rates. For transportation performed on and after the 180th day following such date of enactment, the name of the customer for each account code must be set forth in the tariff (other than the tariff of a motor carrier providing transportation of household goods).".

(b) RANGE TARIFFS.—Such section is further amended by adding at the end the following:

"(i) RANGE TARIFFS.—No tariff filed by a motor carrier of property with the Commission before, on, or after the date of the enactment of this subsection may be held invalid solely on the basis that the tariff does not show a specific rate or discount for a specific shipment if the tariff is based on a range of rates or discounts for specific classes of shipments. For transportation performed on or after the 180th day following such date of enactment, such a range tariff must identify the specific rate or discount from among the range of rates or discounts contained in such range tariff which is applicable to each specific shipment or must contain an objective means for determining the rate.".

SEC. 6. CONTRACTS OF MOTOR CONTRACT CARRIERS.

(a) IN GENERAL.—Section 10702 of title 49, United States Code, is amended by adding at the end the following new subsection:

"(c) CONTRACTS OF CARRIAGE FOR MOTOR CONTRACT CARRIERS.—

"(1) GENERAL RULE.—A motor contract carrier providing transportation subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title shall enter into a written agreement, separate from the bill of lading

or receipt, for each contract for the provision of transportation subject to such jurisdiction which is entered into after the 90th day following the date of the enactment of this subsection.

"(2) MINIMUM CONTENT REQUIREMENTS.—The written agreement shall, at a minimum—

"(A) identify the parties thereto;

"(B) commit the shipper to tender and the carrier to transport a series of shipments;

"(C) contain the contract rate or rates for the transportation service to be or being provided; and

"(D)(i) state that it provides for the assignment of motor vehicles for a continuing period of time for the exclusive use of the shipper; or

"(ii) state that it provides that the service is designed to meet the distinct needs of the shipper.

"(3) RETENTION BY CARRIER.—All written agreements entered into by a motor contract carrier under paragraph (1) shall be retained by the carrier while in effect and for a minimum period of 3 years thereafter and shall be made available to the Commission upon request.

"(4) RANDOM AUDITS BY COMMISSION.—The Commission shall conduct periodic random audits to ensure that motor contract carriers are complying with this subsection and are adhering to the rates set forth in their agreements.".

(b) CIVIL PENALTY.—Section 11901(g) of such title is amended— 49 USC 11901.

(1) by inserting "or enter into or retain a written agreement under section 10702(c) of this title" after "under this subtitle" the first place it appears; and

(2) by striking "or (5)" and inserting "(5) does not comply with section 10702(c) of this title, or (6)".

(c) CRIMINAL PENALTY.—Section 11909(b) of such title is amended—

(1) by inserting "or enter into or retain a written agreement under section 10702(c) of this title" after "under this subtitle" the first place it appears; and

(2) in clause (1) by inserting after "make that report" the following: "or willfully does not enter into or retain that agreement".

SEC. 7. BILLING AND COLLECTING PRACTICES.

(a) IN GENERAL.—Subchapter IV of chapter 107 of title 49, United States Code, is amended by adding at the end the following:

"§ 10767. Billing and collecting practices

"(a) REGULATIONS LIMITING REDUCED RATES.—Not later than 120 days after the date of the enactment of this section, the Commission shall issue regulations that prohibit a motor carrier subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title from providing a reduction in a rate set forth in its tariff or contract for the provision of transportation of property to any person other than (1) the person paying the motor carrier directly for the transportation service according to the bill of lading, receipt, or contract, or (2) an agent of the person paying for the transportation.

"(b) DISCLOSURE OF ACTUAL RATES, CHARGES, AND ALLOWANCES.—The regulations of the Commission issued pursuant to this section shall require a motor carrier to disclose, when a docu-

ment is presented or transmitted electronically for payment to the person responsible directly to the motor carrier for payment or agent of such responsible person, the actual rates, charges, or allowances for the transportation service and shall prohibit any person from causing a motor carrier to present false or misleading information on a document about the actual rate, charge, or allowance to any party to the transaction. Where the actual rate, charge, or allowance is dependent upon the performance of a service by a party to the transportation arrangement, such as tendering a volume of freight over a stated period of time, the motor carrier shall indicate in any document presented for payment to the person responsible directly to the motor carrier for the payment that a reduction, allowance, or other adjustment may apply.

"(c) PAYMENTS OR ALLOWANCES FOR CERTAIN SERVICES.—The regulations issued by the Commission pursuant to this section shall not prohibit a motor carrier from making payments or allowances to a party to the transaction for services that would otherwise be performed by the motor carrier, such as a loading or unloading service, if the payments or allowances are reasonably related to the cost that such party knows or has reason to know would otherwise be incurred by the motor carrier.".

(b) CONFORMING AMENDMENT.—The analysis for such subchapter is amended by adding at the end the following new item:

"10767. Billing and collecting practices.".

(c) VIOLATION.—

49 USC 11901.

(1) IN GENERAL.—Section 11901 of such title is amended by redesignating subsection (l) as subsection (m) and by inserting after subsection (k) the following:

"(l) RATE DISCOUNTS.—A person, or an officer, employee, or agent of that person, that knowingly pays, accepts, or solicits a reduced rate or rates in violation of the regulations issued under section 10767 of this title is liable to the United States for a civil penalty of not less than $5,000 and not more than $10,000 plus 3 times the amount of damages which a party incurs because of such violation. Notwithstanding any other provision of this title, the express civil penalties and damages provided for in this subsection are the exclusive legal sanctions to be imposed under this title for practices found to be in violation of the regulations issued under section 10767 and such violations do not render tariff or contract provisions void or unenforceable.".

(2) VENUE.—Section 11901(m)(2) of such title (as redesignated by paragraph (1)) is amended by striking "or (k)" and inserting "(k), or (l)".

SEC. 8. RESOLUTION OF DISPUTES RELATING TO CONTRACT OR COMMON CARRIER CAPACITIES.

Section 11101 of title 49, United States Code, is amended by adding at the end the following:

"(d) RESOLUTION OF DISPUTES RELATING TO CONTRACT OR COMMON CARRIER CAPACITIES.—If a motor carrier (other than a motor carrier providing transportation of household goods) subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title has authority to provide transportation as both a motor common carrier and a motor contract carrier and a dispute arises as to whether certain transportation is provided in its common carrier or contract carrier capacity and the parties are not

able to resolve the dispute consensually, the Commission shall have jurisdiction to, and shall, resolve the dispute.".

SEC. 9. LIMITATION ON STATUTORY CONSTRUCTION.

49 USC 10701 note.

Nothing in this Act (including any amendment made by this Act) shall be construed as limiting or otherwise affecting application of title 11, United States Code, relating to bankruptcy; title 28, United States Code, relating to the jurisdiction of the courts of the United States (including bankruptcy courts); or the Employee Retirement Income Security Act of 1974.

Approved December 3, 1993.

LEGISLATIVE HISTORY—S. 412 (H.R. 2121):

HOUSE REPORTS: No. 103-359 accompanying H.R. 2121 (Comm. on Public Works and Transportation).
SENATE REPORTS: No. 103-79 (Comm. on Commerce, Science, and Transportation).
CONGRESSIONAL RECORD, Vol. 139 (1993):
July 1, considered and passed Senate.
Nov. 15, H.R. 2121 considered and passed House; S. 412, amended, passed in lieu.
Nov. 18, Senate concurred in House amendments.

Public Law 103-181
103d Congress

An Act

Dec. 3, 1993
[S. 1670]

To improve hazard mitigation and relocation assistance in connection with flooding, and for other purposes.

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

Hazard Mitigation and Relocation Assistance Act of 1993.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hazard Mitigation and Relocation Assistance Act of 1993".

42 USC 5121 note.

SEC. 2. HAZARD MITIGATION.

(a) FEDERAL SHARE AND TOTAL CONTRIBUTIONS.—Section 404 of The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) is amended—

(1) in the first sentence, by striking "50 percent" and inserting "75 percent"; and

(2) in the last sentence, by striking "10 percent" and all that follows through the end of the sentence and inserting "15 percent of the estimated aggregate amount of grants to be made (less any associated administrative costs) under this Act with respect to the major disaster.".

42 USC 5170c note.

(b) APPLICABILITY.—The amendments made by this section shall apply to any major disaster declared by the President pursuant to The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) on or after June 10, 1993.

SEC. 3. PROPERTY ACQUISITION AND RELOCATION ASSISTANCE.

Section 404 of The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) is amended—

(1) by inserting "(a) IN GENERAL.—" before "The President"; and

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

"(b) PROPERTY ACQUISITION AND RELOCATION ASSISTANCE.—

"(1) GENERAL AUTHORITY.—In providing hazard mitigation assistance under this section in connection with flooding, the Director of the Federal Emergency Management Agency may provide property acquisition and relocation assistance for projects that meet the requirements of paragraph (2).

"(2) TERMS AND CONDITIONS.—An acquisition or relocation project shall be eligible to receive assistance pursuant to paragraph (1) only if—

"(A) the applicant for the assistance is otherwise eligible to receive assistance under the hazard mitigation grant program established under subsection (a); and

"(B) on or after the date of enactment of this subsection, the applicant for the assistance enters into an agreement with the Director that provides assurances that—

"(i) any property acquired, accepted, or from which a structure will be removed pursuant to the project will be dedicated and maintained in perpetuity for a use that is compatible with open space, recreational, or wetlands management practices;

"(ii) no new structure will be erected on property acquired, accepted or from which a structure was removed under the acquisition or relocation program other than—

"(I) a public facility that is open on all sides and functionally related to a designated open space;

"(II) a rest room; or

"(III) a structure that the Director approves in writing before the commencement of the construction of the structure; and

"(iii) after receipt of the assistance, with respect to any property acquired, accepted or from which a structure was removed under the acquisition or relocation program—

"(I) no subsequent application for additional disaster assistance for any purpose will be made by the recipient to any Federal entity; and

"(II) no assistance referred to in subclause (I) will be provided to the applicant by any Federal source.

"(3) STATUTORY CONSTRUCTION.—Nothing in this subsection is intended to alter or otherwise affect an agreement for an acquisition or relocation project carried out pursuant to this section that was in effect on the day before the date of enactment of this subsection.".

SEC. 4. TREATMENT OF REAL PROPERTY BUYOUT PROGRAMS.

42 USC 4601 note.

(a) INAPPLICABILITY OF URA.—The purchase of any real property under a qualified buyout program shall not constitute the making of Federal financial assistance available to pay all or part of the cost of a program or project resulting in the acquisition of real property or in any owner of real property being a displaced person (within the meaning of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970).

(b) DEFINITION OF "QUALIFIED BUYOUT PROGRAM".—For purposes of this section, the term "qualified buyout program" means any program that—

(1) provides for the purchase of only property damaged by the major, widespread flooding in the Midwest during 1993;

(2) provides for such purchase solely as a result of such flooding;

(3) provides for such acquisition without the use of the power of eminent domain and notification to the seller that acquisition is without the use of such power;

(4) is carried out by or through a State or unit of general local government; and

(5) is being assisted with amounts made available for—
(A) disaster relief by the Federal Emergency Management Agency; or
(B) other Federal financial assistance programs.

Approved December 3, 1993.

LEGISLATIVE HISTORY—S. 1670:

CONGRESSIONAL RECORD, Vol. 139 (1993):
Nov. 19, considered and passed Senate.
Nov. 20, considered and passed House.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 29 (1993):
Dec. 3, Presidential statement.

Public Law 103-182
103d Congress

An Act

To implement the North American Free Trade Agreement.

Dec. 8, 1993
[H.R. 3450]

North American Free Trade Agreement Implementation Act.
Canada.
Mexico.
Exports and imports.
19 USC 3301 note.

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

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "North American Free Trade Agreement Implementation Act".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title and table of contents.
Sec. 2. Definitions.

TITLE I—APPROVAL OF, AND GENERAL PROVISIONS RELATING TO, THE NORTH AMERICAN FREE TRADE AGREEMENT

Sec. 101. Approval and entry into force of the North American Free Trade Agreement.
Sec. 102. Relationship of the Agreement to United States and State law.
Sec. 103. Consultation and layover requirements for, and effective date of, proclaimed actions.
Sec. 104. Implementing actions in anticipation of entry into force and initial regulations.
Sec. 105. United States Section of the NAFTA Secretariat.
Sec. 106. Appointments to chapter 20 panel proceedings.
Sec. 107. Termination or suspension of United States-Canada Free-Trade Agreement.
Sec. 108. Congressional intent regarding future accessions.
Sec. 109. Effective dates; effect of termination of NAFTA status.

TITLE II—CUSTOMS PROVISIONS

Sec. 201. Tariff modifications.
Sec. 202. Rules of origin.
Sec. 203. Drawback.
Sec. 204. Customs user fees.
Sec. 205. Enforcement.
Sec. 206. Reliquidation of entries for NAFTA-origin goods.
Sec. 207. Country of origin marking of NAFTA goods.
Sec. 208. Protests against adverse origin determinations.
Sec. 209. Exchange of information.
Sec. 210. Prohibition on drawback for television picture tubes.
Sec. 211. Monitoring of television and picture tube imports.
Sec. 212. Title VI amendments.
Sec. 213. Effective dates.

TITLE III—APPLICATION OF AGREEMENT TO SECTORS AND SERVICES

Subtitle A—Safeguards

PART 1—RELIEF FROM IMPORTS BENEFITING FROM THE AGREEMENT

Sec. 301. Definitions.
Sec. 302. Commencing of action for relief.
Sec. 303. International Trade Commission action on petition.
Sec. 304. Provision of relief.
Sec. 305. Termination of relief authority.

Sec. 306. Compensation authority.
Sec. 307. Submission of petitions.
Sec. 308. Special tariff provisions for Canadian fresh fruits and vegetables.
Sec. 309. Price-based snapback for frozen concentrated orange juice.

PART 2—RELIEF FROM IMPORTS FROM ALL COUNTRIES

Sec. 311. NAFTA article impact in import relief cases under the Trade Act of 1974.
Sec. 312. Presidential action regarding NAFTA imports.

PART 3—GENERAL PROVISIONS

Sec. 315. Provisional relief.
Sec. 316. Monitoring.
Sec. 317. Procedures concerning the conduct of International Trade Commission investigations.
Sec. 318. Effective date.

Subtitle B—Agriculture

Sec. 321. Agriculture.

Subtitle C—Intellectual Property

Sec. 331. Treatment of inventive activity.
Sec. 332. Rental rights in sound recordings.
Sec. 333. Nonregistrability of misleading geographic indications.
Sec. 334. Motion pictures in the public domain.
Sec. 335. Effective dates.

Subtitle D—Temporary Entry of Business Persons

Sec. 341. Temporary entry.
Sec. 342. Effective date.

Subtitle E—Standards

PART 1—STANDARDS AND MEASURES

Sec. 351. Standards and sanitary and phytosanitary measures.
Sec. 352. Transportation.

PART 2—AGRICULTURAL STANDARDS

Sec. 361. Agricultural technical and conforming amendments.

Subtitle F—Corporate Average Fuel Economy

Sec. 371. Corporate average fuel economy.

Subtitle G—Government Procurement

Sec. 381. Government procurement.

TITLE IV—DISPUTE SETTLEMENT IN ANTIDUMPING AND COUNTERVAILING DUTY CASES

Subtitle A—Organizational, Administrative, and Procedural Provisions Regarding the Implementation of Chapter 19 of the Agreement

Sec. 401. References in subtitle.
Sec. 402. Organizational and administrative provisions.
Sec. 403. Testimony and production of papers in extraordinary challenges.
Sec. 404. Requests for review of determinations by competent investigating authorities of NAFTA countries.
Sec. 405. Rules of procedure for panels and committees.
Sec. 406. Subsidy negotiations.
Sec. 407. Identification of industries facing subsidized imports.
Sec. 408. Treatment of amendments to antidumping and countervailing duty law.

Subtitle B—Conforming Amendments and Provisions

Sec. 411. Judicial review in antidumping duty and countervailing duty cases.
Sec. 412. Conforming amendments to other provisions of the Tariff Act of 1930.
Sec. 413. Consequential amendment to Free-Trade Agreement Act of 1988.
Sec. 414. Conforming amendments to title 28, United States Code.
Sec. 415. Effect of termination of NAFTA country status.
Sec. 416. Effective date.

TITLE V—NAFTA TRANSITIONAL ADJUSTMENT ASSISTANCE AND OTHER PROVISIONS

Subtitle A—NAFTA Transitional Adjustment Assistance Program

Sec. 501. Short title.

Sec. 502. Establishment of NAFTA transitional adjustment assistance program.
Sec. 503. Conforming amendments.
Sec. 504. Authorization of appropriations.
Sec. 505. Termination of transition program.
Sec. 506. Effective date.
Sec. 507. Treatment of self-employment assistance programs.

Subtitle B—Provisions Relating to Performance Under the Agreement

Sec. 511. Discriminatory taxes.
Sec. 512. Review of the operation and effects of the agreement.
Sec. 513. Actions affecting United States cultural industries.
Sec. 514. Report on impact of NAFTA on motor vehicle exports to Mexico.
Sec. 515. Center for the study of Western Hemispheric Trade.
Sec. 516. Effective date.

Subtitle C—Funding

PART 1—CUSTOMS USER FEES

Sec. 521. Fees for certain customs services.

PART 2—INTERNAL REVENUE CODE AMENDMENTS

Sec. 522. Authority to disclose certain tax information to the United States customs service.
Sec. 523. Use of electronic fund transfer system for collection of certain taxes.

Subtitle D—Implementation of NAFTA Supplemental Agreements

PART 1—AGREEMENTS RELATING TO LABOR AND ENVIRONMENT

Sec. 531. Agreement on labor cooperation.
Sec. 532. Agreement on environmental cooperation.
Sec. 533. Agreement on Border Environment Cooperation Commission.

PART 2—NORTH AMERICAN DEVELOPMENT BANK AND RELATED PROVISIONS.

Sec. 541. North American Development Bank.
Sec. 542. Status, immunities, and privileges.
Sec. 543. Community adjustment and investment program.
Sec. 544. Definition.

TITLE VI—CUSTOMS MODERNIZATION

Sec. 601. Reference.

Subtitle A—Improvements in Customs Enforcement

Sec. 611. Penalties for violations of arrival, reporting, entry, and clearance requirements.
Sec. 612. Failure to declare.
Sec. 613. Customs testing laboratories; detention of merchandise.
Sec. 614. Recordkeeping.
Sec. 615. Examination of books and witnesses.
Sec. 616. Judicial enforcement.
Sec. 617. Review of protests.
Sec. 618. Repeal of provision relating to reliquidation on account of fraud.
Sec. 619. Penalties relating to manifests.
Sec. 620. Unlawful unlading or transshipment.
Sec. 621. Penalties for fraud, gross negligence, and negligence; prior disclosure.
Sec. 622. Penalties for false drawback claims.
Sec. 623. Interpretive rulings and decisions; public information.
Sec. 624. Seizure authority.

Subtitle B—National Customs Automation Program

Sec. 631. National Customs Automation Program.
Sec. 632. Drawback and refunds.
Sec. 633. Effective date of rates of duty.
Sec. 634. Definitions.
Sec. 635. Manifests.
Sec. 636. Invoice contents.
Sec. 637. Entry of merchandise.
Sec. 638. Appraisement and other procedures.
Sec. 639. Voluntary reliquidations.
Sec. 640. Appraisement regulations.
Sec. 641. Limitation on liquidation.

Sec. 642. Payment of duties and fees.
Sec. 643. Abandonment and damage.
Sec. 644. Customs officer's immunity.
Sec. 645. Protests.
Sec. 646. Refunds and errors.
Sec. 647. Bonds and other security.
Sec. 648. Customhouse brokers.
Sec. 649. Conforming amendments.

Subtitle C—Miscellaneous Amendments to the Tariff Act of 1930

Sec. 651. Administrative exemptions.
Sec. 652. Report of arrival.
Sec. 653. Entry of vessels.
Sec. 654. Unlawful return of foreign vessel papers.
Sec. 655. Vessels not required to enter.
Sec. 656. Unlading.
Sec. 657. Declarations.
Sec. 658. General orders.
Sec. 659. Unclaimed merchandise.
Sec. 660. Destruction of merchandise.
Sec. 661. Proceeds of sale.
Sec. 662. Entry under regulations.
Sec. 663. American trademarks.
Sec. 664. Simplified recordkeeping for merchandise transported by pipeline.
Sec. 665. Entry for warehouse.
Sec. 666. Cartage.
Sec. 667. Seizure.
Sec. 668. Limitation on actions.
Sec. 669. Collection of fees on behalf of other agencies.
Sec. 670. Authority to settle claims.
Sec. 671. Use of private collection agencies.

Subtitle D—Miscellaneous Provisions and Consequential and Conforming Amendments to Other Laws

Sec. 681. Amendments to the Harmonized Tariff Schedule.
Sec. 682. Customs personnel airport work shift regulation.
Sec. 683. Use of harbor maintenance trust fund amounts for administrative expenses.
Sec. 684. Amendments to title 28, United States Code.
Sec. 685. Treasury forfeiture fund.
Sec. 686. Amendments to the Revised Statutes of the United States.
Sec. 687. Amendments to title 18, United States Code.
Sec. 688. Amendment to the Act to Prevent Pollution from Ships.
Sec. 689. Miscellaneous technical amendments.
Sec. 690. Repeal of obsolete provisions of law.
Sec. 691. Reports to Congress.
Sec. 692. Effective date.

19 USC 3301.

SEC. 2. DEFINITIONS.

For purposes of this Act:

(1) AGREEMENT.—The term "Agreement" means the North American Free Trade Agreement approved by the Congress under section 101(a).

(2) HTS.—The term "HTS" means the Harmonized Tariff Schedule of the United States.

(3) MEXICO.—Any reference to Mexico shall be considered to be a reference to the United Mexican States.

(4) NAFTA COUNTRY.—Except as provided in section 202, the term "NAFTA country" means—

(A) Canada for such time as the Agreement is in force with respect to, and the United States applies the Agreement to, Canada; and

(B) Mexico for such time as the Agreement is in force with respect to, and the United States applies the Agreement to, Mexico.

(5) INTERNATIONAL TRADE COMMISSION.—The term "International Trade Commission" means the United States International Trade Commission.

(6) TRADE REPRESENTATIVE.—The term "Trade Representative" means the United States Trade Representative.

TITLE I—APPROVAL OF, AND GENERAL PROVISIONS RELATING TO, THE NORTH AMERICAN FREE TRADE AGREEMENT

SEC. 101. APPROVAL AND ENTRY INTO FORCE OF THE NORTH AMERICAN FREE TRADE AGREEMENT. 19 USC 3311.

(a) APPROVAL OF AGREEMENT AND STATEMENT OF ADMINISTRATIVE ACTION.—Pursuant to section 1103 of the Omnibus Trade and Competitiveness Act of 1988 (19 U.S.C. 2903) and section 151 of the Trade Act of 1974 (19 U.S.C. 2191), the Congress approves—

(1) the North American Free Trade Agreement entered into on December 17, 1992, with the Governments of Canada and Mexico and submitted to the Congress on November 4, 1993; and

(2) the statement of administrative action proposed to implement the Agreement that was submitted to the Congress on November 4, 1993.

(b) CONDITIONS FOR ENTRY INTO FORCE OF THE AGREEMENT.—The President is authorized to exchange notes with the Government of Canada or Mexico providing for the entry into force, on or after January 1, 1994, of the Agreement for the United States with respect to such country at such time as—

(1) the President—

(A) determines that such country has implemented the statutory changes necessary to bring that country into compliance with its obligations under the Agreement and has made provision to implement the Uniform Regulations provided for under article 511 of the Agreement regarding the interpretation, application, and administration of the rules of origin, and

(B) transmits a report to the House of Representatives and the Senate setting forth the determination under subparagraph (A) and including, in the case of Mexico, a description of the specific measures taken by that country to— Reports.

(i) bring its laws into conformity with the requirements of the Schedule of Mexico in Annex 1904.15 of the Agreement, and

(ii) otherwise ensure the effective implementation of the binational panel review process under chapter 19 of the Agreement regarding final antidumping and countervailing duty determinations; and

(2) the Government of such country exchanges notes with the United States providing for the entry into force of the North American Agreement on Environmental Cooperation and the North American Agreement on Labor Cooperation for that country and the United States.

19 USC 3312.

SEC. 102. RELATIONSHIP OF THE AGREEMENT TO UNITED STATES AND STATE LAW.

(a) RELATIONSHIP OF AGREEMENT TO UNITED STATES LAW.—

(1) UNITED STATES LAW TO PREVAIL IN CONFLICT.—No provision of the Agreement, nor the application of any such provision to any person or circumstance, which is inconsistent with any law of the United States shall have effect.

(2) CONSTRUCTION.—Nothing in this Act shall be construed—

(A) to amend or modify any law of the United States, including any law regarding—

(i) the protection of human, animal, or plant life or health,

(ii) the protection of the environment, or

(iii) motor carrier or worker safety; or

(B) to limit any authority conferred under any law of the United States, including section 301 of the Trade Act of 1974;

unless specifically provided for in this Act.

(b) RELATIONSHIP OF AGREEMENT TO STATE LAW.—

(1) FEDERAL-STATE CONSULTATION.—

President.

(A) IN GENERAL.—Upon the enactment of this Act, the President shall, through the intergovernmental policy advisory committees on trade established under section 306(c)(2)(A) of the Trade and Tariff Act of 1984, consult with the States for the purpose of achieving conformity of State laws and practices with the Agreement.

(B) FEDERAL-STATE CONSULTATION PROCESS.—The Trade Representative shall establish within the Office of the United States Trade Representative a Federal-State consultation process for addressing issues relating to the Agreement that directly relate to, or will potentially have a direct impact on, the States. The Federal-State consultation process shall include procedures under which—

(i) the Trade Representative will assist the States in identifying those State laws that may not conform with the Agreement but may be maintained under the Agreement by reason of being in effect before the Agreement entered into force;

(ii) the States will be informed on a continuing basis of matters under the Agreement that directly relate to, or will potentially have a direct impact on, the States;

(iii) the States will be provided opportunity to submit, on a continuing basis, to the Trade Representative information and advice with respect to matters referred to in clause (ii);

(iv) the Trade Representative will take into account the information and advice received from the States under clause (iii) when formulating United

States positions regarding matters referred to in clause (ii); and

(v) the States will be involved (including involvement through the inclusion of appropriate representatives of the States) to the greatest extent practicable at each stage of the development of United States positions regarding matters referred to in clause (ii) that will be addressed by committees, subcommittees, or working groups established under the Agreement or through dispute settlement processes provided for under the Agreement.

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Federal-State consultation process established by this paragraph.

(2) LEGAL CHALLENGE.—No State law, or the application thereof, may be declared invalid as to any person or circumstance on the ground that the provision or application is inconsistent with the Agreement, except in an action brought by the United States for the purpose of declaring such law or application invalid.

(3) DEFINITION OF STATE LAW.—For purposes of this subsection, the term "State law" includes—

(A) any law of a political subdivision of a State; and

(B) any State law regulating or taxing the business of insurance.

(c) EFFECT OF AGREEMENT WITH RESPECT TO PRIVATE REMEDIES.—No person other than the United States—

(1) shall have any cause of action or defense under—

(A) the Agreement or by virtue of Congressional approval thereof, or

(B) the North American Agreement on Environmental Cooperation or the North American Agreement on Labor Cooperation; or

(2) may challenge, in any action brought under any provision of law, any action or inaction by any department, agency, or other instrumentality of the United States, any State, or any political subdivision of a State on the ground that such action or inaction is inconsistent with the Agreement, the North American Agreement on Environmental Cooperation, or the North American Agreement on Labor Cooperation.

SEC. 103. CONSULTATION AND LAYOVER REQUIREMENTS FOR, AND EFFECTIVE DATE OF, PROCLAIMED ACTIONS. 19 USC 3313.

(a) CONSULTATION AND LAYOVER REQUIREMENTS.—If a provision of this Act provides that the implementation of an action by the President by proclamation is subject to the consultation and layover requirements of this section, such action may be proclaimed only if—

(1) the President has obtained advice regarding the proposed action from—

(A) the appropriate advisory committees established under section 135 of the Trade Act of 1974, and

(B) the International Trade Commission;

(2) the President has submitted a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate that sets forth— Reports.

(A) the action proposed to be proclaimed and the reasons therefor, and

(B) the advice obtained under paragraph (1);

(3) a period of 60 calendar days, beginning with the first day on which the President has met the requirements of paragraphs (1) and (2) with respect to such action, has expired; and

(4) the President has consulted with such Committees regarding the proposed action during the period referred to in paragraph (3).

Federal Register, publication.

(b) EFFECTIVE DATE OF CERTAIN PROCLAIMED ACTIONS.—Any action proclaimed by the President under the authority of this Act that is not subject to the consultation and layover requirements under subsection (a) may not take effect before the 15th day after the date on which the text of the proclamation is published in the Federal Register.

19 USC 3314.

SEC. 104. IMPLEMENTING ACTIONS IN ANTICIPATION OF ENTRY INTO FORCE AND INITIAL REGULATIONS.

(a) IMPLEMENTING ACTIONS.—After the date of the enactment of this Act—

(1) the President may proclaim such actions; and

(2) other appropriate officers of the United States Government may issue such regulations;

as may be necessary to ensure that any provision of this Act, or amendment made by this Act, that takes effect on the date the Agreement enters into force is appropriately implemented on such date, but no such proclamation or regulation may have an effective date earlier than the date of entry into force. The 15-day restriction in section 103(b) on the taking effect of proclaimed actions is waived to the extent that the application of such restriction would prevent the taking effect on the date the Agreement enters into force of any action proclaimed under this section.

(b) INITIAL REGULATIONS.—Initial regulations necessary or appropriate to carry out the actions proposed in the statement of administrative action submitted under section 101(a)(2) to implement the Agreement shall, to the maximum extent feasible, be issued within 1 year after the date of entry into force of the Agreement; except that interim or initial regulations to implement those Uniform Regulations regarding rules of origin provided for under article 511 of the Agreement shall be issued no later than the date of entry into force of the Agreement. In the case of any implementing action that takes effect on a date after the date of entry into force of the Agreement, initial regulations to carry out that action shall, to the maximum extent feasible, be issued within 1 year after such effective date.

19 USC 3315.

SEC. 105. UNITED STATES SECTION OF THE NAFTA SECRETARIAT.

(a) ESTABLISHMENT OF THE UNITED STATES SECTION.—The President is authorized to establish within any department or agency of the United States Government a United States Section of the Secretariat established under chapter 20 of the Agreement. The United States Section, subject to the oversight of the interagency group established under section 402, shall carry out its functions within the Secretariat to facilitate the operation of the Agreement, including the operation of chapters 19 and 20 of the Agreement and the work of the panels, extraordinary challenge committees, special committees, and scientific review boards con-

vened under those chapters. The United States Section may not be considered to be an agency for purposes of section 552 of title 5, United States Code.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year after fiscal year 1993 to the department or agency within which the United States Section is established the lesser of—

(1) such sums as may be necessary; or

(2) $2,000,000;

for the establishment and operations of the United States Section and for the payment of the United States share of the expenses of binational panels and extraordinary challenge committees convened under chapter 19, and of the expenses incurred in dispute settlement proceedings under chapter 20, of the Agreement.

(c) REIMBURSEMENT OF CERTAIN EXPENSES.—If, in accordance with Annex 2002.2 of the Agreement, the Canadian Section or the Mexican Section of the Secretariat provides funds to the United States Section during any fiscal year, as reimbursement for expenses by the Canadian Section or the Mexican Section in connection with settlement proceedings under chapter 19 or 20 of the Agreement, the United States Section may retain and use such funds to carry out the functions described in subsection (a).

SEC. 106. APPOINTMENTS TO CHAPTER 20 PANEL PROCEEDINGS. 19 USC 3316.

(a) CONSULTATION.—The Trade Representative shall consult with the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate regarding the selection and appointment of candidates for the rosters described in article 2009 of the Agreement.

(b) SELECTION OF INDIVIDUALS WITH ENVIRONMENTAL EXPERTISE.—The United States shall, to the maximum extent practicable, encourage the selection of individuals who have expertise and experience in environmental issues for service in panel proceedings under chapter 20 of the Agreement to hear any challenge to a United States or State environmental law.

SEC. 107. TERMINATION OR SUSPENSION OF UNITED STATES-CANADA FREE-TRADE AGREEMENT.

Section 501(c) of the United States-Canada Free-Trade Implementation Act of 1988 (19 U.S.C. 2112 note) is amended to read as follows:

"(c) TERMINATION OR SUSPENSION OF AGREEMENT.—

"(1) TERMINATION OF AGREEMENT.—On the date the Agreement ceases to be in force, the provisions of this Act (other than this paragraph and section 410(b)), and the amendments made by this Act, shall cease to have effect.

"(2) EFFECT OF AGREEMENT SUSPENSION.—An agreement by the United States and Canada to suspend the operation of the Agreement shall not be deemed to cause the Agreement to cease to be in force within the meaning of paragraph (1).

"(3) SUSPENSION RESULTING FROM NAFTA.—On the date the United States and Canada agree to suspend the operation of the Agreement by reason of the entry into force between them of the North American Free Trade Agreement, the following provisions of this Act are suspended and shall remain suspended until such time as the suspension of the Agreement may be terminated:

"(A) Sections 204 (a) and (b) and 205(a).

"(B) Sections 302 and 304(f).
"(C) Sections 404, 409, and 410(b).".

19 USC 3317.

SEC. 108. CONGRESSIONAL INTENT REGARDING FUTURE ACCESSIONS.

(a) IN GENERAL.—Section 101(a) may not be construed as conferring Congressional approval of the entry into force of the Agreement for the United States with respect to countries other than Canada and Mexico.

(b) FUTURE FREE TRADE AREA NEGOTIATIONS.—

(1) FINDINGS.—The Congress makes the following findings:

(A) Efforts by the United States to obtain greater market opening through multilateral negotiations have not produced agreements that fully satisfy the trade negotiating objectives of the United States.

(B) United States trade policy should provide for additional mechanisms with which to pursue greater market access for United States exports of goods and services and opportunities for export-related investment by United States persons.

(C) Among the additional mechanisms should be a system of bilateral and multilateral trade agreements that provide greater market access for United States exports and opportunities for export-related investment by United States persons.

(D) The system of trade agreements can and should be structured to be consistent with, and complementary to, existing international obligations of the United States and ongoing multilateral efforts to open markets.

(2) REPORT ON SIGNIFICANT MARKET OPENING.—No later than May 1, 1994, and May 1, 1997, the Trade Representative shall submit to the President, and to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives (hereafter in this section referred to as the "appropriate Congressional committees"), a report which lists those foreign countries—

(A) that—

(i) currently provide fair and equitable market access for United States exports of goods and services and opportunities for export-related investment by United States persons, beyond what is required by existing multilateral trade agreements or obligations; or

(ii) have made significant progress in opening their markets to United States exports of goods and services and export-related investment by United States persons; and

(B) the further opening of whose markets has the greatest potential to increase United States exports of goods and services and export-related investment by United States persons, either directly or through the establishment of a beneficial precedent.

(3) PRESIDENTIAL DETERMINATION.—The President, on the basis of the report submitted by the Trade Representative under paragraph (2), shall determine with which foreign country or countries, if any, the United States should seek to negotiate a free trade area agreement or agreements.

President. Reports.

(4) RECOMMENDATIONS ON FUTURE FREE TRADE AREA NEGOTIATIONS.—No later than July 1, 1994, and July 1, 1997, the President shall submit to the appropriate Congressional committees a written report that contains—

(A) recommendations for free trade area negotiations with each foreign country selected under paragraph (3);

(B) with respect to each country selected, the specific negotiating objectives that are necessary to meet the objectives of the United States under this section; and

(C) legislative proposals to ensure adequate consultation with the Congress and the private sector during the negotiations, advance Congressional approval of the negotiations recommended by the President, and Congressional approval of any trade agreement entered into by the President as a result of the negotiations.

(5) GENERAL NEGOTIATING OBJECTIVES.—The general negotiating objectives of the United States under this section are to obtain—

(A) preferential treatment for United States goods;

(B) national treatment and, where appropriate, equivalent competitive opportunity for United States services and foreign direct investment by United States persons;

(C) the elimination of barriers to trade in goods and services by United States persons through standards, testing, labeling, and certification requirements;

(D) nondiscriminatory government procurement policies and practices with respect to United States goods and services;

(E) the elimination of other barriers to market access for United States goods and services, and the elimination of barriers to foreign direct investment by United States persons;

(F) the elimination of acts, policies, and practices which deny fair and equitable market opportunities, including foreign government toleration of anticompetitive business practices by private firms or among private firms that have the effect of restricting, on a basis that is inconsistent with commercial considerations, purchasing by such firms of United States goods and services;

(G) adequate and effective protection of intellectual property rights of United States persons, and fair and equitable market access for United States persons that rely upon intellectual property protection;

(H) the elimination of foreign export and domestic subsidies that distort international trade in United States goods and services or cause material injury to United States industries;

(I) the elimination of all export taxes;

(J) the elimination of acts, policies, and practices which constitute export targeting; and

(K) monitoring and effective dispute settlement mechanisms to facilitate compliance with the matters described in subparagraphs (A) through (J).

SEC. 109. EFFECTIVE DATES; EFFECT OF TERMINATION OF NAFTA STATUS.

19 USC 3311 note.

(a) EFFECTIVE DATES.—

(1) IN GENERAL.—This title (other than the amendment made by section 107) takes effect on the date of the enactment of this Act.

(2) SECTION 107 AMENDMENT.—The amendment made by section 107 takes effect on the date the Agreement enters into force between the United States and Canada.

(b) TERMINATION OF NAFTA STATUS.—During any period in which a country ceases to be a NAFTA country, sections 101 through 106 shall cease to have effect with respect to such country.

TITLE II—CUSTOMS PROVISIONS

19 USC 3331.

SEC. 201. TARIFF MODIFICATIONS.

(a) TARIFF MODIFICATIONS PROVIDED FOR IN THE AGREEMENT.—

(1) PROCLAMATION AUTHORITY.—The President may proclaim—

(A) such modifications or continuation of any duty,

(B) such continuation of duty-free or excise treatment, or

(C) such additional duties,

as the President determines to be necessary or appropriate to carry out or apply articles 302, 305, 307, 308, and 703 and Annexes 302.2, 307.1, 308.1, 308.2, 300–B, 703.2, and 703.3 of the Agreement.

President.

(2) EFFECT ON MEXICAN GSP STATUS.—Notwithstanding section 502(a)(2) of the Trade Act of 1974 (19 U.S.C. 2462(a)(2)), the President shall terminate the designation of Mexico as a beneficiary developing country for purposes of title V of the Trade Act of 1974 on the date of entry into force of the Agreement between the United States and Mexico.

(b) OTHER TARIFF MODIFICATIONS.—

(1) IN GENERAL.—Subject to paragraph (2) and the consultation and layover requirements of section 103(a), the President may proclaim—

(A) such modifications or continuation of any duty,

(B) such modifications as the United States may agree to with Mexico or Canada regarding the staging of any duty treatment set forth in Annex 302.2 of the Agreement,

(C) such continuation of duty-free or excise treatment, or

(D) such additional duties,

as the President determines to be necessary or appropriate to maintain the general level of reciprocal and mutually advantageous concessions with respect to Canada or Mexico provided for by the Agreement.

(2) SPECIAL RULE FOR ARTICLES WITH TARIFF PHASEOUT PERIODS OF MORE THAN 10 YEARS.—The President may not consider a request to accelerate the staging of duty reductions for an article for which the United States tariff phaseout period is more than 10 years if a request for acceleration with respect to such article has been denied in the preceding 3 calendar years.

(c) CONVERSION TO AD VALOREM RATES FOR CERTAIN TEXTILES.—For purposes of subsections (a) and (b), with respect to an article covered by Annex 300–B of the Agreement imported from Mexico for which the base rate in the Schedule of the United

States in Annex 300–B is a specific or compound rate of duty, the President may substitute for the base rate an ad valorem rate that the President determines to be equivalent to the base rate.

SEC. 202. RULES OF ORIGIN. 19 USC 3332.

(a) ORIGINATING GOODS.—

(1) IN GENERAL.—For purposes of implementing the tariff treatment and quantitative restrictions provided for under the Agreement, except as otherwise provided in this section, a good originates in the territory of a NAFTA country if—

(A) the good is wholly obtained or produced entirely in the territory of one or more of the NAFTA countries;

(B)(i) each nonoriginating material used in the production of the good—

(I) undergoes an applicable change in tariff classification set out in Annex 401 of the Agreement as a result of production occurring entirely in the territory of one or more of the NAFTA countries; or

(II) where no change in tariff classification is required, the good otherwise satisfies the applicable requirements of such Annex; and

(ii) the good satisfies all other applicable requirements of this section;

(C) the good is produced entirely in the territory of one or more of the NAFTA countries exclusively from originating materials; or

(D) except for a good provided for in chapters 61 through 63 of the HTS, the good is produced entirely in the territory of one or more of the NAFTA countries, but one or more of the nonoriginating materials, that are provided for as parts under the HTS and are used in the production of the good, does not undergo a change in tariff classification because—

(i) the good was imported into the territory of a NAFTA country in an unassembled or a disassembled form but was classified as an assembled good pursuant to General Rule of Interpretation 2(a) of the HTS; or

(ii)(I) the heading for the good provides for and specifically describes both the good itself and its parts and is not further subdivided into subheadings; or

(II) the subheading for the good provides for and specifically describes both the good itself and its parts.

(2) SPECIAL RULES.—

(A) FOREIGN-TRADE ZONES.—Subparagraph (B) of paragraph (1) shall not apply to a good produced in a foreign-trade zone or subzone (established pursuant to the Act of June 18, 1934, commonly known as the Foreign Trade Zones Act) that is entered for consumption in the customs territory of the United States.

(B) REGIONAL VALUE-CONTENT REQUIREMENT.—For purposes of subparagraph (D) of paragraph (1), a good shall be treated as originating in a NAFTA country if the regional value-content of the good, determined in accordance with subsection (b), is not less than 60 percent where the transaction value method is used, or not less than

50 percent where the net cost method is used, and the good satisfies all other applicable requirements of this section.

(b) REGIONAL VALUE-CONTENT.—

(1) IN GENERAL.—Except as provided in paragraph (5), the regional value-content of a good shall be calculated, at the choice of the exporter or producer of the good, on the basis of—

(A) the transaction value method described in paragraph (2); or

(B) the net cost method described in paragraph (3).

(2) TRANSACTION VALUE METHOD.—

(A) IN GENERAL.—An exporter or producer may calculate the regional value-content of a good on the basis of the following transaction value method:

$$RVC = \frac{TV - VNM}{TV} \times 100$$

(B) DEFINITIONS.—For purposes of subparagraph (A):

(i) The term "RVC" means the regional value-content, expressed as a percentage.

(ii) The term "TV" means the transaction value of the good adjusted to a F.O.B. basis.

(iii) The term "VNM" means the value of nonoriginating materials used by the producer in the production of the good.

(3) NET COST METHOD.—

(A) IN GENERAL.—An exporter or producer may calculate the regional value-content of a good on the basis of the following net cost method:

$$RVC = \frac{NC - VNM}{NC} \times 100$$

(B) DEFINITIONS.—For purposes of subparagraph (A):

(i) The term "RVC" means the regional value-content, expressed as a percentage.

(ii) The term "NC" means the net cost of the good.

(iii) The term "VNM" means the value of nonoriginating materials used by the producer in the production of the good.

(4) VALUE OF NONORIGINATING MATERIALS USED IN ORIGINATING MATERIALS.—Except as provided in subsection (c)(1), and for a motor vehicle identified in subsection (c)(2) or a component identified in Annex 403.2 of the Agreement, the value of nonoriginating materials used by the producer in the production of a good shall not, for purposes of calculating the regional value-content of the good under paragraph (2) or (3), include the value of nonoriginating materials used to produce originating materials that are subsequently used in the production of the good.

(5) NET COST METHOD MUST BE USED IN CERTAIN CASES.—An exporter or producer shall calculate the regional value-content of a good solely on the basis of the net cost method described in paragraph (3), if—

(A) there is no transaction value for the good;

(B) the transaction value of the good is unacceptable under Article 1 of the Customs Valuation Code;

(C) the good is sold by the producer to a related person and the volume, by units of quantity, of sales of identical or similar goods to related persons during the six-month period immediately preceding the month in which the good is sold exceeds 85 percent of the producer's total sales of such goods during that period;

(D) the good is—

(i) a motor vehicle provided for in heading 8701 or 8702, subheadings 8703.21 through 8703.90, or heading 8704, 8705, or 8706;

(ii) identified in Annex 403.1 or 403.2 of the Agreement and is for use in a motor vehicle provided for in heading 8701 or 8702, subheadings 8703.21 through 8703.90, or heading 8704, 8705, or 8706;

(iii) provided for in subheadings 6401.10 through 6406.10; or

(iv) a word processing machine provided for in subheading 8469.10.00;

(E) the exporter or producer chooses to accumulate the regional value-content of the good in accordance with subsection (d); or

(F) the good is designated as an intermediate material under paragraph (10) and is subject to a regional value-content requirement.

(6) NET COST METHOD ALLOWED FOR ADJUSTMENTS.—If an exporter or producer of a good calculates the regional value-content of the good on the basis of the transaction value method and a NAFTA country subsequently notifies the exporter or producer, during the course of a verification conducted in accordance with chapter 5 of the Agreement, that the transaction value of the good or the value of any material used in the production of the good must be adjusted or is unacceptable under Article 1 of the Customs Valuation Code, the exporter or producer may calculate the regional value-content of the good on the basis of the net cost method.

(7) REVIEW OF ADJUSTMENT.—Nothing in paragraph (6) shall be construed to prevent any review or appeal available in accordance with article 510 of the Agreement with respect to an adjustment to or a rejection of—

(A) the transaction value of a good; or

(B) the value of any material used in the production of a good.

(8) CALCULATING NET COST.—The producer may, consistent with regulations implementing this section, calculate the net cost of a good under paragraph (3), by—

(A) calculating the total cost incurred with respect to all goods produced by that producer, subtracting any sales promotion, marketing and after-sales service costs, royalties, shipping and packing costs, and nonallowable interest costs that are included in the total cost of all

such goods, and reasonably allocating the resulting net cost of those goods to the good;

(B) calculating the total cost incurred with respect to all goods produced by that producer, reasonably allocating the total cost to the good, and subtracting any sales promotion, marketing and after-sales service costs, royalties, shipping and packing costs, and nonallowable interest costs that are included in the portion of the total cost allocated to the good; or

(C) reasonably allocating each cost that is part of the total cost incurred with respect to the good so that the aggregate of these costs does not include any sales promotion, marketing and after-sales service costs, royalties, shipping and packing costs, or nonallowable interest costs.

(9) VALUE OF MATERIAL USED IN PRODUCTION.—Except as provided in paragraph (11), the value of a material used in the production of a good—

(A) shall—

(i) be the transaction value of the material determined in accordance with Article 1 of the Customs Valuation Code; or

(ii) in the event that there is no transaction value or the transaction value of the material is unacceptable under Article 1 of the Customs Valuation Code, be determined in accordance with Articles 2 through 7 of the Customs Valuation Code; and

(B) if not included under clause (i) or (ii) of subparagraph (A), shall include—

(i) freight, insurance, packing, and all other costs incurred in transporting the material to the location of the producer;

(ii) duties, taxes, and customs brokerage fees paid on the material in the territory of one or more of the NAFTA countries; and

(iii) the cost of waste and spoilage resulting from the use of the material in the production of the good, less the value of renewable scrap or by-product.

(10) INTERMEDIATE MATERIAL.—Except for goods described in subsection (c)(1), any self-produced material, other than a component identified in Annex 403.2 of the Agreement, that is used in the production of a good may be designated by the producer of the good as an intermediate material for the purpose of calculating the regional value-content of the good under paragraph (2) or (3); provided that if the intermediate material is subject to a regional value-content requirement, no other self-produced material that is subject to a regional value-content requirement and is used in the production of the intermediate material may be designated by the producer as an intermediate material.

(11) VALUE OF INTERMEDIATE MATERIAL.—The value of an intermediate material shall be—

(A) the total cost incurred with respect to all goods produced by the producer of the good that can be reasonably allocated to the intermediate material; or

(B) the aggregate of each cost that is part of the total cost incurred with respect to the intermediate material

that can be reasonably allocated to that intermediate material.

(12) INDIRECT MATERIAL.—The value of an indirect material shall be based on the Generally Accepted Accounting Principles applicable in the territory of the NAFTA country in which the good is produced.

(c) AUTOMOTIVE GOODS.—

(1) PASSENGER VEHICLES AND LIGHT TRUCKS, AND THEIR AUTOMOTIVE PARTS.—For purposes of calculating the regional value-content under the net cost method for—

(A) a good that is a motor vehicle for the transport of 15 or fewer persons provided for in subheading 8702.10.00 or 8702.90.00, or a motor vehicle provided for in subheadings 8703.21 through 8703.90, or subheading 8704.21 or 8704.31, or

(B) a good provided for in the tariff provisions listed in Annex 403.1 of the Agreement, that is subject to a regional value-content requirement and is for use as original equipment in the production of a motor vehicle for the transport of 15 or fewer persons provided for in subheading 8702.10.00 or 8702.90.00, or a motor vehicle provided for in subheadings 8703.21 through 8703.90, or subheading 8704.21 or 8704.31,

the value of nonoriginating materials used by the producer in the production of the good shall be the sum of the values of all nonoriginating materials, determined in accordance with subsection (b)(9) at the time the nonoriginating materials are received by the first person in the territory of a NAFTA country who takes title to them, that are imported from outside the territories of the NAFTA countries under the tariff provisions listed in Annex 403.1 of the Agreement and are used in the production of the good or that are used in the production of any material used in the production of the good.

(2) OTHER VEHICLES AND THEIR AUTOMOTIVE PARTS.—For purposes of calculating the regional value-content under the net cost method for a good that is a motor vehicle provided for in heading 8701, subheading 8704.10, 8704.22, 8704.23, 8704.32, or 8704.90, or heading 8705 or 8706, a motor vehicle for the transport of 16 or more persons provided for in subheading 8702.10.00 or 8702.90.00, or a component identified in Annex 403.2 of the Agreement for use as original equipment in the production of the motor vehicle, the value of nonoriginating materials used by the producer in the production of the good shall be the sum of—

(A) for each material used by the producer listed in Annex 403.2 of the Agreement, whether or not produced by the producer, at the choice of the producer and determined in accordance with subsection (b), either—

(i) the value of such material that is nonoriginating, or

(ii) the value of nonoriginating materials used in the production of such material; and

(B) the value of any other nonoriginating material used by the producer that is not listed in Annex 403.2 of the Agreement determined in accordance with subsection (b).

(3) AVERAGING PERMITTED.—

(A) IN GENERAL.—For purposes of calculating the regional value-content of a motor vehicle described in paragraph (1) or (2), the producer may average its calculation over its fiscal year, using any of the categories described in subparagraph (B), on the basis of either all motor vehicles in the category or on the basis of only the motor vehicles in the category that are exported to the territory of one or more of the other NAFTA countries.

(B) CATEGORY DESCRIBED.—A category is described in this subparagraph if it is—

(i) the same model line of motor vehicles in the same class of vehicles produced in the same plant in the territory of a NAFTA country;

(ii) the same class of motor vehicles produced in the same plant in the territory of a NAFTA country;

(iii) the same model line of motor vehicles produced in the territory of a NAFTA country; or

(iv) if applicable, the basis set out in Annex 403.3 of the Agreement.

(4) ANNEX 403.1 AND ANNEX 403.2.—For purposes of calculating the regional value-content for any or all goods provided for in a tariff provision listed in Annex 403.1 of the Agreement, or a component or material identified in Annex 403.2 of the Agreement, produced in the same plant, the producer of the good may—

(A) average its calculation—

(i) over the fiscal year of the motor vehicle producer to whom the good is sold;

(ii) over any quarter or month; or

(iii) over its fiscal year, if the good is sold as an aftermarket part;

(B) calculate the average referred to in subparagraph (A) separately for any or all goods sold to one or more motor vehicle producers; or

(C) with respect to any calculation under this paragraph, make a separate calculation for goods that are exported to the territory of one or more NAFTA countries.

(5) PHASE-IN OF REGIONAL VALUE-CONTENT REQUIREMENT.—Notwithstanding Annex 401 of the Agreement, and except as provided in paragraph (6), the regional value-content requirement shall be—

(A) for a producer's fiscal year beginning on the day closest to January 1, 1998, and thereafter, 56 percent calculated under the net cost method, and for a producer's fiscal year beginning on the day closest to January 1, 2002, and thereafter, 62.5 percent calculated under the net cost method, for—

(i) a good that is a motor vehicle for the transport of 15 or fewer persons provided for in subheading 8702.10.00 or 8702.90.00, or a motor vehicle provided for in subheadings 8703.21 through 8703.90, or subheading 8704.21 or 8704.31; and

(ii) a good provided for in heading 8407 or 8408, or subheading 8708.40, that is for use in a motor vehicle identified in clause (i); and

(B) for a producer's fiscal year beginning on the day closest to January 1, 1998, and thereafter, 55 percent cal-

culated under the net cost method, and for a producer's fiscal year beginning on the day closest to January 1, 2002, and thereafter, 60 percent calculated under the net cost method, for—

(i) a good that is a motor vehicle provided for in heading 8701, subheading 8704.10, 8704.22, 8704.23, 8704.32, or 8704.90, or heading 8705 or 8706, or a motor vehicle for the transport of 16 or more persons provided for in subheading 8702.10.00 or 8702.90.00;

(ii) a good provided for in heading 8407 or 8408, or subheading 8708.40 that is for use in a motor vehicle identified in clause (i); and

(iii) except for a good identified in subparagraph (A)(ii) or a good provided for in subheadings 8482.10 through 8482.80, or subheading 8483.20 or 8483.30, a good identified in Annex 403.1 of the Agreement that is subject to a regional value-content requirement and is for use in a motor vehicle identified in subparagraph (A)(i) or (B)(i).

(6) NEW AND REFITTED PLANTS.—The regional value-content requirement for a motor vehicle identified in paragraph (1) or (2) shall be—

(A) 50 percent for 5 years after the date on which the first motor vehicle prototype is produced in a plant by a motor vehicle assembler, if—

(i) it is a motor vehicle of a class, or marque, or, except for a motor vehicle identified in paragraph (2), size category and underbody, not previously produced by the motor vehicle assembler in the territory of any of the NAFTA countries;

(ii) the plant consists of a new building in which the motor vehicle is assembled; and

(iii) the plant contains substantially all new machinery that is used in the assembly of the motor vehicle; or

(B) 50 percent for 2 years after the date on which the first motor vehicle prototype is produced at a plant following a refit, if it is a motor vehicle of a class, or marque, or, except for a motor vehicle identified in paragraph (2), size category and underbody, different from that assembled by the motor vehicle assembler in the plant before the refit.

(7) ELECTION FOR CERTAIN VEHICLES FROM CANADA.—In the case of goods provided for in subheadings 8703.21 through 8703.90, or subheading 8704.21 or 8704.31, exported from Canada directly to the United States, and entered on or after January 1, 1989, and before the date of entry into force of the Agreement between the United States and Canada, an importer may elect to use the rules of origin set out in this section in lieu of the rules of origin contained in section 202 of the United States-Canada Free-Trade Agreement Implementation Act of 1988 (19 U.S.C. 2112 note) and may elect to use the method for calculating the value of nonoriginating materials established in article 403(2) of the Agreement in lieu of the method established in article 403(1) of the Agreement for purposes of determining eligibility for preferential duty treatment under the United States-Canada

Free-Trade Agreement. Any election under this paragraph shall be made in writing to the Customs Service not later than the date that is 180 days after the date of entry into force of the Agreement between the United States and Canada. Any such election may be made only if the liquidation of such entry has not become final. For purposes of averaging the calculation of regional value-content for the goods covered by such entry, where the producer's 1989–1990 fiscal year began after January 1, 1989, the producer may include the period between January 1, 1989, and the beginning of its first fiscal year after January 1, 1989, as part of fiscal year 1989–1990.

(d) ACCUMULATION.—

(1) DETERMINATION OF ORIGINATING GOOD.—For purposes of determining whether a good is an originating good, the production of the good in the territory of one or more of the NAFTA countries by one or more producers shall, at the choice of the exporter or producer of the good, be considered to have been performed in the territory of any of the NAFTA countries by that exporter or producer, if—

(A) all nonoriginating materials used in the production of the good undergo an applicable tariff classification change set out in Annex 401 of the Agreement;

(B) the good satisfies any applicable regional value-content requirement; and

(C) the good satisfies all other applicable requirements of this section.

The requirements of subparagraphs (A) and (B) must be satisfied entirely in the territory of one or more of the NAFTA countries.

(2) TREATMENT AS SINGLE PRODUCER.—For purposes of subsection (b)(10), the production of a producer that chooses to accumulate its production with that of other producers under paragraph (1) shall be treated as the production of a single producer.

(e) DE MINIMIS AMOUNTS OF NONORIGINATING MATERIALS.—

(1) IN GENERAL.—Except as provided in paragraphs (3), (4), (5), and (6), a good shall be considered to be an originating good if—

(A) the value of all nonoriginating materials used in the production of the good that do not undergo an applicable change in tariff classification (set out in Annex 401 of the Agreement) is not more than 7 percent of the transaction value of the good, adjusted to a F.O.B. basis, or

(B) where the transaction value of the good is unacceptable under Article 1 of the Customs Valuation Code, the value of all such nonoriginating materials is not more than 7 percent of the total cost of the good,

provided that the good satisfies all other applicable requirements of this section and, if the good is subject to a regional value-content requirement, the value of such nonoriginating materials is taken into account in calculating the regional value-content of the good.

(2) GOODS NOT SUBJECT TO REGIONAL VALUE-CONTENT REQUIREMENT.—A good that is otherwise subject to a regional value-content requirement shall not be required to satisfy such requirement if—

(A)(i) the value of all nonoriginating materials used in the production of the good is not more than 7 percent of the transaction value of the good, adjusted to a F.O.B. basis; or

(ii) where the transaction value of the good is unacceptable under Article 1 of the Customs Valuation Code, the value of all nonoriginating materials is not more than 7 percent of the total cost of the good; and

(B) the good satisfies all other applicable requirements of this section.

(3) DAIRY PRODUCTS, ETC.—Paragraph (1) does not apply to—

(A) a nonoriginating material provided for in chapter 4 of the HTS or a dairy preparation containing over 10 percent by weight of milk solids provided for in subheading 1901.90.30, 1901.90.40, or 1901.90.80 that is used in the production of a good provided for in chapter 4 of the HTS;

(B) a nonoriginating material provided for in chapter 4 of the HTS or a dairy preparation containing over 10 percent by weight of milk solids provided for in subheading 1901.90.30, 1901.90.40, or 1901.90.80 that is used in the production of—

(i) preparations for infants containing over 10 percent by weight of milk solids provided for in subheading 1901.10.00;

(ii) mixes and doughs, containing over 25 percent by weight of butterfat, not put up for retail sale, provided for in subheading 1901.20.00;

(iii) a dairy preparation containing over 10 percent by weight of milk solids provided for in subheading 1901.90.30, 1901.90.40, or 1901.90.80;

(iv) a good provided for in heading 2105 or subheading 2106.90.05, or preparations containing over 10 percent by weight of milk solids provided for in subheading 2106.90.15, 2106.90.40, 2106.90.50, or 2106.90.65;

(v) a good provided for in subheading 2202.90.10 or 2202.90.20; or

(vi) animal feeds containing over 10 percent by weight of milk solids provided for in subheading 2309.90.30;

(C) a nonoriginating material provided for in heading 0805 or subheadings 2009.11 through 2009.30 that is used in the production of—

(i) a good provided for in subheadings 2009.11 through 2009.30, or subheading 2106.90.16, or concentrated fruit or vegetable juice of any single fruit or vegetable, fortified with minerals or vitamins, provided for in subheading 2106.90.19; or

(ii) a good provided for in subheading 2202.90.30 or 2202.90.35, or fruit or vegetable juice of any single fruit or vegetable, fortified with minerals or vitamins, provided for in subheading 2202.90.36;

(D) a nonoriginating material provided for in chapter 9 of the HTS that is used in the production of instant coffee, not flavored, provided for in subheading 2101.10.20;

(E) a nonoriginating material provided for in chapter 15 of the HTS that is used in the production of a good provided for in headings 1501 through 1508, or heading 1512, 1514, or 1515;

(F) a nonoriginating material provided for in heading 1701 that is used in the production of a good provided for in headings 1701 through 1703;

(G) a nonoriginating material provided for in chapter 17 of the HTS or heading 1805 that is used in the production of a good provided for in subheading 1806.10;

(H) a nonoriginating material provided for in headings 2203 through 2208 that is used in the production of a good provided for in headings 2207 through 2208;

(I) a nonoriginating material used in the production of—

(i) a good provided for in subheading 7321.11.30;

(ii) a good provided for in subheading 8415.10, subheadings 8415.81 through 8415.83, subheadings 8418.10 through 8418.21, subheadings 8418.29 through 8418.40, subheading 8421.12 or 8422.11, subheadings 8450.11 through 8450.20, or subheadings 8451.21 through 8451.29;

(iii) trash compactors provided for in subheading 8479.89.60; or

(iv) a good provided for in subheading 8516.60.40; and

(J) a printed circuit assembly that is a nonoriginating material used in the production of a good where the applicable change in tariff classification for the good, as set out in Annex 401 of the Agreement, places restrictions on the use of such nonoriginating material.

(4) CERTAIN FRUIT JUICES.—Paragraph (1) does not apply to a nonoriginating single juice ingredient provided for in heading 2009 that is used in the production of—

(A) a good provided for in subheading 2009.90, or concentrated mixtures of fruit or vegetable juice, fortified with minerals or vitamins, provided for in subheading 2106.90.19; or

(B) mixtures of fruit or vegetable juices, fortified with minerals or vitamins, provided for in subheading 2202.90.39.

(5) GOODS PROVIDED FOR IN CHAPTERS 1 THROUGH 27 OF THE HTS.—Paragraph (1) does not apply to a nonoriginating material used in the production of a good provided for in chapters 1 through 27 of the HTS unless the nonoriginating material is provided for in a different subheading than the good for which origin is being determined under this section.

(6) GOODS PROVIDED FOR IN CHAPTERS 50 THROUGH 63 OF THE HTS.—A good provided for in chapters 50 through 63 of the HTS, that does not originate because certain fibers or yarns used in the production of the component of the good that determines the tariff classification of the good do not undergo an applicable change in tariff classification set out in Annex 401 of the Agreement, shall be considered to be a good that originates if the total weight of all such fibers or yarns in that component is not more than 7 percent of the total weight of that component.

(f) FUNGIBLE GOODS AND MATERIALS.—For purposes of determining whether a good is an originating good—

(1) if originating and nonoriginating fungible materials are used in the production of the good, the determination of whether the materials are originating need not be made through the identification of any specific fungible material, but may be determined on the basis of any of the inventory management methods set out in regulations implementing this section; and

(2) if originating and nonoriginating fungible goods are commingled and exported in the same form, the determination may be made on the basis of any of the inventory management methods set out in regulations implementing this section.

(g) ACCESSORIES, SPARE PARTS, OR TOOLS.—

(1) IN GENERAL.—Except as provided in paragraph (2), accessories, spare parts, or tools delivered with the good that form part of the good's standard accessories, spare parts, or tools shall—

(A) be considered as originating goods if the good is an originating good, and

(B) be disregarded in determining whether all the nonoriginating materials used in the production of the good undergo an applicable change in tariff classification set out in Annex 401 of the Agreement.

(2) CONDITIONS.—Paragraph (1) shall apply only if—

(A) the accessories, spare parts, or tools are not invoiced separately from the good;

(B) the quantities and value of the accessories, spare parts, or tools are customary for the good; and

(C) in any case in which the good is subject to a regional value-content requirement, the value of the accessories, spare parts, or tools are taken into account as originating or nonoriginating materials, as the case may be, in calculating the regional value-content of the good.

(h) INDIRECT MATERIALS.—An indirect material shall be considered to be an originating material without regard to where it is produced.

(i) PACKAGING MATERIALS AND CONTAINERS FOR RETAIL SALE.—Packaging materials and containers in which a good is packaged for retail sale, if classified with the good, shall be disregarded in determining whether all the nonoriginating materials used in the production of the good undergo an applicable change in tariff classification set out in Annex 401 of the Agreement. If the good is subject to a regional value-content requirement, the value of such packaging materials and containers shall be taken into account as originating or nonoriginating materials, as the case may be, in calculating the regional value-content of the good.

(j) PACKING MATERIALS AND CONTAINERS FOR SHIPMENT.—Packing materials and containers in which a good is packed for shipment shall be disregarded—

(1) in determining whether the nonoriginating materials used in the production of the good undergo an applicable change in tariff classification set out in Annex 401 of the Agreement; and

(2) in determining whether the good satisfies a regional value-content requirement.

(k) TRANSSHIPMENT.—A good shall not be considered to be an originating good by reason of having undergone production that

satisfies the requirements of subsection (a) if, subsequent to that production, the good undergoes further production or any other operation outside the territories of the NAFTA countries, other than unloading, reloading, or any other operation necessary to preserve it in good condition or to transport the good to the territory of a NAFTA country.

(l) NONQUALIFYING OPERATIONS.—A good shall not be considered to be an originating good merely by reason of—

(1) mere dilution with water or another substance that does not materially alter the characteristics of the good; or

(2) any production or pricing practice with respect to which it may be demonstrated, by a preponderance of evidence, that the object was to circumvent this section.

(m) INTERPRETATION AND APPLICATION.—For purposes of this section:

(1) The basis for any tariff classification is the HTS.

(2) Except as otherwise expressly provided, whenever in this section there is a reference to a heading or subheading such reference shall be a reference to a heading or subheading of the HTS.

(3) In applying subsection (a)(4), the determination of whether a heading or subheading under the HTS provides for and specifically describes both a good and its parts shall be made on the basis of the nomenclature of the heading or subheading, the rules of interpretation, or notes of the HTS.

(4) In applying the Customs Valuation Code—

(A) the principles of the Customs Valuation Code shall apply to domestic transactions, with such modifications as may be required by the circumstances, as would apply to international transactions;

(B) the provisions of this section shall take precedence over the Customs Valuation Code to the extent of any difference; and

(C) the definitions in subsection (o) shall take precedence over the definitions in the Customs Valuation Code to the extent of any difference.

(5) All costs referred to in this section shall be recorded and maintained in accordance with the Generally Accepted Accounting Principles applicable in the territory of the NAFTA country in which the good is produced.

(n) ORIGIN OF AUTOMATIC DATA PROCESSING GOODS.—Notwithstanding any other provision of this section, when the NAFTA countries apply the most-favored-nation rate of duty described in paragraph 1 of section A of Annex 308.1 of the Agreement to a good provided for under the tariff provisions set out in Table 308.1.1 of such Annex, the good shall, upon importation from a NAFTA country, be deemed to originate in the territory of a NAFTA country for purposes of this section.

(o) SPECIAL RULE FOR CERTAIN AGRICULTURAL PRODUCTS.—Notwithstanding any other provision of this section, for purposes of applying a rate of duty to a good provided for in—

(1) heading 1202 that is exported from the territory of Mexico, if the good is not wholly obtained in the territory of Mexico,

(2) subheading 2008.11 that is exported from the territory of Mexico, if any material provided for in heading 1202 used

in the production of that good is not wholly obtained in the territory of Mexico, or

(3) subheading 1806.10.42 or 2106.90.12 that is exported from the territory of Mexico, if any material provided for in subheading 1701.99 used in the production of that good is not a qualifying good,

such good shall be treated as a nonoriginating good and, for purposes of this subsection, the terms "qualifying good" and "wholly obtained in the territory of" have the meaning given such terms in paragraph 26 of section A of Annex 703.2 of the Agreement.

(p) DEFINITIONS.—For purposes of this section—

(1) CLASS OF MOTOR VEHICLES.—The term "class of motor vehicles" means any one of the following categories of motor vehicles:

(A) Motor vehicles provided for in subheading 8701.20, subheading 8704.10, 8704.22, 8704.23, 8704.32, or 8704.90, or heading 8705 or 8706, or motor vehicles designed for the transport of 16 or more persons provided for in subheading 8702.10.00 or 8702.90.00.

(B) Motor vehicles provided for in subheading 8701.10, or subheadings 8701.30 through 8701.90.

(C) Motor vehicles for the transport of 15 or fewer persons provided for in subheading 8702.10.00 or 8702.90.00, or motor vehicles provided for in subheading 8704.21 or 8704.31.

(D) Motor vehicles provided for in subheadings 8703.21 through 8703.90.

(2) CUSTOMS VALUATION CODE.—The term "Customs Valuation Code" means the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade, including its interpretative notes.

(3) F.O.B.—The term "F.O.B." means free on board, regardless of the mode of transportation, at the point of direct shipment by the seller to the buyer.

(4) FUNGIBLE GOODS AND FUNGIBLE MATERIALS.—The terms "fungible goods" and "fungible materials" mean goods or materials that are interchangeable for commercial purposes and whose properties are essentially identical.

(5) GENERALLY ACCEPTED ACCOUNTING PRINCIPLES.—The term "Generally Accepted Accounting Principles" means the recognized consensus or substantial authoritative support in the territory of a NAFTA country with respect to the recording of revenues, expenses, costs, assets and liabilities, disclosure of information, and preparation of financial statements. These standards may be broad guidelines of general application as well as detailed standards, practices, or procedures.

(6) GOODS WHOLLY OBTAINED OR PRODUCED ENTIRELY IN THE TERRITORY OF ONE OR MORE OF THE NAFTA COUNTRIES.—The term "goods wholly obtained or produced entirely in the territory of one or more of the NAFTA countries" means—

(A) mineral goods extracted in the territory of one or more of the NAFTA countries;

(B) vegetable goods harvested in the territory of one or more of the NAFTA countries;

(C) live animals born and raised in the territory of one or more of the NAFTA countries;

(D) goods obtained from hunting, trapping, or fishing in the territory of one or more of the NAFTA countries;

(E) goods (such as fish, shellfish, and other marine life) taken from the sea by vessels registered or recorded with a NAFTA country and flying its flag;

(F) goods produced on board factory ships from the goods referred to in subparagraph (E), if such factory ships are registered or recorded with that NAFTA country and fly its flag;

(G) goods taken by a NAFTA country or a person of a NAFTA country from the seabed or beneath the seabed outside territorial waters, provided that a NAFTA country has rights to exploit such seabed;

(H) goods taken from outer space, if the goods are obtained by a NAFTA country or a person of a NAFTA country and not processed in a country other than a NAFTA country;

(I) waste and scrap derived from—

(i) production in the territory of one or more of the NAFTA countries; or

(ii) used goods collected in the territory of one or more of the NAFTA countries, if such goods are fit only for the recovery of raw materials; and

(J) goods produced in the territory of one or more of the NAFTA countries exclusively from goods referred to in subparagraphs (A) through (I), or from their derivatives, at any stage of production.

(7) IDENTICAL OR SIMILAR GOODS.—The term "identical or similar goods" means "identical goods" and "similar goods", respectively, as defined in the Customs Valuation Code.

(8) INDIRECT MATERIAL.—

(A) The term "indirect material" means a good—

(i) used in the production, testing, or inspection of a good but not physically incorporated into the good, or

(ii) used in the maintenance of buildings or the operation of equipment associated with the production of a good,

in the territory of one or more of the NAFTA countries.

(B) When used for a purpose described in subparagraph (A), the following materials are among those considered to be indirect materials:

(i) Fuel and energy.

(ii) Tools, dies, and molds.

(iii) Spare parts and materials used in the maintenance of equipment and buildings.

(iv) Lubricants, greases, compounding materials, and other materials used in production or used to operate equipment and buildings.

(v) Gloves, glasses, footwear, clothing, safety equipment, and supplies.

(vi) Equipment, devices, and supplies used for testing or inspecting the goods.

(vii) Catalysts and solvents.

(viii) Any other goods that are not incorporated into the good, if the use of such goods in the production

of the good can reasonably be demonstrated to be a part of that production.

(9) INTERMEDIATE MATERIAL.—The term "intermediate material" means a material that is self-produced, used in the production of a good, and designated pursuant to subsection (b)(10).

(10) MARQUE.—The term "marque" means the trade name used by a separate marketing division of a motor vehicle assembler.

(11) MATERIAL.—The term "material" means a good that is used in the production of another good and includes a part or an ingredient.

(12) MODEL LINE.—The term "model line" means a group of motor vehicles having the same platform or model name.

(13) MOTOR VEHICLE ASSEMBLER.—The term "motor vehicle assembler" means a producer of motor vehicles and any related persons or joint ventures in which the producer participates.

(14) NAFTA COUNTRY.—The term "NAFTA country" means the United States, Canada or Mexico for such time as the Agreement is in force with respect to Canada or Mexico, and the United States applies the Agreement to Canada or Mexico.

(15) NEW BUILDING.—The term "new building" means a new construction, including at least the pouring or construction of new foundation and floor, the erection of a new structure and roof, and installation of new plumbing, electrical, and other utilities to house a complete vehicle assembly process.

(16) NET COST.—The term "net cost" means total cost less sales promotion, marketing and after-sales service costs, royalties, shipping and packing costs, and nonallowable interest costs that are included in the total cost.

(17) NET COST OF A GOOD.—The term "net cost of a good" means the net cost that can be reasonably allocated to a good using one of the methods set out in subsection (b)(8).

(18) NONALLOWABLE INTEREST COSTS.—The term "nonallowable interest costs" means interest costs incurred by a producer as a result of an interest rate that exceeds the applicable federal government interest rate for comparable maturities by more than 700 basis points, determined pursuant to regulations implementing this section.

(19) NONORIGINATING GOOD; NONORIGINATING MATERIAL.—The term "nonoriginating good" or "nonoriginating material" means a good or material that does not qualify as an originating good or material under the rules of origin set out in this section.

(20) ORIGINATING.—The term "originating" means qualifying under the rules of origin set out in this section.

(21) PRODUCER.—The term "producer" means a person who grows, mines, harvests, fishes, traps, hunts, manufactures, processes, or assembles a good.

(22) PRODUCTION.—The term "production" means growing, mining, harvesting, fishing, trapping, hunting, manufacturing, processing, or assembling a good.

(23) REASONABLY ALLOCATE.—The term "reasonably allocate" means to apportion in a manner appropriate to the circumstances.

(24) REFIT.—The term "refit" means a plant closure, for purposes of plant conversion or retooling, that lasts at least 3 months.

(25) RELATED PERSONS.—The term "related persons" means persons specified in any of the following subparagraphs:

(A) Persons who are officers or directors of one another's businesses.

(B) Persons who are legally recognized partners in business.

(C) Persons who are employer and employee.

(D) Persons one of whom owns, controls, or holds 25 percent or more of the outstanding voting stock or shares of the other.

(E) Persons if 25 percent or more of the outstanding voting stock or shares of each of them is directly or indirectly owned, controlled, or held by a third person.

(F) Persons one of whom is directly or indirectly controlled by the other.

(G) Persons who are directly or indirectly controlled by a third person.

(H) Persons who are members of the same family. For purposes of this paragraph, the term "members of the same family" means natural or adoptive children, brothers, sisters, parents, grandparents, or spouses.

(26) ROYALTIES.—The term "royalties" means payments of any kind, including payments under technical assistance or similar agreements, made as consideration for the use or right to use any copyright, literary, artistic, or scientific work, patent, trademark, design, model, plan, secret formula, or process. It does not include payments under technical assistance or similar agreements that can be related to specific services such as—

(A) personnel training, without regard to where performed; and

(B) if performed in the territory of one or more of the NAFTA countries, engineering, tooling, die-setting, software design and similar computer services, or other services.

(27) SALES PROMOTION, MARKETING, AND AFTER-SALES SERVICE COSTS.—The term "sales promotion, marketing, and after-sales service costs" means the costs related to sales promotion, marketing, and after-sales service for the following:

(A) Sales and marketing promotion, media advertising, advertising and market research, promotional and demonstration materials, exhibits, sales conferences, trade shows, conventions, banners, marketing displays, free samples, sales, marketing and after-sales service literature (product brochures, catalogs, technical literature, price lists, service manuals, sales aid information), establishment and protection of logos and trademarks, sponsorships, wholesale and retail restocking charges, and entertainment.

(B) Sales and marketing incentives, consumer, retailer, or wholesaler rebates, and merchandise incentives.

(C) Salaries and wages, sales commissions, bonuses, benefits (such as medical, insurance, and pension), traveling and living expenses, and membership and professional fees for sales promotion, marketing, and after-sales service personnel.

(D) Recruiting and training of sales promotion, marketing, and after-sales service personnel, and after-sales training of customers' employees, where such costs are identified separately for sales promotion, marketing, and after-sales service of goods on the financial statements or cost accounts of the producer.

(E) Product liability insurance.

(F) Office supplies for sales promotion, marketing, and after-sales service of goods, where such costs are identified separately for sales promotion, marketing, and after-sales service of goods on the financial statements or cost accounts of the producer.

(G) Telephone, mail, and other communications, where such costs are identified separately for sales promotion, marketing, and after-sales service of goods on the financial statements or cost accounts of the producer.

(H) Rent and depreciation of sales promotion, marketing, and after-sales service offices and distribution centers.

(I) Property insurance, taxes, utilities, and repair and maintenance of sales promotion, marketing, and after-sales service offices and distribution centers, where such costs are identified separately for sales promotion, marketing, and after-sales service of goods on the financial statements or cost accounts of the producer.

(J) Payments by the producer to other persons for warranty repairs.

(28) SELF-PRODUCED MATERIAL.—The term "self-produced material" means a material that is produced by the producer of a good and used in the production of that good.

(29) SHIPPING AND PACKING COSTS.—The term "shipping and packing costs" means the costs incurred in packing a good for shipment and shipping the good from the point of direct shipment to the buyer, but does not include the costs of preparing and packaging the good for retail sale.

(30) SIZE CATEGORY.—The term "size category" means with respect to a motor vehicle identified in subsection (c)(1)(A)—

(A) 85 cubic feet or less of passenger and luggage interior volume;

(B) more than 85 cubic feet, but less than 100 cubic feet, of passenger and luggage interior volume;

(C) at least 100 cubic feet, but not more than 110 cubic feet, of passenger and luggage interior volume;

(D) more than 110 cubic feet, but less than 120 cubic feet, of passenger and luggage interior volume; and

(E) 120 cubic feet or more of passenger and luggage interior volume.

(31) TERRITORY.—The term "territory" means a territory described in Annex 201.1 of the Agreement.

(32) TOTAL COST.—The term "total cost" means all product costs, period costs, and other costs incurred in the territory of one or more of the NAFTA countries.

(33) TRANSACTION VALUE.—Except as provided in subsection (c)(1) or (c)(2)(A), the term "transaction value" means the price actually paid or payable for a good or material with respect to a transaction of the producer of the good, adjusted in accordance with the principles of paragraphs 1, 3, and 4 of Article 8 of the Customs Valuation Code and determined

without regard to whether the good or material is sold for export.

(34) UNDERBODY.—The term "underbody" means the floor pan of a motor vehicle.

(35) USED.—The term "used" means used or consumed in the production of goods.

(q) PRESIDENTIAL PROCLAMATION AUTHORITY.—

(1) IN GENERAL.—The President is authorized to proclaim, as a part of the HTS—

(A) the provisions set out in Appendix 6.A of Annex 300–B, Annex 401, Annex 403.1, Annex 403.2, and Annex 403.3, of the Agreement, and

(B) any additional subordinate category necessary to carry out this title consistent with the Agreement.

(2) MODIFICATIONS.—Subject to the consultation and layover requirements of section 103, the President may proclaim—

(A) modifications to the provisions proclaimed under the authority of paragraph (1)(A), other than the provisions of paragraph A of Appendix 6 of Annex 300–B and section XI of part B of Annex 401 of the Agreement; and

(B) a modified version of the definition of any term set out in subsection (p) (and such modified version of the definition shall supersede the version in subsection (p)), but only if the modified version reflects solely those modifications to the same term in article 415 of the Agreement that are agreed to by the NAFTA countries before the 1st anniversary of the date of the enactment of this Act.

(3) SPECIAL RULES FOR TEXTILES.—Notwithstanding the provisions of paragraph (2)(A), and subject to the consultation and layover requirements of section 103, the President may proclaim—

(A) modifications to the provisions proclaimed under the authority of paragraph (1)(A) as are necessary to implement an agreement with one or more of the NAFTA countries pursuant to paragraph 2 of section 7 of Annex 300–B of the Agreement, and

(B) before the 1st anniversary of the date of the enactment of this Act, modifications to correct any typographical, clerical, or other nonsubstantive technical error regarding the provisions of Appendix 6.A of Annex 300–B and section XI of part B of Annex 401 of the Agreement.

19 USC 3333.

SEC. 203. DRAWBACK.

(a) DEFINITION OF A GOOD SUBJECT TO NAFTA DRAWBACK.—For purposes of this Act and the amendments made by subsection (b), the term "good subject to NAFTA drawback" means any imported good other than the following:

(1) A good entered under bond for transportation and exportation to a NAFTA country.

(2) A good exported to a NAFTA country in the same condition as when imported into the United States. For purposes of this paragraph—

(A) processes such as testing, cleaning, repacking, or inspecting a good, or preserving it in its same condition, shall not be considered to change the condition of the good, and

(B) except for a good referred to in paragraph 12 of section A of Annex 703.2 of the Agreement that is exported to Mexico, if a good described in the first sentence of this paragraph is commingled with fungible goods and exported in the same condition, the origin of the good may be determined on the basis of the inventory methods provided for in the regulations implementing this title.

(3) A good—

(A) that is—

(i) deemed to be exported from the United States,

(ii) used as a material in the production of another good that is deemed to be exported to a NAFTA country, or

(iii) substituted for by a good of the same kind and quality that is used as a material in the production of another good that is deemed to be exported to a NAFTA country, and

(B) that is delivered—

(i) to a duty-free shop,

(ii) for ship's stores or supplies for ships or aircraft, or

(iii) for use in a project undertaken jointly by the United States and a NAFTA country and destined to become the property of the United States.

(4) A good exported to a NAFTA country for which a refund of customs duties is granted by reason of—

(A) the failure of the good to conform to sample or specification, or

(B) the shipment of the good without the consent of the consignee.

(5) A good that qualifies under the rules of origin set out in section 202 that is—

(A) exported to a NAFTA country,

(B) used as a material in the production of another good that is exported to a NAFTA country, or

(C) substituted for by a good of the same kind and quality that is used as a material in the production of another good that is exported to a NAFTA country.

(6) A good provided for in subheading 1701.11.02 of the HTS that is—

(A) used as a material, or

(B) substituted for by a good of the same kind and quality that is used as a material,

in the production of a good provided for in existing Canadian tariff item 1701.99.00 or existing Mexican tariff item 1701.99.01 or 1701.99.99 (relating to refined sugar).

(7) A citrus product that is exported to Canada.

(8) A good used as a material, or substituted for by a good of the same kind and quality that is used as a material, in the production of—

(A) apparel, or

(B) a good provided for in subheading 6307.90.99 (insofar as it relates to furniture moving pads), 5811.00.20, or 5811.00.30 of the HTS,

that is exported to Canada and that is subject to Canada's most-favored-nation rate of duty upon importation into Canada.

Where in paragraph (6) a good referred to by an item is described in parentheses following the item, the description is provided for purposes of reference only.

(b) CONSEQUENTIAL AMENDMENTS WITH DELAYED EFFECT.—

(1) BONDED MANUFACTURING WAREHOUSES.—The last paragraph of section 311 of the Tariff Act of 1930 (19 U.S.C. 1311) is amended to read as follows:

"No article manufactured in a bonded warehouse from materials that are goods subject to NAFTA drawback, as defined in section 203(a) of the North American Free Trade Agreement Implementation Act, may be withdrawn from warehouse for exportation to a NAFTA country, as defined in section 2(4) of that Act, without assessment of a duty on the materials in their condition and quantity, and at their weight, at the time of importation into the United States. The duty shall be paid before the 61st day after the date of exportation, except that upon the presentation, before such 61st day, of satisfactory evidence of the amount of any customs duties paid to the NAFTA country on the article, the customs duty may be waived or reduced (subject to section 508(b)(2)(B)) in an amount that does not exceed the lesser of—

"(1) the total amount of customs duties paid or owed on the materials on importation into the United States, or

"(2) the total amount of customs duties paid on the article to the NAFTA country.

If Canada ceases to be a NAFTA country and the suspension of the operation of the United States-Canada Free-Trade Agreement thereafter terminates, no article manufactured in a bonded warehouse, except to the extent that such article is made from an article that is a drawback eligible good under section 204(a) of the United States-Canada Free-Trade Agreement Implementation Act of 1988, may be withdrawn from such warehouse for exportation to Canada during the period such Agreement is in operation without payment of a duty on such imported merchandise in its condition, and at the rate of duty in effect, at the time of importation.".

(2) BONDED SMELTING AND REFINING WAREHOUSES.—Section 312 of the Tariff Act of 1930 (19 U.S.C. 1312) is amended—

(A) in paragraphs (1) and (4) of subsection (b), by striking out the parenthetical matter and the final ", or" and by adding at the end the following:

"; except that in the case of a withdrawal for exportation of such a product to a NAFTA country, as defined in section 2(4) of the North American Free Trade Agreement Implementation Act, if any of the imported metal-bearing materials are goods subject to NAFTA drawback, as defined in section 203(a) of that Act, the duties on the materials shall be paid, and the charges against the bond canceled, before the 61st day after the date of exportation; but upon the presentation, before such 61st day, of satisfactory evidence of the amount of any customs duties paid to the NAFTA country on the product, the duties on the materials may be waived or reduced (subject to section 508(b)(2)(B)) in an amount that does not exceed the lesser of—

"(A) the total amount of customs duties owed on the materials on importation into the United States, or

"(B) the total amount of customs duties paid to the NAFTA country on the product, or";

(B) by adding at the end of subsection (b) the following new flush sentence.

"If Canada ceases to be a NAFTA country and the suspension of the operation of the United States-Canada Free-Trade Agreement thereafter terminates, no charges against such bond may be canceled in whole or part upon an exportation to Canada under paragraph (1) or (4) during the period such Agreement is in operation except to the extent that the metal-bearing materials were of Canadian origin as determined in accordance with section 202 of the United States-Canada Free-Trade Agreement Implementation Act of 1988."; and

(C) in subsection (d) by striking out the parenthetical matter and by inserting before the period the following: "; except that in the case of a withdrawal for exportation to a NAFTA country, as defined in section 2(4) of the North American Free Trade Agreement Implementation Act, if any of the imported metal-bearing materials are goods subject to NAFTA drawback, as defined in section 203(a) of that Act, charges against the bond shall be paid before the 61st day after the date of exportation; but upon the presentation, before such 61st day, of satisfactory evidence of the amount of any customs duties paid to the NAFTA country on the product, the bond shall be credited (subject to section 508(b)(2)(B)) in an amount not to exceed the lesser of—

"(1) the total amount of customs duties paid or owed on the materials on importation into the United States, or

"(2) the total amount of customs duties paid to the NAFTA country on the product.

If Canada ceases to be a NAFTA country and the suspension of the operation of the United States-Canada Free-Trade Agreement thereafter terminates, no bond shall be credited under this subsection with respect to an exportation of a product to Canada during the period such Agreement is in operation except to the extent that the product is a drawback eligible good under section 204(a) of the United States-Canada Free-Trade Agreement Implementation Act of 1988".

(3) DRAWBACK.—Subsections (n) and (o) of section 313 of the Tariff Act of 1930 (19 U.S.C. 1313 (n) and (o)) are amended to read as follows:

"(n)(1) For purposes of this subsection and subsection (o)—

"(A) the term 'NAFTA Act' means the North American Free Trade Agreement Implementation Act;

"(B) the terms 'NAFTA country' and 'good subject to NAFTA drawback' have the same respective meanings that are given such terms in sections 2(4) and 203(a) of the NAFTA Act; and

"(C) a refund, waiver, or reduction of duty under paragraph (2) of this subsection or paragraph (1) of subsection (o) is subject to section 508(b)(2)(B).

"(2) For purposes of subsections (a), (b), (f), (h), (p), and (q), if an article that is exported to a NAFTA country is a good subject to NAFTA drawback, no customs duties on the good may be refunded, waived, or reduced in an amount that exceeds the lesser of—

"(A) the total amount of customs duties paid or owed on the good on importation into the United States, or

"(B) the total amount of customs duties paid on the good to the NAFTA country.

"(3) If Canada ceases to be a NAFTA country and the suspension of the operation of the United States-Canada Free-Trade Agreement thereafter terminates, then for purposes of subsections (a), (b), (f), (h), (j)(2), and (q), the shipment to Canada during the period such Agreement is in operation of an article made from or substituted for, as appropriate, a drawback eligible good under section 204(a) of the United States-Canada Free-Trade Implementation Act of 1988 does not constitute an exportation.

"(o)(1) For purposes of subsection (g), if—

"(A) a vessel is built for the account and ownership of a resident of a NAFTA country or the government of a NAFTA country, and

"(B) imported materials that are used in the construction and equipment of the vessel are goods subject to NAFTA drawback,

the amount of customs duties refunded, waived, or reduced on such materials may not exceed the lesser of the total amount of customs duties paid or owed on the materials on importation into the United States or the total amount of customs duties paid on the vessel to the NAFTA country.

"(2) If Canada ceases to be a NAFTA country and the suspension of the operation of the United States-Canada Free-Trade Agreement thereafter terminates, then for purposes of subsection (g), vessels built for Canadian account and ownership, or for the Government of Canada, may not be considered to be built for any foreign account and ownership, or for the government of any foreign country, except to the extent that the materials in such vessels are drawback eligible goods under section 204(a) of the United States-Canada Free-Trade Implementation Act of 1988.".

(4) MANIPULATION IN WAREHOUSE.—Section 562 of the Tariff Act of 1930 (19 U.S.C. 1562) is amended—

(A) in the second sentence by striking out "without payment of duties—" and inserting a dash;

(B) by striking out paragraphs (1), (2), and (3) and inserting the following:

"(1) without payment of duties for exportation to a NAFTA country, as defined in section 2(4) of the North American Free Trade Agreement Implementation Act, if the merchandise is of a kind described in any of paragraphs (1) through (8) of section 203(a) of that Act;

"(2) for exportation to a NAFTA country if the merchandise consists of goods subject to NAFTA drawback, as defined in section 203(a) of that Act, except that—

"(A) the merchandise may not be withdrawn from warehouse without assessment of a duty on the merchandise in its condition and quantity, and at its weight, at the time of withdrawal from the warehouse with such additions to or deductions from the final appraised value as may be necessary by reason of change in condition, and

"(B) duty shall be paid on the merchandise before the 61st day after the date of exportation, but upon the presentation, before such 61st day, of satisfactory evidence of the amount of any customs duties paid to the NAFTA country on the merchandise, the customs duty may be waived or reduced (subject to section 508(b)(2)(B)) in an amount that does not exceed the lesser of—

"(i) the total amount of customs duties paid or owed on the merchandise on importation into the United States, or

"(ii) the total amount of customs duties paid on the merchandise to the NAFTA country;

"(3) without payment of duties for exportation to any foreign country other than to a NAFTA country or to Canada when exports to that country are subject to paragraph (4);

"(4) without payment of duties for exportation to Canada (if that country ceases to be a NAFTA country and the suspension of the operation of the United States-Canada Free-Trade Agreement thereafter terminates), but the exemption from the payment of duties under this paragraph applies only in the case of an exportation during the period such Agreement is in operation of merchandise that—

"(A) is only cleaned, sorted, or repacked in a bonded warehouse, or

"(B) is a drawback eligible good under section 204(a) of the United States-Canada Free-Trade Agreement Implementation Act of 1988; and

"(5) without payment of duties for shipment to the Virgin Islands, American Samoa, Wake Island, Midway Island, Kingman Reef, Johnston Island or the island of Guam."; and

(B) in the third sentence by striking out "paragraph (1) of the preceding sentence" and inserting "paragraph (4) of the preceding sentence".

(5) FOREIGN TRADE ZONES.—Section 3(a) of the Act of June 18, 1934 (commonly known as the "Foreign Trade Zones Act"; 19 U.S.C. 81c(a)) is amended—

(A) in the last proviso—

(i) by inserting after "That" the following: ", if Canada ceases to be a NAFTA country and the suspension of the operation of the United States-Canada Free-Trade Agreement thereafter terminates,"; and

(ii) by striking out "on or after January 1, 1994, or such later date as may be proclaimed by the President under section 204(b)(2)(B) of such Act of 1988," and inserting "during the period such Agreement is in operation"; and

(B) by inserting before such last proviso the following new proviso: *": Provided, further,* That no merchandise that consists of goods subject to NAFTA drawback, as defined in section 203(a) of the North American Free Trade Agreement Implementation Act, that is manufactured or otherwise changed in condition shall be exported to a NAFTA country, as defined in section 2(4) of that Act, without an assessment of a duty on the merchandise in its condition and quantity, and at its weight, at the time of its exportation (or if the privilege in the first proviso to this subsection was requested, an assessment of a duty on the merchandise in its condition and quantity, and at its weight, at the time of its admission into the zone) and the payment of the assessed duty before the 61st day after the date of exportation of the article, except that upon the presentation, before such 61st day, of satisfactory evidence of the amount of any customs duties paid or owed to the NAFTA country on the article, the customs

duty may be waived or reduced (subject to section 508(b)(2)(B) of the Tariff Act of 1930) in an amount that does not exceed the lesser of (1) the total amount of customs duties paid or owed on the merchandise on importation into the United States, or (2) the total amount of customs duties paid on the article to the NAFTA country:".

(c) CONSEQUENTIAL AMENDMENT WITH IMMEDIATE EFFECT.—Section 313(j) of the Tariff Act of 1930 (19 U.S.C. 1313(j)) is amended—

(1) by striking out "If" in paragraph (2) and inserting "Subject to paragraph (4), if"; and

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

"(4) Effective upon the entry into force of the North American Free Trade Agreement, the exportation to a NAFTA country, as defined in section 2(4) of the North American Free Trade Agreement Implementation Act, of merchandise that is fungible with and substituted for imported merchandise, other than merchandise described in paragraphs (1) through (8) of section 203(a) of that Act, shall not constitute an exportation for purposes of paragraph (2).".

(d) ELIMINATION OF DRAWBACK FOR SECTION 22 FEES.—Notwithstanding any other provision of law, the Secretary of the Treasury may not, on condition of export, refund or reduce a fee applied pursuant to section 22 of the Agricultural Adjustment Act (7 U.S.C. 624) with respect to goods included under subsection (a) that are exported to—

(1) Canada after December 31, 1995, for so long as it is a NAFTA country; or

(2) Mexico after December 31, 2000, for so long as it is a NAFTA country.

(e) INAPPLICABILITY TO COUNTERVAILING AND ANTIDUMPING DUTIES.—Nothing in this section or the amendments made by it shall be considered to authorize the refund, waiver, or reduction of countervailing duties or antidumping duties imposed on an imported good.

SEC. 204. CUSTOMS USER FEES.

Paragraph (10) of section 13031(b) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)(10)) is amended to read as follows:

"(10)(A) The fee charged under subsection (a) (9) or (10) with respect to goods of Canadian origin (as determined under section 202 of the United States-Canada Free-Trade Agreement) when the United States-Canada Free-Trade Agreement is in force shall be in accordance with section 403 of that Agreement.

"(B) For goods qualifying under the rules of origin set out in section 202 of the North American Free Trade Agreement Implementation Act, the fee under subsection (a) (9) or (10)—

"(i) may not be charged with respect to goods that qualify to be marked as goods of Canada pursuant to Annex 311 of the North American Free Trade Agreement, for such time as Canada is a NAFTA country, as defined in section 2(4) of such Implementation Act; and

"(ii) may not be increased after December 31, 1993, and may not be charged after June 29, 1999, with respect to goods that qualify to be marked as goods of Mexico pursuant to such Annex 311, for such time as Mexico is a NAFTA country.

Any service for which an exemption from such fee is provided by reason of this paragraph may not be funded with money contained in the Customs User Fee Account.".

SEC. 205. ENFORCEMENT.

(a) RECORDKEEPING REQUIREMENTS.—Section 508 of the Tariff Act of 1930 (19 U.S.C. 1508) is amended as follows:

(1) Subsection (b) is amended to read as follows:

"(b) EXPORTATIONS TO FREE TRADE COUNTRIES.—

"(1) DEFINITIONS.—As used in this subsection—

"(A) The term 'associated records' means, in regard to an exported good under paragraph (2), records associated with—

"(i) the purchase of, cost of, value of, and payment for, the good;

"(ii) the purchase of, cost of, value of, and payment for, all material, including indirect materials, used in the production of the good; and

"(iii) the production of the good.

For purposes of this subparagraph, the terms 'indirect material', 'material', 'preferential tariff treatment', 'used', and 'value' have the respective meanings given them in articles 415 and 514 of the North American Free Trade Agreement.

"(B) The term 'NAFTA Certificate of Origin' means the certification, established under article 501 of the North American Free Trade Agreement, that a good qualifies as an originating good under such Agreement.

"(2) EXPORTS TO NAFTA COUNTRIES.—

"(A) IN GENERAL.—Any person who completes and signs a NAFTA Certificate of Origin for a good for which preferential treatment under the North American Free Trade Agreement is claimed shall make, keep, and render for examination and inspection all records relating to the origin of the good (including the Certificate or copies thereof) and the associated records.

"(B) CLAIMS FOR CERTAIN WAIVERS, REDUCTIONS, OR REFUNDS OF DUTIES OR FOR CREDIT AGAINST BONDS.—

"(i) IN GENERAL.—Any person that claims with respect to an article—

"(I) a waiver or reduction of duty under the last paragraph of section 311, section 312(b) (1) or (4), section 562(2), or the last proviso to section 3(a) of the Foreign Trade Zones Act;

"(II) a credit against a bond under section 312(d); or

"(III) a refund, waiver, or reduction of duty under section 313 (n)(2) or (o)(1);

must disclose to the Customs Service the information described in clause (ii).

"(ii) INFORMATION REQUIRED.—Within 30 days after making a claim described in clause (i) with respect to an article, the person making the claim must disclose to the Customs Service whether that person has prepared, or has knowledge that another person has prepared, a NAFTA Certificate of Origin

for the article. If after such 30-day period the person making the claim either—

"(I) prepares a NAFTA Certificate of Origin for the article; or

"(II) learns of the existence of such a Certificate for the article;

that person, within 30 days after the occurrence described in subclause (I) or (II), must disclose the occurrence to the Customs Service.

"(iii) ACTION ON CLAIM.—If the Customs Service determines that a NAFTA Certificate of Origin has been prepared with respect to an article for which a claim described in clause (i) is made, the Customs Service may make such adjustments regarding the previous customs treatment of the article as may be warranted.

"(3) EXPORTS UNDER THE CANADIAN AGREEMENT.—Any person who exports, or who knowingly causes to be exported, any merchandise to Canada during such time as the United States-Canada Free-Trade Agreement is in force with respect to, and the United States applies that Agreement to, Canada shall make, keep, and render for examination and inspection such records (including certifications of origin or copies thereof) which pertain to the exportations.".

(2) Subsection (c) is amended to read as follows:

"(c) PERIOD OF TIME.—The records required by subsections (a) and (b) shall be kept for such periods of time as the Secretary shall prescribe; except that—

"(1) no period of time for the retention of the records required under subsection (a) or (b)(3) may exceed 5 years from the date of entry or exportation, as appropriate;

"(2) the period of time for the retention of the records required under subsection (b)(2) shall be at least 5 years from the date of signature of the NAFTA Certificate of Origin; and

"(3) records for any drawback claim shall be kept until the 3rd anniversary of the date of payment of the claim.".

(3) Subsection (e) is amended to read as follows:

"(e) SUBSECTION (b) PENALTIES.—

"(1) RELATING TO NAFTA EXPORTS.—Any person who fails to retain records required by paragraph (2) of subsection (b) or the regulations issued to implement that paragraph shall be liable for—

"(A) a civil penalty not to exceed $10,000; or

"(B) the general recordkeeping penalty that applies under the customs laws;

whichever penalty is higher.

"(2) RELATING TO CANADIAN AGREEMENT EXPORTS.—Any person who fails to retain the records required by paragraph (3) of subsection (b) or the regulations issued to implement that paragraph shall be liable for a civil penalty not to exceed $10,000.".

(b) CONFORMING AMENDMENT.—Section 509(a)(2)(A)(ii) of the Tariff Act of 1930 (19 U.S.C. 1509(a)(2)(A)(ii)) is amended to read as follows:

"(ii) exported merchandise, or knowingly caused merchandise to be exported, to a NAFTA country (as defined in section 2(4) of the North American Free

Trade Agreement Implementation Act) or to Canada during such time as the United States-Canada Free-Trade Agreement is in force with respect to, and the United States applies that Agreement to, Canada,".

(c) DISCLOSURE OF INCORRECT INFORMATION.—Section 592 of the Tariff Act of 1930 (19 U.S.C. 1592) is amended—

(1) in subsection (c)—

(A) by redesignating paragraph (5) as paragraph (6); and

(B) by inserting after paragraph (4) the following new paragraph:

"(5) PRIOR DISCLOSURE REGARDING NAFTA CLAIMS.—An importer shall not be subject to penalties under subsection (a) for making an incorrect claim for preferential tariff treatment under section 202 of the North American Free Trade Agreement Implementation Act if the importer—

"(A) has reason to believe that the NAFTA Certificate of Origin (as defined in section 508(b)(1)) on which the claim was based contains incorrect information; and

"(B) in accordance with regulations issued by the Secretary, voluntarily and promptly makes a corrected declaration and pays any duties owing."; and

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

"(f) FALSE CERTIFICATIONS REGARDING EXPORTS TO NAFTA COUNTRIES.—

"(1) IN GENERAL.—Subject to paragraph (3), it is unlawful for any person to certify falsely, by fraud, gross negligence, or negligence, in a NAFTA Certificate of Origin (as defined in section 508(b)(1)) that a good to be exported to a NAFTA country (as defined in section 2(4) of the North American Free Trade Agreement Implementation Act) qualifies under the rules of origin set out in section 202 of that Act. Fraud.

"(2) APPLICABLE PROVISIONS.—The procedures and penalties of this section that apply to a violation of subsection (a) also apply to a violation of paragraph (1), except that—

"(A) subsection (d) does not apply, and

"(B) subsection (c)(5) applies only if the person voluntarily and promptly provides, to all persons to whom the person provided the NAFTA Certificate of Origin, written notice of the falsity of the Certificate.

"(3) EXCEPTION.—A person may not be considered to have violated paragraph (1) if—

"(A) the information was correct at the time it was provided in a NAFTA Certificate of Origin but was later rendered incorrect due to a change in circumstances; and

"(B) the person voluntarily and promptly provides written notice of the change to all persons to whom the person provided the Certificate of Origin.".

SEC. 206. RELIQUIDATION OF ENTRIES FOR NAFTA-ORIGIN GOODS.

Section 520 of the Tariff Act of 1930 (19 U.S.C. 1520) is amended by adding at the end the following new subsection:

"(d) Notwithstanding the fact that a valid protest was not filed, the Customs Service may, in accordance with regulations prescribed by the Secretary, reliquidate an entry to refund any excess duties paid on a good qualifying under the rules of origin set out in section 202 of the North American Free Trade Agreement Regulations.

Implementation Act for which no claim for preferential tariff treatment was made at the time of importation if the importer, within 1 year after the date of importation, files, in accordance with those regulations, a claim that includes—

"(1) a written declaration that the good qualified under those rules at the time of importation;

"(2) copies of all applicable NAFTA Certificates of Origin (as defined in section 508(b)(1)); and

"(3) such other documentation relating to the importation of the goods as the Customs Service may require.".

SEC. 207. COUNTRY OF ORIGIN MARKING OF NAFTA GOODS.

(a) AMENDMENTS TO TARIFF ACT OF 1930.—Section 304 of the Tariff Act of 1930 (19 U.S.C. 1304) is amended—

(1) in subsection (c)(1), by striking "or engraving" and inserting "engraving, or continuous paint stenciling";

(2) in subsection (c)(2)—

(A) by striking "four" and inserting "five"; and

(B) by striking "such as paint stenciling";

(3) in subsection (e), by striking "or engraving" and inserting "engraving, or an equally permanent method of marking";

(4) by redesignating subsection (h) as subsection (i); and

(5) by inserting after subsection (g) the following new subsection:

"(h) TREATMENT OF GOODS OF A NAFTA COUNTRY.—

"(1) APPLICATION OF SECTION.—In applying this section to an article that qualifies as a good of a NAFTA country (as defined in section 2(4) of the North American Free Trade Agreement Implementation Act) under the regulations issued by the Secretary to implement Annex 311 of the North American Free Trade Agreement—

"(A) the exemption under subsection (a)(3)(H) shall be applied by substituting 'reasonably know' for 'necessarily know';

"(B) the Secretary shall exempt the good from the requirements for marking under subsection (a) if the good—

"(i) is an original work of art, or

"(ii) is provided for under subheading 6904.10, heading 8541, or heading 8542 of the Harmonized Tariff Schedule of the United States; and

"(C) subsection (b) does not apply to the usual container of any good described in subsection (a)(3) (E) or (I) or subparagraph (B) (i) or (ii) of this paragraph.

"(2) PETITION RIGHTS OF NAFTA EXPORTERS AND PRODUCERS REGARDING MARKING DETERMINATIONS.—

"(A) DEFINITIONS.—For purposes of this paragraph:

"(i) The term 'adverse marking decision' means a determination by the Customs Service which an exporter or producer of merchandise believes to be contrary to Annex 311 of the North American Free Trade Agreement.

"(ii) A person may not be treated as the exporter or producer of merchandise regarding which an adverse marking decision was made unless such person—

"(I) if claiming to be the exporter, is located in a NAFTA country and is required to maintain

records in that country regarding exportations to NAFTA countries; or

"(II) if claiming to be the producer, grows, mines, harvests, fishes, traps, hunts, manufactures, processes, or assembles such merchandise in a NAFTA country.

"(B) INTERVENTION OR PETITION REGARDING ADVERSE MARKING DECISIONS.—If the Customs Service makes an adverse marking decision regarding any merchandise, the Customs Service shall, upon written request by the exporter or producer of the merchandise, provide to the exporter or producer a statement of the basis for the decision. If the exporter or producer believes that the decision is not correct, it may intervene in any protest proceeding initiated by the importer of the merchandise. If the importer does not file a protest with regard to the decision, the exporter or producer may file a petition with the Customs Service setting forth—

"(i) a description of the merchandise; and

"(ii) the basis for its claim that the merchandise should be marked as a good of a NAFTA country.

"(C) EFFECT OF DETERMINATION REGARDING DECISION.—If, after receipt and consideration of a petition filed by an exporter or producer under subparagraph (B), the Customs Service determines that the adverse marking decision—

"(i) is not correct, the Customs Service shall notify the petitioner of the determination and all merchandise entered, or withdrawn from warehouse for consumption, more than 30 days after the date that notice of the determination under this clause is published in the weekly Custom Bulletin shall be marked in conformity with the determination; or

"(ii) is correct, the Customs Service shall notify the petitioner that the petition is denied.

"(D) JUDICIAL REVIEW.—For purposes of judicial review, the denial of a petition under subparagraph (C)(ii) shall be treated as if it were a denial of a petition of an interested party under section 516 regarding an issue arising under any of the preceding provisions of this section.".

(b) COORDINATION WITH 1988 ACT REGARDING CERTAIN ARTICLES.—Articles that qualify as goods of a NAFTA country under regulations issued by the Secretary in accordance with Annex 311 of the Agreement are exempt from the marking requirements promulgated by the Secretary of the Treasury under section 1907(c) of the Omnibus Trade and Competitiveness Act of 1988 (Public Law 100-418), but are subject to the requirements of section 304 of the Tariff Act of 1930 (19 U.S.C. 1304). 19 USC 1304 note.

SEC. 208. PROTESTS AGAINST ADVERSE ORIGIN DETERMINATIONS.

Section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) is amended—

(1) in subsection (c)(1) by inserting ", or with respect to a determination of origin under section 202 of the North American Free Trade Agreement Implementation Act," after "with respect to any one category of merchandise" in the fourth sentence;

(2) in subsection (c)(2)—

(A) by striking out "or" at the end of subparagraph (D);

(B) by redesignating subparagraph (E) as subparagraph (F);

(C) by inserting after subparagraph (D) the following new subparagraph:

"(E) with respect to a determination of origin under section 202 of the North American Free Trade Agreement Implementation Act, any exporter or producer of the merchandise subject to that determination, if the exporter or producer completed and signed a NAFTA Certificate of Origin covering the merchandise; or"; and

(D) by striking "clauses (A) through (D)" in subparagraph (F) (as redesignated by subparagraph (B)), and inserting "clauses (A) through (E)"; and

(3) by adding at the end the following new subsections:

"(e) ADVANCE NOTICE OF CERTAIN DETERMINATIONS.—Except as provided in subsection (f), an exporter or producer referred to in subsection (c)(2)(E) shall be provided notice in advance of an adverse determination of origin under section 202 of the North American Free Trade Agreement Implementation Act. The Secretary may, by regulations, prescribe the time period in which such advance notice shall be issued and authorize the Customs Service to provide in the notice the entry number and any other entry information considered necessary to allow the exporter or producer to exercise the rights provided by this section.

"(f) DENIAL OF PREFERENTIAL TREATMENT.—If the Customs Service finds indications of a pattern of conduct by an exporter or producer of false or unsupported representations that goods qualify under the rules of origin set out in section 202 of the North American Free Trade Agreement Implementation Act—

"(1) the Customs Service, in accordance with regulations issued by the Secretary, may deny preferential tariff treatment to entries of identical goods exported or produced by that person; and

"(2) the advance notice requirement in subsection (e) shall not apply to that person;

until the person establishes to the satisfaction of the Customs Service that its representations are in conformity with section 202.".

SEC. 209. EXCHANGE OF INFORMATION.

Section 628 of the Tariff Act of 1930 (19 U.S.C. 1628) is amended by adding at the end the following new subsection:

"(c) The Secretary may authorize the Customs Service to exchange information with any government agency of a NAFTA country, as defined in section 2(4) of the North American Free Trade Agreement Implementation Act, if the Secretary—

"(1) reasonably believes the exchange of information is necessary to implement chapter 3, 4, or 5 of the North American Free Trade Agreement, and

"(2) obtains assurances from such country that the information will be held in confidence and used only for governmental purposes.".

SEC. 210. PROHIBITION ON DRAWBACK FOR TELEVISION PICTURE TUBES. 19 USC 3334.

Notwithstanding any other provision of law, no customs duties may be refunded, waived, or reduced on color cathode-ray television picture tubes, including video monitor cathode-ray tubes (provided for in subheading 8540.11.00 of the HTS), that are nonoriginating goods under section 202(p)(19) and are—

(A) exported to a NAFTA country;

(B) used as a material in the production of other goods that are exported to a NAFTA country; or

(C) substituted for by goods of the same kind and quality used as a material in the production of other goods that are exported to a NAFTA country.

SEC. 211. MONITORING OF TELEVISION AND PICTURE TUBE IMPORTS. 19 USC 3335.

(a) MONITORING.—Beginning on the date the Agreement enters into force with respect to the United States, the United States Customs Service shall, for a period of 5 years, monitor imports into the United States of articles described in subheading 8528.10 of the HTS from NAFTA countries and shall take action to exercise all rights of the United States under chapter 5 of the Agreement with respect to such imports. The United States Customs Service shall take appropriate action under chapter 5 of the Agreement with respect to such imports, including verifications to ensure that the rules of origin under the Agreement are fully complied with and that the duty drawback obligations contained in article 303 and Annex 303.8 of the Agreement are fully implemented and duties are correctly assessed.

(b) REPORT TO TRADE REPRESENTATIVE.—The United States Customs Service shall make the results of the monitoring and verification required by subsection (a) available to the President and the Trade Representative. If, based on such information, the President has reason to believe that articles described in subheading 8540.11 of the HTS, intended for ultimate consumption in the United States, are entering the territory of a NAFTA country inconsistent with the provisions of the Agreement, or have been undervalued in a manner that may raise concerns under United States trade laws, the President shall promptly take such action as may be appropriate under all relevant provisions of the Agreement, including article 317 and chapter 20, and under applicable United States trade statutes.

SEC. 212. TITLE VI AMENDMENTS. 19 USC 58c note.

Any amendment in this title to a law that is also amended under title VI shall be made after the title VI amendment is executed.

SEC. 213. EFFECTIVE DATES. 19 USC 3331 note.

(a) PROVISIONS EFFECTIVE ON DATE OF ENACTMENT.—Section 212 and this section take effect on the date of the enactment of this Act.

(b) PROVISIONS EFFECTIVE WHEN AGREEMENT ENTERS INTO FORCE.—Section 201, section 202, section 203 (a), (d), and (e), section 210 and section 211, the amendment made by section 203(c), and the amendments made by sections 204 through 209 take effect on the date the Agreement enters into force with respect to the United States.

(c) PROVISIONS WITH DELAYED EFFECTIVE DATES.—The amendments made by section 203(b) apply—

(1) with respect to exports from the United States to Canada—

(A) on January 1, 1996, if Canada is a NAFTA country on that date, and

(B) after such date for so long as Canada continues to be a NAFTA country; and

(2) with respect to exports from the United States to Mexico—

(A) on January 1, 2001, if Mexico is a NAFTA country on that date; and

(B) after such date for so long as Mexico continues to be a NAFTA country.

TITLE III—APPLICATION OF AGREEMENT TO SECTORS AND SERVICES

Subtitle A—Safeguards

PART 1—RELIEF FROM IMPORTS BENEFITING FROM THE AGREEMENT

19 USC 3351.

SEC. 301. DEFINITIONS.

As used in this part:

(1) CANADIAN ARTICLE.—The term "Canadian article" means an article that—

(A) is an originating good under chapter 4 of the Agreement; and

(B) qualifies under the Agreement to be marked as a good of Canada.

(2) MEXICAN ARTICLE.—The term "Mexican article" means an article that—

(A) is an originating good under chapter 4 of the Agreement; and

(B) qualifies under the Agreement to be marked as a good of Mexico.

19 USC 3352.

SEC. 302. COMMENCING OF ACTION FOR RELIEF.

(a) FILING OF PETITION.—

(1) IN GENERAL.—A petition requesting action under this part for the purpose of adjusting to the obligations of the United States under the Agreement may be filed with the International Trade Commission by an entity, including a trade association, firm, certified or recognized union, or group of workers, that is representative of an industry. The International Trade Commission shall transmit a copy of any petition filed under this subsection to the Trade Representative.

(2) PROVISIONAL RELIEF.—An entity filing a petition under this subsection may request that provisional relief be provided as if the petition had been filed under section 202(a) of the Trade Act of 1974.

(3) CRITICAL CIRCUMSTANCES.—An allegation that critical circumstances exist must be included in the petition or made

on or before the 90th day after the date on which the investigation is initiated under subsection (b).

(b) INVESTIGATION AND DETERMINATION.—Upon the filing of a petition under subsection (a), the International Trade Commission, unless subsection (d) applies, shall promptly initiate an investigation to determine whether, as a result of the reduction or elimination of a duty provided for under the Agreement, a Canadian article or a Mexican article, as the case may be, is being imported into the United States in such increased quantities (in absolute terms) and under such conditions so that imports of the article, alone, constitute a substantial cause of—

(1) serious injury; or

(2) except in the case of a Canadian article, a threat of serious injury;

to the domestic industry producing an article that is like, or directly competitive with, the imported article.

(c) APPLICABLE PROVISIONS.—The provisions of—

(1) paragraphs (1)(B), (3) (except subparagraph (A)), and (4) of subsection (b);

(2) subsection (c); and

(3) subsection (d),

of section 202 of the Trade Act of 1974 (19 U.S.C. 2252) apply with respect to any investigation initiated under subsection (b).

(d) ARTICLES EXEMPT FROM INVESTIGATION.—No investigation may be initiated under this section with respect to—

(1) any Canadian article or Mexican article if import relief has been provided under this part with respect to that article; or

(2) any textile or apparel article set out in Appendix 1.1 of Annex 300–B of the Agreement.

SEC. 303. INTERNATIONAL TRADE COMMISSION ACTION ON PETITION. 19 USC 3353.

(a) DETERMINATION.—By no later than 120 days after the date on which an investigation is initiated under section 302(b) with respect to a petition, the International Trade Commission shall—

(1) make the determination required under that section; and

(2) if the determination referred to in paragraph (1) is affirmative and an allegation regarding critical circumstances was made under section 302(a), make a determination regarding that allegation.

(b) ADDITIONAL FINDING AND RECOMMENDATION IF DETERMINATION AFFIRMATIVE.—If the determination made by the International Trade Commission under subsection (a) with respect to imports of an article is affirmative, the International Trade Commission shall find, and recommend to the President in the report required under subsection (c), the amount of import relief that is necessary to remedy or, except in the case of imports of a Canadian article, prevent the injury found by the International Trade Commission in the determination. The import relief recommended by the International Trade Commission under this subsection shall be limited to that described in section 304(c).

(c) REPORT TO PRESIDENT.—No later than the date that is 30 days after the date on which a determination is made under subsection (a) with respect to an investigation, the International Trade Commission shall submit to the President a report that shall include—

(1) a statement of the basis for the determination;
(2) dissenting and separate views; and
(3) any finding made under subsection (b) regarding import relief.

Federal Register, publication.

(d) PUBLIC NOTICE.—Upon submitting a report to the President under subsection (c), the International Trade Commission shall promptly make public such report (with the exception of information which the International Trade Commission determines to be confidential) and shall cause a summary thereof to be published in the Federal Register.

(e) APPLICABLE PROVISIONS.—For purposes of this part, the provisions of paragraphs (1), (2), and (3) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d)) shall be applied with respect to determinations and findings made under this section as if such determinations and findings were made under section 202 of the Trade Act of 1974 (19 U.S.C. 2252).

19 USC 3354.

SEC. 304. PROVISION OF RELIEF.

President.

(a) IN GENERAL.—No later than the date that is 30 days after the date on which the President receives the report of the International Trade Commission containing an affirmative determination of the International Trade Commission under section 303(a), the President, subject to subsection (b), shall provide relief from imports of the article that is the subject of such determination to the extent that the President determines necessary to remedy or, except in the case of imports of a Canadian article, prevent the injury found by the International Trade Commission.

(b) EXCEPTION.—The President is not required to provide import relief under this section if the President determines that the provision of the import relief will not provide greater economic and social benefits than costs.

(c) NATURE OF RELIEF.—The import relief (including provisional relief) that the President is authorized to provide under this part is as follows:

(1) In the case of imports of a Canadian article—

(A) the suspension of any further reduction provided for under Annex 401.2 of the United States-Canada Free-Trade Agreement in the duty imposed on such article;

(B) an increase in the rate of duty imposed on such article to a level that does not exceed the lesser of—

(i) the column 1 general rate of duty imposed under the HTS on like articles at the time the import relief is provided, or

(ii) the column 1 general rate of duty imposed on like articles on December 31, 1988; or

(C) in the case of a duty applied on a seasonal basis to such article, an increase in the rate of duty imposed on the article to a level that does not exceed the column 1 general rate of duty imposed on the article for the corresponding season occurring immediately before January 1, 1989.

(2) In the case of imports of a Mexican article—

(A) the suspension of any further reduction provided for under the United States Schedule to Annex 302.2 of the Agreement in the duty imposed on such article;

(B) an increase in the rate of duty imposed on such article to a level that does not exceed the lesser of—

(i) the column 1 general rate of duty imposed under the HTS on like articles at the time the import relief is provided, or

(ii) the column 1 general rate of duty imposed under the HTS on like articles on the day before the date on which the Agreement enters into force; or

(C) in the case of a duty applied on a seasonal basis to such article, an increase in the rate of duty imposed on the article to a level that does not exceed the column 1 general rate of duty imposed under the HTS on the article for the corresponding season immediately occurring before the date on which the Agreement enters into force.

(d) PERIOD OF RELIEF.—The import relief that the President is authorized to provide under this section may not exceed 3 years, except that, if a Canadian article or Mexican article which is the subject of the action—

(1) is provided for in an item for which the transition period of tariff elimination set out in the United States Schedule to Annex 302.2 of the Agreement is greater than 10 years; and

(2) the President determines that the affected industry has undertaken adjustment and requires an extension of the period of the import relief;

the President, after obtaining the advice of the International Trade Commission, may extend the period of the import relief for not more than 1 year, if the duty applied during the initial period of the relief is substantially reduced at the beginning of the extension period.

(e) RATE ON MEXICAN ARTICLES AFTER TERMINATION OF IMPORT RELIEF.—When import relief under this part is terminated with respect to a Mexican article—

(1) the rate of duty on that article after such termination and on or before December 31 of the year in which termination occurs shall be the rate that, according to the United States Schedule to Annex 302.2 of the Agreement for the staged elimination of the tariff, would have been in effect 1 year after the initiation of the import relief action under section 302; and

(2) the tariff treatment for that article after December 31 of the year in which termination occurs shall be, at the discretion of the President, either—

(A) the rate of duty conforming to the applicable rate set out in the United States Schedule to Annex 302.2; or

(B) the rate of duty resulting from the elimination of the tariff in equal annual stages ending on the date set out in the United States Schedule to Annex 302.2 for the elimination of the tariff.

SEC. 305. TERMINATION OF RELIEF AUTHORITY. 19 USC 3355.

(a) GENERAL RULE.—Except as provided in subsection (b), no import relief may be provided under this part—

(1) in the case of a Canadian article, after December 31, 1998; or

(2) in the case of a Mexican article, after the date that is 10 years after the date on which the Agreement enters into force;

unless the article against which the action is taken is an item for which the transition period for tariff elimination set out in the United States Schedule to Annex 302.2 of the Agreement is greater than 10 years, in which case the period during which relief may be granted shall be the period of staged tariff elimination for that article.

(b) EXCEPTION.—Import relief may be provided under this part in the case of a Canadian article or Mexican article after the date on which such relief would, but for this subsection, terminate under subsection (a), but only if the Government of Canada or Mexico, as the case may be, consents to such provision.

19 USC 3356.

SEC. 306. COMPENSATION AUTHORITY.

For purposes of section 123 of the Trade Act of 1974 (19 U.S.C. 2133), any import relief provided by the President under section 304 shall be treated as action taken under chapter 1 of title II of such Act.

19 USC 3357.

SEC. 307. SUBMISSION OF PETITIONS.

A petition for import relief may be submitted to the International Trade Commission under—

(1) this part;

(2) chapter 1 of title II of the Trade Act of 1974; or

(3) under both this part and such chapter 1 at the same time, in which case the International Trade Commission shall consider such petitions jointly.

SEC. 308. SPECIAL TARIFF PROVISIONS FOR CANADIAN FRESH FRUITS AND VEGETABLES.

(a) IN GENERAL.—Section 301(a) of the United States-Canada Free-Trade Agreement Implementation Act of 1988 (19 U.S.C. 2112 note) is amended—

(1) in paragraph (1), by striking "promptly" in the flush sentence at the end thereof and inserting "immediately",

(2) by redesignating paragraphs (2) through (9) as paragraphs (3) through (10), respectively,

(3) by inserting after paragraph (1) the following new paragraph:

Federal Register, publication.

"(2) No later than 6 days after publication in the Federal Register of the notice described in paragraph (1), the Secretary shall decide whether to recommend the imposition of a temporary duty to the President, and if the Secretary decides to make such a recommendation, the recommendation shall be forwarded immediately to the President.",

(4) in paragraph (5), as redesignated by paragraph (2), by striking "paragraph (3)" and inserting "paragraph (4)", and

(5) by amending paragraph (9), as redesignated by paragraph (2), to read as follows:

"(9) For purposes of assisting the Secretary in carrying out this subsection—

"(A) the Commissioner of Customs and the Director of the Bureau of Census shall cooperate in providing the Secretary with timely information and data relating to the importation of Canadian fresh fruits and vegetables, and

"(B) importers shall report such information relating to Canadian fresh fruits and vegetables to the Commis-

sioner of Customs at such time and in such manner as the Commissioner requires.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on the date of the enactment of this Act. 19 USC 2112 note.

SEC. 309. PRICE-BASED SNAPBACK FOR FROZEN CONCENTRATED ORANGE JUICE. 19 USC 3358.

(a) TRIGGER PRICE DETERMINATION.—

(1) IN GENERAL.—The Secretary shall determine—

(A) each period of 5 consecutive business days in which the daily price for frozen concentrated orange juice is less than the trigger price; and

(B) for each period determined under subparagraph (A), the first period occurring thereafter of 5 consecutive business days in which the daily price for frozen concentrated orange juice is greater than the trigger price.

(2) NOTICE OF DETERMINATIONS.—The Secretary shall immediately notify the Commissioner of Customs and publish notice in the Federal Register of any determination under paragraph (1), and the date of such publication shall be the determination date for that determination. Federal Register, publication.

(b) IMPORTS OF MEXICAN ARTICLES.—Whenever after any determination date for a determination under subsection (a)(1)(A), the quantity of Mexican articles of frozen concentrated orange juice that is entered exceeds—

(1) 264,978,000 liters (single strength equivalent) in any of calendar years 1994 through 2002; or

(2) 340,560,000 liters (single strength equivalent) in any of calendar years 2003 through 2007;

the rate of duty on Mexican articles of frozen concentrated orange juice that are entered after the date on which the applicable limitation in paragraph (1) or (2) is reached and before the determination date for the related determination under subsection (a)(1)(B) shall be the rate of duty specified in subsection (c).

(c) RATE OF DUTY.—The rate of duty specified for purposes of subsection (b) for articles entered on any day is the rate in the HTS that is the lower of—

(1) the column 1–General rate of duty in effect for such articles on July 1, 1991; or

(2) the column 1–General rate of duty in effect on that day.

(d) DEFINITIONS.—For purposes of this section—

(1) The term "daily price" means the daily closing price of the New York Cotton Exchange, or any successor as determined by the Secretary, for the closest month in which contracts for frozen concentrated orange juice are being traded on the Exchange.

(2) The term "business day" means a day in which contracts for frozen concentrated orange juice are being traded on the New York Cotton Exchange, or any successor as determined by the Secretary.

(3) The term "entered" means entered or withdrawn from warehouse for consumption, in the customs territory of the United States.

(4) The term "frozen concentrated orange juice" means all products classifiable under subheading 2009.11.00 of the HTS.

(5) The term "Secretary" means the Secretary of Agriculture.

(6) The term "trigger price" means the average daily closing price of the New York Cotton Exchange, or any successor as determined by the Secretary, for the corresponding month during the previous 5-year period, excluding the year with the highest average price for the corresponding month and the year with the lowest average price for the corresponding month.

PART 2—RELIEF FROM IMPORTS FROM ALL COUNTRIES

19 USC 3371.

SEC. 311. NAFTA ARTICLE IMPACT IN IMPORT RELIEF CASES UNDER THE TRADE ACT OF 1974.

(a) IN GENERAL.—If, in any investigation initiated under chapter 1 of title II of the Trade Act of 1974, the International Trade Commission makes an affirmative determination (or a determination which the President may treat as an affirmative determination under such chapter by reason of section 330(d) of the Tariff Act of 1930), the International Trade Commission shall also find (and report to the President at the time such injury determination is submitted to the President) whether—

(1) imports of the article from a NAFTA country, considered individually, account for a substantial share of total imports; and

(2) imports of the article from a NAFTA country, considered individually or, in exceptional circumstances, imports from NAFTA countries considered collectively, contribute importantly to the serious injury, or threat thereof, caused by imports.

(b) FACTORS.—

(1) SUBSTANTIAL IMPORT SHARE.—In determining whether imports from a NAFTA country, considered individually, account for a substantial share of total imports, such imports normally shall not be considered to account for a substantial share of total imports if that country is not among the top 5 suppliers of the article subject to the investigation, measured in terms of import share during the most recent 3-year period.

(2) APPLICATION OF "CONTRIBUTE IMPORTANTLY" STANDARD.—In determining whether imports from a NAFTA country or countries contribute importantly to the serious injury, or threat thereof, the International Trade Commission shall consider such factors as the change in the import share of the NAFTA country or countries, and the level and change in the level of imports of such country or countries. In applying the preceding sentence, imports from a NAFTA country or countries normally shall not be considered to contribute importantly to serious injury, or the threat thereof, if the growth rate of imports from such country or countries during the period in which an injurious increase in imports occurred is appreciably lower than the growth rate of total imports from all sources over the same period.

(c) DEFINITION.—For purposes of this section and section 312(a), the term "contribute importantly" refers to an important cause, but not necessarily the most important cause.

SEC. 312. PRESIDENTIAL ACTION REGARDING NAFTA IMPORTS. 19 USC 3372.

(a) IN GENERAL.—In determining whether to take action under chapter 1 of title II of the Trade Act of 1974 with respect to imports from a NAFTA country, the President shall determine whether—

(1) imports from such country, considered individually, account for a substantial share of total imports; or

(2) imports from a NAFTA country, considered individually, or in exceptional circumstances imports from NAFTA countries considered collectively, contribute importantly to the serious injury, or threat thereof, found by the International Trade Commission.

(b) EXCLUSION OF NAFTA IMPORTS.—In determining the nature and extent of action to be taken under chapter 1 of title II of the Trade Act of 1974, the President shall exclude from such action imports from a NAFTA country if the President makes a negative determination under subsection (a) (1) or (2) with respect to imports from such country.

(c) ACTION AFTER EXCLUSION OF NAFTA COUNTRY IMPORTS.—

(1) IN GENERAL.—If the President, under subsection (b), excludes imports from a NAFTA country or countries from action under chapter 1 of title II of the Trade Act of 1974 but thereafter determines that a surge in imports from that country or countries is undermining the effectiveness of the action—

(A) the President may take appropriate action under such chapter 1 to include those imports in the action; and

(B) any entity that is representative of an industry for which such action is being taken may request the International Trade Commission to conduct an investigation of the surge in such imports.

(2) INVESTIGATION.—Upon receiving a request under paragraph (1)(B), the International Trade Commission shall conduct an investigation to determine whether a surge in such imports undermines the effectiveness of the action. The International Trade Commission shall submit the findings of its investigation to the President no later than 30 days after the request is received by the International Trade Commission.

(3) DEFINITION.—For purposes of this subsection, the term "surge" means a significant increase in imports over the trend for a recent representative base period.

(d) CONDITION APPLICABLE TO QUANTITATIVE RESTRICTIONS.—Any action taken under this section proclaiming a quantitative restriction shall permit the importation of a quantity or value of the article which is not less than the quantity or value of such article imported into the United States during the most recent period that is representative of imports of such article, with allowance for reasonable growth.

PART 3—GENERAL PROVISIONS

SEC. 315. PROVISIONAL RELIEF.

Section 202(d) of the Trade Act of 1974 (19 U.S.C. 2252(d)) is amended—

(1) in paragraph (1)(A) by inserting "or citrus product" after "agricultural product" each place it appears;

(2) in the text of paragraph (1)(C) that appears before subclauses (I) and (II)—

(A) by inserting "or citrus product" after "agricultural product" each place it appears, and

(B) by inserting "or citrus product" after "perishable product";

(3) by redesignating subparagraphs (A) and (B) of paragraph (5) as subparagraphs (B) and (C); and

(4) by inserting a new subparagraph (A) in paragraph (5) to read as follows:

"(A) The term 'citrus product' means any processed oranges or grapefruit, or any orange or grapefruit juice, including concentrate.".

19 USC 3381.

SEC. 316. MONITORING.

For purposes of expediting an investigation concerning provisional relief under this subtitle or section 202 of the Trade Act of 1974 regarding—

(1) fresh or chilled tomatoes provided for in subheading 0702.00.00 of the HTS; and

(2) fresh or chilled peppers, other than chili peppers provided for in subheading 0709.60.00 of the HTS;

Termination date.

the International Trade Commission, until January 1, 2009, shall monitor imports of such goods as if proper requests for such monitoring had been made under subsection 202(d)(1)(C)(i) of such section 202. At the request of the International Trade Commission, the Secretary of Agriculture and the Commissioner of Customs shall provide to the International Trade Commission information relevant to the monitoring carried out under this section.

19 USC 3382.

SEC. 317. PROCEDURES CONCERNING THE CONDUCT OF INTERNATIONAL TRADE COMMISSION INVESTIGATIONS.

(a) PROCEDURES AND RULES.—The International Trade Commission shall adopt such procedures and rules and regulations as are necessary to bring its procedures into conformity with chapter 8 of the Agreement.

(b) CONFORMING AMENDMENT.—Section 202(a) of the Trade Act of 1974 is amended by adding at the end thereof the following:

19 USC 2252.

"(8) The procedures concerning the release of confidential business information set forth in section 332(g) of the Tariff Act of 1930 shall apply with respect to information received by the Commission in the course of investigations conducted under this chapter and part 1 of title III of the North American Free Trade Agreement Implementation Act.".

19 USC 3351 note.

SEC. 318. EFFECTIVE DATE.

Except as provided in section 308(b), the provisions of this subtitle take effect on the date the Agreement enters into force with respect to the United States.

Subtitle B—Agriculture

19 USC 3391.

SEC. 321. AGRICULTURE.

(a) MEAT IMPORT ACT OF 1979.—The Meat Import Act of 1979 (19 U.S.C. 2253 note) is amended—

(1) in subsection (b)—

(A) by striking the last sentence in paragraph (2),

(B) by redesignating paragraph (3) as paragraph (4) and inserting after paragraph (2) the following new paragraph:

"(3) The term 'meat articles' does not include any article described in paragraph (2) that—

"(A) originates in a NAFTA country (as determined in accordance with section 202 of the NAFTA Act), or

"(B) originates in Canada (as determined in accordance with section 202 of the United States-Canada Free-Trade Agreement Implementation Act of 1988) during such time as the United States-Canada Free-Trade Agreement is in force with respect to, and the United States applies such Agreement to, Canada."; and

(C) by inserting after paragraph (4) (as redesignated by subparagraph (B) of this paragraph) the following new paragraphs:

"(5) The term 'NAFTA Act' means the North American Free Trade Agreement Implementation Act.

"(6) The term 'NAFTA country' has the meaning given such term in section 2(4) of the NAFTA Act.";

(2) in subsection (f)(1), by striking the end period and inserting ", except that the President may exclude any such article originating in a NAFTA country (as determined in accordance with section 202 of the NAFTA Act) or, if paragraph (3)(B) applies, any such article originating in Canada as determined in accordance with such paragraph (3)(B)."; and

(3) in subsection (i), by inserting "and Mexico" after "Canada" each place it appears.

(b) SECTION 22 OF THE AGRICULTURAL ADJUSTMENT ACT.—

(1) IN GENERAL.—The President may, pursuant to article 309 and Annex 703.2 of the Agreement, exempt from any quantitative limitation or fee imposed pursuant to section 22 of the Agricultural Adjustment Act (7 U.S.C. 624), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, any article which originates in Mexico, if Mexico is a NAFTA country.

(2) QUALIFICATION OF ARTICLES.—The determination of whether an article originates in Mexico shall be made in accordance with section 202, except that operations performed in, or materials obtained from, any country other than the United States or Mexico shall be treated as if performed in or obtained from a country other than a NAFTA country.

(c) TARIFF RATE QUOTAS.—In implementing the tariff rate quotas set out in the United States Schedule to Annex 302.2 of the Agreement, the President shall take such action as may be necessary to ensure that imports of agricultural goods do not disrupt the orderly marketing of commodities in the United States.

(d) PEANUTS.—

(1) EFFECT OF THE AGREEMENT.—

(A) IN GENERAL.—Nothing in the Agreement or this Act reduces or eliminates—

(i) any penalty required under section 358e(d) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359a(d)); or

(ii) any requirement under Marketing Agreement No. 146, Regulating the Quality of Domestically Produced Peanuts, on peanuts in the domestic market,

pursuant to section 108B(f) of the Agricultural Act of 1949 (7 U.S.C. 1445c-3(f)).

(B) REENTRY OF EXPORTED PEANUTS.—Paragraph (6) of section 358e(d) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359a(d)(6)) is amended to read as follows:

"(6) REENTRY OF EXPORTED PEANUTS.—

"(A) PENALTY.—If any additional peanuts exported by a handler are reentered into the United States in commercial quantities as determined by the Secretary, the importer of the peanuts shall be subject to a penalty at a rate equal to 140 percent of the loan level for quota peanuts on the quantity of peanuts reentered.

"(B) RECORDS.—Each person, firm, or handler who imports peanuts into the United States shall maintain such records and documents as are required by the Secretary to ensure compliance with this subsection.".

(2) CONSULTATIONS ON IMPORTS.—It is the sense of Congress that the United States should request consultations in the Working Group on Emergency Action, established in the Understanding Between the Parties to the North American Free Trade Agreement Concerning Chapter Eight—Emergency Action, if imports of peanuts exceed the in-quota quantity under a tariff rate quota set out in the United States Schedule to Annex 302.2 of the Agreement concerning whether—

(A) the increased imports of peanuts constitute a substantial cause of, or contribute importantly to, serious injury, or threat of serious injury, to the domestic peanut industry; and

(B) recourse under Chapter Eight of the Agreement or Article XIX of the General Agreement on Tariffs and Trade is appropriate.

(e) FRESH FRUITS, VEGETABLES, AND CUT FLOWERS.—

(1) IN GENERAL.—The Secretary of Agriculture shall collect and compile the information specified under paragraph (3), if reasonably available, from appropriate Federal departments and agencies and the relevant counterpart ministries of the Government of Mexico.

(2) DESIGNATION OF AN OFFICE.—The Secretary of Agriculture shall designate an office within the United States Department of Agriculture to be responsible for maintaining and disseminating, in a timely manner, the data accumulated for verifying citrus, fruit, vegetable, and cut flower trade between the United States and Mexico. The information shall be made available to the public and the NAFTA Agriculture Committee Working Groups.

Public information.

(3) INFORMATION COLLECTED.—The information to be collected, if reasonably available, includes—

(A) monthly fresh fruit, fresh vegetable, fresh citrus, and processed citrus product import and export data;

(B) monthly citrus juice production and export data;

(C) data on inspections of shipments of citrus, vegetables, and cut flowers entering the United States from Mexico; and

(D) in the case of fruits, vegetables, and cut flowers entering the United States from Mexico, data regarding—

(i) planted and harvested acreage; and

(ii) wholesale prices, quality, and grades.

(f) END-USE CERTIFICATES.—

(1) IN GENERAL.—The Secretary of Agriculture (referred to in this subsection as the "Secretary") shall implement, in coordination with the Commissioner of Customs, a program requiring that end-use certificates be included in the documentation covering the entry into, or the withdrawal from a warehouse for consumption in, the customs territory of the United States—

(A) of any wheat that is a product of any foreign country or instrumentality that requires, as of the effective date of this subsection, end-use certificates for imports of wheat that is a product of the United States (referred to in this subsection as "United States-produced wheat"); and

(B) of any barley that is a product of any foreign country or instrumentality that requires, as of the effective date of this subsection, end-use certificates for imports of barley that is a product of the United States (referred to in this subsection as "United States-produced barley").

(2) REGULATIONS.—The Secretary shall prescribe by regulation such requirements regarding the information to be included in end-use certificates as may be necessary and appropriate to carry out this subsection.

(3) PRODUCER PROTECTION DETERMINATION.—At any time after the effective date of the requirements established under paragraph (1), the Secretary may, subject to paragraph (5), suspend the requirements when making a determination, after consultation with domestic producers, that the program implemented under this subsection has directly resulted in—

(A) the reduction of income to the United States producers of agricultural commodities; or

(B) the reduction of the competitiveness of United States agricultural commodities in the world export markets.

(4) SUSPENSION OF REQUIREMENTS.—

(A) WHEAT.—If a foreign country or instrumentality that requires end-use certificates for imports of United States-produced wheat as of the effective date of the requirement under paragraph (1)(A) eliminates the requirement, the Secretary shall suspend the requirement under paragraph (1)(A) beginning 30 calendar days after suspension by the foreign country or instrumentality.

(B) BARLEY.—If a foreign country or instrumentality that requires end-use certificates for imports of United States-produced barley as of the effective date of the requirement under paragraph (1)(B) eliminates the requirement, the Secretary shall suspend the requirement under paragraph (1)(B) beginning 30 calendar days after suspension by the foreign country or instrumentality.

(5) REPORT TO CONGRESS.—The Secretary shall not suspend the requirements established under paragraph (1) under circumstances identified in paragraph (3) before the Secretary submits a report to Congress detailing the determination made under paragraph (3) and the reasons for making the determination.

(6) COMPLIANCE.—It shall be a violation of section 1001 of title 18, United States Code, for a person to engage in

fraud or knowingly violate this subsection or a regulation implementing this subsection.

(7) EFFECTIVE DATE.—This subsection shall become effective on the date that is 120 days after the date of enactment of this Act.

(g) AGRICULTURAL FELLOWSHIP PROGRAM.—Section 1542(d) of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101–624; 7 U.S.C. 5622 note) is amended by adding at the end the following new paragraph:

"(3) AGRICULTURAL FELLOWSHIPS FOR NAFTA COUNTRIES.—

"(A) IN GENERAL.—The Secretary shall grant fellowships to individuals from countries that are parties to the North American Free Trade Agreement (referred to in this paragraph as 'NAFTA') to study agriculture in the United States, and to individuals in the United States to study agriculture in other NAFTA countries.

"(B) PURPOSE.—The purpose of fellowships granted under this paragraph is—

"(i) to allow the recipients to expand their knowledge and understanding of agricultural systems and practices in other NAFTA countries;

"(ii) to facilitate the improvement of agricultural systems in NAFTA countries; and

"(iii) to establish and expand agricultural trade linkages between the United States and other NAFTA countries.

"(C) ELIGIBLE RECIPIENTS.—The Secretary may provide fellowships under this paragraph to agricultural producers and consultants, government officials, and other individuals from the private and public sectors.

"(D) ACCEPTANCE OF GIFTS.—The Secretary may accept money, funds, property, and services of every kind by gift, devise, bequest, grant, or otherwise, and may in any manner, dispose of all of the holdings and use the receipts generated from the disposition to carry out this paragraph. Receipts under this paragraph shall remain available until expended.

"(E) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated such sums as are necessary to carry out this paragraph.".

(h) ASSISTANCE FOR AFFECTED FARMWORKERS.—

(1) IN GENERAL.—Subject to paragraph (3), if at any time the Secretary of Agriculture determines that the implementation of the Agreement has caused low-income migrant or seasonal farmworkers to lose income, the Secretary may make available grants, not to exceed $20,000,000 for any fiscal year, to public agencies or private organizations with tax-exempt status under section 501(c)(3) of the Internal Revenue Code of 1986, that have experience in providing emergency services to low-income migrant or seasonal farmworkers. Emergency services to be provided with assistance received under this subsection may include such types of assistance as the Secretary determines to be necessary and appropriate.

(2) DEFINITION.—As used in this subsection, the term "low-income migrant or seasonal farmworker" shall have the same meaning as provided in section 2281(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 (42 U.S.C. 5177a(b)).

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $20,000,000 for each fiscal year to carry out this subsection.

(i) BIENNIAL REPORT ON EFFECTS OF THE AGREEMENT ON AMERICAN AGRICULTURE.—

(1) IN GENERAL.—The Secretary of Agriculture shall prepare a biennial report on the effects of the Agreement on United States producers of agricultural commodities and on rural communities located in the United States.

(2) CONTENTS OF REPORT.—The report required under this subsection shall include—

(A) an assessment of the effects of implementing the Agreement on the various agricultural commodities affected by the Agreement, on a commodity-by-commodity basis;

(B) an assessment of the effects of implementing the Agreement on investments made in United States agriculture and on rural communities located in the United States;

(C) an assessment of the effects of implementing the Agreement on employment in United States agriculture, including any gains or losses of jobs in businesses directly or indirectly related to United States agriculture; and

(D) such other information and data as the Secretary determines appropriate.

(3) SUBMISSION OF REPORT.—The Secretary shall furnish the report required under this subsection to the Committee on Agriculture, Nutrition, and Forestry of the Senate and to the Committee on Agriculture of the House of Representatives. The report shall be due every 2 years and shall be submitted by March 1 of the year in which the report is due. The first report shall be due by March 1, 1997, and the final report shall be due by March 1, 2011.

Subtitle C—Intellectual Property

SEC. 331. TREATMENT OF INVENTIVE ACTIVITY.

Section 104 of title 35, United States Code, is amended to read as follows:

"§ 104. Invention made abroad

"(a) IN GENERAL.—In proceedings in the Patent and Trademark Office, in the courts, and before any other competent authority, an applicant for a patent, or a patentee, may not establish a date of invention by reference to knowledge or use thereof, or other activity with respect thereto, in a foreign country other than a NAFTA country, except as provided in sections 119 and 365 of this title. Where an invention was made by a person, civil or military, while domiciled in the United States or a NAFTA country and serving in any other country in connection with operations by or on behalf of the United States or a NAFTA country, the person shall be entitled to the same rights of priority in the United States with respect to such invention as if such invention had been made in the United States or a NAFTA country. To the extent that any information in a NAFTA country concerning knowledge, use, or other activity relevant to proving or disproving a date of invention has not been made available for use in a

proceeding in the Office, a court, or any other competent authority to the same extent as such information could be made available in the United States, the Commissioner, court, or such other authority shall draw appropriate inferences, or take other action permitted by statute, rule, or regulation, in favor of the party that requested the information in the proceeding.

"(b) DEFINITION.—As used in this section, the term 'NAFTA country' has the meaning given that term in section 2(4) of the North American Free Trade Agreement Implementation Act.".

SEC. 332. RENTAL RIGHTS IN SOUND RECORDINGS.

Section 4 of the Record Rental Amendment of 1984 (17 U.S.C. 109 note) is amended by striking out subsection (c).

SEC. 333. NONREGISTRABILITY OF MISLEADING GEOGRAPHIC INDICATIONS.

(a) MARKS NOT REGISTRABLE ON THE PRINCIPAL REGISTER.—Section 2 of the Act entitled "An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes", approved July 5, 1946, commonly referred to as the Trademark Act of 1946 (15 U.S.C. 1052(e)), is amended—

(1) by amending subsection (e) to read as follows:

"(e) Consists of a mark which (1) when used on or in connection with the goods of the applicant is merely descriptive or deceptively misdescriptive of them, (2) when used on or in connection with the goods of the applicant is primarily geographically descriptive of them, except as indications of regional origin may be registrable under section 4, (3) when used on or in connection with the goods of the applicant is primarily geographically deceptively misdescriptive of them, or (4) is primarily merely a surname."; and

(2) in subsection (f)—

(A) by striking out "and (d)" and inserting "(d), and (e)(3)"; and

(B) by adding at the end the following new sentence: "Nothing in this section shall prevent the registration of a mark which, when used on or in connection with the goods of the applicant, is primarily geographically deceptively misdescriptive of them, and which became distinctive of the applicant's goods in commerce before the date of the enactment of the North American Free Trade Agreement Implementation Act.".

(b) SUPPLEMENTAL REGISTER.—Section 23(a) of the Trademark Act of 1946 (15 U.S.C. 1091(a)) is amended—

(1) by striking out "and (d)" and inserting "(d), and (e)(3)"; and

(2) by adding at the end the following new sentence: "Nothing in this section shall prevent the registration on the supplemental register of a mark, capable of distinguishing the applicant's goods or services and not registrable on the principal register under this Act, that is declared to be unregistrable under section 2(e)(3), if such mark has been in lawful use in commerce by the owner thereof, on or in connection with any goods or services, since before the date of the enactment of the North American Free Trade Agreement Implementation Act.".

SEC. 334. MOTION PICTURES IN THE PUBLIC DOMAIN.

(a) IN GENERAL.—Chapter 1 of title 17, United States Code, is amended by inserting after section 104 the following new section:

"§ 104A. Copyright in certain motion pictures

"(a) RESTORATION OF COPYRIGHT.—Subject to subsections (b) and (c)—

"(1) any motion picture that is first fixed or published in the territory of a NAFTA country as defined in section 2(4) of the North American Free Trade Agreement Implementation Act to which Annex 1705.7 of the North American Free Trade Agreement applies, and

"(2) any work included in such motion picture that is first fixed in or published with such motion picture,

that entered the public domain in the United States because it was first published on or after January 1, 1978, and before March 1, 1989, without the notice required by section 401, 402, or 403 of this title, the absence of which has not been excused by the operation of section 405 of this title, as such sections were in effect during that period, shall have copyright protection under this title for the remainder of the term of copyright protection to which it would have been entitled in the United States had it been published with such notice.

"(b) EFFECTIVE DATE OF PROTECTION.—The protection provided under subsection (a) shall become effective, with respect to any motion picture or work included in such motion picture meeting the criteria of that subsection, 1 year after the date on which the North American Free Trade Agreement enters into force with respect to, and the United States applies the Agreement to, the country in whose territory the motion picture was first fixed or published if, before the end of that 1-year period, the copyright owner in the motion picture or work files with the Copyright Office a statement of intent to have copyright protection restored under subsection (a). The Copyright Office shall publish in the Federal Register promptly after that effective date a list of motion pictures, and works included in such motion pictures, for which protection is provided under subsection (a).

Federal Register, publication.

"(c) USE OF PREVIOUSLY OWNED COPIES.—A national or domiciliary of the United States who, before the date of the enactment of the North American Free Trade Agreement Implementation Act, made or acquired copies of a motion picture, or other work included in such motion picture, that is subject to protection under subsection (a), may sell or distribute such copies or continue to perform publicly such motion picture and other work without liability for such sale, distribution, or performance, for a period of 1 year after the date on which the list of motion pictures, and works included in such motion pictures, that are subject to protection under subsection (a) is published in the Federal Register under subsection (b).".

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 1 of title 17, United States Code, is amended by inserting after the item relating to section 104 the following new item:

"104A. Copyright in certain motion pictures.".

15 USC 1052 note.

SEC. 335. EFFECTIVE DATES.

(a) IN GENERAL.—Subject to subsections (b) and (c), the amendments made by this subtitle take effect on the date the Agreement enters into force with respect to the United States.

(b) SECTION 331.—The amendments made by section 331 shall apply to all patent applications that are filed on or after the date of the enactment of this Act: *Provided*, That an applicant for a patent, or a patentee, may not establish a date of invention by reference to knowledge or use thereof, or other activity with respect thereto, in a NAFTA country, except as provided in sections 119 and 365 of title 35, United States Code, that is earlier than the date of the enactment of this Act.

(c) SECTION 333.—The amendments made by section 333 shall apply only to trademark applications filed on or after the date of the enactment of this Act.

Subtitle D—Temporary Entry of Business Persons

Aliens. 19 USC 3401.

SEC. 341. TEMPORARY ENTRY.

(a) NONIMMIGRANT TRADERS AND INVESTORS.—Upon a basis of reciprocity secured by the Agreement, an alien who is a citizen of Canada or Mexico, and the spouse and children of any such alien if accompanying or following to join such alien, may, if otherwise eligible for a visa and if otherwise admissible into the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), be considered to be classifiable as a nonimmigrant under section 101(a)(15)(E) of such Act (8 U.S.C. 1101(a)(15)(E)) if entering solely for a purpose specified in Section B of Annex 1603 of the Agreement, but only if any such purpose shall have been specified in such Annex on the date of entry into force of the Agreement. For purposes of this section, the term "citizen of Mexico" means "citizen" as defined in Annex 1608 of the Agreement.

(b) NONIMMIGRANT PROFESSIONALS AND ANNUAL NUMERICAL LIMIT.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by redesignating subsection (e) as paragraph (1) of subsection (e) and adding after such paragraph (1), as redesignated, the following new paragraphs:

Regulations.

"(2) An alien who is a citizen of Canada or Mexico, and the spouse and children of any such alien if accompanying or following to join such alien, who seeks to enter the United States under and pursuant to the provisions of Section D of Annex 1603 of the North American Free Trade Agreement (in this subsection referred to as 'NAFTA') to engage in business activities at a professional level as provided for in such Annex, may be admitted for such purpose under regulations of the Attorney General promulgated after consultation with the Secretaries of State and Labor. For purposes of this Act, including the issuance of entry documents and the application of subsection (b), such alien shall be treated as if seeking classification, or classifiable, as a nonimmigrant under section 101(a)(15). The admission of an alien who is a citizen of Mexico shall be subject to paragraphs (3), (4), and (5). For purposes of this paragraph and paragraphs (3), (4), and (5), the term 'citizen of Mexico' means 'citizen' as defined in Annex 1608 of NAFTA.

"(3) The Attorney General shall establish an annual numerical limit on admissions under paragraph (2) of aliens who are citizens of Mexico, as set forth in Appendix 1603.D.4 of Annex 1603 of the NAFTA. Subject to paragraph (4), the annual numerical limit—

"(A) beginning with the second year that NAFTA is in force, may be increased in accordance with the provisions of paragraph 5(a) of Section D of such Annex, and

"(B) shall cease to apply as provided for in paragraph 3 of such Appendix.

"(4) The annual numerical limit referred to in paragraph (3) may be increased or shall cease to apply (other than by operation of paragraph 3 of such Appendix) only if—

"(A) the President has obtained advice regarding the proposed action from the appropriate advisory committees established under section 135 of the Trade Act of 1974 (19 U.S.C. 2155);

"(B) the President has submitted a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that sets forth— Reports.

"(i) the action proposed to be taken and the reasons therefor, and

"(ii) the advice obtained under subparagraph (A);

"(C) a period of at least 60 calendar days that begins on the first day on which the President has met the requirements of subparagraphs (A) and (B) with respect to such action has expired; and

"(D) the President has consulted with such committees regarding the proposed action during the period referred to in subparagraph (C).

"(5) During the period that the provisions of Appendix 1603.D.4 of Annex 1603 of the NAFTA apply, the entry of an alien who is a citizen of Mexico under and pursuant to the provisions of Section D of Annex 1603 of NAFTA shall be subject to the attestation requirement of section 212(m), in the case of a registered nurse, or the application requirement of section 212(n), in the case of all other professions set out in Appendix 1603.D.1 of Annex 1603 of NAFTA, and the petition requirement of subsection (c), to the extent and in the manner prescribed in regulations promulgated by the Secretary of Labor, with respect to sections 212(m) and 212(n), and the Attorney General, with respect to subsection (c).". Regulations.

(c) LABOR DISPUTES.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following new subsection:

"(j) Notwithstanding any other provision of this Act, an alien who is a citizen of Canada or Mexico who seeks to enter the United States under and pursuant to the provisions of Section B, Section C, or Section D of Annex 1603 of the North American Free Trade Agreement, shall not be classified as a nonimmigrant under such provisions if there is in progress a strike or lockout in the course of a labor dispute in the occupational classification at the place or intended place of employment, unless such alien establishes, pursuant to regulations promulgated by the Attorney General, that the alien's entry will not affect adversely the settlement of the strike or lockout or the employment of any person who is involved in the strike or lockout. Notice of a determination under this subsection shall be given as may be required by para- Regulations.

graph 3 of article 1603 of such Agreement. For purposes of this subsection, the term 'citizen of Mexico' means 'citizen' as defined in Annex 1608 of such Agreement.".

19 USC 3401 note.

SEC. 342. EFFECTIVE DATE.

The provisions of this subtitle take effect on the date the Agreement enters into force with respect to the United States.

Subtitle E—Standards

PART 1—STANDARDS AND MEASURES

SEC. 351. STANDARDS AND SANITARY AND PHYTOSANITARY MEASURES.

(a) IN GENERAL.—Title IV of the Trade Agreements Act of 1979 (19 U.S.C. 2531 et seq.) is amended by inserting at the end the following new subtitle:

"Subtitle E—Standards and Measures Under the North American Free Trade Agreement

"CHAPTER 1—SANITARY AND PHYTOSANITARY MEASURES

19 USC 2575.

"SEC. 461. GENERAL.

"Nothing in this chapter may be construed—

"(1) to prohibit a Federal agency or State agency from engaging in activity related to sanitary or phytosanitary measures to protect human, animal, or plant life or health; or

"(2) to limit the authority of a Federal agency or State agency to determine the level of protection of human, animal, or plant life or health the agency considers appropriate.

19 USC 2575a.

"SEC. 462. INQUIRY POINT.

"The standards information center maintained under section 414 shall, in addition to the functions specified therein, make available to the public relevant documents, at such reasonable fees as the Secretary of Commerce may prescribe, and information regarding—

"(1) any sanitary or phytosanitary measure of general application, including any control or inspection procedure or approval procedure proposed, adopted, or maintained by a Federal or State agency;

"(2) the procedures of a Federal or State agency for risk assessment, and factors the agency considers in conducting the assessment and in establishing the levels of protection that the agency considers appropriate;

"(3) the membership and participation of the Federal Government and State governments in international and regional sanitary and phytosanitary organizations and systems, and in bilateral and multilateral arrangements regarding sanitary and phytosanitary measures, and the provisions of those systems and arrangements; and

"(4) the location of notices of the type required under article 719 of the NAFTA, or where the information contained in such notices can be obtained.

"SEC. 463. CHAPTER DEFINITIONS. 19 USC 2575b.

"Notwithstanding section 451, for purposes of this chapter—

"(1) ANIMAL.—The term 'animal' includes fish, bees, and wild fauna.

"(2) APPROVAL PROCEDURE.—The term 'approval procedure' means any registration, notification, or other mandatory administrative procedure for—

"(A) approving the use of an additive for a stated purpose or under stated conditions, or

"(B) establishing a tolerance for a stated purpose or under stated conditions for a contaminant,

in a food, beverage, or feedstuff prior to permitting the use of the additive or the marketing of a food, beverage, or feedstuff containing the additive or contaminant.

"(3) CONTAMINANT.—The term 'contaminant' includes pesticide and veterinary drug residues and extraneous matter.

"(4) CONTROL OR INSPECTION PROCEDURE.—The term 'control or inspection procedure' means any procedure used, directly or indirectly, to determine that a sanitary or phytosanitary measure is fulfilled, including sampling, testing, inspection, evaluation, verification, monitoring, auditing, assurance of conformity, accreditation, registration, certification, or other procedure involving the physical examination of a good, of the packaging of a good, or of the equipment or facilities directly related to production, marketing, or use of a good, but does not mean an approval procedure.

"(5) PLANT.—The term 'plant' includes wild flora.

"(6) RISK ASSESSMENT.—The term 'risk assessment' means an evaluation of—

"(A) the potential for the introduction, establishment or spread of a pest or disease and associated biological and economic consequences; or

"(B) the potential for adverse effects on human or animal life or health arising from the presence of an additive, contaminant, toxin or disease-causing organism in a food, beverage, or feedstuff.

"(7) SANITARY OR PHYTOSANITARY MEASURE.—

"(A) IN GENERAL.—The term 'sanitary or phytosanitary measure' means a measure to—

"(i) protect animal or plant life or health in the United States from risks arising from the introduction, establishment, or spread of a pest or disease;

"(ii) protect human or animal life or health in the United States from risks arising from the presence of an additive, contaminant, toxin, or disease-causing organism in a food, beverage, or feedstuff;

"(iii) protect human life or health in the United States from risks arising from a disease-causing organism or pest carried by an animal or plant, or a product thereof; or

"(iv) prevent or limit other damage in the United States arising from the introduction, establishment, or spread of a pest.

"(B) FORM.—The form of a sanitary or phytosanitary measure includes—

"(i) end product criteria;

"(ii) a product-related processing or production method;

"(iii) a testing, inspection, certification, or approval procedure;

"(iv) a relevant statistical method;

"(v) a sampling procedure;

"(vi) a method of risk assessment;

"(vii) a packaging and labeling requirement directly related to food safety; and

"(viii) a quarantine treatment, such as a relevant requirement associated with the transportation of animals or plants or with material necessary for their survival during transportation.

"CHAPTER 2—STANDARDS-RELATED MEASURES

19 USC 2576.

"SEC. 471. GENERAL.

"(a) NO BAR TO ENGAGING IN STANDARDS ACTIVITY.—Nothing in this chapter shall be construed—

"(1) to prohibit a Federal agency from engaging in activity related to standards-related measures, including any such measure relating to safety, the protection of human, animal, or plant life or health, the environment or consumers; or

"(2) to limit the authority of a Federal agency to determine the level it considers appropriate of safety or of protection of human, animal, or plant life or health, the environment or consumers.

"(b) EXCLUSION.—This chapter does not apply to—

"(1) technical specifications prepared by a Federal agency for production or consumption requirements of the agency; or

"(2) sanitary or phytosanitary measures under chapter 1.

19 USC 2576a.

"SEC. 472. INQUIRY POINT.

"The standards information center maintained under section 414 shall, in addition to the functions specified therein, make available to the public relevant documents, at such reasonable fees as the Secretary of Commerce may prescribe, and information regarding—

"(1) the membership and participation of the Federal Government, State governments, and relevant nongovernmental bodies in the United States in international and regional standardizing bodies and conformity assessment systems, and in bilateral and multilateral arrangements regarding standards-related measures, and the provisions of those systems and arrangements;

"(2) the location of notices of the type required under article 909 of the NAFTA, or where the information contained in such notice can be obtained; and

"(3) the Federal agency procedures for assessment of risk, and factors the agency considers in conducting the assessment and establishing the levels of protection that the agency considers appropriate.

19 USC 2576b.

"SEC. 473. CHAPTER DEFINITIONS.

"Notwithstanding section 451, for purposes of this chapter—

"(1) APPROVAL PROCEDURE.—The term 'approval procedure' means any registration, notification, or other mandatory administrative procedure for granting permission for a good or service to be produced, marketed, or used for a stated purpose or under stated conditions.

"(2) CONFORMITY ASSESSMENT PROCEDURE.—The term 'conformity assessment procedure' means any procedure used, directly or indirectly, to determine that a technical regulation or standard is fulfilled, including sampling, testing, inspection, evaluation, verification, monitoring, auditing, assurance of conformity, accreditation, registration, or approval used for such a purpose, but does not mean an approval procedure.

"(3) OBJECTIVE.—The term 'objective' includes—

"(A) safety,

"(B) protection of human, animal, or plant life or health, the environment or consumers, including matters relating to quality and identifiability of goods or services, and

"(C) sustainable development,

but does not include the protection of domestic production.

"(4) SERVICE.—The term 'service' means a land transportation service or a telecommunications service.

"(5) STANDARD.—The term 'standard' means—

"(A) characteristics for a good or a service,

"(B) characteristics, rules, or guidelines for—

"(i) processes or production methods relating to such good, or

"(ii) operating methods relating to such service, and

"(C) provisions specifying terminology, symbols, packaging, marking, or labelling for—

"(i) a good or its related process or production methods, or

"(ii) a service or its related operating methods,

for common and repeated use, including explanatory and other related provisions set out in a document approved by a standardizing body, with which compliance is not mandatory.

"(6) STANDARDS-RELATED MEASURE.—The term 'standards-related measure' means a standard, technical regulation, or conformity assessment procedure.

"(7) TECHNICAL REGULATION.—The term 'technical regulation' means—

"(A) characteristics or their related processes and production methods for a good,

"(B) characteristics for a service or its related operating methods, or

"(C) provisions specifying terminology, symbols, packaging, marking, or labelling for—

"(i) a good or its related process or production method, or

"(ii) a service or its related operating method,

set out in a document, including applicable administrative, explanatory, and other related provisions, with which compliance is mandatory.

"(8) TELECOMMUNICATIONS SERVICE.—The term 'telecommunications service' means a service provided by means

of the transmission and reception of signals by any electromagnetic means, but does not mean the cable, broadcast, or other electromagnetic distribution of radio or television programming to the public generally.

"CHAPTER 3—SUBTITLE DEFINITIONS

19 USC 2577.

"SEC. 481. DEFINITIONS.

"Notwithstanding section 451, for purposes of this subtitle—

"(1) NAFTA.—The term 'NAFTA' means the North American Free Trade Agreement.

"(2) STATE.—The term 'State' means any of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.".

(b) TECHNICAL AMENDMENTS.—

(1) DEFINITION OF TRADE REPRESENTATIVE.—Section 451(12) of the Trade Agreements Act of 1979 is amended to read as follows:

19 USC 2571.

"(12) TRADE REPRESENTATIVE.—The term 'Trade Representative' means the United States Trade Representative.".

(2) CONFORMING AMENDMENTS.—Title IV of the Trade Agreement Act of 1979 is further amended—

19 USC 2541 *et seq.*

(A) by striking out "Special Representative" each place it appears and inserting "Trade Representative"; and

19 USC 2541.

(B) in the section heading to section 411, by striking out "SPECIAL REPRESENTATIVE" and inserting "TRADE REPRESENTATIVE".

Regulations. Effective date. 19 USC 3411.

SEC. 352. TRANSPORTATION.

No regulation issued by the Secretary of Transportation implementing a recommendation of the Land Transportation Standards Subcommittee established under article 913(5)(a)(i) of the Agreement may take effect before the date 90 days after the date of issuance.

PART 2—AGRICULTURAL STANDARDS

19 USC 3421.

SEC. 361. AGRICULTURAL TECHNICAL AND CONFORMING AMENDMENTS.

(a) FEDERAL SEED ACT.—Section 302(e)(1) of the Federal Seed Act (7 U.S.C. 1582(e)(1)) is amended by inserting "or Mexico" after "Canada".

(b) IMPORTATION OF ANIMALS.—The first sentence of section 6 of the Act of August 30, 1890 (26 Stat. 416, chapter 839; 21 U.S.C. 104), is amended by striking ": *Provided*" and all that follows through the period at the end of the sentence and inserting ", except that the Secretary of Agriculture, in accordance with such regulations as the Secretary may issue, may (1) permit the importation of cattle, sheep, or other ruminants, and swine, from Canada or Mexico, and (2) permit the importation from the British Virgin Islands into the Virgin Islands of the United States, for slaughter only, of cattle that have been infested with or exposed to ticks on being freed from the ticks.".

(c) INSPECTION OF ANIMALS.—Section 10 of the Act of August 30, 1890 (26 Stat. 417, chapter 839; 21 U.S.C. 105), is amended—

(1) by inserting above "SEC. 10." the following new section heading:

"SEC. 10. INSPECTION OF ANIMALS.";

(2) by striking "SEC. 10. That the Secretary of Agriculture shall" and inserting "(a) IN GENERAL.—Except as provided in subsection (b), the Secretary of Agriculture shall"; and

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

"(b) EXCEPTION.—The Secretary of Agriculture, in accordance with such regulations as the Secretary may issue, may waive any provision of subsection (a) in the case of shipments between the United States and Canada or Mexico.".

(d) DISEASE-FREE COUNTRIES OR REGIONS.—

(1) TARIFF ACT OF 1930.—Section 306 of the Tariff Act of 1930 (19 U.S.C. 1306) is amended—

(A) in subsection (a), by striking "RINDERPEST AND FOOT-AND-MOUTH DISEASE.—If the Secretary of Agriculture" and inserting "IN GENERAL.—Except as provided in subsection (b), if the Secretary of Agriculture"; and

(B) by striking subsection (b) and inserting the following new subsection:

"(b) EXCEPTION.—The Secretary of Agriculture may permit, subject to such terms and conditions as the Secretary determines appropriate, the importation of cattle, sheep, other ruminants, or swine (including embryos of the animals), or the fresh, chilled, or frozen meat of the animals, from a region if the Secretary determines that the region from which the animal or meat originated is, and is likely to remain, free from rinderpest and foot-and-mouth disease.".

(2) HONEYBEE ACT.—The first section of the Act of August 31, 1922 (commonly known as the "Honeybee Act") (42 Stat. 833, chapter 301; 7 U.S.C. 281), is amended—

(A) in subsection (a)—

(i) by striking ", or" at the end of paragraph (1) and inserting a semicolon;

(ii) by striking the period at the end of paragraph (2) and inserting "; or"; and

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

"(3) from Canada or Mexico, subject to such terms and conditions as the Secretary of Agriculture determines appropriate, if the Secretary determines that the region of Canada or Mexico from which the honeybees originated is, and is likely to remain, free of diseases or parasites harmful to honeybees, and undesirable species or subspecies of honeybees."; and

(B) in subsection (b)—

(i) by inserting "(1)" after "imported into the United States only from"; and

(ii) by inserting before the period the following: ", or (2) Canada or Mexico, if the Secretary of Agriculture determines that the region of Canada or Mexico from which the imports originate is, and is likely to remain, free of undesirable species or subspecies of honeybees".

(e) POULTRY PRODUCTS INSPECTION ACT.—Section 17(d) of the Poultry Products Inspection Act (21 U.S.C. 466(d)) is amended—

(1) in paragraph (1), by inserting after "Notwithstanding any other provision of law," the following: "except as provided in paragraph (2),";

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(3) by inserting after paragraph (1) the following new paragraph:

"(2)(A) Notwithstanding any other provision of law, all poultry, or parts or products of poultry, capable of use as human food offered for importation into the United States from Canada and Mexico shall—

"(i) comply with paragraph (1); or

"(ii)(I) be subject to inspection, sanitary, quality, species verification, and residue standards that are equivalent to United States standards; and

"(II) have been processed in facilities and under conditions that meet standards that are equivalent to United States standards.

"(B) The Secretary may treat as equivalent to a United States standard a standard of Canada or Mexico described in subparagraph (A)(ii) if the exporting country provides the Secretary with scientific evidence or other information, in accordance with risk assessment methodologies agreed to by the Secretary and the exporting country, to demonstrate that the standard of the exporting country achieves the level of protection that the Secretary considers appropriate.

"(C) The Secretary may—

"(i) determine, on a scientific basis, that the standard of the exporting country does not achieve the level of protection that the Secretary considers appropriate; and

"(ii) provide the basis for the determination in writing to the exporting country on request.".

(f) FEDERAL MEAT INSPECTION ACT.—Section 20(e) of the Federal Meat Inspection Act (21 U.S.C. 620(e)) is amended—

(1) by striking "not be limited to—" and inserting "not be limited to the following:";

(2) by striking paragraph (1);

(3) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively;

(4) by inserting after "not be limited to the following:" (as amended by paragraph (1)) the following new paragraphs:

"(1)(A) Subject to subparagraphs (B) and (C), a certification by the Secretary that foreign plants in Canada and Mexico that export carcasses or meat or meat products referred to in subsection (a) have complied with paragraph (2) or with requirements that are equivalent to United States requirements with regard to all inspection and building construction standards, and all other provisions of this Act and regulations issued under this Act.

"(B) Subject to subparagraph (C), the Secretary may treat as equivalent to a United States requirement a requirement described in subparagraph (A) if the exporting country provides the Secretary with scientific evidence or other information, in accordance with risk assessment methodologies agreed to by the Secretary and the exporting country, to demonstrate that the requirement or standard of the exporting country achieves the level of protection that the Secretary considers appropriate.

"(C) The Secretary may—

"(i) determine, on a scientific basis, that a requirement of an exporting country does not achieve the level of protection that the Secretary considers appropriate; and

"(ii) provide the basis for the determination to the exporting country in writing on request.

"(2) A certification by the Secretary that, except as provided in paragraph (1), foreign plants that export carcasses or meat or meat products referred to in subsection (a) have complied with requirements that are at least equal to all inspection and building construction standards and all other provisions of this Act and regulations issued under this Act.";

(5) in paragraphs (3) through (7) (as redesignated by paragraph (3)), by striking "the" the first place it appears in each paragraph and inserting "The";

(6) in paragraphs (3) through (5) (as so redesignated), by striking the semicolon at the end of each paragraph and inserting a period; and

(7) in paragraph (6) (as so redesignated), by striking "; and" at the end and inserting a period.

(g) PEANUT BUTTER AND PEANUT PASTE.—

(1) IN GENERAL.—Except as provided in paragraph (2), all peanut butter and peanut paste in the United States domestic market shall be processed from peanuts that meet the quality standards established for peanuts under Marketing Agreement No. 146.

(2) IMPORTS.—Peanut butter and peanut paste imported into the United States shall comply with paragraph (1) or with sanitary measures that achieve at least the same level of sanitary protection.

(h) ANIMAL HEALTH BIOCONTAINMENT FACILITY.—

(1) GRANT FOR CONSTRUCTION.—The Secretary of Agriculture shall make a grant to a land grant college or university described in paragraph (2) for the construction of a facility at the college or university for the conduct of research in animal health, disease-transmitting insects, and toxic chemicals that requires the use of biocontainment facilities and equipment. The facility to be constructed with the grant shall be known as the "Southwest Regional Animal Health Biocontainment Facility".

(2) GRANT RECIPIENT DESCRIBED.—To be eligible for the grant under paragraph (1), a land grant college or university must be—

(A) located in a State adjacent to the international border with Mexico; and

(B) determined by the Secretary of Agriculture to have an established program in animal health research and education and to have a collaborative relationship with one or more colleges of veterinary medicine or universities located in Mexico.

(3) ACTIVITIES OF THE FACILITY.—The facility constructed using the grant made under paragraph (1) shall be used for conducting the following activities:

(A) The biocontainment facility shall offer the ability to organize multidisciplinary international teams working on basic and applied research on diagnostic method development and disease control strategies, including development of vaccines.

(B) The biocontainment facility shall support research that will improve the scientific basis for regulatory activities, decreasing the need for new regulatory programs and enhancing international trade.

(C) The biocontainment facility shall allow academic institutions, governmental agencies, and the private sector to conduct research in basic and applied research biology, epidemiology, pathogenesis, host response, and diagnostic methods, on disease agents that threaten the livestock industries of the United States and Mexico.

(D) The biocontainment facility may be used to support research involving food safety, toxicology, environmental pollutants, radioisotopes, recombinant microorganisms, and selected naturally resistant or transgenic animals.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year such sums as are necessary to carry out this subsection.

(i) REPORTS ON INSPECTION OF IMPORTED MEAT, POULTRY, OTHER FOODS, ANIMALS, AND PLANTS.—

(1) DEFINITIONS.—As used in this subsection:

(A) IMPORTS.—The term "imports" means any meat, poultry, other food, animal, or plant that is imported into the United States in commercially significant quantities.

(B) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

Reports.

(2) IN GENERAL.—In consultation with representatives of other appropriate agencies, the Secretary shall prepare an annual report on the impact of the Agreement on the inspection of imports.

(3) CONTENTS OF REPORTS.—The report required under this subsection shall, to the maximum extent practicable, include a description of—

(A) the quantity or, with respect to the Customs Service, the number of shipments, of imports from a NAFTA country that are inspected at the borders of the United States with Canada and Mexico during the prior year;

(B) any change in the level or types of inspections of imports in each NAFTA country during the prior year;

(C) in any case in which the Secretary has determined that the inspection system of another NAFTA country is equivalent to the inspection system of the United States, the reasons supporting the determination of the Secretary;

(D) the incidence of violations of inspection requirements by imports from NAFTA countries during the prior year—

(i) at the borders of the United States with Mexico or Canada; or

(ii) at the last point of inspection in a NAFTA country prior to shipment to the United States if the agency accepts inspection in that country;

(E) the incidence of violations of inspection requirements of imports to the United States from Mexico or Canada prior to the implementation of the Agreement;

(F) any additional cost associated with maintaining an adequate inspection system of imports as a result of the implementation of the Agreement;

(G) any incidence of transshipment of imports—

(i) that originate in a country other than a NAFTA country;

(ii) that are shipped to the United States through a NAFTA country during the prior year; and

(iii) that are incorrectly represented by the importer to qualify for preferential treatment under the Agreement;

(H) the quantity and results of any monitoring by the United States of equivalent inspection systems of imports in other NAFTA countries during the prior year;

(I) the use by other NAFTA countries of sanitary and phytosanitary measures (as defined in the Agreement) to limit exports of United States meat, poultry, other foods, animals, and plants to the countries during the prior year; and

(J) any other information the Secretary determines to be appropriate.

(4) FREQUENCY OF REPORTS.—The Secretary shall submit—

(A) the initial report required under this subsection not later than January 31, 1995; and

(B) an annual report required under this subsection not later than 1 year after the date of the submission of the initial report and the end of each 1-year period thereafter through calendar year 2004.

(5) REPORT TO CONGRESS.—The Secretary shall prepare and submit the report required under this subsection to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

Subtitle F—Corporate Average Fuel Economy

SEC. 371. CORPORATE AVERAGE FUEL ECONOMY. Motor vehicles.

(a) IN GENERAL.—Section 503(b)(2) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2003(b)(2)) is amended by adding at the end the following new subparagraph:

"(G)(i) In accordance with the schedule set out in clause (ii), an automobile shall be considered domestically manufactured in a model year if at least 75 percent of the cost to the manufacturer of the automobile is attributable to value added in the United States, Canada, or Mexico, unless the assembly of the automobile is completed in Canada or Mexico and the automobile is not imported into the United States prior to the expiration of 30 days following the end of that model year.

"(ii) Clause (i) shall apply to all automobiles manufactured by a manufacturer and sold in the United States, wherever assembled, in accordance with the following schedule:

"(I) With respect to a manufacturer that initiated the assembly of automobiles in Mexico before model year 1992, the manufacturer may elect, at any time between January 1, 1997, and January 1, 2004, to have clause (i) apply to all automobiles it manufactures, beginning with the model year commencing after the date of such election.

"(II) With respect to a manufacturer initiating the assembly of automobiles in Mexico after model year 1991, clause (i) shall apply to all automobiles it manufactures, beginning with the model year commencing after January 1, 1994, or the model year commencing after the date that the manufacturer initiates the assembly of automobiles in Mexico, whichever is later.

"(III) With respect to a manufacturer not described by subclause (I) or (II) assembling automobiles in the United States or Canada but not in Mexico, the manufacturer may elect, at any time between January 1, 1997, and January 1, 2004, to have clause (i) apply to all automobiles it manufactures, beginning with the model year commencing after the date of such election, except that if such manufacturer initiates the assembly of automobiles in Mexico before making such election, this subclause shall not apply and the manufacturer shall be subject to clause (II).

"(IV) With respect to a manufacturer not assembling automobiles in the United States, Canada, or Mexico, clause (i) shall apply to all automobiles it manufactures, beginning with the model year commencing after January 1, 1994.

"(V) With respect to a manufacturer authorized to make an election under subclause (I) or (III) which has not made that election within the specified period, clause (i) shall apply to all automobiles it manufactures, beginning with the model year commencing after January 1, 2004.

"(iii) The Secretary shall prescribe reasonable procedures for elections under this subparagraph, and the EPA Administrator may prescribe rules for purposes of carrying out this subparagraph.".

(b) CONFORMING AMENDMENTS.—The first sentence of section 503(b)(2)(E) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2003(b)(2)(E)) is amended—

(1) by striking "An" and inserting "Except as provided in subparagraph (G), an", and

(2) in the last sentence, by striking "this subparagraph" and inserting "this subparagraph and subparagraph (G)".

Subtitle G—Government Procurement

SEC. 381. GOVERNMENT PROCUREMENT.

(a) IN GENERAL.—Section 301 of the Trade Agreements Act of 1979 (19 U.S.C. 2511) is amended—

(1) in subsection (a) by striking "The President" and inserting "Subject to subsection (f) of this section, the President";

(2) by inserting "or the North American Free Trade Agreement" after "the Agreement" in paragraph (1) of subsection (b); and

(3) by adding at the end the following new subsections:

"(e) PROCUREMENT PROCEDURES BY CERTAIN FEDERAL AGENCIES.—Notwithstanding any other provision of law, the President may direct any agency of the United States listed in Annex 1001.1a–2 of the North American Free Trade Agreement to procure eligible

products in compliance with the procedural provisions of chapter 10 of such Agreement.

"(f) SMALL BUSINESS AND MINORITY PREFERENCES.—The authority of the President under subsection (a) of this section to waive any law, regulation, procedure, or practice regarding Government procurement does not authorize the waiver of any small business or minority preference.".

(b) RECIPROCAL COMPETITIVE PROCUREMENT PRACTICES.—Section 302(a) of such Act (19 U.S.C. 2512(a)) is amended by striking "would otherwise be eligible products" in paragraph (1) and inserting "are products covered under the Agreement for procurement by the United States".

(c) DEFINITION OF ELIGIBLE PRODUCT.—Section 308(4)(A) of such Act (19 U.S.C. 2518(4)(A)) is amended to read as follows:

"(A) IN GENERAL.—The term 'eligible product' means, with respect to any foreign country or instrumentality that is—

"(i) a party to the Agreement, a product or service of that country or instrumentality which is covered under the Agreement for procurement by the United States; or

"(ii) a party to the North American Free Trade Agreement, a product or service of that country or instrumentality which is covered under the North American Free Trade Agreement for procurement by the United States.".

(d) CONFORMING AMENDMENTS.—Section 401 of the Rural Electrification Act of 1938 (7 U.S.C. 903 note) is amended by inserting ", Mexico, or Canada" after "the United States" each place it appears.

(e) EFFECTIVE DATE.—The provisions of this subtitle take effect on the date the Agreement enters into force with respect to the United States. 19 USC 2511 note.

TITLE IV—DISPUTE SETTLEMENT IN ANTIDUMPING AND COUNTERVAILING DUTY CASES

Subtitle A—Organizational, Administrative, and Procedural Provisions Regarding the Implementation of Chapter 19 of the Agreement

SEC. 401. REFERENCES IN SUBTITLE. 19 USC 3431.

Any reference in this subtitle to an Annex, chapter, or article shall be considered to be a reference to the respective Annex, chapter, or article of the Agreement.

SEC. 402. ORGANIZATIONAL AND ADMINISTRATIVE PROVISIONS. 19 USC 3432.

(a) CRITERIA FOR SELECTION OF INDIVIDUALS TO SERVE ON PANELS AND COMMITTEES.—

(1) IN GENERAL.—The selection of individuals under this section for—

(A) placement on lists prepared by the interagency group under subsection (c)(2)(B) (i) and (ii);

(B) placement on preliminary candidate lists under subsection (c)(3)(A);

(C) placement on final candidate lists under subsection (c)(4)(A);

(D) placement by the Trade Representative on the rosters described in paragraph 1 of Annex 1901.2 and paragraph 1 of Annex 1904.13; and

(E) appointment by the Trade Representative for service on the panels and committees convened under chapter 19;

shall be made on the basis of the criteria provided in paragraph 1 of Annex 1901.2 and paragraph 1 of Annex 1904.13 and shall be made without regard to political affiliation.

(2) ADDITIONAL CRITERIA FOR ROSTER PLACEMENTS AND APPOINTMENTS UNDER PARAGRAPH 1 OF ANNEX 1901.2.—Rosters described in paragraph 1 of Annex 1901.2 shall include, to the fullest extent practicable, judges and former judges who meet the criteria referred to in paragraph (1). The Trade Representative shall, subject to subsection (b), appoint judges to binational panels convened under chapter 19, extraordinary challenge committees convened under chapter 19, and special committees established under article 1905, where such judges offer and are available to serve and such service is authorized by the chief judge of the court on which they sit.

(b) SELECTION OF CERTAIN JUDGES TO SERVE ON PANELS AND COMMITTEES.—

(1) APPLICABILITY.—This subsection applies only with respect to the selection of individuals for binational panels convened under chapter 19, extraordinary challenge committees convened under chapter 19, and special committees established under article 1905, who are judges of courts created under article III of the Constitution of the United States.

(2) CONSULTATION WITH CHIEF JUDGES.—The Trade Representative shall consult, from time to time, with the chief judges of the Federal judicial circuits regarding the interest in, and availability for, participation in binational panels, extraordinary challenge committees, and special committees, of judges within their respective circuits. If the chief judge of a Federal judicial circuit determines that it is appropriate for one or more judges within that circuit to be included on a roster described in subsection (a)(1)(D), the chief judge shall identify all such judges for the Chief Justice of the United States who may, upon his or her approval, submit the names of such judges to the Trade Representative. The Trade Representative shall include the names of such judges on the roster.

(3) SUBMISSION OF LISTS TO CONGRESS.—The Trade Representative shall submit to the Committee on the Judiciary and the Committee on Ways and Means of the House of Representatives and to the Committee on Finance and the Committee on the Judiciary of the Senate a list of all judges included on a roster under paragraph (2). Such list shall be submitted at the same time as the final candidate lists are submitted under subsection (c)(4)(A) and the final forms of amendments are submitted under subsection (c)(4)(C)(iv).

(4) APPOINTMENT OF JUDGES TO PANELS OR COMMITTEES.—At such time as the Trade Representative proposes to appoint a judge described in paragraph (1) to a binational panel, an extraordinary challenge committee, or a special committee, the Trade Representative shall consult with that judge in order to ascertain whether the judge is available for such appointment.

(c) SELECTION OF OTHER CANDIDATES.—

(1) APPLICABILITY.—This subsection applies only with respect to the selection of individuals for binational panels convened under chapter 19, extraordinary challenge committees convened under chapter 19, and special committees established under article 1905, other than those individuals to whom subsection (b) applies.

(2) INTERAGENCY GROUP.—

(A) ESTABLISHMENT.—There is established within the interagency organization established under section 242 of the Trade Expansion Act of 1962 (19 U.S.C. 1872) an interagency group which shall—

(i) be chaired by the Trade Representative; and

(ii) consist of such officers (or the designees thereof) of the United States Government as the Trade Representative considers appropriate.

(B) FUNCTIONS.—The interagency group established under subparagraph (A) shall, in a manner consistent with chapter 19—

(i) prepare by January 3 of each calendar year—

(I) a list of individuals who are qualified to serve as members of binational panels convened under chapter 19; and

(II) a list of individuals who are qualified to serve on extraordinary challenge committees convened under chapter 19 and special committees established under article 1905;

(ii) if the Trade Representative makes a request under paragraph (4)(C)(i) with respect to a final candidate list during any calendar year, prepare by July 1 of such calendar year a list of those individuals who are qualified to be added to that final candidate list;

(iii) exercise oversight of the administration of the United States Section that is authorized to be established under section 105; and

(iv) make recommendations to the Trade Representative regarding the convening of extraordinary challenge committees and special committees under chapter 19.

(3) PRELIMINARY CANDIDATE LISTS.—

(A) IN GENERAL.—The Trade Representative shall select individuals from the respective lists prepared by the interagency group under paragraph (2)(B)(i) for placement on—

(i) a preliminary candidate list of individuals eligible to serve as members of binational panels under Annex 1901.2; and

(ii) a preliminary candidate list of individuals eligible for selection as members of extraordinary chal-

lenge committees under Annex 1904.13 and special committees under article 1905.

(B) SUBMISSION OF LISTS TO CONGRESSIONAL COMMITTEES.—

(i) IN GENERAL.—No later than January 3 of each calendar year, the Trade Representative shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives (hereafter in this section referred to as the "appropriate Congressional Committees") the preliminary candidate lists of those individuals selected by the Trade Representative under subparagraph (A) to be candidates eligible to serve on panels or committees convened pursuant to chapter 19 during the 1-year period beginning on April 1 of such calendar year.

(ii) ADDITIONAL INFORMATION.—At the time the candidate lists are submitted under clause (i), the Trade Representative shall submit for each individual on the list a statement of professional qualifications.

(C) CONSULTATION.—Upon submission of the preliminary candidate lists under subparagraph (B) to the appropriate Congressional Committees, the Trade Representative shall consult with such Committees with regard to the individuals included on the preliminary candidate lists.

(D) REVISION OF LISTS.—The Trade Representative may add and delete individuals from the preliminary candidate lists submitted under subparagraph (B) after consultation with the appropriate Congressional Committees regarding the additions and deletions. The Trade Representative shall provide to the appropriate Congressional Committees written notice of any addition or deletion of an individual from the preliminary candidate lists, along with the information described in subparagraph (B)(ii) with respect to any proposed addition.

(4) FINAL CANDIDATE LISTS.—

(A) SUBMISSION OF LISTS TO CONGRESSIONAL COMMITTEES.—No later than March 31 of each calendar year, the Trade Representative shall submit to the appropriate Congressional Committees the final candidate lists of those individuals selected by the Trade Representative to be candidates eligible to serve on panels and committees convened under chapter 19 during the 1-year period beginning on April 1 of such calendar year. An individual may be included on a final candidate list only if such individual was included in the preliminary candidate list or if written notice of the addition of such individual to the preliminary candidate list was submitted to the appropriate Congressional Committees at least 15 days before the date on which that final candidate list is submitted to such Committees under this subparagraph.

(B) FINALITY OF LISTS.—Except as provided in subparagraph (C), no additions may be made to the final candidate lists after the final candidate lists are submitted to the appropriate Congressional Committees under subparagraph (A).

(C) AMENDMENT OF LISTS.—

(i) IN GENERAL.—If, after the Trade Representative has submitted the final candidate lists to the appropriate Congressional Committees under subparagraph (A) for a calendar year and before July 1 of such calendar year, the Trade Representative determines that additional individuals need to be added to a final candidate list, the Trade Representative shall—

(I) request the interagency group established under paragraph (2)(A) to prepare a list of individuals who are qualified to be added to such candidate list;

(II) select individuals from the list prepared by the interagency group under paragraph (2)(B)(ii) to be included in a proposed amendment to such final candidate list; and

(III) by no later than July 1 of such calendar year, submit to the appropriate Congressional Committees the proposed amendments to such final candidate list developed by the Trade Representative under subclause (II), along with the information described in paragraph (3)(B)(ii).

(ii) CONSULTATION WITH CONGRESSIONAL COMMITTEES.—Upon submission of a proposed amendment under clause (i)(III) to the appropriate Congressional Committees, the Trade Representative shall consult with the appropriate Congressional Committees with regard to the individuals included in the proposed amendment.

(iii) ADJUSTMENT OF PROPOSED AMENDMENT.—The Trade Representative may add and delete individuals from any proposed amendment submitted under clause (i)(III) after consulting with the appropriate Congressional Committees with regard to the additions and deletions. The Trade Representative shall provide to the appropriate Congressional Committees written notice of any addition or deletion of an individual from the proposed amendment.

(iv) FINAL AMENDMENT.—

(I) IN GENERAL.—If the Trade Representative submits under clause (i)(III) in any calendar year a proposed amendment to a final candidate list, the Trade Representative shall, no later than September 30 of such calendar year, submit to the appropriate Congressional Committees the final form of such amendment. On October 1 of such calendar year, such amendment shall take effect and, subject to subclause (II), the individuals included in the final form of such amendment shall be added to the final candidate list.

(II) INCLUSION OF INDIVIDUALS.—An individual may be included in the final form of an amendment submitted under subclause (I) only if such individual was included in the proposed form of such amendment or if written notice of the addition of such individual to the proposed form of such amendment was submitted to the appropriate Congressional Committees at least 15 days before

the date on which the final form of such amendment is submitted to such Committees under subclause (I).

(III) ELIGIBILITY FOR SERVICE.—Individuals added to a final candidate list under subclause (I) shall be eligible to serve on panels or committees convened under chapter 19 during the 6-month period beginning on October 1 of the calendar year in which such addition occurs.

(IV) FINALITY OF AMENDMENT.—No additions may be made to the final form of an amendment described in subclause (I) after the final form of such amendment is submitted to the appropriate Congressional Committees under subclause (I).

(5) TREATMENT OF RESPONSES.—For purposes of applying section 1001 of title 18, United States Code, the written or oral responses of individuals to inquiries of the interagency group established under paragraph (2)(A) or of the Trade Representative regarding their personal and professional qualifications, and financial and other relevant interests, that bear on their suitability for the placements and appointments described in subsection (a)(1), shall be treated as matters within the jurisdiction of an agency of the United States.

(d) SELECTION AND APPOINTMENT.—

(1) AUTHORITY OF TRADE REPRESENTATIVE.—The Trade Representative is the only officer of the United States Government authorized to act on behalf of the United States Government in making any selection or appointment of an individual to—

(A) the rosters described in paragraph 1 of Annex 1901.2 and paragraph 1 of Annex 1904.13; or

(B) the panels or committees convened under chapter 19;

that is to be made solely or jointly by the United States Government under the terms of the Agreement.

(2) RESTRICTIONS ON SELECTION AND APPOINTMENT.—Except as provided in paragraph (3)—

(A) the Trade Representative may—

(i) select an individual for placement on the rosters described in paragraph 1 of Annex 1901.2 and paragraph 1 of Annex 1904.13 during the 1-year period beginning on April 1 of any calendar year;

(ii) appoint an individual to serve as one of those members of any panel or committee convened under chapter 19 during such 1-year period who, under the terms of the Agreement, are to be appointed solely by the United States Government; or

(iii) act to make a joint appointment with the Government of a NAFTA country, under the terms of the Agreement, of any individual who is a citizen or national of the United States to serve as any other member of such a panel or committee;

only if such individual is on the appropriate final candidate list that was submitted to the appropriate Congressional Committees under subsection (c)(4)(A) during such calendar year or on such list as it may be amended under subsection (c)(4)(C)(iv)(I), or on the list submitted under subsection

(b)(3) to the Congressional Committees referred to in such subsection; and

(B) no individual may—

(i) be selected by the United States Government for placement on the rosters described in paragraph 1 of Annex 1901.2 and paragraph 1 of Annex 1904.13; or

(ii) be appointed solely or jointly by the United States Government to serve as a member of a panel or committee convened under chapter 19;

during the 1-year period beginning on April 1 of any calendar year for which the Trade Representative has not met the requirements of subsection (a), and of subsection (b) or (c) (as the case may be).

(3) EXCEPTIONS.—Notwithstanding subsection (c)(3) (other than subparagraph (B)), (c)(4), or paragraph (2)(A) of this subsection, individuals included on the preliminary candidate lists submitted to the appropriate Congressional Committees under subsection (c)(3)(B) may—

(A) be selected by the Trade Representative for placement on the rosters described in paragraph 1 of Annex 1901.2 and paragraph 1 of Annex 1904.13 during the 3-month period beginning on the date on which the Agreement enters into force with respect to the United States; and

(B) be appointed solely or jointly by the Trade Representative under the terms of the Agreement to serve as members of panels or committees that are convened under chapter 19 during such 3-month period.

(e) TRANSITION.—If the Agreement enters into force between the United States and a NAFTA country after January 3, 1994, the provisions of subsection (c) shall be applied with respect to the calendar year in which such entering into force occurs—

(1) by substituting "the date that is 30 days after the date on which the Agreement enters into force with respect to the United States" for "January 3 of each calendar year" in subsections (c)(2)(B)(i) and (c)(3)(B)(i); and

(2) by substituting "the date that is 3 months after the date on which the Agreement enters into force with respect to the United States" for "March 31 of each calendar year" in subsection (c)(4)(A).

(f) IMMUNITY.—With the exception of acts described in section 777(f)(3) of the Tariff Act of 1930 (19 U.S.C. 1677f(f)(3)), individuals serving on panels or committees convened pursuant to chapter 19, and individuals designated to assist the individuals serving on such panels or committees, shall be immune from suit and legal process relating to acts performed by such individuals in their official capacity and within the scope of their functions as such panelists or committee members or assistants to such panelists or committee members.

(g) REGULATIONS.—The administering authority under title VII of the Tariff Act of 1930, the International Trade Commission, and the Trade Representative may promulgate such regulations as are necessary or appropriate to carry out actions in order to implement their respective responsibilities under chapter 19. Initial regulations to carry out such functions shall be issued before the

date on which the Agreement enters into force with respect to the United States.

(h) REPORT TO CONGRESS.—At such time as the final candidate lists are submitted under subsection (c)(4)(A) and the final forms of amendments are submitted under subsection (c)(4)(C)(iv), the Trade Representative shall submit to the Committee on the Judiciary and the Committee on Ways and Means of the House of Representatives, and to the Committee on Finance and the Committee on the Judiciary of the Senate, a report regarding the efforts made to secure the participation of judges and former judges on binational panels, extraordinary challenge committees, and special committees established under chapter 19.

Courts.
19 USC 3433.

SEC. 403. TESTIMONY AND PRODUCTION OF PAPERS IN EXTRAORDINARY CHALLENGES.

(a) AUTHORITY OF EXTRAORDINARY CHALLENGE COMMITTEE TO OBTAIN INFORMATION.—If an extraordinary challenge committee (hereafter in this section referred to as the "committee") is convened under paragraph 13 of article 1904, and the allegations before the committee include a matter referred to in paragraph 13(a)(i) of article 1904, for the purposes of carrying out its functions and duties under Annex 1904.13, the committee—

(1) shall have access to, and the right to copy, any document, paper, or record pertinent to the subject matter under consideration, in the possession of any individual, partnership, corporation, association, organization, or other entity;

(2) may summon witnesses, take testimony, and administer oaths;

(3) may require any individual, partnership, corporation, association, organization, or other entity to produce documents, books, or records relating to the matter in question; and

(4) may require any individual, partnership, corporation, association, organization, or other entity to furnish in writing, in such detail and in such form as the committee may prescribe, information in its possession pertaining to the matter.

Any member of the committee may sign subpoenas, and members of the committee, when authorized by the committee, may administer oaths and affirmations, examine witnesses, take testimony, and receive evidence.

(b) WITNESSES AND EVIDENCE.—The attendance of witnesses who are authorized to be summoned, and the production of documentary evidence authorized to be ordered, under subsection (a) may be required from any place in the United States at any designated place of hearing. In the case of disobedience to a subpoena authorized under subsection (a), the committee may request the Attorney General of the United States to invoke the aid of any district or territorial court of the United States in requiring the attendance and testimony of witnesses and the production of documentary evidence. Such court, within the jurisdiction of which such inquiry is carried on, may, in case of contumacy or refusal to obey a subpoena issued to any individual, partnership, corporation, association, organization, or other entity, issue an order requiring such individual or entity to appear before the committee, or to produce documentary evidence if so ordered or to give evidence concerning the matter in question. Any failure to obey such order of the court may be punished by such court as a contempt thereof.

(c) MANDAMUS.—Any court referred to in subsection (b) shall have jurisdiction to issue writs of mandamus commanding compliance with the provisions of this section or any order of the committee made in pursuance thereof.

(d) DEPOSITIONS.—The committee may order testimony to be taken by deposition at any stage of the committee review. Such deposition may be taken before any person designated by the committee and having power to administer oaths. Such testimony shall be reduced to writing by the person taking the deposition, or under the direction of such person, and shall then be subscribed by the deponent. Any individual, partnership, corporation, association, organization, or other entity may be compelled to appear and be deposed and to produce documentary evidence in the same manner as witnesses may be compelled to appear and testify and produce documentary evidence before the committee, as provided in this section.

SEC. 404. REQUESTS FOR REVIEW OF DETERMINATIONS BY COMPETENT INVESTIGATING AUTHORITIES OF NAFTA COUNTRIES. 19 USC 3434.

(a) DEFINITIONS.—As used in this section:

(1) COMPETENT INVESTIGATING AUTHORITY.—The term "competent investigating authority" means the competent investigating authority, as defined in article 1911, of a NAFTA country.

(2) UNITED STATES SECRETARY.—The term "United States Secretary" means that officer of the United States referred to in article 1908.

(b) REQUESTS FOR REVIEW BY THE UNITED STATES.—In the case of a final determination of a competent investigating authority, requests by the United States for binational panel review of such determination under article 1904 shall be made by the United States Secretary.

(c) REQUESTS FOR REVIEW BY A PERSON.—In the case of a final determination of a competent investigating authority, a person, within the meaning of paragraph 5 of article 1904, may request a binational panel review of such determination by filing such a request with the United States Secretary within the time limit provided for in paragraph 4 of article 1904. The receipt of such request by the United States Secretary shall be deemed to be a request for binational panel review within the meaning of article 1904. The request for such panel review shall be without prejudice to any challenge before a binational panel of the basis for a particular request for review.

(d) SERVICE OF REQUEST FOR REVIEW.—Whenever binational panel review of a final determination made by a competent investigating authority is requested under this section, the United States Secretary shall serve a copy of the request on all persons who would otherwise be entitled under the law of the importing country to commence proceedings for judicial review of the determination.

SEC. 405. RULES OF PROCEDURE FOR PANELS AND COMMITTEES. 19 USC 3435.

(a) RULES OF PROCEDURE FOR BINATIONAL PANELS.—The administering authority shall prescribe rules, negotiated in accordance with paragraph 14 of article 1904, governing, with respect to binational panel reviews—

(1) requests for such reviews, complaints, other pleadings, and other papers;

(2) the amendment, filing, and service of such pleadings and papers;

(3) the joinder, suspension, and termination of such reviews; and

(4) other appropriate procedural matters.

(b) RULES OF PROCEDURE FOR EXTRAORDINARY CHALLENGE COMMITTEES.—The administering authority shall prescribe rules, negotiated in accordance with paragraph 2 of Annex 1904.13, governing the procedures for reviews by extraordinary challenge committees.

(c) RULES OF PROCEDURE FOR SAFEGUARDING THE PANEL REVIEW SYSTEM.—The administering authority shall prescribe rules, negotiated in accordance with Annex 1905.6, governing the procedures for special committees described in such Annex.

Federal Register, publication.

(d) PUBLICATION OF RULES.—The rules prescribed under subsections (a), (b), and (c) shall be published in the Federal Register.

(e) ADMINISTERING AUTHORITY.—As used in this section, the term "administering authority" has the meaning given such term in section 771(1) of the Tariff Act of 1930 (19 U.S.C. 1677(1)).

19 USC 3436.

SEC. 406. SUBSIDY NEGOTIATIONS.

In the case of any trade agreement which may be entered into by the President with a NAFTA country, the negotiating objectives of the United States with respect to subsidies shall include—

(1) achievement of increased discipline on domestic subsidies provided by a foreign government, including—

(A) the provision of capital, loans, or loan guarantees on terms inconsistent with commercial considerations;

(B) the provision of goods or services at preferential rates;

(C) the granting of funds or forgiveness of debt to cover operating losses sustained by a specific industry; and

(D) the assumption of any costs or expenses of manufacture, production, or distribution;

(2) achievement of increased discipline on export subsidies provided by a foreign government, particularly with respect to agricultural products; and

(3) maintenance of effective remedies against subsidized imports, including, where appropriate, countervailing duties.

19 USC 3437.

SEC. 407. IDENTIFICATION OF INDUSTRIES FACING SUBSIDIZED IMPORTS.

(a) PETITIONS.—Any entity, including a trade association, firm, certified or recognized union, or group of workers, that is representative of a United States industry and has reason to believe—

(1) that—

(A) as a result of implementation of provisions of the Agreement, the industry is likely to face increased competition from subsidized imports, from a NAFTA country, with which it directly competes; or

(B) the industry is likely to face increased competition from subsidized imports with which it directly competes from any other country designated by the President, following consultations with the Congress, as benefiting from a reduction of tariffs or other trade barriers under a trade agreement that enters into force with respect to the United States after January 1, 1994; and

(2) that the industry is likely to experience a deterioration of its competitive position before more effective rules and disciplines relating to the use of government subsidies have been developed with respect to the country concerned;

may file with the Trade Representative a petition that such industry be identified under this section.

(b) IDENTIFICATION OF INDUSTRY.—Within 90 days after receipt of a petition under subsection (a), the Trade Representative, in consultation with the Secretary of Commerce, shall decide whether to identify the industry on the basis that there is a reasonable likelihood that the industry may face both the subsidization described in subsection (a)(1) and the deterioration described in subsection (a)(2).

(c) ACTION AFTER IDENTIFICATION.—At the request of an entity that is representative of an industry identified under subsection (b), the Trade Representative shall—

(1) compile and make available to the industry information under section 308 of the Trade Act of 1974;

(2) recommend to the President that an investigation by the International Trade Commission be requested under section 332 of the Tariff Act of 1930; or

(3) take actions described in both paragraphs (1) and (2).

The industry may request the Trade Representative to take appropriate action to update (as often as annually) any information obtained under paragraph (1) or (2), or both, as the case may be, until an agreement on more effective rules and disciplines relating to government subsidies is reached between the United States and the NAFTA countries.

(d) INITIATION OF ACTION UNDER OTHER LAW.—

(1) IN GENERAL.—The Trade Representative and the Secretary of Commerce shall review information obtained under subsection (c) and consult with the industry identified under subsection (b) with a view to deciding whether any action is appropriate—

(A) under section 301 of the Trade Act of 1974, including the initiation of an investigation under section 302(c) of that Act (in the case of the Trade Representative); or

(B) under subtitle A of title VII of the Tariff Act of 1930, including the initiation of an investigation under section 702(a) of that Act (in the case of the Secretary of Commerce).

(2) CRITERIA FOR INITIATION.—In determining whether to initiate any investigation under section 301 of the Trade Act of 1974 or any other trade law, other than title VII of the Tariff Act of 1930, the Trade Representative, after consultation with the Secretary of Commerce—

(A) shall seek the advice of the advisory committees established under section 135 of the Trade Act of 1974;

(B) shall consult with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives;

(C) shall coordinate with the interagency organization established under section 242 of the Trade Expansion Act of 1962; and

(D) may ask the President to request advice from the International Trade Commission.

(3) TITLE III ACTIONS.—In the event an investigation is initiated under section 302(c) of the Trade Act of 1974 as a result of a review under this subsection and the Trade Representative, following such investigation (including any applicable dispute settlement proceedings under the Agreement or any other trade agreement), determines to take action under section 301(a) of such Act, the Trade Representative shall give preference to actions that most directly affect the products that benefit from governmental subsidies and were the subject of the investigation, unless there are no significant imports of such products or the Trade Representative otherwise determines that application of the action to other products would be more effective.

(e) EFFECT OF DECISIONS.—Any decision, whether positive or negative, or any action by the Trade Representative or the Secretary of Commerce under this section shall not in any way—

(1) prejudice the right of any industry to file a petition under any trade law;

(2) prejudice, affect, or substitute for, any proceeding, investigation, determination, or action by the Secretary of Commerce, the International Trade Commission, or the Trade Representative pursuant to such a petition, or

(3) prejudice, affect, substitute for, or obviate any proceeding, investigation, or determination under section 301 of the Trade Act of 1974, title VII of the Tariff Act of 1930, or any other trade law.

(f) STANDING.—Nothing in this section may be construed to alter in any manner the requirements in effect before the date of the enactment of this Act for standing under any law of the United States or to add any additional requirements for standing under any law of the United States.

19 USC 3438.

SEC. 408. TREATMENT OF AMENDMENTS TO ANTIDUMPING AND COUNTERVAILING DUTY LAW.

Any amendment enacted after the Agreement enters into force with respect to the United States that is made to—

(1) section 303 or title VII of the Tariff Act of 1930, or any successor statute, or

(2) any other statute which—

(A) provides for judicial review of final determinations under such section, title, or successor statute, or

(B) indicates the standard of review to be applied,

shall apply to goods from a NAFTA country only to the extent specified in the amendment.

Subtitle B—Conforming Amendments and Provisions

SEC. 411. JUDICIAL REVIEW IN ANTIDUMPING DUTY AND COUNTERVAILING DUTY CASES.

Section 516A of the Tariff Act of 1930 (19 U.S.C. 1516a) is amended as follows:

(1) Subsection (a)(5) (relating to time limits for commencing review) is amended to read as follows:

"(5) TIME LIMITS IN CASES INVOLVING MERCHANDISE FROM FREE TRADE AREA COUNTRIES.—Notwithstanding any other

provision of this subsection, in the case of a determination to which the provisions of subsection (g) apply, an action under this subsection may not be commenced, and the time limits for commencing an action under this subsection shall not begin to run, until the day specified in whichever of the following subparagraphs applies:

"(A) For a determination described in paragraph (1)(B) or clause (i), (ii) or (iii) of paragraph (2)(B), the 31st day after the date on which notice of the determination is published in the Federal Register. Federal Register, publication.

"(B) For a determination described in clause (vi) of paragraph (2)(B), the 31st day after the date on which the government of the relevant FTA country receives notice of the determination.

"(C) For a determination with respect to which binational panel review has commenced in accordance with subsection (g)(8), the day after the date as of which—

"(i) the binational panel has dismissed binational panel review of the determination for lack of jurisdiction, and

"(ii) any interested party seeking review of the determination under paragraph (1), (2), or (3) of this subsection has provided timely notice under subsection (g)(3)(B).

If such an interested party files a summons and complaint under this subsection after dismissal by the binational panel, and if a request for an extraordinary challenge committee is made with respect to the decision by the binational panel to dismiss—

"(I) judicial review under this subsection shall be stayed during consideration by the committee of the request, and

"(II) the United States Court of International Trade shall dismiss the action if the committee vacates or remands the binational panel decision to dismiss.

"(D) For a determination for which review by the United States Court of International Trade is provided for— Federal Register, publication.

"(i) under subsection (g)(12)(B), the day after the date of publication in the Federal Register of notice that article 1904 of the NAFTA has been suspended, or

"(ii) under subsection (g)(12)(D), the day after the date that notice of settlement is published in the Federal Register.".

(2) Subsection (b)(3) (relating to the standards of review) is amended—

(A) by inserting "NAFTA OR" after "DECISIONS BY" in the heading; and

(B) by inserting "of the NAFTA or" after "article 1904".

(3) Subsection (f) (relating to definitions) is amended—

(A) by amending paragraphs (6) and (7) to read as follows:

"(6) UNITED STATES SECRETARY.—The term 'United States Secretary' means—

"(A) the secretary for the United States Section referred to in article 1908 of the NAFTA, and

"(B) the secretary of the United States Section provided for in article 1909 of the Agreement.

"(7) RELEVANT FTA SECRETARY.—The term 'relevant FTA Secretary' means the Secretary—

"(A) referred to in article 1908 of the NAFTA, or

"(B) provided for in paragraph 5 of article 1909 of the Agreement,

of the relevant FTA country."; and

(B) by adding at the end the following new paragraphs:

"(8) NAFTA.—The term 'NAFTA' means the North American Free Trade Agreement.

"(9) RELEVANT FTA COUNTRY.—The term 'relevant FTA country' means the free trade area country to which an antidumping or countervailing duty proceeding pertains.

"(10) FREE TRADE AREA COUNTRY.—The term 'free trade area country' means the following:

"(A) Canada for such time as the NAFTA is in force with respect to, and the United States applies the NAFTA to, Canada.

"(B) Mexico for such time as the NAFTA is in force with respect to, and the United States applies the NAFTA to, Mexico.

"(C) Canada for such time as—

"(i) it is not a free trade area country under subparagraph (A); and

"(ii) the Agreement is in force with respect to, and the United States applies the Agreement to, Canada.".

(4) Subsection (g) (relating to review of countervailing and antidumping duty determinations) is amended as follows:

(A) The subsection heading is amended by striking out "CANADIAN MERCHANDISE" and inserting "FREE TRADE AREA COUNTRY MERCHANDISE".

(B) Paragraph (1) is amended by striking out "Canadian merchandise" and inserting "free trade area country merchandise".

(C) Paragraph (2) is amended by inserting "of the NAFTA or" after "article 1904".

(D) Paragraph (3)(A) is amended—

(i) by striking out "nor Canada" and inserting "nor the relevant FTA country" in each of clauses (i) and (ii);

(ii) by inserting "of the NAFTA or" before "of the Agreement" in each of clauses (i) and (iii);

(iii) by striking out "or" at the end of clause (iii);

(iv) by amending clause (iv)—

(I) by striking out "under paragraph (2)(A)"; and

(II) by striking out the period and inserting a comma; and

(v) by adding at the end of subparagraph (A) the following:

"(v) a determination as to which binational panel review has terminated pursuant to paragraph 12 of article 1905 of the NAFTA, or

"(vi) a determination as to which extraordinary challenge committee review has terminated pursuant to paragraph 12 of article 1905 of the NAFTA.".

(E) The first and second sentences of paragraph (3)(B) are amended to read as follows: "A determination described in subparagraph (A)(i) or (iv) is reviewable under subsection (a) only if the party seeking to commence review has provided timely notice of its intent to commence such review to—

"(i) the United States Secretary and the relevant FTA Secretary;

"(ii) all interested parties who were parties to the proceeding in connection with which the matter arises; and

"(iii) the administering authority or the Commission, as appropriate.

Such notice is timely provided if the notice is delivered no later than the date that is 20 days after the date described in subparagraph (A) or (B) of subsection (a)(5) that is applicable to such determination, except that, if the time for requesting binational panel review is suspended under paragraph (8)(A)(ii) of this subsection, any unexpired time for providing notice of intent to commence judicial review shall, during the pendency of any such suspension, also be suspended.".

(F) Paragraph (4)(A) is amended—

(i) in the first sentence—

(I) by inserting "the North American Free Trade Agreement Implementation Act implementing the binational dispute settlement system under chapter 19 of the NAFTA, or" after "or amendment made by,";

(II) by inserting a comma before "violates";

(III) by inserting "only" after "may be brought"; and

(IV) by inserting ", which shall have jurisdiction of such action" after "Circuit"; and

(ii) by striking the last sentence.

(G) Paragraph (5) is amended—

(i) by inserting "of the NAFTA or" after "article 1904" in each of subparagraphs (A), (B), and (C)(i);

(ii) by striking out ", the Canadian Secretary," in subparagraph (C)(ii) and inserting ", the relevant FTA Secretary,"; and

(iii) by inserting "of the NAFTA or" after "chapter 19" in subparagraph (C)(iii).

(H) Paragraph (6) is amended by inserting "of the NAFTA or" after "article 1904".

(I) Paragraph (7) is amended—

(i) by inserting "OF THE NAFTA OR THE AGREEMENT" before the period in the paragraph heading;

(ii) by striking out "IN GENERAL.—" in the heading to subparagraph (A) and inserting "ACTION UPON REMAND.—"; and

(iii) by inserting "the NAFTA or" before "the Agreement" in subparagraph (A).

(J) Paragraph (8)(A) is amended—

(i) by inserting "(i) GENERAL RULE.—" before "An interested party";

(ii) by inserting "of the NAFTA or" after "article 1904(4)";

(iii) by indenting the text so as to align it with new clause (ii) (as added by clause (iv) of this subparagraph); and

(iv) by adding at the end the following new clause:

"(ii) SUSPENSION OF TIME TO REQUEST BINATIONAL PANEL REVIEW UNDER THE NAFTA.—Notwithstanding clause (i), the time for requesting binational panel review shall be suspended during the pendency of any stay of binational panel review that is issued pursuant to paragraph 11(a) of article 1905 of the NAFTA.".

(K) Paragraph (8)(B)(ii) is amended by striking out "Canadian Secretary," and inserting "relevant FTA Secretary,".

(L) Paragraph (8)(C) is amended by striking out "under article 1904 of the Agreement of a determination" and inserting "of a determination under article 1904 of the NAFTA or the Agreement".

(M) Paragraph (9) is amended by inserting "of the NAFTA or" after "chapter 19".

(N) Paragraph (10) is amended by striking out "Government of Canada" and all that follows thereafter and inserting "Government of the relevant FTA country received notice of the determination under paragraph 4 of article 1904 of the NAFTA or the Agreement.".

(O) The following new paragraphs are added at the end:

"(11) SUSPENSION AND TERMINATION OF SUSPENSION OF ARTICLE 1904 OF THE NAFTA.—

"(A) SUSPENSION OF ARTICLE 1904.—If a special committee established under article 1905 of the NAFTA issues an affirmative finding, the Trade Representative may, in accordance with paragraph 8(a) or 9, as appropriate, of article 1905 of the NAFTA, suspend the operation of article 1904 of the NAFTA.

"(B) TERMINATION OF SUSPENSION OF ARTICLE 1904.—If a special committee is reconvened and makes an affirmative determination described in paragraph 10(b) of article 1905 of the NAFTA, any suspension of the operation of article 1904 of the NAFTA shall terminate.

"(12) JUDICIAL REVIEW UPON TERMINATION OF BINATIONAL PANEL OR COMMITTEE REVIEW UNDER THE NAFTA.—

Federal Register, publication.

"(A) NOTICE OF SUSPENSION OR TERMINATION OF SUSPENSION OF ARTICLE 1904.—

"(i) Upon notification by the Trade Representative or the Government of a country described in subsection (f)(10) (A) or (B) that the operation of article 1904 of the NAFTA has been suspended in accordance with paragraph 8(a) or 9 of article 1905 of the NAFTA, the United States Secretary shall publish in the Federal Register a notice of suspension of article 1904 of the NAFTA.

"(ii) Upon notification by the Trade Representative or the Government of a country described in subsection

(f)(10) (A) or (B) that the suspension of the operation of article 1904 of the NAFTA is terminated in accordance with paragraph 10 of article 1905 of the NAFTA, the United States Secretary shall publish in the Federal Register a notice of termination of suspension of article 1904 of the NAFTA.

"(B) TRANSFER OF FINAL DETERMINATIONS FOR JUDICIAL REVIEW UPON SUSPENSION OF ARTICLE 1904.—If the operation of article 1904 of the NAFTA is suspended in accordance with paragraph 8(a) or 9 of article 1905 of the NAFTA—

"(i) upon the request of an authorized person described in subparagraph (C), any final determination that is the subject of a binational panel review or an extraordinary challenge committee review shall be transferred to the United States Court of International Trade (in accordance with rules issued by the Court) for review under subsection (a); or

"(ii) in a case in which—

"(I) a binational panel review was completed fewer than 30 days before the suspension, and

"(II) extraordinary challenge committee review has not been requested,

upon the request of an authorized person described in subparagraph (C) which is made within 60 days after the completion of the binational panel review, the final determination that was the subject of the binational panel review shall be transferred to the United States Court of International Trade (in accordance with rules issued by the Court) for review under subsection (a).

"(C) PERSONS AUTHORIZED TO REQUEST TRANSFER OF FINAL DETERMINATIONS FOR JUDICIAL REVIEW.—A request that a final determination be transferred to the Court of International Trade under subparagraph (B) may be made by—

"(i) if the United States made an allegation under paragraph 1 of article 1905 of the NAFTA and the operation of article 1904 of the NAFTA was suspended pursuant to paragraph 8(a) of article 1905 of the NAFTA—

"(I) the government of the relevant country described in subsection (f)(10) (A) or (B),

"(II) an interested party that was a party to the panel or committee review, or

"(III) an interested party that was a party to the proceeding in connection with which panel review was requested, but only if the time period for filing notices of appearance in the panel review has not expired, or

"(ii) if a country described in subsection (f)(10) (A) or (B) made an allegation under paragraph 1 of article 1905 of the NAFTA and the operation of article 1904 of the NAFTA was suspended pursuant to paragraph 9 of article 1905 of the NAFTA—

"(I) the government of that country,

"(II) an interested party that is a person of that country and that was a party to the panel or committee review, or

"(III) an interested party that is a person of that country and that was a party to the proceeding in connection with which panel review was requested, but only if the time period for filing notices of appearance in the panel review has not expired.

"(D)(i) TRANSFER FOR JUDICIAL REVIEW UPON SETTLEMENT.—If the Trade Representative achieves a settlement with the government of a country described in subsection (f)(10) (A) or (B) pursuant to paragraph 7 of article 1905 of the NAFTA, and referral for judicial review is among the terms of such settlement, any final determination that is the subject of a binational panel review or an extraordinary challenge committee review shall, upon a request described in clause (ii), be transferred to the United States Court of International Trade (in accordance with rules issued by the Court) for review under subsection (a).

"(ii) A request referred to in clause (i) is a request made by—

"(I) the country referred to in clause (i),

"(II) an interested party that was a party to the panel or committee review, or

"(III) an interested party that was a party to the proceeding in connection with which panel review was requested, but only if the time for filing notices of appearance in the panel review has not expired.".

SEC. 412. CONFORMING AMENDMENTS TO OTHER PROVISIONS OF THE TARIFF ACT OF 1930.

(a) REGULATIONS FOR APPRAISEMENT AND CLASSIFICATION; FINALITY AND DECISION.—Sections 502(b) and 514(b) of the Tariff Act of 1930 (19 U.S.C. 1502(b) and 1514(b)) are each amended by inserting "the North American Free Trade Agreement or" before "the United States-Canada Free-Trade Agreement".

(b) DEFINITION.—Section 771 of the Tariff Act of 1930 (19 U.S.C. 1677) is amended—

(1) by redesignating as paragraph (21) (and placing in numerical sequence) the second paragraph that is designated as paragraph (18) (relating to the definition of the United States-Canada Agreement) in such section; and

(2) by inserting after paragraph (21) (as redesignated by paragraph (1) of this subsection) the following new paragraph:

"(22) NAFTA.—The term 'NAFTA' means the North American Free Trade Agreement.".

(c) DISCLOSURE OF PROPRIETARY INFORMATION IN TITLE VII PROCEEDINGS.—Section 777(f) of the Tariff Act of 1930 (19 U.S.C. 1677f(f)) is amended—

(1) by inserting "THE NORTH AMERICAN FREE TRADE AGREEMENT OR" before "THE UNITED STATES-CANADA AGREEMENT" in the heading;

(2) by inserting "the NAFTA or" before "the United States-Canada Agreement" each place it appears in paragraph (1)(A);

(3) in the second sentence of paragraph (1)(A)—

(A) by inserting "or extraordinary challenge committee" after "binational panel"; and

(B) by inserting "or committee" after "the panel";

(4) in paragraph (1)(B)—

(A) by inserting "the NAFTA or" before "the Agreement" in clauses (iii) and (iv); and

(B) by striking out "Government of Canada designated by an authorized agency of Canada" in clause (iv) and inserting "Government of a free trade area country (as defined in section 516A(f)(10)) designated by an authorized agency of such country";

(5) in paragraph (2) by inserting ", including any extraordinary challenge," after "binational panel proceeding";

(6) in paragraph (3)—

(A) by inserting "or extraordinary challenge committee" after "binational panel", and

(B) by inserting "the NAFTA or" before "the United States-Canada Agreement";

(7) by striking out "agency of Canada" in each of paragraphs (3) and (4) and inserting "agency of a free trade area country (as defined in section 516A(f)(10))"; and

(8) in the first sentence of paragraph (4) by inserting ", except a judge appointed to a binational panel or an extraordinary challenge committee under section 402(b) of the North American Free Trade Agreement Implementation Act," after "Any person".

SEC. 413. CONSEQUENTIAL AMENDMENT TO FREE-TRADE AGREEMENT ACT OF 1988.

Section 410(a) of the United States-Canada Free-Trade Agreement Implementation Act of 1988 (19 U.S.C. 2112 note) is amended by adding at the end the following new sentence: "In calculating the 7-year period referred to in paragraph (1), any time during which Canada is a NAFTA country (as defined in section 2(4) of the North American Free Trade Agreement Implementation Act) shall be disregarded.".

SEC. 414. CONFORMING AMENDMENTS TO TITLE 28, UNITED STATES CODE.

(a) COURT OF INTERNATIONAL TRADE.—Chapter 95 of title 28, United States Code, is amended—

(1) in section 1581(i) by inserting "the North American Free Trade Agreement or" before "the United States-Canada Free-Trade Agreement";

(2) in section 1584—

(A) by amending the section heading to read as follows:

"§ 1584. Civil actions under the North American Free Trade Agreement or the United States-Canada Free-Trade Agreement"; and

(B) by striking out "777(d)" and inserting "777(f)"; and

(3) in the table of contents for such chapter by amending the entry for section 1584 to read as follows:

"1584. Civil actions under the North American Free Trade Agreement or the United States-Canada Free-Trade Agreement.".

(b) PARTICULAR PROCEEDINGS.—Sections 2201(a) and 2643(c)(5) of title 28, United States Code, are each amended by striking

out "Canadian merchandise," and inserting "merchandise of a free trade area country (as defined in section 516A(f)(10) of the Tariff Act of 1930),".

19 USC 3451.

SEC. 415. EFFECT OF TERMINATION OF NAFTA COUNTRY STATUS.

(a) IN GENERAL.—Except as provided in subsection (b), on the date on which a country ceases to be a NAFTA country, the provisions of this title (other than this section) and the amendments made by this title shall cease to have effect with respect to that country.

(b) TRANSITION PROVISIONS.—

(1) PROCEEDINGS REGARDING PROTECTIVE ORDERS AND UNDERTAKINGS.—If on the date on which a country ceases to be a NAFTA country an investigation or enforcement proceeding concerning the violation of a protective order issued under section 777(f) of the Tariff Act of 1930 (as amended by this subtitle) or an undertaking of the Government of that country is pending, the investigation or proceeding shall continue, and sanctions may continue to be imposed, in accordance with the provisions of such section 777(f).

(2) BINATIONAL PANEL AND EXTRAORDINARY CHALLENGE COMMITTEE REVIEWS.—If on the date on which a country ceases to be a NAFTA country—

(A) a binational panel review under article 1904 of the Agreement is pending, or has been requested; or

(B) an extraordinary challenge committee review under article 1904 of the Agreement is pending, or has been requested;

with respect to a determination which involves a class or kind of merchandise and to which section 516A(g)(2) of the Tariff Act of 1930 applies, such determination shall be reviewable under section 516A(a) of the Tariff Act of 1930. In the case of a determination to which the provisions of this paragraph apply, the time limits for commencing an action under 516A(a) of the Tariff Act of 1930 shall not begin to run until the date on which the Agreement ceases to be in force with respect to that country.

19 USC 3431 note.

SEC. 416. EFFECTIVE DATE.

The provisions of this title and the amendments made by this title take effect on the date the Agreement enters into force with respect to the United States, but shall not apply—

(1) to any final determination described in paragraph (1)(B), or (2)(B) (i), (ii), or (iii), of section 516A(a) of the Tariff Act of 1930 notice of which is published in the Federal Register before such date, or to a determination described in paragraph (2)(B)(vi) of section 516A(a) of such Act notice of which is received by the Government of Canada or Mexico before such date; or

(2) to any binational panel review under the United States-Canada Free-Trade Agreement, or any extraordinary challenge arising out of any such review, that was commenced before such date.

TITLE V—NAFTA TRANSITIONAL ADJUSTMENT ASSISTANCE AND OTHER PROVISIONS

Subtitle A—NAFTA Transitional Adjustment Assistance Program

NAFTA Worker Security Act.

SEC. 501. SHORT TITLE.

19 USC 2101 note.

This subtitle may be cited as the "NAFTA Worker Security Act".

SEC. 502. ESTABLISHMENT OF NAFTA TRANSITIONAL ADJUSTMENT ASSISTANCE PROGRAM.

Chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.) is amended by adding at the end the following new subchapter:

"Subchapter D—NAFTA Transitional Adjustment Assistance Program

"SEC. 250. ESTABLISHMENT OF TRANSITIONAL PROGRAM.

19 USC 2331.

"(a) GROUP ELIGIBILITY REQUIREMENTS.—

"(1) CRITERIA.—A group of workers (including workers in any agricultural firm or subdivision of an agricultural firm) shall be certified as eligible to apply for adjustment assistance under this subchapter pursuant to a petition filed under subsection (b) if the Secretary determines that a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated, and either—

"(A) that—

"(i) the sales or production, or both, of such firm or subdivision have decreased absolutely,

"(ii) imports from Mexico or Canada of articles like or directly competitive with articles produced by such firm or subdivision have increased, and

"(iii) the increase in imports under clause (ii) contributed importantly to such workers' separation or threat of separation and to the decline in the sales or production of such firm or subdivision; or

"(B) that there has been a shift in production by such workers' firm or subdivision to Mexico or Canada of articles like or directly competitive with articles which are produced by the firm or subdivision.

"(2) DEFINITION OF CONTRIBUTED IMPORTANTLY.—The term 'contributed importantly', as used in paragraph (1)(A)(iii), means a cause which is important but not necessarily more important than any other cause.

"(3) REGULATIONS.—The Secretary shall issue regulations relating to the application of the criteria described in paragraph (1) in making preliminary findings under subsection (b) and determinations under subsection (c).

"(b) PRELIMINARY FINDINGS AND BASIC ASSISTANCE.—

"(1) FILING OF PETITIONS.—A petition for certification of eligibility to apply for adjustment assistance under this subchapter may be filed by a group of workers (including workers in any agricultural firm or subdivision of an agricultural firm) or by their certified or recognized union or other duly authorized representative with the Governor of the State in which such workers' firm or subdivision thereof is located.

"(2) FINDINGS AND ASSISTANCE.—Upon receipt of a petition under paragraph (1), the Governor shall—

"(A) notify the Secretary that the Governor has received the petition;

"(B) within 10 days after receiving the petition—

"(i) make a preliminary finding as to whether the petition meets the criteria described in subsection (a)(1) (and for purposes of this clause the criteria described under subparagraph (A)(iii) of such subsection shall be disregarded), and

"(ii) transmit the petition, together with a statement of the finding under clause (i) and reasons therefor, to the Secretary for action under subsection (c); and

"(C) if the preliminary finding under subparagraph (B)(i) is affirmative, ensure that rapid response and basic readjustment services authorized under other Federal law are made available to the workers.

"(c) REVIEW OF PETITIONS BY SECRETARY; CERTIFICATIONS.—

"(1) IN GENERAL.—The Secretary, within 30 days after receiving a petition under subsection (b), shall determine whether the petition meets the criteria described in subsection (a)(1). Upon a determination that the petition meets such criteria, the Secretary shall issue to workers covered by the petition a certification of eligibility to apply for assistance described in subsection (d).

"(2) DENIAL OF CERTIFICATION.—Upon denial of certification with respect to a petition under paragraph (1), the Secretary shall review the petition in accordance with the requirements of subchapter A to determine if the workers may be certified under such subchapter.

"(d) COMPREHENSIVE ASSISTANCE.—Workers covered by certification issued by the Secretary under subsection (c) shall be provided, in the same manner and to the same extent as workers covered under a certification under subchapter A, the following:

"(1) Employment services described in section 235.

"(2) Training described in section 236, except that notwithstanding the provisions of section 236(a)(2)(A), the total amount of payments for training under this subchapter for any fiscal year shall not exceed $30,000,000.

"(3) Trade readjustment allowances described in sections 231 through 234, except that—

"(A) the provisions of sections 231(a)(5)(C) and 231(c), authorizing the payment of trade readjustment allowances upon a finding that it is not feasible or appropriate to approve a training program for a worker, shall not be applicable to payment of such allowances under this subchapter; and

"(B) notwithstanding the provisions of section 233(b), in order for a worker to qualify for trade readjustment

allowances under this subchapter, the worker shall be enrolled in a training program approved by the Secretary under section 236(a) by the later of—

"(i) the last day of the 16th week of such worker's initial unemployment compensation benefit period, or

"(ii) the last day of the 6th week after the week in which the Secretary issues a certification covering such worker.

In cases of extenuating circumstances relating to enrollment in a training program, the Secretary may extend the time for enrollment for a period not to exceed 30 days.

"(4) Job search allowances described in section 237.

"(5) Relocation allowances described in section 238.

"(e) ADMINISTRATION.—The provisions of subchapter C shall apply to the administration of the program under this subchapter in the same manner and to the same extent as such provisions apply to the administration of the program under subchapters A and B, except that the agreement between the Secretary and the States described in section 239 shall specify the procedures that will be used to carry out the certification process under subsection (c) and the procedures for providing relevant data by the Secretary to assist the States in making preliminary findings under subsection (b).".

SEC. 503. CONFORMING AMENDMENTS.

(a) REFERENCES.—Sections 221(a), 222(a), and 223(a) of the Trade Act of 1974 (19 U.S.C. 2271(a), 2272(a), and 2273(a)) are each amended by striking out "assistance under this chapter" and inserting "assistance under this subchapter".

(b) BENEFIT INFORMATION.—Section 225(b) of the Trade Act of 1974 (19 U.S.C. 2275(b)) is amended by inserting "or subchapter D" after "subchapter A" each place it appears.

(c) NONDUPLICATION OF ASSISTANCE.—Subchapter C of chapter 2 of title II of the Trade Act of 1974 is amended by adding at the end the following new section:

"SEC. 249A. NONDUPLICATION OF ASSISTANCE. 19 USC 2322.

"No worker may receive assistance relating to a separation pursuant to certifications under both subchapters A and D of this chapter.".

(d) JUDICIAL REVIEW.—Section 284(a) of the Trade Act of 1974 (19 U.S.C. 2395(a)) is amended by inserting "or section 250(c)" after "section 223".

(e) TABLE OF CONTENTS.—The table of contents for chapter 2 of title II of the Trade Act of 1974 is amended—

(1) by inserting after the item relating to section 249 the following new item:

"Sec. 249A. Nonduplication of assistance.";

and

(2) by adding at the end thereof the following new items:

"SUBCHAPTER D—NAFTA TRANSITIONAL ADJUSTMENT ASSISTANCE PROGRAM

"Sec. 250. Establishment of transitional program.".

SEC. 504. AUTHORIZATION OF APPROPRIATIONS.

Section 245 of the Trade Act of 1974 (19 U.S.C. 2317) is amended—

(1) by striking "There" and inserting "(a) IN GENERAL.—There",

(2) by inserting ", other than subchapter D" after "chapter", and

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

"(b) SUBCHAPTER D.—There are authorized to be appropriated to the Department of Labor, for each of fiscal years 1994, 1995, 1996, 1997, and 1998, such sums as may be necessary to carry out the purposes of subchapter D of this chapter.".

SEC. 505. TERMINATION OF TRANSITION PROGRAM.

Subsection (c) of section 285 of the Trade Act of 1974 (19 U.S.C. 2271 preceding note) is amended—

(1) by striking "No" and inserting "(1) Except as provided in paragraph (2), no"; and

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

"(2)(A) Except as provided in subparagraph (B), no assistance, vouchers, allowances, or other payments may be provided under subchapter D of chapter 2 after the day that is the earlier of—

"(i) September 30, 1998, or

"(ii) the date on which legislation, establishing a program providing dislocated workers with comprehensive assistance substantially similar to the assistance provided by such subchapter D, becomes effective.

"(B) Notwithstanding subparagraph (A), if, on or before the day described in subparagraph (A), a worker—

"(i) is certified as eligible to apply for assistance, under subchapter D of chapter 2; and

"(ii) is otherwise eligible to receive assistance in accordance with section 250,

such worker shall continue to be eligible to receive such assistance for any week for which the worker meets the eligibility requirements of such section.".

19 USC 2331 note.

SEC. 506. EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by sections 501, 502, 503, 504, and 505 shall take effect on the date the Agreement enters into force with respect to the United States.

(b) COVERED WORKERS.—

(1) GENERAL RULE.—Except as provided in paragraph (2), no worker shall be certified as eligible to receive assistance under subchapter D of chapter 2 of title II of the Trade Act of 1974 (as added by this subtitle) whose last total or partial separation from a firm (or appropriate subdivision of a firm) occurred before such date of entry into force.

(2) REACHBACK.—Notwithstanding paragraph (1), any worker—

(A) whose last total or partial separation from a firm (or appropriate subdivision of a firm) occurs—

(i) after the date of the enactment of this Act, and

(ii) before such date of entry into force, and

(B) who would otherwise be eligible to receive assistance under subchapter D of chapter 2 of title II of the Trade Act of 1974,

shall be eligible to receive such assistance in the same manner as if such separation occurred on or after such date of entry into force.

SEC. 507. TREATMENT OF SELF-EMPLOYMENT ASSISTANCE PROGRAMS.

(a) GENERAL RULE.—Section 3306 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection: 26 USC 3306.

"(t) SELF-EMPLOYMENT ASSISTANCE PROGRAM.—For the purposes of this chapter, the term 'self-employment assistance program' means a program under which—

"(1) individuals who meet the requirements described in paragraph (3) are eligible to receive an allowance in lieu of regular unemployment compensation under the State law for the purpose of assisting such individuals in establishing a business and becoming self-employed;

"(2) the allowance payable to individuals pursuant to paragraph (1) is payable in the same amount, at the same interval, on the same terms, and subject to the same conditions, as regular unemployment compensation under the State law, except that—

"(A) State requirements relating to availability for work, active search for work, and refusal to accept work are not applicable to such individuals;

"(B) State requirements relating to disqualifying income are not applicable to income earned from self-employment by such individuals; and

"(C) such individuals are considered to be unemployed for the purposes of Federal and State laws applicable to unemployment compensation,

as long as such individuals meet the requirements applicable under this subsection;

"(3) individuals may receive the allowance described in paragraph (1) if such individuals—

"(A) are eligible to receive regular unemployment compensation under the State law, or would be eligible to receive such compensation except for the requirements described in subparagraph (A) or (B) of paragraph (2);

"(B) are identified pursuant to a State worker profiling system as individuals likely to exhaust regular unemployment compensation; and

"(C) are participating in self-employment assistance activities which—

"(i) include entrepreneurial training, business counseling, and technical assistance; and

"(ii) are approved by the State agency; and

"(D) are actively engaged on a full-time basis in activities (which may include training) relating to the establishment of a business and becoming self-employed;

"(4) the aggregate number of individuals receiving the allowance under the program does not at any time exceed 5 percent of the number of individuals receiving regular unemployment compensation under the State law at such time;

"(5) the program does not result in any cost to the Unemployment Trust Fund (established by section 904(a) of the Social Security Act) in excess of the cost that would be incurred by such State and charged to such Fund if the State had not participated in such program; and

"(6) the program meets such other requirements as the Secretary of Labor determines to be appropriate.".

(b) CONFORMING AMENDMENTS.—

26 USC 3304. (1) Section 3304(a)(4) of such Code is amended—

(A) in subparagraph (D), by striking "; and" and inserting a semicolon;

(B) in subparagraph (E), by striking the semicolon and inserting "; and"; and

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

"(F) amounts may be withdrawn for the payment of allowances under a self-employment assistance program (as defined in section 3306(t));".

26 USC 3306. (2) Section 3306(f) of such Code is amended—

(A) in paragraph (3), by striking "; and" and inserting a semicolon;

(B) in paragraph (4), by striking the period and inserting "; and"; and

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

"(5) amounts may be withdrawn for the payment of allowances under a self-employment assistance program (as defined in subsection (t)).".

(3) Section 303(a)(5) of the Social Security Act (42 U.S.C. 503(a)(5)) is amended by striking "; and" and inserting ": *Provided further,* That amounts may be withdrawn for the payment of allowances under a self-employment assistance program (as defined in section 3306(t) of the Internal Revenue Code of 1986); and".

26 USC 3306 note. (c) STATE REPORTS.—Any State operating a self-employment program authorized by the Secretary of Labor under this section shall report annually to the Secretary on the number of individuals who participate in the self-employment assistance program, the number of individuals who are able to develop and sustain businesses, the operating costs of the program, compliance with program requirements, and any other relevant aspects of program operations requested by the Secretary.

26 USC 3306 note. (d) REPORT TO CONGRESS.—Not later than 4 years after the date of the enactment of this Act, the Secretary of Labor shall submit a report to the Congress with respect to the operation of the program authorized under this section. Such report shall be based on the reports received from the States pursuant to subsection (c) and include such other information as the Secretary of Labor determines is appropriate.

26 USC 3306 note. (e) EFFECTIVE DATE; SUNSET.—

(1) EFFECTIVE DATE.—The provisions of this section and the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) SUNSET.—The authority provided by this section, and the amendments made by this section, shall terminate 5 years after the date of the enactment of this Act.

Subtitle B—Provisions Relating to Performance Under the Agreement

19 USC 3461. **SEC. 511. DISCRIMINATORY TAXES.**

It is the sense of the Congress that when a State, province, or other governmental entity of a NAFTA country discriminatorily enforces sales or other taxes so as to afford protection to domestic

production or domestic service providers, such enforcement is in violation of the terms of the Agreement. When such discriminatory enforcement adversely affects United States producers of goods or United States service providers, the Trade Representative should pursue all appropriate remedies to obtain removal of such discriminatory enforcement, including invocation of the provisions of the Agreement.

SEC. 512. REVIEW OF THE OPERATION AND EFFECTS OF THE AGREEMENT. 19 USC 3462.

(a) STUDY.—By not later than July 1, 1997, the President shall provide to the Congress a comprehensive study on the operation and effects of the Agreement. The study shall include an assessment of the following factors: President.

(1) The net effect of the Agreement on the economy of the United States, including with respect to the United States gross national product, employment, balance of trade, and current account balance.

(2) The industries (including agricultural industries) in the United States that have significantly increased exports to Mexico or Canada as a result of the Agreement, or in which imports into the United States from Mexico or Canada have increased significantly as a result of the Agreement, and the extent of any change in the wages, employment, or productivity in each such industry as a result of the Agreement.

(3) The extent to which investment in new or existing production or other operations in the United States has been redirected to Mexico as a result of the Agreement, and the effect on United States employment of such redirection.

(4) The extent of any increase in investment, including foreign direct investment and increased investment by United States investors, in new or existing production or other operations in the United States as a result of the Agreement, and the effect on United States employment of such investment.

(5) The extent to which the Agreement has contributed to—

(A) improvement in real wages and working conditions in Mexico,

(B) effective enforcement of labor and environmental laws in Mexico, and

(C) the reduction or abatement of pollution in the region of the United States-Mexico border.

(b) SCOPE.—In assessing the factors listed in subsection (a), to the extent possible, the study shall distinguish between the consequences of the Agreement and events that likely would have occurred without the Agreement. In addition, the study shall evaluate the effects of the Agreement relative to aggregate economic changes and, to the extent possible, relative to the effects of other factors, including—

(1) international competition,

(2) reductions in defense spending,

(3) the shift from traditional manufacturing to knowledge and information based economic activity, and

(4) the Federal debt burden.

(c) RECOMMENDATIONS OF THE PRESIDENT.—The study shall include any appropriate recommendations by the President with respect to the operation and effects of the Agreement, including

recommendations with respect to the specific factors listed in subsection (a).

President.

(d) RECOMMENDATIONS OF CERTAIN COMMITTEES.—The President shall provide the study to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate and any other committee that has jurisdiction over any provision of United States law that was either enacted or amended by the North American Free Trade Agreement Implementation Act. Each such committee may hold hearings and make recommendations to the President with respect to the operation and effects of the Agreement.

SEC. 513. ACTIONS AFFECTING UNITED STATES CULTURAL INDUSTRIES.

Section 182 of the Trade Act of 1974 (19 U.S.C. 2242) is amended by adding at the end the following new subsection:

"(f) SPECIAL RULE FOR ACTIONS AFFECTING UNITED STATES CULTURAL INDUSTRIES.—

"(1) IN GENERAL.—By no later than the date that is 30 days after the date on which the annual report is submitted to Congressional committees under section 181(b), the Trade Representative shall identify any act, policy, or practice of Canada which—

"(A) affects cultural industries,

"(B) is adopted or expanded after December 17, 1992, and

"(C) is actionable under article 2106 of the North American Free Trade Agreement.

"(2) SPECIAL RULES FOR IDENTIFICATIONS.—For purposes of section 302(b)(2)(A), an act, policy, or practice identified under this subsection shall be treated as an act, policy, or practice that is the basis for identification of a country under subsection (a)(2), unless the United States has already taken action pursuant to article 2106 of the North American Free Trade Agreement in response to such act, policy, or practice. In deciding whether to identify an act, policy, or practice under paragraph (1), the Trade Representative shall—

"(A) consult with and take into account the views of representatives of the relevant domestic industries, appropriate committees established pursuant to section 135, and appropriate officers of the Federal Government, and

"(B) take into account the information from such sources as may be available to the Trade Representative and such information as may be submitted to the Trade Representative by interested persons, including information contained in reports submitted under section 181(b).

"(3) CULTURAL INDUSTRIES.—For purposes of this subsection, the term 'cultural industries' means persons engaged in any of the following activities:

"(A) The publication, distribution, or sale of books, magazines, periodicals, or newspapers in print or machine readable form but not including the sole activity of printing or typesetting any of the foregoing.

"(B) The production, distribution, sale, or exhibition of film or video recordings.

"(C) The production, distribution, sale, or exhibition of audio or video music recordings.

"(D) The publication, distribution, or sale of music in print or machine readable form.

"(E) Radio communications in which the transmissions are intended for direct reception by the general public, and all radio, television, and cable broadcasting undertakings and all satellite programming and broadcast network services.".

SEC. 514. REPORT ON IMPACT OF NAFTA ON MOTOR VEHICLE EXPORTS TO MEXICO. 19 USC 3463.

(a) FINDINGS.—The Congress makes the following findings:

(1) Trade in motor vehicles and motor vehicle parts is one of the most restricted areas of trade between the United States and Mexico.

(2) The elimination of Mexico's restrictive barriers to trade in motor vehicles and motor vehicle parts over a 10-year period under the Agreement should increase substantially United States exports of such products to Mexico.

(3) The Department of Commerce estimates that the Agreement provides the opportunity to increase United States exports of motor vehicles and motor vehicle parts by $1,000,000,000 during the first year of the Agreement's implementation with the potential for additional increases over the 10-year transition period.

(4) The United States automotive industry has estimated that United States exports of motor vehicles to Mexico should increase to more than 60,000 units during the first year of the Agreement's implementation, which is substantially above the current level of 4,000 units.

(b) TRADE REPRESENTATIVE REPORT.—No later than July 1, 1995, and annually thereafter through 1999, the Trade Representative shall submit a report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives on how effective the provisions of the Agreement are with respect to increasing United States exports of motor vehicles and motor vehicle parts to Mexico. Each report shall identify and determine the following:

(1) The patterns of trade in motor vehicles and motor vehicle parts between the United States and Mexico during the preceding 12-month period.

(2) The level of tariff and nontariff barriers that were in force during the preceding 12-month period.

(3) The amount by which United States exports of motor vehicles and motor vehicle parts to Mexico have increased from the preceding 12-month period as a result of the elimination of Mexican tariff and nontariff barriers under the Agreement.

(4) Whether any such increase in United States exports meets the levels of new export opportunities anticipated under the Agreement.

(5) If the anticipated levels of new United States export opportunities are not reached, what actions the Trade Representative is prepared to take to realize the benefits anticipated under the Agreement, including possible initiation of additional negotiations with Mexico for the purpose of seeking modifications of the Agreement.

SEC. 515. CENTER FOR THE STUDY OF WESTERN HEMISPHERIC TRADE.

(a) AMENDMENT TO THE CBI.—The Caribbean Basin Economic Recovery Act (19 U.S.C. 2701 et seq.) is amended by inserting after section 218 the following new section:

Texas.
19 USC 2707.

"SEC. 219. CENTER FOR THE STUDY OF WESTERN HEMISPHERIC TRADE.

Grants.

"(a) ESTABLISHMENT.—The Commissioner of Customs, after consultation with appropriate officials in the State of Texas, is authorized and directed to make grants to an institution (or a consortium of such institutions) to assist such institution in planning, establishing, and operating a Center for the Study of Western Hemispheric Trade (hereafter in this section referred to as the 'Center'). The Commissioner of Customs shall make the first grant not later than December 1, 1994, and the Center shall be established not later than February 1, 1995.

"(b) SCOPE OF THE CENTER.—The Center shall be a year-round program operated by an institution located in the State of Texas (or a consortium of such institutions), the purpose of which is to promote and study trade between and among Western Hemisphere countries. The Center shall conduct activities designed to examine—

"(1) the impact of the NAFTA on the economies in, and trade within, the Western Hemisphere,

"(2) the negotiation of any future free trade agreements, including possible accessions to the NAFTA; and

"(3) adjusting tariffs, reducing nontariff barriers, improving relations among customs officials, and promoting economic relations among countries in the Western Hemisphere.

"(c) CONSULTATION; SELECTION CRITERIA.—The Commissioner of Customs shall consult with appropriate officials of the State of Texas and private sector authorities with respect to selecting, planning, and establishing the Center. In selecting the appropriate institution, the Commissioner of Customs shall give consideration to—

"(1) the institution's ability to carry out the programs and activities described in this section; and

"(2) any resources the institution can provide the Center in addition to Federal funds provided under this program.

"(d) PROGRAMS AND ACTIVITIES.—The Center shall conduct the following activities:

"(1) Provide forums for international discussion and debate for representatives from countries in the Western Hemisphere regarding issues which affect trade and other economic relations within the hemisphere, including the impact of the NAFTA on individual economies and the desirability and feasibility of possible accessions to the NAFTA by such countries.

"(2) Conduct studies and research projects on subjects which affect Western Hemisphere trade, including tariffs, customs, regional and national economics, business development and finance, production and personnel management, manufacturing, agriculture, engineering, transportation, immigration, telecommunications, medicine, science, urban studies, border demographics, social anthropology, and population.

"(3) Publish materials, disseminate information, and conduct seminars and conferences to support and educate representatives from countries in the Western Hemisphere who

seek to do business with or invest in other Western Hemisphere countries.

"(4) Provide grants, fellowships, endowed chairs, and financial assistance to outstanding scholars and authorities from Western Hemisphere countries.

"(5) Provide grants, fellowships, and other financial assistance to qualified graduate students, from Western Hemisphere countries, to study at the Center.

"(6) Implement academic exchange programs and other cooperative research and instructional agreements with the complementary North/South Center at the University of Miami at Coral Gables.

"(e) DEFINITIONS.—For purposes of this section—

"(1) NAFTA.—The term 'NAFTA' means the North American Free Trade Agreement.

"(2) WESTERN HEMISPHERE COUNTRIES.—The terms 'Western Hemisphere countries', 'countries in the Western Hemisphere', and 'Western Hemisphere' mean Canada, the United States, Mexico, countries located in South America, beneficiary countries (as defined by section 212), the Commonwealth of Puerto Rico, and the United States Virgin Islands.

"(f) FEES FOR SEMINARS AND PUBLICATIONS.—Notwithstanding any other provision of law, a grant made under this section may provide that the Center may charge a reasonable fee for attendance at seminars and conferences and for copies of publications, studies, reports, and other documents the Center publishes. The Center may waive such fees in any case in which it determines imposing a fee would impose a financial hardship and the purposes of the Center would be served by granting such a waiver.

"(g) DURATION OF GRANT.—The Commissioner of Customs is directed to make grants to any institution or institutions selected as the Center for fiscal years 1994, 1995, 1996, and 1997.

"(h) REPORT.—The Commissioner of Customs shall, no later than July 1, 1994, and annually thereafter for years for which grants are made, submit a written report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives. The first report shall include—

"(1) a statement identifying the institution or institutions selected as the Center,

"(2) the reasons for selecting the institution or institutions as the Center, and

"(3) the plan of such institution or institutions for operating the Center.

Each subsequent report shall include information with respect to the operations of the Center, the collaboration of the Center with, and dissemination of information to, Government policymakers and the business community with respect to the study of Western Hemispheric trade by the Center, and the plan and efforts of the Center to continue operations after grants under this section have expired.".

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for fiscal year 1994, and such sums as may be necessary in the 3 succeeding fiscal years to carry out the purposes of section 219 of the Caribbean Basin Economic Recovery Act (as added by subsection (a)). 19 USC 2707 note.

19 USC 3461 note.

SEC. 516. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), the provisions of this subtitle shall take effect on the date the Agreement enters into force with respect to the United States.

(b) EXCEPTION.—Section 515 shall take effect on the date of the enactment of this Act.

Subtitle C—Funding

PART 1—CUSTOMS USER FEES

SEC. 521. FEES FOR CERTAIN CUSTOMS SERVICES.

(a) IN GENERAL.—Section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c) is amended—

(1) by amending paragraph (5) of subsection (a) to read as follows:

"(5)(A) For fiscal years 1994, 1995, 1996, and 1997, for the arrival of each passenger aboard a commercial vessel or commercial aircraft from outside the customs territory of the United States, $6.50.

"(B) For fiscal year 1998 and each fiscal year thereafter, for the arrival of each passenger aboard a commercial vessel or commercial aircraft from a place outside the United States (other than a place referred to in subsection (b)(1)(A) of this section), $5."

(2) by adding at the end of paragraph (1) of subsection (b), the following flush sentence:

"Subparagraph (A) shall not apply to fiscal years 1994, 1995, 1996, and 1997.",

(3) in subsection (f)—

(A) in paragraph (1), by striking "except" and all that follows through the end period and inserting: "except—

"(A) the portion of such fees that is required under paragraph (3) for the direct reimbursement of appropriations, and

"(B) the portion of such fees that is determined by the Secretary to be excess fees under paragraph (5).",

(B) in paragraph (3)(A), by striking the first parenthetical and inserting "(other than the fees under subsection (a) (9) and (10) and the excess fees determined by the Secretary under paragraph (5))",

(C) in paragraph (4), by striking "under subsection (a)" and inserting "under subsection (a) (other than the excess fees determined by the Secretary under paragraph (5))", and

(D) by adding at the end thereof the following new paragraph:

"(5) At the close of each of fiscal years 1994, 1995, 1996, and 1997, the Secretary of the Treasury shall determine the amount of the fees collected under paragraph (5)(A) of subsection (a) for that fiscal year that exceeds the amount of such fees that would have been collected for such fiscal year if the fees that were in effect on the day before the effective date of this paragraph applied to such fiscal year. The amount of the excess fees determined under the preceding sentence shall be deposited in the Customs User Fee Account and shall

be available for reimbursement of inspectional costs (including passenger processing costs) not otherwise reimbursed under this section, and shall be available only to the extent provided in appropriations Acts.", and

(4) in paragraph (3) of subsection (j), by striking "September 30, 1998" and inserting "September 30, 2003".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date the Agreement enters into force with respect to the United States. 19 USC 58c note.

PART 2—INTERNAL REVENUE CODE AMENDMENTS

SEC. 522. AUTHORITY TO DISCLOSE CERTAIN TAX INFORMATION TO THE UNITED STATES CUSTOMS SERVICE.

(a) IN GENERAL.—Subsection (l) of section 6103 of the Internal Revenue Code of 1986 (relating to confidentiality and disclosure of returns and return information) is amended by adding at the end thereof the following new paragraph: 26 USC 6103.

"(14) DISCLOSURE OF RETURN INFORMATION TO UNITED STATES CUSTOMS SERVICE.—The Secretary may, upon written request from the Commissioner of the United States Customs Service, disclose to officers and employees of the Department of the Treasury such return information with respect to taxes imposed by chapters 1 and 6 as the Secretary may prescribe by regulations, solely for the purpose of, and only to the extent necessary in—

"(A) ascertaining the correctness of any entry in audits as provided for in section 509 of the Tariff Act of 1930 (19 U.S.C. 1509), or

"(B) other actions to recover any loss of revenue, or to collect duties, taxes, and fees, determined to be due and owing pursuant to such audits."

(b) CONFORMING AMENDMENTS.—Paragraphs (3)(A) and (4) of section 6103(p) of such Code are each amended by striking "or (13)" each place it appears and inserting "(13), or (14)".

(c) EFFECTIVE DATE.— 26 USC 6103 note.

(1) IN GENERAL.—The amendments made by this section shall take effect on the date the Agreement enters into force with respect to the United States.

(2) REGULATIONS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Treasury or his delegate shall issue temporary regulations to carry out section 6103(l)(14) of the Internal Revenue Code of 1986, as added by this section.

SEC. 523. USE OF ELECTRONIC FUND TRANSFER SYSTEM FOR COLLECTION OF CERTAIN TAXES.

(a) GENERAL RULE.—Section 6302 of the Internal Revenue Code of 1986 (relating to mode or time of collection) is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection: 26 USC 6302.

"(h) USE OF ELECTRONIC FUND TRANSFER SYSTEM FOR COLLECTION OF CERTAIN TAXES.—

"(1) ESTABLISHMENT OF SYSTEM.—

"(A) IN GENERAL.—The Secretary shall prescribe such regulations as may be necessary for the development and Regulations.

implementation of an electronic fund transfer system which is required to be used for the collection of depository taxes. Such system shall be designed in such manner as may be necessary to ensure that such taxes are credited to the general account of the Treasury on the date on which such taxes would otherwise have been required to be deposited under the Federal tax deposit system.

"(B) EXEMPTIONS.—The regulations prescribed under subparagraph (A) may contain such exemptions as the Secretary may deem appropriate.

"(2) PHASE-IN REQUIREMENTS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the regulations referred to in paragraph (1)—

"(i) shall contain appropriate procedures to assure that an orderly conversion from the Federal tax deposit system to the electronic fund transfer system is accomplished, and

"(ii) may provide for a phase-in of such electronic fund transfer system by classes of taxpayers based on the aggregate undeposited taxes of such taxpayers at the close of specified periods and any other factors the Secretary may deem appropriate.

"(B) PHASE-IN REQUIREMENTS.—The phase-in of the electronic fund transfer system shall be designed in such manner as may be necessary to ensure that—

"(i) during each fiscal year beginning after September 30, 1993, at least the applicable required percentage of the total depository taxes imposed by chapters 21, 22, and 24 shall be collected by means of electronic fund transfer, and

"(ii) during each fiscal year beginning after September 30, 1993, at least the applicable required percentage of the total other depository taxes shall be collected by means of electronic fund transfer.

"(C) APPLICABLE REQUIRED PERCENTAGE.—

"(i) In the case of the depository taxes imposed by chapters 21, 22, and 24, the applicable required percentage is—

"(I) 3 percent for fiscal year 1994,

"(II) 16.9 percent for fiscal year 1995,

"(III) 20.1 percent for fiscal year 1996,

"(IV) 58.3 percent for fiscal years 1997 and 1998, and

"(V) 94 percent for fiscal year 1999 and all fiscal years thereafter.

"(ii) In the case of other depository taxes, the applicable required percentage is—

"(I) 3 percent for fiscal year 1994,

"(II) 20 percent for fiscal year 1995,

"(III) 30 percent for fiscal year 1996,

"(IV) 60 percent for fiscal years 1997 and 1998, and

"(V) 94 percent for fiscal year 1999 and all fiscal years thereafter.

"(3) DEFINITIONS.—For purposes of this subsection—

"(A) DEPOSITORY TAX.—The term 'depository tax' means any tax if the Secretary is authorized to require deposits of such tax.

"(B) ELECTRONIC FUND TRANSFER.—The term 'electronic fund transfer' means any transfer of funds, other than a transaction originated by check, draft, or similar paper instrument, which is initiated through an electronic terminal, telephonic instrument, or computer or magnetic tape so as to order, instruct, or authorize a financial institution or other financial intermediary to debit or credit an account.

"(4) COORDINATION WITH OTHER ELECTRONIC FUND TRANSFER REQUIREMENTS.—

"(A) COORDINATION WITH CERTAIN EXCISE TAXES.—In determining whether the requirements of subparagraph (B) of paragraph (2) are met, taxes required to be paid by electronic fund transfer under sections 5061(e) and 5703(b) shall be disregarded.

"(B) ADDITIONAL REQUIREMENT.—Under regulations, any tax required to be paid by electronic fund transfer under section 5061(e) or 5703(b) shall be paid in such a manner as to ensure that the requirements of the second sentence of paragraph (1)(A) of this subsection are satisfied.".

(b) EFFECTIVE DATE.— 26 USC 6302 note.

(1) IN GENERAL.—The amendments made by this section shall take effect on the date the Agreement enters into force with respect to the United States.

(2) REGULATIONS.—Not later than 210 days after the date of enactment of this Act, the Secretary of the Treasury or his delegate shall prescribe temporary regulations under section 6302(h) of the Internal Revenue Code of 1986 (as added by this section).

Subtitle D—Implementation of NAFTA Supplemental Agreements

PART 1—AGREEMENTS RELATING TO LABOR AND ENVIRONMENT

SEC. 531. AGREEMENT ON LABOR COOPERATION. 19 USC 3471.

(a) COMMISSION FOR LABOR COOPERATION.—

(1) MEMBERSHIP.—The United States is authorized to participate in the Commission for Labor Cooperation in accordance with the North American Agreement on Labor Cooperation.

(2) CONTRIBUTIONS TO BUDGET.—There are authorized to be appropriated to the President (or such agency as the President may designate) $2,000,000 for each of fiscal years 1994 and 1995 for United States contributions to the annual budget of the Commission for Labor Cooperation pursuant to Article 47 of the North American Agreement on Labor Cooperation. Funds authorized to be appropriated for such contributions by this paragraph are in addition to any funds otherwise available for such contributions. Funds authorized to be appropriated Appropriations authorization.

by this paragraph are authorized to be made available until expended.

(b) DEFINITIONS.—As used in this section—

(1) the term "Commission for Labor Cooperation" means the commission established by Part Three of the North American Agreement on Labor Cooperation; and

(2) the term "North American Agreement on Labor Cooperation" means the North American Agreement on Labor Cooperation Between the Government of the United States of America, the Government of Canada, and the Government of the United Mexican States (signed at Mexico City, Washington, and Ottawa on September 8, 9, 12, and 14, 1993).

19 USC 3472.

SEC. 532. AGREEMENT ON ENVIRONMENTAL COOPERATION.

(a) COMMISSION FOR ENVIRONMENTAL COOPERATION.—

(1) MEMBERSHIP.—The United States is authorized to participate in the Commission for Environmental Cooperation in accordance with the North American Agreement on Environmental Cooperation.

Appropriations authorization.

(2) CONTRIBUTIONS TO BUDGET.—There are authorized to be appropriated to the President (or such agency as the President may designate) $5,000,000 for each of fiscal years 1994 and 1995 for United States contributions to the annual budget of the Commission for Environmental Cooperation pursuant to Article 43 of the North American Agreement on Environmental Cooperation. Funds authorized to be appropriated for such contributions by this paragraph are in addition to any funds otherwise available for such contributions. Funds authorized to be appropriated by this paragraph are authorized to be made available until expended.

(b) DEFINITIONS.—As used in this section—

(1) the term "Commission for Environmental Cooperation" means the commission established by Part Three of the North American Agreement on Environmental Cooperation; and

(2) the term "North American Agreement on Environmental Cooperation" means the North American Agreement on Environmental Cooperation Between the Government of the United States of America, the Government of Canada, and the Government of the United Mexican States (signed at Mexico City, Washington, and Ottawa on September 8, 9, 12, and 14, 1993).

19 USC 3473.

SEC. 533. AGREEMENT ON BORDER ENVIRONMENT COOPERATION COMMISSION.

(a) BORDER ENVIRONMENT COOPERATION COMMISSION.—

(1) MEMBERSHIP.—The United States is authorized to participate in the Border Environment Cooperation Commission in accordance with the Border Environment Cooperation Agreement.

Appropriations authorization.

(2) CONTRIBUTIONS TO THE COMMISSION BUDGET.—There are authorized to be appropriated to the President (or such agency as the President may designate) $5,000,000 for fiscal year 1994 and each fiscal year thereafter for United States contributions to the budget of the Border Environment Cooperation Commission pursuant to section 7 of Article III of Chapter I of the Border Environment Cooperation Agreement. Funds authorized to be appropriated for such contributions by this paragraph are in addition to any funds otherwise available

for such contributions. Funds authorized to be appropriated by this paragraph are authorized to be made available until expended.

(b) CIVIL ACTIONS INVOLVING THE COMMISSION.—For the purpose of any civil action which may be brought within the United States by or against the Border Environment Cooperation Commission in accordance with the Border Environment Cooperation Agreement (including an action brought to enforce an arbitral award against the Commission), the Commission shall be deemed to be an inhabitant of the Federal judicial district in which its principal office within the United States, or its agent appointed for the purpose of accepting service or notice of service, is located. Any such action to which the Commission is a party shall be deemed to arise under the laws of the United States, and the district courts of the United States (including the courts enumerated in section 460 of title 28, United States Code) shall have original jurisdiction of any such action. When the Commission is a defendant in any action in a State court, it may at any time before trial remove the action into the appropriate district court of the United States by following the procedure for removal provided in section 1446 of title 28, United States Code.

(c) DEFINITIONS.—As used in this section—

(1) the term "Border Environment Cooperation Agreement" means the November 1993 Agreement Between the Government of the United States of America and the Government of the United Mexican States Concerning the Establishment of a Border Environment Cooperation Commission and a North American Development Bank;

(2) the terms "Border Environment Cooperation Commission" and "Commission" mean the commission established pursuant to Chapter I of the Border Environment Cooperation Agreement; and

(3) the term "United States" means the United States, its territories and possessions, and the Commonwealth of Puerto Rico.

PART 2—NORTH AMERICAN DEVELOPMENT BANK AND RELATED PROVISIONS

SEC. 541. NORTH AMERICAN DEVELOPMENT BANK. 22 USC 290m.

(a) ACCEPTANCE OF MEMBERSHIP.—The President is hereby authorized to accept membership for the United States in the North American Development Bank (hereafter in this part referred to as the "Bank") provided for in Chapter II of the Border Environment Cooperation Agreement (hereafter in this part referred to as the "Cooperation Agreement").

(b) SUBSCRIPTION OF STOCK.—

(1) SUBSCRIPTION AUTHORITY.—

(A) IN GENERAL.—The Secretary of the Treasury may subscribe on behalf of the United States up to 150,000 shares of the capital stock of the Bank.

(B) EFFECTIVENESS OF SUBSCRIPTION.—Except as provided in paragraph (3), any such subscription shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts.

(2) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—For payment by the Secretary of the Treasury of the subscrip-

tion of the United States for shares described in paragraph (1), there are authorized to be appropriated $1,500,000,000 ($225,000,000 of which may be used for paid-in capital and $1,275,000,000 of which may be used for callable capital) without fiscal year limitation.

(3) FUNDING; LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS.—

(A) FUNDING.—For fiscal year 1995, the Secretary of the Treasury shall pay to the Bank out of any sums in the Treasury not otherwise appropriated the sum of $56,250,000 for the paid-in portion of the United States share of the capital stock of the Bank, 10 percent of which may be transferred by the Bank to the President pursuant to section 543 to pay for the cost of direct and guaranteed Federal loans.

(B) LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS.—For fiscal year 1995, the Secretary of the Treasury shall subscribe to the callable capital portion of the United States share of the capital stock of the Bank in an amount not to exceed $318,750,000.

(4) DISPOSITION OF NET INCOME DISTRIBUTED BY THE FACILITY.—Any payment made to the United States by the Bank as a distribution of net income shall be covered into the Treasury as a miscellaneous receipt.

(c) COMPENSATION OF BOARD MEMBERS.—No person shall be entitled to receive any salary or other compensation from the Bank or the United States for services as a Board member.

(d) APPLICABILITY OF BRETTON WOODS AGREEMENTS ACT.—The provisions of section 4 of the Bretton Woods Agreements Act shall apply with respect to the Bank to the same extent as with respect to the International Bank for Reconstruction and Development and the International Monetary Fund.

(e) RESTRICTIONS.—Unless authorized by law, neither the President nor any person or agency shall, on behalf of the United States—

(1) subscribe to additional shares of stock of the Bank;

(2) vote for or agree to any amendment of the Cooperation Agreement which increases the obligations of the United States, or which changes the purpose or functions of the Bank; or

(3) make a loan or provide other financing to the Bank.

(f) FEDERAL RESERVE BANKS AS DEPOSITORIES.—Any Federal Reserve bank that is requested to do so by the Bank shall act as its depository or as its fiscal agent, and the Board of Governors of the Federal Reserve System shall supervise and direct the carrying out of these functions by the Federal Reserve banks.

(g) JURISDICTION OF UNITED STATES COURTS AND ENFORCEMENT OF ARBITRAL AWARDS.—For the purpose of any civil action which may be brought within the United States, its territories or possessions, or the Commonwealth of Puerto Rico, by or against the Bank in accordance with the Cooperation Agreement, including an action brought to enforce an arbitral award against the Bank, the Bank shall be deemed to be an inhabitant of the Federal judicial district in which its principal office within the United States or its agency appointed for the purpose of accepting service or notice of service is located, and any such action to which the Bank shall be a party shall be deemed to arise under the laws of the United States, and the district courts of the United States,

including the courts enumerated in section 460 of title 28, United States Code, shall have original jurisdiction of any such action. When the Bank is a defendant in any action in a State court, it may at any time before trial remove the action into the appropriate district court of the United States by following the procedure for removal provided in section 1446 of title 28, United States Code.

(h) EXEMPTION FROM SECURITIES LAWS FOR CERTAIN SECURITIES ISSUED BY THE BANK; REPORTS REQUIRED.—

(1) EXEMPTIONS FROM LIMITATIONS AND RESTRICTIONS ON THE POWER OF NATIONAL BANKING ASSOCIATIONS TO DEAL IN AND UNDERWRITE INVESTMENT SECURITIES OF THE BANK.—The seventh sentence of the seventh undesignated paragraph of section 5136 of the Revised Statutes of the United States (12 U.S.C. 24), is amended by inserting "the North American Development Bank," after "Inter-American Development Bank,".

(2) EXEMPTION FROM SECURITIES LAWS FOR CERTAIN SECURITIES ISSUED BY THE BANK; REPORTS REQUIRED.—Any securities issued by the Bank (including any guarantee by the Bank, whether or not limited in scope) in connection with the raising of funds for inclusion in the Bank's capital resources as defined in Section 4 of Article II of Chapter II of the Cooperation Agreement, and any securities guaranteed by the Bank as to both the principal and interest to which the commitment in Section 3(d) of Article II of Chapter II of the Cooperation Agreement is expressly applicable, shall be deemed to be exempted securities within the meaning of section 3(a)(2) of the Securities Act of 1933 (15 U.S.C. 77c), and section 3(a)(12) of the Securities Exchange Act of 1934 (15 U.S.C. 78c). The Bank shall file with the Securities and Exchange Commission such annual and other reports with regard to such securities as the Commission shall determine to be appropriate in view of the special character of the Bank and its operations and necessary in the public interest or for the protection of investors. Reports.

(3) AUTHORITY OF SECURITIES AND EXCHANGE COMMISSION TO SUSPEND EXEMPTION; REPORTS TO THE CONGRESS.—The Securities and Exchange Commission, acting in consultation with the National Advisory Council on International Monetary and Financial Problems, is authorized to suspend the provisions of paragraph (2) at any time as to any or all securities issued or guaranteed by the Bank during the period of such suspension. The Commission shall include in its annual reports to Congress such information as it shall deem advisable with regard to the operations and effect of this subsection and in connection therewith shall include any views submitted for such purpose by any association of dealers registered with the Commission.

SEC. 542. STATUS, IMMUNITIES, AND PRIVILEGES. 22 USC 290m-1.

Article VIII of Chapter II of the Cooperation Agreement shall have full force and effect in the United States, its territories and possessions, and the Commonwealth of Puerto Rico, upon entry into force of the Cooperation Agreement.

SEC. 543. COMMUNITY ADJUSTMENT AND INVESTMENT PROGRAM. 22 USC 290m-2.

(a) THE PRESIDENT.—(1) The President may enter into an agreement with the Bank that facilitates implementation by the Presi-

dent of a program for community adjustment and investment in support of the Agreement pursuant to chapter II of the Cooperation Agreement (hereafter in this section referred to as the "community adjustment and investment program").

(2) The President may receive from the Bank 10 percent of the paid-in capital actually paid to the Bank by the United States for the President to carry out, without further appropriations, through Federal agencies and their loan and loan guarantee programs, the community adjustment and investment program, pursuant to an agreement between the President and the Bank.

(3) The President may select one or more Federal agencies that make loans or guarantee the repayment of loans to assist in carrying out the community adjustment and investment program, and may transfer the funds received from the Bank to such agency or agencies for the purpose of assisting in carrying out the community adjustment and investment program.

(4)(A) Each Federal agency selected by the President to assist in carrying out the community adjustment and investment program shall use the funds transferred to it by the President from the Bank to pay for the costs of direct and guaranteed loans, as defined in section 502 of the Congressional Budget Act of 1974, and, as appropriate, other costs associated with such loans, all subject to the restrictions and limitations that apply to such agency's existing loan or loan guarantee program.

(B) Funds transferred to an agency under subparagraph (A) shall be in addition to the amount of funds authorized in any appropriations Act to be expended by that agency for its loan or loan guarantee program.

President. (5) The President shall—

(A) establish guidelines for the loans and loan guarantees to be made under the community adjustment and investment program;

(B) endorse the grants made by the Bank for the community adjustment and investment program, as provided in Article I, section 1(b), and Article III, section 11(a), of Chapter II of the Cooperation Agreement; and

(C) endorse any loans or guarantees made by the Bank for the community adjustment and investment program, as provided in Article I, section 1(b), and Article III, section 6 (a) and (c) of Chapter II of the Cooperation Agreement.

(b) ADVISORY COMMITTEE.—

President. (1) ESTABLISHMENT.—The President shall establish an advisory committee to be known as the Community Adjustment and Investment Program Advisory Committee (in this section referred to as the "Advisory Committee") in accordance with the provisions of the Federal Advisory Committee Act.

(2) MEMBERSHIP.—

(A) IN GENERAL.—The Advisory Committee shall consist of 9 members of the public, appointed by the President, who, collectively, represent—

(i) community groups whose constituencies include low-income families;

(ii) any scientific, professional, business, nonprofit, or public interest organization or association which is neither affiliated with, nor under the direction of, a government;

(iii) for-profit business interests; and

(iv) other appropriate entities with relevant expertise.

(B) REPRESENTATION.—Each of the categories described in clauses (i) through (iv) of subparagraph (A) shall be represented by no fewer than 1 and no more than 3 members of the Advisory Committee.

(3) FUNCTION.—It shall be the function of the Advisory Committee—

(A) to provide advice to the President regarding the implementation of the community adjustment and investment program, including advice on the guidelines to be established by the President for the loans and loan guarantees to be made pursuant to subsection (a)(4), advice on identifying the needs for adjustment assistance and investment in support of the goals and objectives of the Agreement, taking into account economic and geographic considerations, and advice on such other matters as may be requested by the President; and

(B) to review on a regular basis the operation of the community adjustment and investment program and provide the President with the conclusions of its review.

(4) TERMS OF MEMBERS.—

(A) IN GENERAL.—Each member of the Advisory Committee shall serve at the pleasure of the President.

(B) CHAIRPERSON.—The President shall appoint a chairperson from among the members of the Advisory Committee.

(C) MEETINGS.—The Advisory Committee shall meet at least annually and at such other times as requested by the President or the chairperson. A majority of the members of the Advisory Committee shall constitute a quorum.

(D) REIMBURSEMENT FOR EXPENSES.—The members of the Advisory Committee may receive reimbursement for travel, per diem, and other necessary expenses incurred in the performance of their duties, in accordance with the Federal Advisory Committee Act.

(E) STAFF AND FACILITIES.—The Advisory Committee may utilize the facilities and services of employees of any Federal agency without cost to the Advisory Committee, and any such agency is authorized to provide services as requested by the Committee.

(c) OMBUDSMAN.—The President shall appoint an ombudsman to provide the public with an opportunity to participate in the carrying out of the community adjustment and investment program.

(1) FUNCTION.—It shall be the function of the ombudsman—

(A) to establish procedures for receiving comments from the general public on the operation of the community adjustment and investment program, to receive such comments, and to provide the President with summaries of the public comments; and

(B) to perform an independent inspection and programmatic audit of the operation of the community adjustment and investment program and to provide the President with the conclusions of its investigation and audit.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the President, or such agency as

the President may designate, $25,000 for fiscal year 1995 and for each fiscal year thereafter, for the costs of the ombudsman.

(d) REPORTING REQUIREMENT.—The President shall submit to the appropriate congressional committees an annual report on the community adjustment and investment program (if any) that is carried out pursuant to this section. Each report shall state the amount of the loans made or guaranteed during the 12-month period ending on the day before the date of the report.

22 USC 290m-3.

SEC. 544. DEFINITION.

For purposes of this part, the term "Border Environment Cooperation Agreement" (referred to in this part as the "Cooperation Agreement") means the November 1993 Agreement Between the Government of the United States of America and the Government of the United Mexican States Concerning the Establishment of a Border Environment Cooperation Commission and a North American Development Bank.

TITLE VI—CUSTOMS MODERNIZATION

SEC. 601. REFERENCE.

Whenever in subtitle A, B, or C an amendment or repeal is expressed in terms of an amendment to, or repeal of, a part, section, subsection, or other provision, the reference shall be considered to be made a part, section, subsection, or other provision of the Tariff Act of 1930 (19 U.S.C. 1202 et seq.).

Subtitle A—Improvements in Customs Enforcement

SEC. 611. PENALTIES FOR VIOLATIONS OF ARRIVAL, REPORTING, ENTRY, AND CLEARANCE REQUIREMENTS.

Section 436 (19 U.S.C. 1436) is amended—

(1) by amending subsection (a)—

(A) by striking out "433" in paragraph (1) and inserting "431, 433, or 434 of this Act or section 4197 of the Revised Statutes of the United States (46 U.S.C. App. 91)",

(B) by amending paragraph (2) to read as follows: "(2) to present or transmit, electronically or otherwise, any forged, altered, or false document, paper, information, data or manifest to the Customs Service under section 431(e), 433(d), or 434 of this Act or section 4197 of the Revised Statutes of the United States (46 U.S.C. App. 91) without revealing the facts; or", and

(C) by amending paragraph (3) to read as follows: "(3) to fail to make entry or to obtain clearance as required by section 434 or 644 of this Act, section 4197 of the Revised Statutes of the United States (46 U.S.C. App. 91), or section 1109 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1509); or"; and

(2) by striking out "AND ENTRY" in the section heading and inserting "ENTRY, AND CLEARANCE".

SEC. 612. FAILURE TO DECLARE.

Section 497(a) (19 U.S.C. 1497(a)) is amended—

(1) by inserting "or transmitted" after "made" in paragraph (1)(A); and

(2) by amending paragraph (2)(A) to read as follows:

"(A) if the article is a controlled substance, either $500 or an amount equal to 1,000 percent of the value of the article, whichever amount is greater; and".

SEC. 613. CUSTOMS TESTING LABORATORIES; DETENTION OF MERCHANDISE.

(a) AMENDMENT.—Section 499 (19 U.S.C. 1499) is amended to read as follows:

"SEC. 499. EXAMINATION OF MERCHANDISE.

"(a) ENTRY EXAMINATION.—

"(1) IN GENERAL.—Imported merchandise that is required by law or regulation to be inspected, examined, or appraised shall not be delivered from customs custody (except under such bond or other security as may be prescribed by the Secretary to assure compliance with all applicable laws, regulations, and instructions which the Secretary or the Customs Service is authorized to enforce) until the merchandise has been inspected, appraised, or examined and is reported by the Customs Service to have been truly and correctly invoiced and found to comply with the requirements of the laws of the United States.

"(2) EXAMINATION.—The Customs Service—

"(A) shall designate the packages or quantities of merchandise covered by any invoice or entry which are to be opened and examined for the purpose of appraisement or otherwise;

"(B) shall order such packages or quantities to be sent to such place as is designated by the Secretary by regulation for such purpose;

"(C) may require such additional packages or quantities as the Secretary considers necessary for such purpose; and

"(D) shall inspect a sufficient number of shipments, and shall examine a sufficient number of entries, to ensure compliance with the laws enforced by the Customs Service.

"(3) UNSPECIFIED ARTICLES.—If any package contains any article not specified in the invoice or entry and, in the opinion of the Customs Service, the article was omitted from the invoice or entry—

"(A) with fraudulent intent on the part of the seller, shipper, owner, agent, importer of record, or entry filer, the contents of the entire package in which such article is found shall be subject to seizure; or

"(B) without fraudulent intent, the value of the article shall be added to the entry and the duties, fees, and taxes thereon paid accordingly.

"(4) DEFICIENCY.—If a deficiency is found in quantity, weight, or measure in the examination of any package, the person finding the deficiency shall make a report thereof to the Customs Service. The Customs Service shall make allowance for the deficiency in the liquidation of duties.

"(5) INFORMATION REQUIRED FOR RELEASE.—If an examination is conducted, any information required for release shall be provided, either electronically or in paper form, to the Customs Service at the port of examination. The absence of such

information does not limit the authority of the Customs Service to conduct an examination.

"(b) TESTING LABORATORIES.—

Regulations.

"(1) ACCREDITATION OF PRIVATE TESTING LABORATORIES.—The Customs Service shall establish and implement a procedure, under regulations promulgated by the Secretary, for accrediting private laboratories within the United States which may be used to perform tests (that would otherwise be performed by Customs Service laboratories) to establish the characteristics, quantities, or composition of imported merchandise. Such regulations—

"(A) shall establish the conditions required for the laboratories to receive and maintain accreditation for purposes of this subsection;

"(B) shall establish the conditions regarding the suspension and revocation of accreditation, which may include the imposition of a monetary penalty not to exceed $100,000 and such penalty is in addition to the recovery, from a gauger or laboratory accredited under paragraph (1), of any loss of revenue that may have occurred, but the Customs Service—

"(i) may seek to recover lost revenue only in cases where the gauger or laboratory intentionally falsified the analysis or gauging report in collusion with the importer; and

"(ii) shall neither assess penalties nor seek to recover lost revenue because of a good faith difference of professional opinion; and

"(C) may provide for the imposition of a reasonable charge for accreditation and periodic reaccreditation.

The collection of any charge for accreditation and reaccreditation under this section is not prohibited by section 13031(e)(6) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(e)(6)).

"(2) APPEAL OF ADVERSE ACCREDITATION DECISIONS.—A laboratory applying for accreditation, or that is accredited, under this section may contest any decision or order of the Customs Service denying, suspending, or revoking accreditation, or imposing a monetary penalty, by commencing an action in accordance with chapter 169 of title 28, United States Code, in the Court of International Trade within 60 days after issuance of the decision or order.

"(3) TESTING BY ACCREDITED LABORATORIES.—When requested by an importer of record of merchandise, the Customs Service shall authorize the release to the importer of a representative sample of the merchandise for testing, at the expense of the importer, by a laboratory accredited under paragraph (1). The testing results from a laboratory accredited under paragraph (1) that are submitted by an importer of record with respect to merchandise in an entry shall, in the absence of testing results obtained from a Customs Service laboratory, be accepted by the Customs Service if the importer of record certifies that the sample tested was taken from the merchandise in the entry. Nothing in this subsection shall be construed to limit in any way or preclude the authority of the Customs Service to test or analyze any sample or merchandise independently.

"(4) AVAILABILITY OF TESTING PROCEDURE, METHODOLOGIES, AND INFORMATION.—Testing procedures and methodologies used by the Customs Service, and information resulting from any testing conducted by the Customs Service, shall be made available as follows:

"(A) Testing procedures and methodologies shall be made available upon request to any person unless the procedures or methodologies are—

"(i) proprietary to the holder of a copyright or patent related to such procedures or methodologies, or

"(ii) developed by the Customs Service for enforcement purposes.

"(B) Information resulting from testing shall be made available upon request to the importer of record and any agent thereof unless the information reveals information which is—

"(i) proprietary to the holder of a copyright or patent; or

"(ii) developed by the Customs Service for enforcement purposes.

"(5) MISCELLANEOUS PROVISIONS.—For purposes of this subsection—

"(A) any reference to a private laboratory includes a reference to a private gauger; and

"(B) accreditation of private laboratories extends only to the performance of functions by such laboratories that are within the scope of those responsibilities for determinations of the elements relating to admissibility, quantity, composition, or characteristics of imported merchandise that are vested in, or delegated to, the Customs Service.

"(c) DETENTIONS.—Except in the case of merchandise with respect to which the determination of admissibility is vested in an agency other than the Customs Service, the following apply:

"(1) IN GENERAL.—Within the 5-day period (excluding weekends and holidays) following the date on which merchandise is presented for customs examination, the Customs Service shall decide whether to release or detain the merchandise. Merchandise which is not released within such 5-day period shall be considered to be detained merchandise.

"(2) NOTICE OF DETENTION.—The Customs Service shall issue a notice to the importer or other party having an interest in detained merchandise no later than 5 days, excluding weekends and holidays, after the decision to detain the merchandise is made. The notice shall advise the importer or other interested party of—

"(A) the initiation of the detention;

"(B) the specific reason for the detention;

"(C) the anticipated length of the detention;

"(D) the nature of the tests or inquiries to be conducted; and

"(E) the nature of any information which, if supplied to the Customs Service, may accelerate the disposition of the detention.

"(3) TESTING RESULTS.—Upon request by the importer or other party having an interest in detained merchandise, the Customs Service shall provide the party with copies of the

results of any testing conducted by the Customs Service on the merchandise and a description of the testing procedures and methodologies (unless such procedures or methodologies are proprietary to the holder of a copyright or patent or were developed by the Customs Service for enforcement purposes). The results and test description shall be in sufficient detail to permit the duplication and analysis of the testing and the results.

"(4) SEIZURE AND FORFEITURE.—If otherwise provided by law, detained merchandise may be seized and forfeited.

"(5) EFFECT OF FAILURE TO MAKE DETERMINATION.—

"(A) The failure by the Customs Service to make a final determination with respect to the admissibility of detained merchandise within 30 days after the merchandise has been presented for customs examination, or such longer period if specifically authorized by law, shall be treated as a decision of the Customs Service to exclude the merchandise for purposes of section 514(a)(4).

"(B) For purposes of section 1581 of title 28, United States Code, a protest against the decision to exclude the merchandise which has not been allowed or denied in whole or in part before the 30th day after the day on which the protest was filed shall be treated as having been denied on such 30th day.

"(C) Notwithstanding section 2639 of title 28, United States Code, once an action respecting a detention is commenced, unless the Customs Service establishes by a preponderance of the evidence that an admissibility decision has not been reached for good cause, the court shall grant the appropriate relief which may include, but is not limited to, an order to cancel the detention and release the merchandise.".

19 USC 1499 note.

(b) EXISTING LABORATORIES.—Accreditation under section 499(b) of the Tariff Act of 1930 (as added by subsection (a)) is not required for any private laboratory (including any gauger) that was accredited or approved by the Customs Service as of the day before the date of the enactment of this Act; but any such laboratory is subject to reaccreditation under the provisions of such section and the regulations promulgated thereunder.

SEC. 614. RECORDKEEPING.

Section 508 (19 U.S.C. 1508) is amended—

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

"(a) REQUIREMENTS.—Any—

"(1) owner, importer, consignee, importer of record, entry filer, or other party who—

Claims.

"(A) imports merchandise into the customs territory of the United States, files a drawback claim, or transports or stores merchandise carried or held under bond, or

"(B) knowingly causes the importation or transportation or storage of merchandise carried or held under bond into or from the customs territory of the United States;

"(2) agent of any party described in paragraph (1); or

"(3) person whose activities require the filing of a declaration or entry, or both;

shall make, keep, and render for examination and inspection records (which for purposes of this section include, but are not limited to, statements, declarations, documents and electronically generated or machine readable data) which—

"(A) pertain to any such activity, or to the information contained in the records required by this Act in connection with any such activity; and

"(B) are normally kept in the ordinary course of business."; and

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

"(c) PERIOD OF TIME.—The records required by subsections (a) and (b) shall be kept for such period of time, not to exceed 5 years from the date of entry or exportation, as appropriate, as the Secretary shall prescribe; except that records for any drawback claim shall be kept until the 3rd anniversary of the date of payment of the claim.". Claims.

SEC. 615. EXAMINATION OF BOOKS AND WITNESSES.

Section 509 (19 U.S.C. 1509) is amended as follows:

(1) Subsection (a) is amended—

(A) by striking out "and taxes" wherever it appears and inserting ", fees and taxes";

(B) by amending paragraph (1) to read as follows:

"(1) examine, or cause to be examined, upon reasonable notice, any record (which for purposes of this section, includes, but is not limited to, any statement, declaration, document, or electronically generated or machine readable data) described in the notice with reasonable specificity, which may be relevant to such investigation or inquiry, except that—

"(A) if such record is required by law or regulation for the entry of the merchandise (whether or not the Customs Service required its presentation at the time of entry) it shall be provided to the Customs Service within a reasonable time after demand for its production is made, taking into consideration the number, type, and age of the item demanded; and

"(B) if a person of whom demand is made under subparagraph (A) fails to comply with the demand, the person may be subject to penalty under subsection (g);";

(C) by amending that part of paragraph (2) that precedes subparagraph (D) to read as follows:

"(2) summon, upon reasonable notice—

"(A) the person who—

"(i) imported, or knowingly caused to be imported, merchandise into the customs territory of the United States,

"(ii) exported merchandise, or knowingly caused merchandise to be exported, to Canada,

"(iii) transported or stored merchandise that was or is carried or held under customs bond, or knowingly caused such transportation or storage, or

"(iv) filed a declaration, entry, or drawback claim with the Customs Service;

"(B) any officer, employee, or agent of any person described in subparagraph (A);

"(C) any person having possession, custody or care of records relating to the importation or other activity described in subparagraph (A); or"; and

(D) by striking out the comma at the end of subparagraph (D) and inserting a semicolon.

(2) Subsections (b) and (c) are redesignated as subsections (c) and (d), respectively.

(3) The following new subsection is inserted after subsection (a):

"(b) REGULATORY AUDIT PROCEDURES.—

"(1) In conducting a regulatory audit under this section (which does not include a quantity verification for a customs bonded warehouse or general purpose foreign trade zone), the Customs Service auditor shall provide the person being audited, in advance of the audit, with a reasonable estimate of the time to be required for the audit. If in the course of an audit it becomes apparent that additional time will be required, the Customs Service auditor shall immediately provide a further estimate of such additional time.

"(2) Before commencing an audit, the Customs Service auditor shall inform the party to be audited of his right to an entry conference at which time the purpose will be explained and an estimated termination date set. Upon completion of on-site audit activities, the Customs Service auditor shall schedule a closing conference to explain the preliminary results of the audit.

"(3) Except as provided in paragraph (5), if the estimated or actual termination date for an audit passes without the Customs Service auditor providing a closing conference to explain the results of the audit, the person being audited may petition in writing for such a conference to the appropriate regional commissioner, who, upon receipt of such a request, shall provide for such a conference to be held within 15 days after the date of receipt.

Reports.

"(4) Except as provided in paragraph (5), the Customs Service auditor shall complete the formal written audit report within 90 days following the closing conference unless the appropriate regional commissioner provides written notice to the person being audited of the reason for any delay and the anticipated completion date. After application of any exemption contained in section 552 of title 5, United States Code, a copy of the formal written audit report shall be sent to the person audited no later than 30 days following completion of the report.

"(5) Paragraphs (3) and (4) shall not apply after the Customs Service commences a formal investigation with respect to the issue involved.".

(4) Subsection (d) (as redesignated by paragraph (2)) is amended—

(A) by striking out "statements, declarations, or documents" in paragraph (1)(A) and inserting "those";

(B) by inserting ", unless such customhouse broker is the importer of record on an entry" after "broker" in paragraph (1)(C)(i);

(C) by striking out "import" in each of paragraphs (2)(B) and (4)(B);

(D) by inserting "described in section 508" after "transactions" in each of paragraphs (2)(B) and (4)(B); and

(E) by inserting ", fees," after "duties" in paragraph (4)(A).

(5) The following new subsections are added at the end thereof:

"(e) LIST OF RECORDS AND INFORMATION.—The Customs Service shall identify and publish a list of the records or entry information that is required to be maintained and produced under subsection (a)(1)(A).

"(f) RECORDKEEPING COMPLIANCE PROGRAM.—

"(1) IN GENERAL.—After consultation with the importing community, the Customs Service shall by regulation establish a recordkeeping compliance program which the parties listed in section 508(a) may participate in after being certified by the Customs Service under paragraph (2). Participation in the recordkeeping compliance program by recordkeepers is voluntary. Regulations.

"(2) CERTIFICATION.—A recordkeeper may be certified as a participant in the recordkeeping compliance program after meeting the general recordkeeping requirements established under the program or after negotiating an alternative program suited to the needs of the recordkeeper and the Customs Service. Certification requirements shall take into account the size and nature of the importing business and the volume of imports. In order to be certified, the recordkeeper must be able to demonstrate that it—

"(A) understands the legal requirements for recordkeeping, including the nature of the records required to be maintained and produced and the time periods involved;

"(B) has in place procedures to explain the recordkeeping requirements to those employees who are involved in the preparation, maintenance, and production of required records;

"(C) has in place procedures regarding the preparation and maintenance of required records, and the production of such records to the Customs Service;

"(D) has designated a dependable individual or individuals to be responsible for recordkeeping compliance under the program and whose duties include maintaining familiarity with the recordkeeping requirements of the Customs Service;

"(E) has a record maintenance procedure approved by the Customs Service for original records, or, if approved by the Customs Service, for alternative records or recordkeeping formats other than the original records; and

"(F) has procedures for notifying the Customs Service of occurrences of variances to, and violations of, the requirements of the recordkeeping compliance program or the negotiated alternative programs, and for taking corrective action when notified by the Customs Service of violations or problems regarding such program.

"(g) PENALTIES.—

"(1) DEFINITION.—For purposes of this subsection, the term 'information' means any record, statement, declaration, document, or electronically stored or transmitted information or data referred to in subsection (a)(1)(A).

"(2) EFFECTS OF FAILURE TO COMPLY WITH DEMAND.—Except as provided in paragraph (4), if a person fails to comply with a lawful demand for information under subsection (a)(1)(A) the following provisions apply:

"(A) If the failure to comply is a result of the willful failure of the person to maintain, store, or retrieve the demanded information, such person shall be subject to a penalty, for each release of merchandise, not to exceed $100,000, or an amount equal to 75 percent of the appraised value of the merchandise, whichever amount is less.

"(B) If the failure to comply is a result of the negligence of the person in maintaining, storing, or retrieving the demanded information, such person shall be subject to a penalty, for each release of merchandise, not to exceed $10,000, or an amount equal to 40 percent of the appraised value of the merchandise, whichever amount is less.

"(C) In addition to any penalty imposed under subparagraph (A) or (B) regarding demanded information, if such information related to the eligibility of merchandise for a column 1 special rate of duty under title I, the entry of such merchandise—

"(i) if unliquidated, shall be liquidated at the applicable column 1 general rate of duty; or

"(ii) if liquidated within the 2-year period preceding the date of the demand, shall be reliquidated, notwithstanding the time limitation in section 514 or 520, at the applicable column 1 general rate of duty;

except that any liquidation or reliquidation under clause (i) or (ii) shall be at the applicable column 2 rate of duty if the Customs Service demonstrates that the merchandise should be dutiable at such rate.

"(3) AVOIDANCE OF PENALTY.—No penalty may be assessed under this subsection if the person can show—

"(A) that the loss of the demanded information was the result of an act of God or other natural casualty or disaster beyond the fault of such person or an agent of the person;

"(B) on the basis of other evidence satisfactory to the Customs Service, that the demand was substantially complied with; or

"(C) the information demanded was presented to and retained by the Customs Service at the time of entry or submitted in response to an earlier demand.

"(4) PENALTIES NOT EXCLUSIVE.—Any penalty imposed under this subsection shall be in addition to any other penalty provided by law except for—

"(A) a penalty imposed under section 592 for a material omission of the demanded information, or

"(B) disciplinary action taken under section 641.

"(5) REMISSION OR MITIGATION.—A penalty imposed under this section may be remitted or mitigated under section 618.

"(6) CUSTOMS SUMMONS.—Nothing in this subsection shall limit or preclude the Customs Service from issuing, or seeking the enforcement of, a customs summons.

"(7) ALTERNATIVES TO PENALTIES.—

"(A) IN GENERAL.—When a recordkeeper who—

"(i) has been certified as a participant in the recordkeeping compliance program under subsection (f); and

"(ii) is generally in compliance with the appropriate procedures and requirements of the program;

does not produce a demanded record or information for a specific release or provide the information by acceptable alternative means, the Customs Service, in the absence of willfulness or repeated violations, shall issue a written notice of the violation to the recordkeeper in lieu of a monetary penalty. Repeated violations by the recordkeeper may result in the issuance of penalties and removal of certification under the program until corrective action, satisfactory to the Customs Service, is taken.

"(B) CONTENTS OF NOTICE.—A notice of violation issued under subparagraph (A) shall—

"(i) state that the recordkeeper has violated the recordkeeping requirements;

"(ii) indicate the record or information which was demanded; and

"(iii) warn the recordkeeper that future failures to produce demanded records or information may result in the imposition of monetary penalties.

"(C) RESPONSE TO NOTICE.—Within a reasonable time after receiving written notice under subparagraph (A), the recordkeeper shall notify the Customs Service of the steps it has taken to prevent a recurrence of the violation.

"(D) REGULATIONS.—The Secretary shall promulgate regulations to implement this paragraph. Such regulations may specify the time periods for compliance with a demand for information and provide guidelines which define repeated violations for purposes of this paragraph. Any penalty issued for a recordkeeping violation shall take into account the degree of compliance compared to the total number of importations, the nature of the demanded records and the recordkeeper's cooperation.".

SEC. 616. JUDICIAL ENFORCEMENT.

The second sentence of section 510(a) (19 U.S.C. 1510(a)) is amended by inserting "and such court may assess a monetary penalty" after "as a contempt thereof".

SEC. 617. REVIEW OF PROTESTS.

Section 515 (19 U.S.C. 1515) is amended by inserting at the end the following new subsections:

"(c) If a protesting party believes that an application for further review was erroneously or improperly denied or was denied without authority for such action, it may file with the Commissioner of Customs a written request that the denial of the application for further review be set aside. Such request must be filed within 60 days after the date of the notice of the denial. The Commissioner of Customs may review such request and, based solely on the information before the Customs Service at the time the application for further review was denied, may set aside the denial of the application for further review and void the denial of protest, if appropriate. If the Commissioner of Customs fails to act within 60 days after the date of the request, the request shall be considered denied. All denials of protests are effective from the date of original

denial for purposes of section 2636 of title 28, United States Code. If an action is commenced in the Court of International Trade that arises out of a protest or an application for further review, all administrative action pertaining to such protest or application shall terminate and any administrative action taken subsequent to the commencement of the action is null and void.

"(d) If a protest is timely and properly filed, but is denied contrary to proper instructions, the Customs Service may on its own initiative, or pursuant to a written request by the protesting party filed with the appropriate district director within 90 days after the date of the protest denial, void the denial of the protest.".

SEC. 618. REPEAL OF PROVISION RELATING TO RELIQUIDATION ON ACCOUNT OF FRAUD.

Section 521 (19 U.S.C. 1521) is repealed.

SEC. 619. PENALTIES RELATING TO MANIFESTS.

Section 584 (19 U.S.C. 1584) is amended—

(1) by amending subsection (a)—

(A) by striking out "appropriate customs officer" wherever it appears and inserting "Customs Service",

(B) by striking out "officer demanding the same" in paragraph (1) and inserting "officer (whether of the Customs Service or the Coast Guard) demanding the same", and

(C) by inserting "(electronically or otherwise)" after "submission" in the last sentence of paragraph (1); and

(2) by amending subsection (b)—

(A) by striking out "the appropriate customs officer", "he" (except in paragraph (1)(F)), and "such officer" wherever they appear and inserting "the Customs Service",

(B) by striking out "written" wherever it appears (other than paragraph (1)(F)),

(C) by inserting "or electronically transmit" after "issue" wherever it appears, and

(D) by striking out "his intention" in the first sentence of paragraph (1) and inserting "intent".

SEC. 620. UNLAWFUL UNLADING OR TRANSSHIPMENT.

Section 586 (19 U.S.C. 1586) is amended—

(1) by inserting ", or of a hovering vessel which has received or delivered merchandise while outside the territorial sea," after "from a foreign port or place" wherever it appears; and

(2) by amending subsection (f)—

(A) by striking out "the appropriate customs officer of the" and "the appropriate customs officer within the" and inserting "the Customs Service at the"; and

(B) by striking out "the appropriate customs officer is" and inserting "the Customs Service is".

SEC. 621. PENALTIES FOR FRAUD, GROSS NEGLIGENCE, AND NEGLIGENCE; PRIOR DISCLOSURE.

Section 592 (19 U.S.C. 1592) is amended—

(1) by inserting "or electronically transmitted data or information" after "document" in subsection (a)(1)(A)(i);

(2) by inserting "The mere nonintentional repetition by an electronic system of an initial clerical error does not con-

stitute a pattern of negligent conduct." at the end of subsection (a)(2);

(3) by amending subsection (b)—

(A) by amending the first sentence of paragraph (1)(A)—

(i) by striking out "the appropriate customs officer" and inserting "the Customs Service",

(ii) by striking out "he" and inserting "it", and

(iii) by striking out "his" and inserting "its", and

(B) by amending paragraph (2)—

(i) by striking out "the appropriate customs officer" wherever it appears and inserting "the Customs Service",

(ii) by striking out "such officer" wherever it appears and inserting "the Customs Service", and

(iii) by striking out "he" wherever it appears and inserting "it";

(4) by amending subsection (c)(4)—

(A) by striking "time of disclosure or within thirty days, or such longer period as the appropriate customs officer may provide, after notice by the appropriate customs officer of his" in subparagraph (A)(i) and by striking out "time of disclosure in 30 days, or such longer period as the appropriate customs officer may provide, after notice by the appropriate customs officer of his" in subparagraph (B), and inserting in each place "time of disclosure, or within 30 days (or such longer period as the Customs Service may provide) after notice by the Customs Service of its"; and

(B) by inserting after the last sentence the following: "For purposes of this section, a formal investigation of a violation is considered to be commenced with regard to the disclosing party and the disclosed information on the date recorded in writing by the Customs Service as the date on which facts and circumstances were discovered or information was received which caused the Customs Service to believe that a possibility of a violation of subsection (a) existed."; and

(5) by amending subsection (d)—

(A) by striking out "the appropriate customs officer" and inserting "the Customs Service",

(B) by striking out "duties" wherever it appears and inserting "duties, taxes, or fees", and

(C) by inserting ", TAXES OR FEES" after "DUTIES" in the sideheading.

SEC. 622. PENALTIES FOR FALSE DRAWBACK CLAIMS. 19 USC 1593a.

(a) AMENDMENT.—Part V of title IV is amended by inserting after section 593 the following new section:

"SEC. 593A. PENALTIES FOR FALSE DRAWBACK CLAIMS.

"(a) PROHIBITION.—

"(1) GENERAL RULE.—No person, by fraud, or negligence—

"(A) may seek, induce or affect, or attempt to seek, induce, or affect, the payment or credit to that person or others of any drawback claim by means of—

"(i) any document, written or oral statement, or electronically transmitted data or information, or act which is material and false, or

"(ii) any omission which is material; or

"(B) may aid or abet any other person to violate subparagraph (A).

"(2) EXCEPTION.—Clerical errors or mistakes of fact are not violations of paragraph (1) unless they are part of a pattern of negligent conduct. The mere nonintentional repetition by an electronic system of an initial clerical error does not constitute a pattern of negligent conduct.

"(b) PROCEDURES.—

"(1) PREPENALTY NOTICE.—

"(A) IN GENERAL.—If the Customs Service has reasonable cause to believe that there has been a violation of subsection (a) and determines that further proceedings are warranted, the Customs Service shall issue to the person concerned a written notice of intent to issue a claim for a monetary penalty. Such notice shall—

"(i) identify the drawback claim;

"(ii) set forth the details relating to the seeking, inducing, or affecting, or the attempted seeking, inducing, or affecting, or the aiding or procuring of, the drawback claim;

"(iii) specify all laws and regulations allegedly violated;

"(iv) disclose all the material facts which establish the alleged violation;

"(v) state whether the alleged violation occurred as a result of fraud or negligence;

"(vi) state the estimated actual or potential loss of revenue due to the drawback claim, and, taking into account all circumstances, the amount of the proposed monetary penalty; and

"(vii) inform such person that he shall have a reasonable opportunity to make representations, both oral and written, as to why a claim for a monetary penalty should not be issued in the amount stated.

"(B) EXCEPTIONS.—The Customs Service may not issue a prepenalty notice if the amount of the penalty in the penalty claim issued under paragraph (2) is $1,000 or less. In such cases, the Customs Service may proceed directly with a penalty claim.

"(C) PRIOR APPROVAL.—No prepenalty notice in which the alleged violation occurred as a result of fraud shall be issued without the prior approval of Customs Headquarters.

"(2) PENALTY CLAIM.—After considering representations, if any, made by the person concerned pursuant to the notice issued under paragraph (1), the Customs Service shall determine whether any violation of subsection (a), as alleged in the notice, has occurred. If the Customs Service determines that there was no violation, the Customs Service shall promptly issue a written statement of the determination to the person to whom the notice was sent. If the Customs Service determines that there was a violation, Customs shall issue a written penalty claim to such person. The written penalty claim shall

specify all changes in the information provided under clauses (i) through (vii) of paragraph (1)(A). Such person shall have a reasonable opportunity under section 618 to make representations, both oral and written, seeking remission or mitigation of the monetary penalty. At the conclusion of any proceeding under section 618, the Customs Service shall provide to the person concerned a written statement which sets forth the final determination, and the findings of fact and conclusions of law on which such determination is based.

"(c) MAXIMUM PENALTIES.—

"(1) FRAUD.—A fraudulent violation of subsection (a) of this section is punishable by a civil penalty in an amount not to exceed 3 times the actual or potential loss of revenue.

"(2) NEGLIGENCE.—

"(A) IN GENERAL.—A negligent violation of subsection (a) is punishable by a civil penalty in an amount not to exceed 20 percent of the actual or potential loss of revenue for the 1st violation.

"(B) REPETITIVE VIOLATIONS.—If the Customs Service determines that a repeat negligent violation occurs relating to the same issue, the penalty amount for the 2d violation shall be in an amount not to exceed 50 percent of the total actual or potential loss of revenue. The penalty amount for each succeeding repetitive negligent violation shall be in an amount not to exceed the actual or potential loss of revenue. If the same party commits a nonrepetitive violation, that violation shall be subject to a penalty not to exceed 20 percent of the actual or potential loss of revenue.

"(3) PRIOR DISCLOSURE.—

"(A) IN GENERAL.—Subject to subparagraph (B), if the person concerned discloses the circumstances of a violation of subsection (a) before, or without knowledge of the commencement of, a formal investigation of such violation, the monetary penalty assessed under this subsection may not exceed—

"(i) if the violation resulted from fraud, an amount equal to the actual or potential revenue of which the United States is or may be deprived as a result of overpayment of the claim; or

"(ii) if the violation resulted from negligence, an amount equal to the interest computed on the basis of the prevailing rate of interest applied under section 6621 of the Internal Revenue Code of 1986 on the amount of actual revenue of which the United States is or may be deprived during the period that—

"(I) begins on the date of the overpayment of the claim; and

"(II) ends on the date on which the person concerned tenders the amount of the overpayment.

"(B) CONDITION AFFECTING PENALTY LIMITATIONS.—The limitations in subparagraph (A) on the amount of the monetary penalty to be assessed under subsection (c) apply only if the person concerned tenders the amount of the overpayment made on the claim at the time of disclosure, or within 30 days (or such longer period as the Customs

Service may provide), after notice by the Customs Service of its calculation of the amount of the overpayment.

"(C) BURDEN OF PROOF.—The person asserting lack of knowledge of the commencement of a formal investigation has the burden of proof in establishing such lack of knowledge.

"(4) COMMENCEMENT OF INVESTIGATION.—For purposes of this section, a formal investigation of a violation is considered to be commenced with regard to the disclosing party and the disclosed information on the date recorded in writing by the Customs Service as the date on which facts and circumstances were discovered or information was received which caused the Customs Service to believe that a possibility of a violation of subsection (a) existed.

"(5) EXCLUSIVITY.—Penalty claims under this section shall be the exclusive civil remedy for any drawback related violation of subsection (a).

"(d) DEPRIVATION OF LAWFUL REVENUE.—Notwithstanding section 514, if the United States has been deprived of lawful duties and taxes resulting from a violation of subsection (a), the Customs Service shall require that such duties and taxes be restored whether or not a monetary penalty is assessed.

"(e) DRAWBACK COMPLIANCE PROGRAM.—

"(1) IN GENERAL.—After consultation with the drawback trade community, the Customs Service shall establish a drawback compliance program in which claimants and other parties in interest may participate after being certified by the Customs Service under paragraph (2). Participation in the drawback compliance program is voluntary.

"(2) CERTIFICATION.—A party may be certified as a participant in the drawback compliance program after meeting the general requirements established under the program or after negotiating an alternative program suited to the needs of the party and the Customs Service. Certification requirements shall take into account the size and nature of the party's drawback program and the volume of claims. In order to be certified, the participant must be able to demonstrate that it—

"(A) understands the legal requirements for filing claims, including the nature of the records required to be maintained and produced and the time periods involved;

"(B) has in place procedures to explain the Customs Service requirements to those employees that are involved in the preparation of claims, and the maintenance and production of required records;

"(C) has in place procedures regarding the preparation of claims and maintenance of required records, and the production of such records to the Customs Service;

"(D) has designated a dependable individual or individuals to be responsible for compliance under the program and whose duties include maintaining familiarity with the drawback requirements of the Customs Service;

"(E) has a record maintenance procedure approved by the Customs Service for original records, or, if approved by the Customs Service, for alternate records or record-keeping formats other than the original records; and

"(F) has procedures for notifying the Customs Service of variances to, and violations of, the requirements of the

drawback compliance program or any negotiated alternative programs, and for taking corrective action when notified by the Customs Service for violations or problems regarding such program.

"(f) ALTERNATIVES TO PENALTIES.—

"(1) IN GENERAL.—When a party that—

"(A) has been certified as a participant in the drawback compliance program under subsection (e); and

"(B) is generally in compliance with the appropriate procedures and requirements of the program;

commits a violation of subsection (a), the Customs Service, shall, in the absence of fraud or repeated violations, and in lieu of a monetary penalty, issue a written notice of the violation to the party. Repeated violations by a party may result in the issuance of penalties and removal of certification under the program until corrective action, satisfactory to the Customs Service, is taken.

"(2) CONTENTS OF NOTICE.—A notice of violation issued under paragraph (1) shall—

"(A) state that the party has violated subsection (a);

"(B) explain the nature of the violation; and

"(C) warn the party that future violations of subsection (a) may result in the imposition of monetary penalties.

"(3) RESPONSE TO NOTICE.—Within a reasonable time after receiving written notice under paragraph (1), the party shall notify the Customs Service of the steps it has taken to prevent a recurrence of the violation.

"(g) REPETITIVE VIOLATIONS.—

"(1) A party who has been issued a written notice under subsection (f)(1) and subsequently commits a repeat negligent violation involving the same issue is subject to the following monetary penalties:

"(A) 2D VIOLATION.—An amount not to exceed 20 percent of the loss of revenue.

"(B) 3RD VIOLATION.—An amount not to exceed 50 percent of the loss of revenue.

"(C) 4TH AND SUBSEQUENT VIOLATIONS.—An amount not to exceed 100 percent of the loss of revenue.

"(2) If a party that has been certified as a participant in the drawback compliance program under subsection (e) commits an alleged violation which was not repetitive, the party shall be issued a 'warning letter', and, for any subsequent violation, shall be subject to the same maximum penalty amounts stated in paragraph (1).

"(h) REGULATION.—The Secretary shall promulgate regulations and guidelines to implement this section. Such regulations shall specify that for purposes of subsection (g), a repeat negligent violation involving the same issue shall be treated as a repetitive violation for a maximum period of 3 years.

"(i) COURT OF INTERNATIONAL TRADE PROCEEDINGS.—Notwithstanding any other provision of law, in any proceeding commenced by the United States in the Court of International Trade for the recovery of any monetary penalty claimed under this section—

"(1) all issues, including the amount of the penalty, shall be tried de novo;

"(2) if the monetary penalty is based on fraud, the United States shall have the burden of proof to establish the alleged violation by clear and convincing evidence; and

"(3) if the monetary penalty is based on negligence, the United States shall have the burden of proof to establish the act or omission constituting the violation, and the alleged violator shall have the burden of providing evidence that the act or omission did not occur as a result of negligence.".

19 USC 1593a note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to drawback claims filed on and after the nationwide operational implementation of an automated drawback selectivity program by the Customs Service. The Customs Service shall publish notice of this date in the Customs Bulletin.

SEC. 623. INTERPRETIVE RULINGS AND DECISIONS; PUBLIC INFORMATION.

Section 625 (19 U.S.C. 1625) is amended to read as follows:

"SEC. 625. INTERPRETIVE RULINGS AND DECISIONS; PUBLIC INFORMATION.

"(a) PUBLICATION.—Within 90 days after the date of issuance of any interpretive ruling (including any ruling letter, or internal advice memorandum) or protest review decision under this chapter with respect to any customs transaction, the Secretary shall have such ruling or decision published in the Customs Bulletin or shall otherwise make such ruling or decision available for public inspection.

"(b) APPEALS.—A person may appeal an adverse interpretive ruling and any interpretation of any regulation prescribed to implement such ruling to a higher level of authority within the Customs Service for de novo review. Upon a reasonable showing of business necessity, any such appeal shall be considered and decided no later than 60 days following the date on which the appeal is filed. The Secretary shall issue regulations to implement this subsection.

Regulations.

"(c) MODIFICATION AND REVOCATION.—A proposed interpretive ruling or decision which would—

"(1) modify (other than to correct a clerical error) or revoke a prior interpretive ruling or decision which has been in effect for at least 60 days; or

"(2) have the effect of modifying the treatment previously accorded by the Customs Service to substantially identical transactions;

shall be published in the Customs Bulletin. The Secretary shall give interested parties an opportunity to submit, during not less than the 30-day period after the date of such publication, comments on the correctness of the proposed ruling or decision. After consideration of any comments received, the Secretary shall publish a final ruling or decision in the Customs Bulletin within 30 days after the closing of the comment period. The final ruling or decision shall become effective 60 days after the date of its publication.

Effective date.

"(d) PUBLICATION OF CUSTOMS DECISIONS THAT LIMIT COURT DECISIONS.—A decision that proposes to limit the application of a court decision shall be published in the Customs Bulletin together with notice of opportunity for public comment thereon prior to a final decision.

"(e) PUBLIC INFORMATION.—The Secretary may make available in writing or through electronic media, in an efficient, comprehen-

sive and timely manner, all information, including directives, memoranda, electronic messages and telexes which contain instructions, requirements, methods or advice necessary for importers and exporters to comply with the Customs laws and regulations. All information which may be made available pursuant to this subsection shall be subject to any exemption from disclosure provided by section 552 of title 5, United States Code.".

SEC. 624. SEIZURE AUTHORITY.

Section 596(c) (19 U.S.C. 1595a(c)) is amended to read as follows:

"(c) Merchandise which is introduced or attempted to be introduced into the United States contrary to law shall be treated as follows:

"(1) The merchandise shall be seized and forfeited if it—

"(A) is stolen, smuggled, or clandestinely imported or introduced;

"(B) is a controlled substance, as defined in the Controlled Substances Act (21 U.S.C. 801 et seq.), and is not imported in accordance with applicable law; or

"(C) is a contraband article, as defined in section 1 of the Act of August 9, 1939 (49 U.S.C. App. 781).

"(2) The merchandise may be seized and forfeited if—

"(A) its importation or entry is subject to any restriction or prohibition which is imposed by law relating to health, safety, or conservation and the merchandise is not in compliance with the applicable rule, regulation, or statute;

"(B) its importation or entry requires a license, permit or other authorization of an agency of the United States Government and the merchandise is not accompanied by such license, permit, or authorization;

"(C) it is merchandise or packaging in which copyright, trademark, or trade name protection violations are involved (including, but not limited to, violations of section 42, 43, or 45 of the Act of July 5, 1946 (15 U.S.C. 1124, 1125, or 1127), section 506 or 509 of title 17, United States Code, or section 2318 or 2320 of title 18, United States Code);

"(D) it is trade dress merchandise involved in the violation of a court order citing section 43 of such Act of July 5, 1946 (15 U.S.C. 1125);

"(E) it is merchandise which is marked intentionally in violation of section 304; or

"(F) it is merchandise for which the importer has received written notices that previous importations of identical merchandise from the same supplier were found to have been marked in violation of section 304.

"(3) If the importation or entry of the merchandise is subject to quantitative restrictions requiring a visa, permit, license, or other similar document, or stamp from the United States Government or from a foreign government or issuing authority pursuant to a bilateral or multilateral agreement, the merchandise shall be subject to detention in accordance with section 499 unless the appropriate visa, license, permit, or similar document or stamp is presented to the Customs Service; but if the visa, permit, license, or similar document or stamp which is presented in connection with the importation or entry of

the merchandise is counterfeit, the merchandise may be seized and forfeited.

"(4) If the merchandise is imported or introduced contrary to a provision of law which governs the classification or value of merchandise and there are no issues as to the admissibility of the merchandise into the United States, it shall not be seized except in accordance with section 592.

"(5) In any case where the seizure and forfeiture of merchandise are required or authorized by this section, the Secretary may—

"(A) remit the forfeiture under section 618, or

"(B) permit the exportation of the merchandise, unless its release would adversely affect health, safety, or conservation or be in contravention of a bilateral or multilateral agreement or treaty.".

Subtitle B—National Customs Automation Program

SEC. 631. NATIONAL CUSTOMS AUTOMATION PROGRAM.

Part I of title IV is amended—

(1) by striking out

19 USC prec. 1401.

"PART I—DEFINITIONS

and inserting

"PART I—DEFINITIONS AND NATIONAL CUSTOMS AUTOMATION PROGRAM

"Subpart A—Definitions";

and

(2) by inserting after section 402 the following:

"Subpart B—National Customs Automation Program

19 USC 1411.

"SEC. 411. NATIONAL CUSTOMS AUTOMATION PROGRAM.

"(a) ESTABLISHMENT.—The Secretary shall establish the National Customs Automation Program (hereinafter in this subpart referred to as the 'Program') which shall be an automated and electronic system for processing commercial importations and shall include the following existing and planned components:

"(1) Existing components:

"(A) The electronic entry of merchandise.

"(B) The electronic entry summary of required information.

"(C) The electronic transmission of invoice information.

"(D) The electronic transmission of manifest information.

"(E) Electronic payments of duties, fees, and taxes.

"(F) The electronic status of liquidation and reliquidation.

"(G) The electronic selection of high risk entries for examination (cargo selectivity and entry summary selectivity).

"(2) Planned components:

"(A) The electronic filing and status of protests.

"(B) The electronic filing (including remote filing under section 414) of entry information with the Customs Service at any location.

"(C) The electronic filing of import activity summary statements and reconciliation.

"(D) The electronic filing of bonds.

"(E) The electronic penalty process.

"(F) The electronic filing of drawback claims, records, or entries.

"(G) Any other component initiated by the Customs Service to carry out the goals of this subpart.

"(b) PARTICIPATION IN PROGRAM.—The Secretary shall by regulation prescribe the eligibility criteria for participation in the Program. Participation in the Program is voluntary. Regulations.

"SEC. 412. PROGRAM GOALS. 19 USC 1412.

"The goals of the Program are to ensure that all regulations and rulings that are administered or enforced by the Customs Service are administered and enforced in a manner that—

"(1) is uniform and consistent;

"(2) is as minimally intrusive upon the normal flow of business activity as practicable; and

"(3) improves compliance.

"SEC. 413. IMPLEMENTATION AND EVALUATION OF PROGRAM. 19 USC 1413.

"(a) OVERALL PROGRAM PLAN.—

"(1) IN GENERAL.—Before the 180th day after the date of the enactment of this Act, the Secretary shall develop and transmit to the Committees an overall plan for the Program. The overall Program plan shall set forth—

"(A) a general description of the ultimate configuration of the Program;

"(B) a description of each of the existing components of the Program listed in section 411(a)(1); and

"(C) estimates regarding the stages on which planned components of the Program listed in section 411(a)(2) will be brought on-line.

"(2) ADDITIONAL INFORMATION.—In addition to the information required under paragraph (1), the overall Program plan shall include a statement regarding—

"(A) the extent to which the existing components of the Program currently meet, and the planned components will meet, the Program goals set forth in section 412; and

"(B) the effects that the existing components are currently having, and the effects that the planned components will likely have, on—

"(i) importers, brokers, and other users of the Program, and

"(ii) Customs Service occupations, operations, processes, and systems.

"(b) IMPLEMENTATION PLAN, TESTING, AND EVALUATION.—

"(1) IMPLEMENTATION PLAN.—For each of the planned components of the Program listed in section 411(a)(2), the Secretary shall—

"(A) develop an implementation plan;

"(B) test the component in order to assess its viability;

"(C) evaluate the component in order to assess its contribution toward achieving the program goals; and

"(D) transmit to the Committees the implementation plan, the testing results, and an evaluation report.

In developing an implementation plan under subparagraph (A) and evaluating components under subparagraph (C), the Secretary shall publish a request for comments in the Customs Bulletin and shall consult with the trade community, including importers, brokers, shippers, and other affected parties.

"(2) IMPLEMENTATION.—

"(A) The Secretary may implement on a permanent basis any Program component referred to in paragraph (1) on or after the date which is 30 days after paragraph (1)(D) is complied with.

"(B) For purposes of subparagraph (A), the 30 days shall be computed by excluding—

"(i) the days either House is not in session because of an adjournment of more than 3 days to a day certain or an adjournment of the Congress sine die, and

"(ii) any Saturday and Sunday, not excluded under clause (i), when either House is not in session.

"(3) EVALUATION AND REPORT.—The Secretary shall—

"(A) develop a user satisfaction survey of parties participating in the Program;

"(B) evaluate the results of the user satisfaction survey on a biennial basis (fiscal years) and transmit a report to the Committees on the evaluation by no later than the 90th day after the close of each 2d fiscal year;

"(C) with respect to the existing Program component listed in section 411(a)(1)(G) transmit to the Committees—

"(i) a written evaluation of such component before the 180th day after the date of the enactment of this section and before the implementation of the planned Program components listed in section 411(a)(2) (B) and (C), and

"(ii) a report on such component for each of the 3 full fiscal years occurring after the date of the enactment of this section, which report shall be transmitted not later than the 90th day after the close of each such year; and

"(D) not later than the 90th day after the close of fiscal year 1994, and annually thereafter through fiscal year 2000, transmit to the Committees a written evaluation with respect to the implementation and effect on users of each of the planned Program components listed in section 411(a)(2).

In carrying out the provisions of this paragraph, the Secretary shall publish requests for comments in the Customs Bulletin and shall consult with the trade community, including importers, brokers, shippers, and other affected parties.

"(c) · COMMITTEES.—For purposes of this section, the term 'Committees' means the Committee on Ways and Means of the

House of Representatives and the Committee on Finance of the Senate.

"SEC. 414. REMOTE LOCATION FILING. 19 USC 1414.

"(a) CORE ENTRY INFORMATION.—

"(1) IN GENERAL.—A Program participant may file electronically an entry of merchandise with the Customs Service from a location other than the district designated in the entry for examination (hereafter in this section referred to as a 'remote location') if—

"(A) the Customs Service is satisfied that the participant has the capabilities referred to in paragraph (2)(A) regarding such method of filing; and

"(B) the participant elects to file from the remote location.

"(2) REQUIREMENTS.—

"(A) IN GENERAL.—In order to qualify for filing from a remote location, a Program participant must have the capability to provide, on an entry-by-entry basis, for the following:

"(i) The electronic entry of merchandise.

"(ii) The electronic entry summary of required information.

"(iii) The electronic transmission of invoice information (when required by the Customs Service).

"(iv) The electronic payment of duties, fees, and taxes.

"(v) Such other electronic capabilities within the existing or planned components of the Program as the Secretary shall by regulation require.

"(B) RESTRICTION ON EXEMPTION FROM REQUIREMENTS.—The Customs Service may not permit any exemption or waiver from the requirements established by this section for participation in remote entry filing.

"(3) CONDITIONS ON FILING UNDER THIS SECTION.—The Secretary may prohibit a Program participant from participating in remote location filing, and may remove a Program participant from participation in remote location filing, if the participant—

"(i) fails to meet all the compliance requirements and operational standards of remote location filing; or

"(ii) fails to adhere to all applicable laws and regulations.

"(4) ALTERNATIVE FILING.—Any Program participant that is eligible to file entry information electronically from a remote location but chooses not to do so in the case of any entry must file any paper documentation for the entry at the designated location referred to in subsection (d).

"(b) ADDITIONAL ENTRY INFORMATION.—

"(1) IN GENERAL.—A Program participant that is eligible under subsection (a) to file entry information from a remote location may, if the Customs Service is satisfied that the participant meets the requirements under paragraph (2), also electronically file from the remote location additional information that is required by the Customs Service to be presented before the acceptance of entry summary information and at the time of acceptance of entry summary information.

"(2) REQUIREMENTS.—The Secretary shall publish, and periodically update, a list of those capabilities within the existing and planned components of the Program that a Program participant must have for purposes of this subsection.

"(3) FILING OF ADDITIONAL INFORMATION.—

"(A) IF INFORMATION ELECTRONICALLY ACCEPTABLE.—A Program participant that is eligible under paragraph (1) to file additional information from a remote location shall electronically file all such information that the Customs Service can accept electronically.

"(B) ALTERNATIVE FILING.—If the Customs Service cannot accept additional information electronically, the Program participant shall file the paper documentation with respect to the information at the appropriate filing location.

"(C) APPROPRIATE LOCATION.—For purposes of subparagraph (B), the 'appropriate location' is—

"(i) before January 1, 1999, a designated location; and

"(ii) after December 31, 1998—

"(I) if the paper documentation is required for release, a designated location; or

"(II) if the paper documentation is not required for release, a remote location designated by the Customs Service or a designated location.

"(D) OTHER.—A Program participant that is eligible under paragraph (1) to file additional information electronically from a remote location but chooses not to do so must file the paper documentation with respect to the information at a designated location.

"(c) POST-ENTRY SUMMARY INFORMATION.—A Program participant that is eligible to file electronically entry information under subsection (a) and additional information under subsection (b) from a remote location may file at any remote location designated by the Customs Service any information required by the Customs Service after entry summary.

"(d) DEFINITIONS.—As used in this section:

"(1) The term 'designated location' means a customs office located in the customs district designated by the entry filer for purposes of customs examination of the merchandise.

"(2) The term 'Program participant' means, with respect to an entry of merchandise, any party entitled to make the entry under section 484(a)(2)(B).".

SEC. 632. DRAWBACK AND REFUNDS.

(a) AMENDMENTS.—Section 313 (19 U.S.C. 1313) is amended as follows:

(1) Subsection (a) is amended—

(A) by inserting "or destruction under customs supervision" after "Upon the exportation";

(B) by inserting "provided that those articles have not been used prior to such exportation or destruction," after "manufactured or produced in the United States with the use of imported merchandise,";

(C) by inserting "or destruction" after "refunded upon the exportation"; and

(D) by striking out "wheat imported after ninety days after the date of the enactment of this Act" and inserting "imported wheat".

(2) Subsection (b) is amended—

(A) by striking out "duty-free or domestic merchandise" and inserting "any other merchandise (whether imported or domestic)";

(B) by inserting ", or destruction under customs supervision," after "there shall be allowed upon the exportation";

(C) by inserting "or destroyed" after "notwithstanding the fact that none of the imported merchandise may actually have been used in the manufacture or production of the exported";

(D) by inserting ", but only if those articles have not been used prior to such exportation or destruction" after "an amount of drawback equal to that which would have been allowable had the merchandise used therein been imported"; and

(E) by inserting "or destruction under customs supervision" after "but the total amount of drawback allowed upon the exportation".

(3) Subsection (c) is amended to read as follows:

"(c) MERCHANDISE NOT CONFORMING TO SAMPLE OR SPECIFICATIONS.—Upon the exportation, or destruction under the supervision of the Customs Service, of merchandise—

"(1) not conforming to sample or specifications, shipped without the consent of the consignee, or determined to be defective as of the time of importation;

"(2) upon which the duties have been paid;

"(3) which has been entered or withdrawn for consumption; and

"(4) which, within 3 years after release from the custody of the Customs Service, has been returned to the custody of the Customs Service for exportation or destruction under the supervision of the Customs Service;

the full amount of the duties paid upon such merchandise, less 1 percent, shall be refunded as drawback.".

(4) Subsection (j) is amended to read as follows:

"(j) UNUSED MERCHANDISE DRAWBACK.—

"(1) If imported merchandise, on which was paid any duty, tax, or fee imposed under Federal law because of its importation—

"(A) is, before the close of the 3-year period beginning on the date of importation—

"(i) exported, or

"(ii) destroyed under customs supervision; and

"(B) is not used within the United States before such exportation or destruction;

then upon such exportation or destruction 99 percent of the amount of each duty, tax, or fee so paid shall be refunded as drawback. The exporter (or destroyer) has the right to claim drawback under this paragraph, but may endorse such right to the importer or any intermediate party.

"(2) If there is, with respect to imported merchandise on which was paid any duty, tax, or fee imposed under Federal law because of its importation, any other merchandise (whether imported or domestic), that—

"(A) is commercially interchangeable with such imported merchandise;

"(B) is, before the close of the 3-year period beginning on the date of importation of the imported merchandise, either exported or destroyed under customs supervision; and

"(C) before such exportation or destruction—

"(i) is not used within the United States, and

"(ii) is in the possession of, including ownership while in bailment, in leased facilities, in transit to, or in any other manner under the operational control of, the party claiming drawback under this paragraph, if that party—

"(I) is the importer of the imported merchandise, or

"(II) received from the person who imported and paid any duty due on the imported merchandise a certificate of delivery transferring to the party the imported merchandise, commercially interchangeable merchandise, or any combination of imported and commercially interchangeable merchandise (and any such transferred merchandise, regardless of its origin, will be treated as the imported merchandise and any retained merchandise will be treated as domestic merchandise);

then upon the exportation or destruction of such other merchandise the amount of each such duty, tax, and fee paid regarding the imported merchandise shall be refunded as drawback, but in no case may the total drawback on the imported merchandise, whether available under this paragraph or any other provision of law or any combination thereof, exceed 99 percent of that duty, tax, or fee.

"(3) The performing of any operation or combination of operations (including, but not limited to, testing, cleaning, repacking, inspecting, sorting, refurbishing, freezing, blending, repairing, reworking, cutting, slitting, adjusting, replacing components, relabeling, disassembling, and unpacking), not amounting to manufacture or production for drawback purposes under the preceding provisions of this section on—

"(A) the imported merchandise itself in cases to which paragraph (1) applies, or

"(B) the commercially interchangeable merchandise in cases to which paragraph (2) applies,

shall not be treated as a use of that merchandise for purposes of applying paragraph (1)(B) or (2)(C).".

(5) Subsection (l) is amended by striking out "the fixing of a time limit within which drawback entries or entries for refund under any of the provisions of this section or section 309(b) shall be filed and completed," and inserting "the authority for the electronic submission of drawback entries".

(6) Subsection (p) is amended to read as follows:

"(p) SUBSTITUTION OF FINISHED PETROLEUM DERIVATIVES.—

"(1) IN GENERAL.—Notwithstanding any other provision of this section, if—

"(A) an article (hereafter referred to in this subsection as the 'exported article') of the same kind and quality as a qualified article is exported;

"(B) the requirements set forth in paragraph (2) are met; and

"(C) a drawback claim is filed regarding the exported article;

the amount of the duties paid on, or attributable to, such qualified article shall be refunded as drawback to the drawback claimant.

"(2) REQUIREMENTS.—The requirements referred to in paragraph (1) are as follows:

"(A) The exporter of the exported article—

"(i) manufactured or produced the qualified article in a quantity equal to or greater than the quantity of the exported article,

"(ii) purchased or exchanged, directly or indirectly, the qualified article from a manufacturer or producer described in subsection (a) or (b) in a quantity equal to or greater than the quantity of the exported article,

"(iii) imported the qualified article in a quantity equal to or greater than the quantity of the exported article, or

"(iv) purchased or exchanged, directly or indirectly, an imported qualified article from an importer in a quantity equal to or greater than the quantity of the exported article.

"(B) In the case of the requirement described in subparagraph (A)(ii), the manufacturer or producer produced the qualified article in a quantity equal to or greater than the quantity of the exported article.

"(C) In the case of the requirement of subparagraph (A)(i) or (A)(ii), the exported article is exported during the period that the qualified article described in subparagraph (A)(i) or (A)(ii) (whichever is applicable) is manufactured or produced, or within 180 days after the close of such period.

"(D) In the case of the requirement of subparagraph (A)(i) or (A)(ii), the specific petroleum refinery or production facility which made the qualified article concerned is identified.

"(E) In the case of the requirement of subparagraph (A)(iii) or (A)(iv), the exported article is exported within 180 days after the date of entry of an imported qualified article described in subparagraph (A)(iii) or (A)(iv) (whichever is applicable).

"(F) Except as otherwise specifically provided in this subsection, the drawback claimant complies with all requirements of this section, including providing certificates which establish the drawback eligibility of articles for which drawback is claimed.

"(G) The manufacturer, producer, importer, exporter, and drawback claimant of the qualified article and the exported article maintain all records required by regulation.

"(3) DEFINITION OF QUALIFIED ARTICLE, ETC.—For purposes of this subsection—

"(A) The term 'qualified article' means an article—

"(i) described in—

"(I) headings 2707, 2708, 2710, 2711, 2712, 2713, 2714, 2715, 2901, and 2902 of the Harmonized Tariff Schedule of the United States, or

"(II) headings 3901 through 3914 of such Schedule (as such headings apply to liquids, pastes, powders, granules, and flakes), and

"(ii) which is—

"(I) manufactured or produced as described in subsection (a) or (b) from crude petroleum or a petroleum derivative, or

"(II) imported duty-paid.

"(B) An exported article is of the same kind and quality as the qualified article for which it is substituted under this subsection if it is a product that is commercially interchangeable with or referred to under the same eight-digit classification of the Harmonized Tariff Schedule of the United States as the qualified article.

"(C) The term 'drawback claimant' means the exporter of the exported article or the refiner, producer, or importer of such article. Any person eligible to file a drawback claim under this subparagraph may designate another person to file such claim.

"(4) LIMITATION ON DRAWBACK.—The amount of drawback payable under this subsection shall not exceed the amount of drawback that would be attributable to the article—

"(A) manufactured or produced under subsection (a) or (b) by the manufacturer or producer described in clause (i) or (ii) of paragraph (2)(A), or

"(B) imported under clause (iii) or (iv) of paragraph (2)(A).".

(7) The following new subsections are inserted after subsection (p):

"(q) PACKAGING MATERIAL.—Packaging material, when used on or for articles or merchandise exported or destroyed under subsection (a), (b), (c), or (j), shall be eligible under such subsection for refund, as drawback, of 99 percent of any duty, tax, or fee imposed under Federal law on the importation of such material.

"(r) FILING DRAWBACK CLAIMS.—

"(1) A drawback entry and all documents necessary to complete a drawback claim, including those issued by the Customs Service, shall be filed or applied for, as applicable, within 3 years after the date of exportation or destruction of the articles on which drawback is claimed, except that any landing certificate required by regulation shall be filed within the time limit prescribed in such regulation. Claims not completed within the 3-year period shall be considered abandoned. No extension will be granted unless it is established that the Customs Service was responsible for the untimely filing.

"(2) A drawback entry for refund filed pursuant to any subsection of this section shall be deemed filed pursuant to any other subsection of this section should it be determined that drawback is not allowable under the entry as originally filed but is allowable under such other subsection.

"(s) DESIGNATION OF MERCHANDISE BY SUCCESSOR.—

"(1) For purposes of subsection (b), a drawback successor may designate imported merchandise used by the predecessor before the date of succession as the basis for drawback on

articles manufactured by the drawback successor after the date of succession.

"(2) For purposes of subsection (j)(2), a drawback successor may designate—

"(A) imported merchandise which the predecessor, before the date of succession, imported; or

"(B) imported merchandise, commercially interchangeable merchandise, or any combination of imported and commercially interchangeable merchandise for which the successor received, before the date of succession, from the person who imported and paid any duty due on the imported merchandise a certificate of delivery transferring to the successor such merchandise;

as the basis for drawback on merchandise possessed by the drawback successor after the date of succession.

"(3) For purposes of this subsection, the term 'drawback successor' means an entity to which another entity (in this subsection referred to as the 'predecessor') has transferred by written agreement, merger, or corporate resolution—

"(A) all or substantially all of the rights, privileges, immunities, powers, duties, and liabilities of the predecessor; or

"(B) the assets and other business interests of a division, plant, or other business unit of such predecessor, but only if in such transfer the value of the transferred realty, personalty, and intangibles (other than drawback rights, inchoate or otherwise) exceeds the value of all transferred drawback rights, inchoate or otherwise.

"(4) No drawback shall be paid under this subsection until either the predecessor or the drawback successor (who shall also certify that it has the predecessor's records) certifies that—

"(A) the transferred merchandise was not and will not be claimed by the predecessor, and

"(B) the predecessor did not and will not issue any certificate to any other person that would enable that person to claim drawback.

"(t) DRAWBACK CERTIFICATES.—Any person who issues a certificate which would enable another person to claim drawback shall be subject to the recordkeeping provisions of this chapter, with the retention period beginning on the date that such certificate is issued.

"(u) ELIGIBILITY OF ENTERED OR WITHDRAWN MERCHANDISE.—Imported merchandise that has not been regularly entered or withdrawn for consumption shall not satisfy any requirement for use, exportation, or destruction under this section.

"(v) MULTIPLE DRAWBACK CLAIMS.—Merchandise that is exported or destroyed to satisfy any claim for drawback shall not be the basis of any other claim for drawback; except that appropriate credit and deductions for claims covering components or ingredients of such merchandise shall be made in computing drawback payments.".

(b) APPLICATION OF AMENDMENT TO FINISHED PETROLEUM DERIVATIVES.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the amendment made by paragraph (6) of subsection (a) shall apply to— 19 USC 1313 note.

(1) claims filed or liquidated on or after January 1, 1988, and

(2) claims that are unliquidated, under protest, or in litigation on the date of the enactment of this Act.

SEC. 633. EFFECTIVE DATE OF RATES OF DUTY.

Regulations.

Section 315 (19 U.S.C. 1315) is amended—

(1) by striking out "appropriate customs officer in the form and manner prescribed by regulations of the Secretary of the Treasury," in the first sentence of subsection (a) and inserting "Customs Service by written, electronic or such other means as the Secretary by regulation shall prescribe,";

(2) by striking out "customs custody" in the first sentence of subsection (b) and inserting "custody of the Customs Service"; and

(3) by striking out "paragraph 813" in subsection (c) and inserting "chapter 98 of the Harmonized Tariff Schedule of the United States".

SEC. 634. DEFINITIONS.

Section 401 (19 U.S.C. 1401) is amended—

(1) by amending subsection (k) to read as follows:

"(k) The term 'hovering vessel' means—

"(1) any vessel which is found or kept off the coast of the United States within or without the customs waters, if, from the history, conduct, character, or location of the vessel, it is reasonable to believe that such vessel is being used or may be used to introduce or promote or facilitate the introduction or attempted introduction of merchandise into the United States in violation of the laws of the United States; and

"(2) any vessel which has visited a vessel described in paragraph (1).";

(2) by inserting at the end thereof the following new subsections:

"(n) The term 'electronic transmission' means the transfer of data or information through an authorized electronic data interchange system consisting of, but not limited to, computer modems and computer networks.

"(o) The term 'electronic entry' means the electronic transmission to the Customs Service of—

"(1) entry information required for the entry of merchandise, and

"(2) entry summary information required for the classification and appraisement of the merchandise, the verification of statistical information, and the determination of compliance with applicable law.

"(p) The term 'electronic data interchange system' means any established mechanism approved by the Commissioner of Customs through which information can be transferred electronically.

"(q) The term 'National Customs Automation Program' means the program established under section 411.

"(r) The term 'import activity summary statement' refers to data or information transmitted electronically to the Customs Service, in accordance with such regulations as the Secretary prescribes, at the end of a specified period of time which enables the Customs Service to assess properly the duties, taxes and fees on merchandise imported during that period, collect accurate statistics and determine whether any other applicable requirement of law (other than a requirement relating to release from customs custody) is met.

"(s) The term 'reconciliation' means an electronic process, initiated at the request of an importer, under which the elements of an entry, other than those elements related to the admissibility of the merchandise, that are undetermined at the time of entry summary are provided to the Customs Service at a later time. A reconciliation is treated as an entry for purposes of liquidation, reliquidation, and protest.".

SEC. 635. MANIFESTS.

Section 431 (19 U.S.C. 1431) is amended—

(1) by amending subsections (a) and (b) to read as follows:

"(a) IN GENERAL.—Every vessel required to make entry under section 434 or obtain clearance under section 4197 of the Revised Statutes of the United States (46 U.S.C. App. 91) shall have a manifest that complies with the requirements prescribed under subsection (d).

"(b) PRODUCTION OF MANIFEST.—Any manifest required by the Customs Service shall be signed, produced, delivered or electronically transmitted by the master or person in charge of the vessel, aircraft, or vehicle, or by any other authorized agent of the owner or operator of the vessel, aircraft, or vehicle in accordance with the requirements prescribed under subsection (d). A manifest may be supplemented by bill of lading data supplied by the issuer of such bill. If any irregularity of omission or commission occurs in any way in respect to any manifest or bill of lading data, the owner or operator of the vessel, aircraft or vehicle, or any party responsible for such irregularity, shall be liable for any fine or penalty prescribed by law with respect to such irregularity. The Customs Service may take appropriate action against any of the parties."; and

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

"(d) REGULATIONS.—

"(1) IN GENERAL.—The Secretary shall by regulation—

"(A) specify the form for, and the information and data that must be contained in, the manifest required by subsection (a);

"(B) allow, at the option of the individual producing the manifest and subject to paragraph (2), letters and documents shipments to be accounted for by summary manifesting procedures;

"(C) prescribe the manner of production for, and the delivery for electronic transmittal of, the manifest required by subsection (a); and

"(D) prescribe the manner for supplementing manifests with bill of lading data under subsection (b).

"(2) LETTERS AND DOCUMENTS SHIPMENTS.—For purposes of paragraph (1)(B)—

"(A) the Customs Service may require with respect to letters and documents shipments—

"(i) that they be segregated by country of origin, and

"(ii) additional examination procedures that are not necessary for individually manifested shipments;

"(B) standard letter envelopes and standard document packs shall be segregated from larger document shipments for purposes of customs inspections; and

"(C) the term 'letters and documents' means—

"(i) data described in General Headnote 4(c) of the Harmonized Tariff Schedule of the United States,

"(ii) securities and similar evidences of value described in heading 4907 of such Schedule, but not monetary instruments defined pursuant to chapter 53 of title 31, United States Code, and

"(iii) personal correspondence, whether on paper, cards, photographs, tapes, or other media.".

SEC. 636. INVOICE CONTENTS.

Section 481 (19 U.S.C. 1481) is amended—

(1) by amending subsection (a)—

(A) by amending the matter preceding paragraph (1) to read as follows: "IN GENERAL.—All invoices of merchandise to be imported into the United States and any electronic equivalent thereof considered acceptable by the Secretary in regulations prescribed under this section shall set forth, in written, electronic, or such other form as the Secretary shall prescribe, the following:",

(B) by amending paragraph (3) to read as follows: "(3) A detailed description of the merchandise, including the commercial name by which each item is known, the grade or quality, and the marks, numbers, or symbols under which sold by the seller or manufacturer in the country of exportation, together with the marks and numbers of the packages in which the merchandise is packed;", and

(C) by amending paragraph (10) to read as follows: "(10) Any other fact that the Secretary may by regulation require as being necessary to a proper appraisement, examination and classification of the merchandise.";

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

Regulations.

"(c) IMPORTER PROVISION OF INFORMATION.—Any information required to be set forth on an invoice may alternatively be provided by any of the parties qualifying as an 'importer of record' under section 484(a)(2)(B) by such means, in such form or manner, and within such time as the Secretary shall by regulation prescribe."; and

(3) by inserting before the period at the end of subsection (d) the following: "and may allow for the submission or electronic transmission of partial invoices, electronic equivalents of invoices, bills, or other documents or parts thereof, required under this section".

SEC. 637. ENTRY OF MERCHANDISE.

(a) AMENDMENTS TO SECTION 484.—Section 484 (19 U.S.C. 1484) is amended to read as follows:

"SEC. 484. ENTRY OF MERCHANDISE.

"(a) REQUIREMENT AND TIME.—

"(1) Except as provided in sections 490, 498, 552, 553, and 336(j), one of the parties qualifying as 'importer of record' under paragraph (2)(B), either in person or by an agent authorized by the party in writing, shall, using reasonable care—

"(A) make entry therefor by filing with the Customs Service—

"(i) such documentation or, pursuant to an electronic data interchange system, such information as

is necessary to enable the Customs Service to determine whether the merchandise may be released from customs custody, and

"(ii) notification whether an import activity summary statement will be filed; and

"(B) complete the entry by filing with the Customs Service the declared value, classification and rate of duty applicable to the merchandise, and such other documentation or, pursuant to an electronic data interchange system, such other information as is necessary to enable the Customs Service to—

"(i) properly assess duties on the merchandise,

"(ii) collect accurate statistics with respect to the merchandise, and

"(iii) determine whether any other applicable requirement of law (other than a requirement relating to release from customs custody) is met.

"(2)(A) The documentation or information required under paragraph (1) with respect to any imported merchandise shall be filed or transmitted in such manner and within such time periods as the Secretary shall by regulation prescribe. Such regulations shall provide for the filing of import activity summary statements, covering entries or warehouse withdrawals made during a calendar month, within such time period as is prescribed in regulations but not to exceed the 20th day following such calendar month. Regulations.

"(B) When an entry of merchandise is made under this section, the required documentation or information shall be filed or electronically transmitted either by the owner or purchaser of the merchandise or, when appropriately designated by the owner, purchaser, or consignee of the merchandise, a person holding a valid license under section 641. When a consignee declares on entry that he is the owner or purchaser of merchandise the Customs Service may, without liability, accept the declaration. For the purposes of this Act, the importer of record must be one of the parties who is eligible to file the documentation or information required by this section.

"(C) The Secretary, in prescribing regulations to carry out this subsection, shall establish procedures which insure the accuracy and timeliness of import statistics, particularly statistics relevant to the classification and valuation of imports. Corrections of errors in such statistical data shall be transmitted immediately to the Director of the Bureau of the Census, who shall make corrections in the statistics maintained by the Bureau. The Secretary shall also provide, to the maximum extent practicable, for the protection of the revenue, the enforcement of laws governing the importation and exportation of merchandise, the facilitation of the commerce of the United States, and the equal treatment of all importers of record of imported merchandise.

"(b) RECONCILIATION.—

"(1) IN GENERAL.—A party that electronically transmits an entry summary or import activity summary statement may at the time of filing such summary or statement notify the Customs Service of his intention to file a reconciliation pursuant to such regulations as the Secretary may prescribe. Such rec-

onciliation must be filed by the importer of record within such time period as is prescribed by regulation but no later than 15 months following the filing of the entry summary or import activity summary statement; except that the prescribed time period for reconciliation issues relating to the assessment of antidumping and countervailing duties shall require filing no later than 90 days after the Customs Service advises the importer that a period of review for antidumping or countervailing duty purposes has been completed. Before filing a reconciliation, an importer of record shall post bond or other security pursuant to such regulations as the Secretary may prescribe.

"(2) REGULATIONS REGARDING AD/CV DUTIES.—The Secretary shall prescribe, in consultation with the Secretary of Commerce, such regulations as are necessary to adapt the reconciliation process for use in the collection of antidumping and countervailing duties.

"(c) RELEASE OF MERCHANDISE.—The Customs Service may permit the entry and release of merchandise from customs custody in accordance with such regulations as the Secretary may prescribe. No officer of the Customs Service shall be liable to any person with respect to the delivery of merchandise released from customs custody in accordance with such regulations.

"(d) SIGNING AND CONTENTS.—Entries shall be signed by the importer of record, or his agent, unless filed pursuant to an electronic data interchange system. If electronically filed, each transmission of data shall be certified by an importer of record or his agent, one of whom shall be resident in the United States for purposes of receiving service of process, as being true and correct to the best of his knowledge and belief, and such transmission shall be binding in the same manner and to the same extent as a signed document. The entry shall set forth such facts in regard to the importation as the Secretary may require and shall be accompanied by such invoices, bills of lading, certificates, and documents, or their electronically submitted equivalents, as are required by regulation.

"(e) PRODUCTION OF INVOICE.—The Secretary may provide by regulation for the production of an invoice, parts thereof, or the electronic equivalents thereof, in such manner and form, and under such terms and conditions, as the Secretary considers necessary.

"(f) STATISTICAL ENUMERATION.—The Secretary, the Secretary of Commerce, and the United States International Trade Commission shall establish from time to time for statistical purposes an enumeration of articles in such detail as in their judgment may be necessary, comprehending all merchandise imported into the United States and exported from the United States, and shall seek, in conjunction with statistical programs for domestic production and programs for achieving international harmonization of trade statistics, to establish the comparability thereof with such enumeration of articles. All import entries and export declarations shall include or have attached thereto an accurate statement specifying, in terms of such detailed enumeration, the kinds and quantities of all merchandise imported and exported and the value of the total quantity of each kind of article.

"(g) STATEMENT OF COST OF PRODUCTION.—Under such regulations as the Secretary may prescribe, the Customs Service may require a verified statement from the manufacturer or producer showing the cost of producing the imported merchandise, if the

Customs Service considers such verification necessary for the appraisement of such merchandise.

"(h) ADMISSIBILITY OF DATA ELECTRONICALLY TRANSMITTED.—Any entry or other information transmitted by means of an authorized electronic data interchange system shall be admissible in any and all administrative and judicial proceedings as evidence of such entry or information.".

(b) AMENDMENT TO SECTION 771.—Section 771 (19 U.S.C. 1677) is amended by adding at the end the following new paragraph:

"(23) ENTRY.—The term 'entry' includes, in appropriate circumstances as determined by the administering authority, a reconciliation entry created under a reconciliation process, defined in section 401(s), that is initiated by an importer. The liability of an importer under an antidumping or countervailing duty proceeding for entries of merchandise subject to the proceeding will attach to the corresponding reconciliation entry or entries. Suspension of liquidation of the reconciliation entry or entries, for the purpose of enforcing this title, is equivalent to the suspension of liquidation of the corresponding individual entries; but the suspension of liquidation of the reconciliation entry or entries for such purpose does not preclude liquidation for any other purpose.".

SEC. 638. APPRAISEMENT AND OTHER PROCEDURES.

Section 500 (19 U.S.C. 1500) is amended—

(1) by striking out "The appropriate customs officer" and inserting "The Customs Service";

(2) by striking out "appraise" in subsection (a) and inserting "fix the final appraisement of";

(3) by striking out "ascertain the" in subsection (b) and inserting "fix the final";

(4) by amending subsection (c)—

(A) by inserting "final" after "fix the", and

(B) by inserting ", taxes, and fees" after "duties" wherever it appears; and

(5) by amending subsections (d) and (e) to read as follows:

"(d) liquidate the entry and reconciliation, if any, of such merchandise; and

"(e) give or transmit, pursuant to an electronic data interchange system, notice of such liquidation to the importer, his consignee, or agent in such form and manner as the Secretary shall by regulation prescribe.". Regulations.

SEC. 639. VOLUNTARY RELIQUIDATIONS.

Section 501 (19 U.S.C. 1501) is amended—

(1) by striking out "the appropriate customs officer on his own initiative" and inserting "the Customs Service";

(2) by inserting "or transmitted" after "given" wherever it appears; and

(3) by amending the section heading to read as follows:

"SEC. 501. VOLUNTARY RELIQUIDATIONS BY THE CUSTOMS SERVICE.".

SEC. 640. APPRAISEMENT REGULATIONS.

Section 502 (19 U.S.C. 1502) is amended—

(1) by amending subsection (a)—

(A) by inserting "(including regulations establishing procedures for the issuance of binding rulings prior to the entry of the merchandise concerned)" after "law",

(B) by striking out "ports of entry, and" and inserting "ports of entry. The Secretary",

(C) by inserting "or classifying" after "appraising" wherever it appears, and

(D) by striking out "such port" and inserting "any port, and may direct any customs officer at any port to review entries of merchandise filed at any other port"; and

(2) by striking out subsection (b) and redesignating subsection (c) as subsection (b).

SEC. 641. LIMITATION ON LIQUIDATION.

Section 504 (19 U.S.C. 1504) is amended—

(1) by amending subsection (a)—

(A) by striking out "Except as provided in subsection (b)," and inserting "Unless an entry is extended under subsection (b) or suspended as required by statute or court order,",

(B) by striking out "or" at the end of paragraph (2),

(C) by inserting "or" after the semicolon at the end of paragraph (3), and

(D) by inserting the following new paragraph after paragraph (3):

"(4) if a reconciliation is filed, or should have been filed, the date of the filing under section 484 or the date the reconciliation should have been filed;"; and

(2) by amending subsections (b), (c), and (d) to read as follows:

"(b) EXTENSION.—The Secretary may extend the period in which to liquidate an entry if—

"(1) the information needed for the proper appraisement or classification of the merchandise, or for insuring compliance with applicable law, is not available to the Customs Service; or

"(2) the importer of record requests such extension and shows good cause therefor.

The Secretary shall give notice of an extension under this subsection to the importer of record and the surety of such importer of record. Notice shall be in such form and manner (which may include electronic transmittal) as the Secretary shall by regulation prescribe. Any entry the liquidation of which is extended under this subsection shall be treated as having been liquidated at the rate of duty, value, quantity, and amount of duty asserted at the time of entry by the importer of record at the expiration of 4 years from the applicable date specified in subsection (a).

Regulations.

Regulations.

"(c) NOTICE OF SUSPENSION.—If the liquidation of any entry is suspended, the Secretary shall by regulation require that notice of the suspension be provided, in such manner as the Secretary considers appropriate, to the importer of record and to any authorized agent and surety of such importer of record.

"(d) REMOVAL OF SUSPENSION.—When a suspension required by statute or court order is removed, the Customs Service shall liquidate the entry within 6 months after receiving notice of the removal from the Department of Commerce, other agency, or a court with jurisdiction over the entry. Any entry not liquidated by the Customs Service within 6 months after receiving such notice shall be treated as having been liquidated at the rate of duty,

value, quantity, and amount of duty asserted at the time of entry by the importer of record.".

SEC. 642. PAYMENT OF DUTIES AND FEES.

(a) AMENDMENT TO SECTION 505.—Section 505 (19 U.S.C. 1505) is amended to read as follows:

"SEC. 505. PAYMENT OF DUTIES AND FEES.

"(a) DEPOSIT OF ESTIMATED DUTIES, FEES, AND INTEREST.—Unless merchandise is entered for warehouse or transportation, or under bond, the importer of record shall deposit with the Customs Service at the time of making entry, or at such later time as the Secretary may prescribe by regulation, the amount of duties and fees estimated to be payable thereon. Such regulations may provide that estimated duties and fees shall be deposited before or at the time an import activity summary statement is filed. If an import activity summary statement is filed, the estimated duties and fees shall be deposited together with interest, at a rate determined by the Secretary, accruing from the first date of the month the statement is required to be filed until the date such statement is actually filed.

"(b) COLLECTION OR REFUND OF DUTIES, FEES, AND INTEREST DUE UPON LIQUIDATION OR RELIQUIDATION.—The Customs Service shall collect any increased or additional duties and fees due, together with interest thereon, or refund any excess moneys deposited, together with interest thereon, as determined on a liquidation or reliquidation. Duties, fees, and interest determined to be due upon liquidation or reliquidation are due 30 days after issuance of the bill for such payment. Refunds of excess moneys deposited, together with interest thereon, shall be paid within 30 days of liquidation or reliquidation.

"(c) INTEREST.—Interest assessed due to an underpayment of duties, fees, or interest shall accrue, at a rate determined by the Secretary, from the date the importer of record is required to deposit estimated duties, fees, and interest to the date of liquidation or reliquidation of the applicable entry or reconciliation. Interest on excess moneys deposited shall accrue, at a rate determined by the Secretary, from the date the importer of record deposits estimated duties, fees, and interest to the date of liquidation or reliquidation of the applicable entry or reconciliation.

"(d) DELINQUENCY.—If duties, fees, and interest determined to be due or refunded are not paid in full within the 30-day period specified in subsection (b), any unpaid balance shall be considered delinquent and bear interest by 30-day periods, at a rate determined by the Secretary, from the date of liquidation or reliquidation until the full balance is paid. No interest shall accrue during the 30-day period in which payment is actually made.".

(b) CONFORMING AMENDMENT.—Subsection (d) of section 520 (19 U.S.C. 1520(d)) is repealed.

SEC. 643. ABANDONMENT AND DAMAGE.

Section 506 (19 U.S.C. 1506) is amended—

(1) by striking out "the appropriate customs officer" and "such customs officer" wherever they appear and inserting "the Customs Service";

(2) by amending paragraph (1)—

(A) by striking out "not sent to the appraiser's stores for" and inserting "released without an",

(B) by striking out "of the examination packages or quantities of merchandise",

(C) by striking out "the appraiser's stores" and inserting "the Customs Service", and

(D) by inserting "or entry" after "invoice", and

(3) by amending paragraph (2)—

(A) by inserting ", electronically or otherwise," after "files", and

(B) by striking out "written".

SEC. 644. CUSTOMS OFFICER'S IMMUNITY.

Section 513 (19 U.S.C. 1513) is amended to read as follows:

"SEC. 513. CUSTOMS OFFICER'S IMMUNITY.

"No customs officer shall be liable in any way to any person for or on account of—

"(1) any ruling or decision regarding the appraisement or the classification of any imported merchandise or regarding the duties, fees, and taxes charged thereon,

"(2) the collection of any dues, charges, duties, fees, and taxes on or on account of any imported merchandise, or

"(3) any other matter or thing as to which any person might under this Act be entitled to protest or appeal from the decision of such officer.".

SEC. 645. PROTESTS.

Section 514 (19 U.S.C. 1514) is amended—

(1) by amending subsection (a)—

(A) by striking out "appropriate customs officer" in the text preceding paragraph (1) and inserting "Customs Service",

(B) by inserting "or reconciliation as to the issues contained therein," after "entry," in paragraph (5),

(C) by striking out "and" and inserting "or" at the end of paragraph (6),

(D) by striking out the comma at the end of paragraph (7) and inserting a semicolon, and

(E) by striking out "appropriate customs officer, who" in the text following paragraph (7) and inserting "Customs Service, which";

(2) by amending subsection (b) by striking out "appropriate customs officer" and inserting "Customs Service";

(3) by amending the first sentence of subsection (c)(1) to read as follows: "A protest of a decision made under subsection (a) shall be filed in writing, or transmitted electronically pursuant to an electronic data interchange system, in accordance with regulations prescribed by the Secretary. A protest must set forth distinctly and specifically—

"(A) each decision described in subsection (a) as to which protest is made;

"(B) each category of merchandise affected by each decision set forth under paragraph (1);

"(C) the nature of each objection and the reasons therefor; and

"(D) any other matter required by the Secretary by regulation.";

(4) by redesignating paragraph (2) of subsection (c) as paragraph (3) and by striking out "such customs officer" in

such redesignated paragraph and inserting "the Customs Service";

(5) by designating the last sentence of paragraph (1) of subsection (c) as paragraph (2);

(6) by striking out "customs officer" in subsection (d) and inserting "Customs Service"; and

(7) by amending the section heading to read as follows:

"SEC. 514. PROTEST AGAINST DECISIONS OF THE CUSTOMS SERVICE.".

SEC. 646. REFUNDS AND ERRORS.

Section 520 (19 U.S.C. 1520) is amended—

(1) by inserting "or reconciliation" after "entry" in paragraphs (1) and (4) of subsection (a); and

(2) by amending subsection (c)—

(A) by striking out "appropriate customs officer" wherever it appears and inserting "Customs Service",

(B) by inserting "or reconciliation" after "reliquidate an entry", and

(C) by inserting ", whether or not resulting from or contained in electronic transmission," after "inadvertence" the first place it appears in paragraph (1).

SEC. 647. BONDS AND OTHER SECURITY.

Section 623 (19 U.S.C. 1623) is amended—

(1) by inserting "and the manner in which the bond may be filed with or, pursuant to an authorized electronic data interchange system, transmitted to the Customs Service" after "form of such bond" in subsection (b)(1); and

(2) by inserting at the end of subsection (d) the following new sentence: "Any bond transmitted to the Customs Service pursuant to an authorized electronic data interchange system shall have the same force and effect and be binding upon the parties thereto as if such bond were manually executed, signed, and filed.".

SEC. 648. CUSTOMHOUSE BROKERS.

Section 641 (19 U.S.C. 1641) is amended—

(1) by adding at the end of subsection (a)(2) the following new sentence: "It also includes the preparation of documents or forms in any format and the electronic transmission of documents, invoices, bills, or parts thereof, intended to be filed with the Customs Service in furtherance of such activities, whether or not signed or filed by the preparer, or activities relating to such preparation, but does not include the mere electronic transmission of data received for transmission to Customs.";

(2) by amending subsection (c)(1) to read as follows:

"(1) IN GENERAL.—Each person granted a customs broker's license under subsection (b) shall be issued, in accordance with such regulations as the Secretary shall prescribe, either or both of the following: Regulations.

"(A) A national permit for the conduct of such customs business as the Secretary prescribes by regulation.

"(B) A permit for each customs district in which that person conducts customs business and, except as provided in paragraph (2), regularly employs at least 1 individual who is licensed under subsection (b)(2) to exercise respon-

sible supervision and control over the customs business conducted by that person in that district.";

(3) by inserting at the end of subsection (c) the following new paragraph:

"(4) APPOINTMENT OF SUBAGENTS.—Notwithstanding subsection (c)(1), upon the implementation by the Secretary under section 413(b)(2) of the component of the National Customs Automation Program referred to in section 411(a)(2)(B), a licensed broker may appoint another licensed broker holding a permit in a customs district to act on its behalf as its subagent in that district if such activity relates to the filing of information that is permitted by law or regulation to be filed electronically. A licensed broker appointing a subagent pursuant to this paragraph shall remain liable for any and all obligations arising under bond and any and all duties, taxes, and fees, as well as any other liabilities imposed by law, and shall be precluded from delegating to a subagent such liability.";

(4) by amending subsection (d)(2)(B)—

(A) by striking out "appropriate customs officer" and inserting "Customs Service" in the first and third sentences,

(B) by striking out "he" and inserting "it" in the third sentence,

(C) by striking out "15 days" and inserting "30 days" in the third sentence,

(D) by striking out "the appropriate customs officer and the customs broker; they" and inserting "the Customs Service and the customs broker; which" in the sixth sentence,

(E) by striking out "his" and inserting "the" in the seventh sentence, and

(F) by striking out "for his decision" and inserting "for the decision" in the eighth sentence; and

(5) by amending subsection (f) by striking out "United States Customs Service." and inserting "Customs Service. The Secretary may not prohibit customs brokers from limiting their liability to other persons in the conduct of customs business. For purposes of this subsection or any other provision of this Act pertaining to recordkeeping, all data required to be retained by a customs broker may be kept on microfilm, optical disc, magnetic tapes, disks or drums, video files or any other electrically generated medium. Pursuant to such regulations as the Secretary shall prescribe, the conversion of data to such storage medium may be accomplished at any time subsequent to the relevant customs transaction and the data may be retained in a centralized basis according to such broker's business system.".

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SEC. 649. CONFORMING AMENDMENTS.

(a) PLACE OF ENTRY AND UNLADING.—Section 447 (19 U.S.C. 1447) is amended by striking out "the appropriate customs officer shall consider" and inserting "the Customs Service considers".

(b) UNLADING.—Section 449 (19 U.S.C. 1449) is amended by striking out "appropriate customs officer of such port issues a permit for the unlading of such merchandise or baggage," and inserting "Customs Service issues a permit for the unlading of such merchandise or baggage at such port,".

Subtitle C—Miscellaneous Amendments to the Tariff Act of 1930

SEC. 651. ADMINISTRATIVE EXEMPTIONS.

Section 321 (19 U.S.C. 1321) is amended—

(1) by amending subsection (a)(1)—

(A) by striking out "of less than $10" and inserting "of an amount specified by the Secretary by regulation, but not less than $20,",

(B) by inserting ", fees," after "duties" wherever it appears, and

(C) by striking out "and" at the end thereof;

(2) by amending subsection (a)(2)—

(A) by striking out "shall not exceed—" and inserting "shall not exceed an amount specified by the Secretary by regulation, but not less than—",

(B) by striking out "$50" and "$100" in subparagraph (A) and inserting "$100" and "$200", respectively,

(C) by striking out "$25" in subparagraph (B) and inserting "$200",

(D) by striking out "$5" in subparagraph (C) and inserting "$200", and

(E) by striking the period at the end thereof and inserting "; and", and

(3) by inserting a new paragraph (3) at the end of subsection (a) to read as follows:

"(3) waive the collection of duties, fees, and taxes due on entered merchandise when such duties, fees, or taxes are less than $20 or such greater amount as may be specified by the Secretary by regulation."; and

(4) by amending subsection (b)—

(A) by striking out "to diminish any dollar amount specified in subsection (a) and"; and

(B) by striking out "such subsection" wherever it appears and inserting "subsection (a)".

SEC. 652. REPORT OF ARRIVAL.

Section 433 (19 U.S.C. 1433) is amended—

(1) by amending subsection (a)(1)—

(A) by striking out "or" at the end of subparagraph (B),

(B) by inserting "or" after the semicolon at the end of subparagraph (C), and

(C) by adding after subparagraph (C) the following:

"(D) any vessel which has visited a hovering vessel or received merchandise while outside the territorial sea;";

(2) by striking out "present to customs officers such" in subsection (d) and inserting "present, or transmit pursuant to an electronic data interchange system, to the Customs Service such information, data,"; and

(3) by amending subsection (e) to read as follows:

"(e) PROHIBITION ON DEPARTURES AND DISCHARGE.—Unless otherwise authorized by law, a vessel, aircraft or vehicle after arriving in the United States or Virgin Islands may, but only in accordance with regulations prescribed by the Secretary—

"(1) depart from the port, place, or airport of arrival; or

"(2) discharge any passenger or merchandise (including baggage).".

SEC. 653. ENTRY OF VESSELS.

Section 434 (19 U.S.C. 1434) is amended to read as follows:

"SEC. 434. ENTRY; VESSELS.

"(a) FORMAL ENTRY.—Within 24 hours (or such other period of time as may be provided under subsection (c)(2)) after the arrival at any port or place in the United States of—

"(1) any vessel from a foreign port or place;

"(2) any foreign vessel from a domestic port;

"(3) any vessel of the United States having on board bonded merchandise or foreign merchandise for which entry has not been made; or

"(4) any vessel which has visited a hovering vessel or has delivered or received merchandise while outside the territorial sea;

the master of the vessel shall, unless otherwise provided by law, make formal entry at the nearest customs facility or such other place as the Secretary may prescribe by regulation.

"(b) PRELIMINARY ENTRY.—The Secretary may by regulation permit the master to make preliminary entry of the vessel with the Customs Service in lieu of formal entry or before formal entry is made. In permitting preliminary entry, the Customs Service shall board a sufficient number of vessels to ensure compliance with the laws it enforces.

"(c) REGULATIONS.—The Secretary may by regulation—

"(1) prescribe the manner and format in which entry under subsection (a) or subsection (b), or both, must be made, and such regulations may provide that any such entry may be made electronically pursuant to an electronic data interchange system;

"(2) provide that—

"(A) formal entry must be made within a greater or lesser time than 24 hours after arrival, but in no case more than 48 hours after arrival, and

"(B) formal entry may be made before arrival; and

"(3) authorize the Customs Service to permit entry or preliminary entry of any vessel to be made at a place other than a designated port of entry, under such conditions as may be prescribed.".

SEC. 654. UNLAWFUL RETURN OF FOREIGN VESSEL PAPERS.

Section 438 (19 U.S.C. 1438) is amended—

(1) by striking out "section 435" and inserting "section 434";

(2) by inserting ", or regulations issued thereunder," after "of this Act"; and

(3) by striking out "the appropriate customs officer of the port where such vessel has been entered." and inserting "the Customs Service in the port in which such vessel has entered.".

SEC. 655. VESSELS NOT REQUIRED TO ENTER.

Section 441 (19 U.S.C. 1441) is amended—

(1) by amending the text preceding paragraph (1) to read as follows: "The following vessels shall not be required to make entry under section 434 or to obtain clearance under section

4197 of the Revised Statutes of the United States (46 U.S.C. App. 91):";

(2) by amending paragraph (3) to read as follows:

"(3) Any vessel carrying passengers on excursion from the United States Virgin Islands to the British Virgin Islands and returning, if—

"(A) the vessel does not in any way violate the customs or navigation laws of the United States;

"(B) the vessel has not visited any hovering vessel; and

"(C) the master of the vessel, if there is on board any article required by law to be entered, reports the article to the Customs Service immediately upon arrival.";

(3) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively, and inserting after paragraph (3) the following:

"(4) Any United States documented vessel with recreational endorsement or any undocumented United States pleasure vessel not engaged in trade, if—

"(A) the vessel complies with the reporting requirements of section 433, and with the customs and navigation laws of the United States;

"(B) the vessel has not visited any hovering vessel; and

"(C) the master of, and any other person on board, the vessel, if the master or such person has on board any article required by law to be entered or declared, reports such article to the Customs Service immediately upon arrival;";

(4) by amending paragraph (6) (as so redesignated) by striking out "enrolled and licensed to engage in the foreign and coasting trade in the northern, northeastern, and northwestern frontiers" and inserting "documented under chapter 121 of title 46, United States Code, with a Great Lakes endorsement"; and

(5) by amending the section heading to read as follows:

"SEC. 441. EXCEPTIONS TO VESSEL ENTRY AND CLEARANCE REQUIREMENTS.".

SEC. 656. UNLADING.

Section 448(a) (19 U.S.C. 1448(a)) is amended—

(1) by amending the first sentence—

(A) by striking out "enter)" and inserting "enter or clear)",

(B) by striking out "or vehicle arriving from a foreign port or place" and inserting "required to make entry under section 434, or vehicle required to report arrival under section 433,",

(C) by inserting "or transmitted pursuant to an electronic data interchange system" after "issued", and

(D) by striking out the colon after "officer" and the proviso and inserting a period;

(2) by amending the second sentence—

(A) by striking out ", preliminary or otherwise,", and

(B) by inserting ", electronically pursuant to an authorized electronic data interchange system or otherwise," after "may issue a permit";

(3) by striking out the last sentence and inserting the following: "The owner or master of any vessel or vehicle, or agent thereof, shall notify the Customs Service of any merchan-

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dise or baggage so unladen for which entry is not made within the time prescribed by law or regulation. The Secretary shall by regulation prescribe administrative penalties not to exceed $1,000 for each bill of lading for which notice is not given. Any such administrative penalty shall be subject to mitigation and remittance under section 618. Such unentered merchandise or baggage shall be the responsibility of the master or person in charge of the importing vessel or vehicle, or agent thereof, until it is removed from the carrier's control in accordance with section 490."; and

(4) by striking out "the appropriate customs officer" and "such customs officer" wherever they appear and inserting "the Customs Service".

SEC. 657. DECLARATIONS.

Section 485 (19 U.S.C. 1485) is amended—

(1) by amending subsection (a)—

(A) by inserting "or transmit electronically" after "file", and

(B) by inserting "and manner" after "form";

(2) by amending subsection (d)—

(A) by striking out "A importer" and inserting "An importer", and

(B) by striking out "a importer" and inserting "an importer"; and

(3) by inserting after subsection (f) the following new subsection:

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"(g) EXPORTED MERCHANDISE RETURNED AS UNDELIVERABLE.—With respect to any importation of merchandise to which General Headnote 4(e) of the Harmonized Tariff Schedule of the United States applies, any person who gained any benefit from, or met any obligation to, the United States as a result of the prior exportation of such merchandise shall, in accordance with regulations prescribed by the Secretary, within a reasonable time inform the Customs Service of the return of the merchandise.".

SEC. 658. GENERAL ORDERS.

Section 490 (19 U.S.C. 1490) is amended—

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

"(a) INCOMPLETE ENTRY.—

"(1) Whenever—

"(A) the entry of any imported merchandise is not made within the time provided by law or by regulation prescribed by the Secretary;

"(B) the entry of imported merchandise is incomplete because of failure to pay the estimated duties, fees, or interest;

"(C) in the opinion of the Customs Service, the entry of imported merchandise cannot be made for want of proper documents or other cause; or

"(D) the Customs Service believes that any merchandise is not correctly and legally invoiced;

the carrier (unless subject to subsection (c)) shall notify the bonded warehouse of such unentered merchandise.

"(2) After notification under paragraph (1), the bonded warehouse shall arrange for the transportation and storage of the merchandise at the risk and expense of the consignee. The merchandise shall remain in the bonded warehouse until—

"(A) entry is made or completed and the proper documents are produced;

"(B) the information and data necessary for entry are transmitted to the Customs Service pursuant to an authorized electronic data interchange system; or

"(C) a bond is given for the production of documents or the transmittal of data.";

(2) by amending subsection (b)—

(A) by amending the heading for subsection (b) to read as follows:

"(b) REQUEST FOR POSSESSION BY CUSTOMS.—", and

(B) by striking out "appropriate customs officer" and inserting "Customs Service"; and

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

"(c) GOVERNMENT MERCHANDISE.—Any imported merchandise that— Regulations.

"(1) is described in any of paragraphs (1) through (4) of subsection (a); and

"(2) is consigned to, or owned by, the United States Government;

shall be stored and disposed of in accordance with such rules and procedures as the Secretary shall by regulation prescribe.".

SEC. 659. UNCLAIMED MERCHANDISE.

Section 491 (19 U.S.C. 1491) is amended—

(1) by amending subsection (a)—

(A) by striking out "customs custody for one year" in the first sentence and inserting "in a bonded warehouse pursuant to section 490 for 6 months",

(B) by striking out "public store or bonded warehouse for a period of one year" in the second sentence and inserting "pursuant to section 490 in a bonded warehouse for 6 months",

(C) by striking out "estimated duties and storage" in the first sentence and inserting "estimated duties, taxes, fees, interest, storage,",

(D) by inserting "taxes, fees, interest," after "duties," wherever it appears, and

(E) by striking out "duties" in the last sentence and inserting "duties, taxes, interest, and fees"; and

(2) by redesignating subsection (b) as subsection (e) and inserting after subsection (a) the following new subsections:

"(b) NOTICE OF TITLE VESTING IN THE UNITED STATES.—At the end of the 6-month period referred to in subsection (a), the Customs Service may, in lieu of sale of the merchandise, provide notice to all known interested parties that the title to such merchandise shall be considered to vest in the United States free and clear of any liens or encumbrances, on the 30th day after the date of the notice unless, before such 30th day—

"(1) the subject merchandise is entered or withdrawn for consumption; and

"(2) payment is made of all duties, taxes, fees, transfer and storage charges, and other expenses that may have accrued thereon.

"(c) RETENTION, TRANSFER, DESTRUCTION, OR OTHER DISPOSITION.—If title to any merchandise vests in the United States by operation of subsection (b), such merchandise may be retained Regulations.

by the Customs Service for official use, transferred to any other Federal agency or to any State or local agency, destroyed, or otherwise disposed of in accordance with such regulations as the Secretary shall prescribe. All transfer and storage charges or expenses accruing on retained or transferred merchandise shall be paid by the receiving agency.

"(d) PETITION.—Whenever any party, having lost a substantial interest in merchandise by virtue of title vesting in the United States under subsection (b), can establish such title or interest to the satisfaction of the Secretary within 30 days after the day on which title vests in the United States under subsection (b), or can establish to the satisfaction of the Secretary that the party did not receive notice under subsection (b), the Secretary may, upon receipt of a timely and proper petition and upon finding that the facts and circumstances warrant, pay such party out of the Treasury of the United States the amount the Secretary believes the party would have received under section 493 had the merchandise been sold and a proper claim filed. The decision of the Secretary with respect to any such petition is final and conclusive on all parties."; and

(3) by amending subsection (e) (as so redesignated) by striking out "appropriate customs officer" in paragraph (3) and inserting "Customs Service".

SEC. 660. DESTRUCTION OF MERCHANDISE.

Section 492 (19 U.S.C. 1492) is amended—

(1) by inserting ", retained for official use, or otherwise disposed of" after "destroyed"; and

(2) by striking out "appropriate customs officer" and inserting "Customs Service".

SEC. 661. PROCEEDS OF SALE.

Section 493 (19 U.S.C. 1493) is amended—

(1) by inserting "taxes, and fees," after "duties,";

(2) by striking out "by the appropriate customs officer"; and

(3) by striking out "such customs officer" and inserting "the Customs Service".

SEC. 662. ENTRY UNDER REGULATIONS.

Section 498(a) (19 U.S.C. 1498(a)) is amended—

(1) by amending paragraph (1) to read as follows:

"(1) Merchandise, when—

"(A) the aggregate value of the shipment does not exceed an amount specified by the Secretary by regulation, but not more than $2,500; or

"(B) different commercial facilitation and risk considerations that may vary for different classes or kinds of merchandise or different classes of transactions may dictate;"; and

(2) by striking out "$10,000" in paragraph (2) and inserting "such amounts as the Secretary may prescribe".

SEC. 663. AMERICAN TRADEMARKS.

Section 526(e)(3) (19 U.S.C. 1526(e)(3)) is amended—

(1) by striking out "1 year" and inserting "90 days"; and

(2) by striking out "appropriate customs officers" and inserting "the Customs Service".

SEC. 664. SIMPLIFIED RECORDKEEPING FOR MERCHANDISE TRANSPORTED BY PIPELINE.

Part IV of title IV is amended by inserting after section 553 the following new section:

"SEC. 553A. RECORDKEEPING FOR MERCHANDISE TRANSPORTED BY PIPELINE. 19 USC 1553a.

"Merchandise in Customs custody that is transported by pipeline may be accounted for on a quantitative basis, based on the bill of lading, or equivalent document of receipt, issued by the pipeline carrier. Unless the Customs Service has reasonable cause to suspect fraud, the Customs Service may accept the bill of lading, or equivalent document of receipt, issued by the pipeline carrier to the shipper and accepted by the consignee to maintain identity. The shipper, pipeline operator, and consignee shall be subject to the recordkeeping requirements of sections 508 and 509.".

SEC. 665. ENTRY FOR WAREHOUSE.

Section 557(a) (19 U.S.C. 1557(a)) is amended—

(1) by designating the first 2 sentences of such subsection as paragraph (1);

(2) by striking out in such paragraph (1) (as so designated) ": *Provided*, That the total period of time for which such merchandise may remain in bonded warehouse shall not exceed 5 years from the date of importation." and inserting the following: "; except that—

"(A) the total period of time for which such merchandise may remain in bonded warehouse shall not exceed 5 years from the date of importation; and

"(B) turbine fuel may be withdrawn for use under section 309 without the payment of duty if an amount equal to the quantity of fuel withdrawn is shown to be used within 30 days after the day of withdrawal, but duties (together with interest payable from the date of the withdrawal at the rate of interest established under section 6621 of title 26, United States Code) shall be deposited by the 40th day after the day of withdrawal on fuel that was withdrawn in excess of the quantity shown to have been so used during such 30-day period."; and

(3) by designating the remaining sentences of such subsection as paragraph (2).

SEC. 666. CARTAGE.

The first sentence of section 565 (19 U.S.C. 1565) is amended to read as follows: "The cartage of merchandise entered for warehouse shall be done by—

"(1) cartmen appointed and licensed by the Customs Service; or

"(2) carriers designated under section 551 to carry bonded merchandise;

who shall give bond, in a penal sum to be fixed by the Customs Service, for the protection of the Government against any loss of, or damage to, the merchandise while being so carted.".

SEC. 667. SEIZURE.

Section 612 (19 U.S.C. 1612) is amended—

(1) by amending subsection (a)—

(A) by striking out "the appropriate customs officer", "such officer" and "the customs officer" wherever they appear and inserting "the Customs Service", and

(B) by striking out "the appraiser's return and his" and inserting "its"; and

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

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"(b) If the Customs Service determines that the expense of keeping the vessel, vehicle, aircraft, merchandise, or baggage is disproportionate to the value thereof, the Customs Service may promptly order the destruction or other appropriate disposition of such property under regulations prescribed by the Secretary. No customs officer shall be liable for the destruction or other disposition of property made pursuant to this section.".

SEC. 668. LIMITATION ON ACTIONS.

Section 621 (19 U.S.C. 1621) is amended—

(1) by inserting "any duty under section 592(d), 593A(d), or" before "any pecuniary penalty"; and

(2) by striking out "discovered:" and all that follows thereafter and inserting the following: "discovered; except that—

"(1) in the case of an alleged violation of section 592 or 593A, no suit or action (including a suit or action for restoration of lawful duties under subsection (d) of such sections) may be instituted unless commenced within 5 years after the date of the alleged violation or, if such violation arises out of fraud, within 5 years after the date of discovery of fraud, and

"(2) the time of the absence from the United States of the person subject to the penalty or forfeiture, or of any concealment or absence of the property, shall not be reckoned within the 5-year period of limitation.".

SEC. 669. COLLECTION OF FEES ON BEHALF OF OTHER AGENCIES.

The Tariff Act of 1930 is amended by inserting after section 528 the following new section:

19 USC 1529.

"SEC. 529. COLLECTION OF FEES ON BEHALF OF OTHER AGENCIES.

"The Customs Service shall be reimbursed from the fees collected for the cost and expense, administrative and otherwise, incurred in collecting any fees on behalf of any government agency for any reason.".

SEC. 670. AUTHORITY TO SETTLE CLAIMS.

The Tariff Act of 1930 is amended by inserting after section 629 the following new section:

19 USC 1630.

"SEC. 630. AUTHORITY TO SETTLE CLAIMS.

"(a) IN GENERAL.—With respect to a claim that cannot be settled under chapter 171 of title 28, United States Code, the Secretary may settle, for not more than $50,000 in any one case, a claim for damage to, or loss of, privately owned property caused by an investigative or law enforcement officer (as defined in section 2680(h) of title 28, United States Code) who is employed by the Customs Service and acting within the scope of his or her employment.

"(b) LIMITATIONS.—The Secretary may not pay a claim under subsection (a) that—

"(1) concerns commercial property;

"(2) is presented to the Secretary more than 1 year after it occurs; or

"(3) is presented by an officer or employee of the United States Government and arose within the scope of employment.

"(c) FINAL SETTLEMENT.—A claim may be paid under this section only if the claimant accepts the amount of settlement in complete satisfaction of the claim.".

SEC. 671. USE OF PRIVATE COLLECTION AGENCIES.

The Tariff Act of 1930 is amended by inserting after section 630 the following new section:

"SEC. 631. USE OF PRIVATE COLLECTION AGENCIES.

19 USC 1631.

Contracts.

"(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary, under such terms and conditions as the Secretary considers appropriate, shall enter into contracts and incur obligations with one or more persons for collection services to recover indebtedness arising under the customs laws and owed the United States Government, but only after the Customs Service has exhausted all administrative efforts, including all claims against applicable surety bonds, to collect the indebtedness.

"(b) CONTRACT REQUIREMENTS.—Any contract entered into under subsection (a) shall provide that—

"(1) the Secretary retains the authority to resolve a dispute, compromise a claim, end collection action, and refer a matter to the Attorney General to bring a civil action; and

"(2) the person is subject to—

"(A) section 552a of title 5, United States Code, to the extent provided in subsection (m) of such section; and

"(B) laws and regulations of the United States Government and State governments related to debt collection practices.".

Subtitle D—Miscellaneous Provisions and Consequential and Conforming Amendments to Other Laws

SEC. 681. AMENDMENTS TO THE HARMONIZED TARIFF SCHEDULE.

(a) RETURN SHIPMENTS.—General Note 4 of the Harmonized Tariff Schedule of the United States is amended—

(1) by striking out "and" at the end of subdivision (c);

(2) by inserting "and" after "1930," in subdivision (d);

(3) by inserting after subdivision (d) the following:

"(e) articles exported from the United States which are returned within 45 days after such exportation from the United States as undeliverable and which have not left the custody of the carrier or foreign customs service,"; and

(4) by adding at the end the following new sentence: "No exportation referred to in subdivision (e) may be treated as satisfying any requirement for exportation in order to receive a benefit from, or meet an obligation to, the United States as a result of such exportation.".

(b) ENTRY NOT REQUIRED FOR LOCOMOTIVES AND RAILWAY FREIGHT CARS.—

(1) The Notes to chapter 86 of such Schedule are amended by inserting after note 3 the following new note:

"4. Railway locomotives (provided for in headings 8601 and 8602) and railway freight cars (provided for in heading 8606) on which no duty is owed are not subject to the entry or release requirements for imported merchandise set forth in sections 448 and 484 of the Tariff Act of 1930. The Secretary of the Treasury may by regulation establish appropriate reporting requirements, including the requirement that a bond be posted to ensure compliance.".

(2) The U.S. Notes to subchapter V of chapter 99 of such Schedule are amended by inserting after note 8 the following new note:

"9. Railway freight cars provided for in subheadings 9905.86.05 and 9905.86.10 are not subject to the entry or release requirements for imported merchandise set forth in sections 448 and 484 of the Tariff Act of 1930. The Secretary of the Treasury may by regulation establish appropriate reporting requirements, including the requirement that a bond be posted to ensure compliance.".

(c) INSTRUMENTS OF INTERNATIONAL TRAFFIC.—The U.S. Notes to subchapter III of chapter 98 of such Schedule is amended by inserting after note 3 the following new note:

"4. Instruments of international traffic, such as containers, lift vans, rail cars and locomotives, truck cabs and trailers, etc. are exempt from formal entry procedures but are required to be accounted for when imported and exported into and out of the United States, respectively, through the manifesting procedures required for all international carriers by the United States Customs Service. Fees associated with the importation of such instruments of international traffic shall be reported and paid on a periodic basis as required by regulations issued by the Secretary of the Treasury and in accordance with 1956 Customs Convention on Containers (20 UST 30; TIAS 6634).".

Regulations.

SEC. 682. CUSTOMS PERSONNEL AIRPORT WORK SHIFT REGULATION.

Section 13031(g) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(g)) is amended—

(1) by striking out "In addition to the regulations required under paragraph (2), the" and inserting "The";

(2) by striking out paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

SEC. 683. USE OF HARBOR MAINTENANCE TRUST FUND AMOUNTS FOR ADMINISTRATIVE EXPENSES.

26 USC 9505.

(a) IN GENERAL.—Paragraph (3) of section 9505(c) of the Internal Revenue Code of 1986 (relating to expenditures from Harbor Maintenance Trust Fund) is amended to read as follows:

"(3) for the payment of all expenses of administration incurred by the Department of the Treasury, the Army Corps of Engineers, and the Department of Commerce related to the administration of subchapter A of chapter 36 (relating to harbor maintenance tax), but not in excess of $5,000,000 for any fiscal year.".

26 USC 9505 note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to fiscal years beginning after the date of the enactment of this Act.

SEC. 684. AMENDMENTS TO TITLE 28, UNITED STATES CODE.

(a) AMENDMENTS RELATING TO ACCREDITATION OF PRIVATE LABORATORIES.—Title 28 of the United States Code is amended as follows:

(1) Section 1581(g) is amended by—

(A) striking out "and" at the end of paragraph (1);

(B) by striking out the period at the end of paragraph (2) and inserting "; and"; and

(C) by adding at the end the following:

"(3) any decision or order of the Customs Service to deny, suspend, or revoke accreditation of a private laboratory under section 499(b) of the Tariff Act of 1930.".

(2) Section 2631(g) is amended by inserting at the end the following new paragraph:

"(3) A civil action to review any decision or order of the Customs Service to deny, suspend, or revoke accreditation of a private laboratory under section 499(b) of the Tariff Act of 1930 may be commenced in the Court of International Trade by the person whose accreditation was denied, suspended, or revoked.".

(3) Section 2636 is amended—

(A) by redesignating subsection (h) as subsection (i); and

(B) by inserting after subsection (g) the following new subsection:

"(h) A civil action contesting the denial, suspension, or revocation by the Customs Service of a private laboratory's accreditation under section 499(b) of the Tariff Act of 1930 is barred unless commenced in accordance with the rules of the Court of International Trade within 60 days after the date of the decision or order of the Customs Service.".

(4) Section 2640 is amended—

(A) by redesignating subsection (d) as subsection (e); and

(B) by inserting after subsection (c) the following new subsection:

"(d) In any civil action commenced to review any order or decision of the Customs Service under section 499(b) of the Tariff Act of 1930, the court shall review the action on the basis of the record before the Customs Service at the time of issuing such decision or order.".

(5) Section 2642 is amended by inserting before the period the following: "or laboratories accredited by the Customs Service under section 499(b) of the Tariff Act of 1930".

(b) APPLICATION OF SUBSECTION (a) AMENDMENTS.—For purposes of applying the amendments made by subsection (a), any decision or order of the Customs Service denying, suspending, or revoking the accreditation of a private laboratory on or after the date of the enactment of this Act and before regulations to implement section 499(b) of the Tariff Act of 1930 are issued shall be treated as having been denied, suspended, or revoked under such section 499(b). 28 USC 1581 note.

(c) JURISDICTION OF COURT.—Section 1582(1) of title 28, United States Code, is amended by inserting "593A," after "592,".

(d) FILING OF OFFICIAL DOCUMENTS.—Section 2635(a) of title 28, United States Code, is amended to read as follows:

"(a) In any action commenced in the Court of International Trade contesting the denial of a protest under section 515 of the

Tariff Act of 1930 or the denial of a petition under section 516 of such Act, the Customs Service, as prescribed by the rules of the court, shall file with the clerk of the court, as part of the official record, any document, paper, information or data relating to the entry of merchandise and the administrative determination that is the subject of the protest or petition.".

SEC. 685. TREASURY FORFEITURE FUND.

Section 9703 of title 31, United States Code (as added by Public Law 102-393), is amended—

(1) by redesignating subparagraphs (E), (F), (G), (H), and (I) of subsection (a)(2) as subparagraphs (F), (G), (H), (I), and (J), respectively;

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

"(E) the payment of claims against employees of the Customs Service settled by the Secretary under section 630 of the Tariff Act of 1930;"; and

(3) by striking out "shall" the first place it appears in subsection (e) and inserting "may".

SEC. 686. AMENDMENTS TO THE REVISED STATUTES OF THE UNITED STATES.

(a) TECHNICAL AMENDMENTS.—The Revised Statutes of the United States are amended as follows:

(1) Section 2793 (19 U.S.C. 288, 46 U.S.C. App. 111, 123) is amended—

(A) by striking out "Enrolled or licensed vessels engaged in the foreign and coasting trade on the northern, northeastern, and northwestern frontiers of the United States," and inserting "Documented vessels with a coastwise, Great Lakes endorsement,"; and

(B) by striking out the first semicolon and all the text that follows thereafter and inserting a period.

(2) Section 3126 (19 U.S.C. 293) is amended—

(A) by striking out "Any vessel, on being duly registered in pursuance of the laws of the United States," and inserting "Any United States documented vessel with a registry or coastwise endorsement, or both" and

(B) by striking out all the text occurring after the first sentence.

(3) Section 3127 (19 U.S.C. 294) is amended by striking out "in registered vessels" and inserting "a United States documented vessel with a registry or coastwise endorsement, or both,".

(4) Section 4136 (46 U.S.C. App. 14) is amended by striking out—

(A) "The Secretary of Commerce may issue a register or enrollment" and inserting "The Secretary of Transportation may issue a certificate of documentation with a coastwise endorsement"; and

(B) "Secretary of Commerce," and inserting "Secretary of Transportation,".

(5) Section 4336 (46 U.S.C. App. 277) is amended—

(A) by striking out "register or enrollment or license of any vessel" and inserting "certificate of documentation of any documented vessel"; and

(B) by striking out "Secretary of the Treasury is not required to have its register or enrollment or license" and inserting "Secretary of Transportation is not required to have its certificate of documentation".

(b) CLEARANCE REQUIREMENTS.—Section 4197 of such Revised Statutes (46 U.S.C. App. 91) is amended to read as follows:

"SEC. 4197. CLEARANCE; VESSELS.

"(a) WHEN REQUIRED; VESSELS OF THE UNITED STATES.—Except as otherwise provided by law, any vessel of the United States shall obtain clearance from the Customs Service before proceeding from a port or place in the United States—

"(1) for a foreign port or place;

"(2) for another port or place in the United States if the vessel has on board bonded merchandise or foreign merchandise for which entry has not been made; or

"(3) outside the territorial sea to visit a hovering vessel or to receive merchandise while outside the territorial sea.

"(b) WHEN REQUIRED; OTHER VESSELS.—Except as otherwise provided by law, any vessel that is not a vessel of the United States shall obtain clearance from the Customs Service before proceeding from a port or place in the United States—

"(1) for a foreign port or place;

"(2) for another port or place in the United States; or

"(3) outside the territorial sea to visit a hovering vessel or to receive or deliver merchandise while outside the territorial sea.

"(c) REGULATIONS.—The Secretary of the Treasury may by regulation—

"(1) prescribe the manner in which clearance under this section is to be obtained, including the documents, data or information which shall be submitted or transmitted, pursuant to an authorized data interchange system, to obtain the clearance;

"(2) permit the Customs Service to grant clearance for a vessel under this section before all requirements for clearance are complied with, but only if the owner or operator of the vessel files a bond in an amount set by the Secretary of the Treasury conditioned upon the compliance by the owner or operator with all specified requirements for clearance within a time period (not exceeding 4 business days) established by the Secretary of the Treasury; and

"(3) authorize the Customs Service to permit clearance of any vessel to be obtained at a place other than a designated port of entry, under such conditions as he may prescribe.".

SEC. 687. AMENDMENTS TO TITLE 18, UNITED STATES CODE.

Section 965(a) of title 18, United States Code, is amended—

(1) by striking out "sections 91, 92, and 94 of Title 46" and inserting "section 431 of the Tariff Act of 1930 (19 U.S.C. 1431) and section 4197 of the Revised Statutes of the United States (46 U.S.C. App. 91),";

(2) by striking out "the collector of customs for the district wherein such vessel is then located" and inserting "the Customs Service"; and

(3) by striking out "the collector like" and inserting in lieu thereof "the Customs Service like".

SEC. 688. AMENDMENT TO THE ACT TO PREVENT POLLUTION FROM SHIPS.

Section 9(e) of the Act to Prevent Pollution from Ships (94 Stat. 2301, 33 U.S.C. 1908(e)) is amended by striking out "shall refuse or revoke" and all of the text following thereafter and inserting "shall refuse or revoke the clearance required by section 4197 of the Revised Statutes of the United States (46 U.S.C. App. 91). Clearance may be granted upon the filing of a bond or other surety satisfactory to the Secretary.".

SEC. 689. MISCELLANEOUS TECHNICAL AMENDMENTS.

(a) ACT OF OCTOBER 3, 1913.—The Act of October 3, 1913, is amended—

46 USC app. 146.

(1) in section IV, J, subsection 1 (19 U.S.C. 128) by striking out "registered as a vessel of the United States," and inserting "documented under chapter 121 of title 46, United States Code,"; and

(2) in section IV, J, subsection 3 (19 U.S.C. 131)—

(A) by striking out "vessels of the United States" and inserting "United States documented vessels"; and

(B) by striking out "registered as a vessel of the United States." and inserting "documented under chapter 121 of title 46, United States Code.".

(b) ACT OF AUGUST 5, 1935.—Section 4 of the Act of August 5, 1935 (19 U.S.C. 1704) is amended—

(1) by striking out "whenever the collector of customs of the district in which any vessel is, or is sought to be, registered, enrolled, licensed, or numbered," and inserting "when the Secretary of Transportation";

(2) by striking out "such collector" and inserting "the Secretary of Transportation";

(3) by striking out "said collector shall revoke the registry, enrollment, license, or number of such vessel" and inserting "the Secretary of Transportation shall revoke any endorsement on the vessel's certificate of documentation or number (when the Secretary is the authority issuing the number under chapter 123 of title 46, United States Code)"; and

(4) by striking out "Such collector and all persons" and inserting "The Secretary of Transportation and all persons".

(c) ACT OF NOVEMBER 6, 1966.—Sections 2(e) and 3(e) of the Act of November 6, 1966 (46 U.S.C. App. 817d(e) and 817e(e)) are each amended—

(1) by striking out "The collector of customs at" and inserting "At"; and

(2) by inserting ", the Customs Service" after "subsection (a) of this section".

SEC. 690. REPEAL OF OBSOLETE PROVISIONS OF LAW.

(a) REVISED STATUTES.—The following provisions of the Revised Statutes of the United States are repealed:

(1) So much of section 2792 as is codified at 19 U.S.C. 289 and 46 U.S.C. App. 110 and 112 (as in effect on the date of the enactment of this Act).

(2) Section 3111 (19 U.S.C. 282).

(3) Section 3118 (19 U.S.C. 286).

(4) Section 3119 (19 U.S.C. 287).

(5) Section 3122 (19 U.S.C. 290).

(6) Section 3124 (19 U.S.C. 291).
(7) Section 3125 (19 U.S.C. 292).
(8) Section 4198 (46 U.S.C. App. 94).
(9) Section 4199 (46 U.S.C. App. 93).
(10) Section 4201 (46 U.S.C. App. 96).
(11) Section 4207.
(12) Section 4208 (46 U.S.C. App. 102).
(13) Section 4213 (46 U.S.C. App. 101).
(14) So much of section 4221 as is codified at 46 U.S.C. App. 113 (as in effect on the date of the enactment of this Act).
(15) Section 4222 (46 U.S.C. App. 126).
(16) Sections 4306, 4307, and 4308 (46 U.S.C. App. 351 through 353).
(17) Section 4332 (46 U.S.C. App. 274).
(18) Section 4348 (46 U.S.C. App. 293).
(19) Section 4358 (46 U.S.C. App. 306).
(20) Section 4361 (46 U.S.C. App. 307).
(21) Sections 4362 through 4369 (46 U.S.C. App. 308 through 315).
(22) Sections 4573 through 4576 (46 U.S.C. App. 674 through 677).

(b) TARIFF ACT OF 1930.—The following sections of the Tariff Act of 1930 are repealed:
(1) Section 432 (19 U.S.C. 1432).
(2) Section 435 (19 U.S.C. 1435).
(3) Section 437 (19 U.S.C. 1437).
(4) Section 439 (19 U.S.C. 1439).
(5) Section 440 (19 U.S.C. 1440).
(6) Sections 443, 444, and 445 (19 U.S.C. 1443, 1444, and 1445).
(7) Section 465 (19 U.S.C. 1465).
(8) Section 482 (19 U.S.C. 1482).
(9) Section 583 (19 U.S.C. 1583).
(10) Section 585 (19 U.S.C. 1585).

(c) MISCELLANEOUS PROVISIONS.—The following provisions are repealed:
(1) Section 1 of the Act of February 10, 1900 (46 U.S.C. App. 131).
(2) Section 2 of the Act of April 29, 1908 (46 U.S.C. App. 127).
(3) Section 1 of the Act of July 1, 1916 (46 U.S.C. App. 130).
(4) Sections 1 and 2 of the Act of July 3, 1926 (46 U.S.C. App. 293a and 293b).
(5) The last undesignated paragraph of section 201 of the Act of August 5, 1935 (19 U.S.C. 1432a), is repealed.
(6) The Act of June 16, 1937 (19 U.S.C. 1435b).
(7) The Act of May 4, 1934 (46 U.S.C. App. 91a).
(8) Section 1403(b) of the Water Resources Development Act of 1986 (Public Law 99-662; 26 U.S.C. 4461 note).

SEC. 691. REPORTS TO CONGRESS.

(a) ANTIDUMPING AND COUNTERVAILING DUTY COLLECTIONS.— The Commissioner of Customs shall before the 60th day of each fiscal year after fiscal year 1994 submit to Congress a report regard- 19 USC 1677*l*.

ing the collection during the preceding fiscal year of duties imposed under the antidumping and countervailing duty laws.

(b) CES FEE REPORT.—

(1) AMENDMENT.—Section 9501(c) of the Omnibus Budget Reconciliation Act of 1987 (19 U.S.C. 3 note) is amended by adding at the end the following new paragraph:

"(3) The Commissioner of Customs is authorized to obtain from the operators of centralized cargo examination stations information regarding the fees paid to them for the provision of services at these stations.".

(2) REPORT.—Within 9 months after the date of the enactment of this subsection, the Commissioner of Customs shall submit to the Committees referred to in section 9501(c) of the Omnibus Budget Reconciliation Act of 1987, a report setting forth—

(A) an estimate of the aggregate amount of fees paid to operators of centralized cargo examination stations during fiscal year 1993; and

(B) the variations, if any, among customs districts with respect to the amounts of the fees charged for centralized cargo examination station services.

(c) COMPLIANCE WITH CUSTOMS LAWS.—Section 123 of the Customs and Trade Act of 1990 (19 U.S.C. 2083) is amended—

(1) by redesignating subsection (d) as subsection (e), and

(2) by inserting after subsection (c) the following:

"(d) COMPLIANCE PROGRAM.—The Commissioner of Customs shall—

"(1) devise and implement a methodology for estimating the level of compliance with the laws administered by the Customs Service; and

"(2) include as an additional part of the report required to be submitted under subsection (a) for each of fiscal years 1994, 1995, and 1996, an evaluation of the extent to which such compliance was obtained during the 12-month period preceding the 60th day before each such fiscal year.".

(d) COURIER SERVICES COMPLIANCE REPORT.—The Commissioner of Customs shall initiate a compliance review of certain courier services which may not be eligible for benefits under the regulations of the Customs Service prescribed in part 128 of title 19 of the Code of Federal Regulations and shall submit a report to Congress on the results of such review within 1 year after the date of the enactment of this Act.

SEC. 692. EFFECTIVE DATE. 19 USC 58c note.

This title takes effect on the date of the enactment of this Act.

Approved December 8, 1993.

LEGISLATIVE HISTORY—H.R. 3450 (S. 1627):

HOUSE REPORTS: No. 103-361, Pt. 1 (Comm. on Ways and Means), Pt. 2 (Comm. on Banking, Finance and Urban Affairs), and Pt. 3 (Comm. on Energy and Commerce).

SENATE REPORTS: No. 103-189 accompanying S. 1627 (Comm. on Finance, Comm. on Agriculture, Nutrition, and Forestry, Comm. on Commerce, Science, and Transportation, Comm. on Governmental Affairs, Comm. on the Judiciary, and Comm. on Foreign Relations).

CONGRESSIONAL RECORD, Vol. 139 (1993):
Nov. 17, considered and passed House.
Nov. 18, S. 1627 considered in Senate.
Nov. 19, 20, H.R. 3450 considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 29 (1993):
Dec. 8, Presidential remarks.

Public Law 103-183
103d Congress

An Act

Dec. 14, 1993
[H.R. 2202]

To amend the Public Health Service Act to revise and extend the program of grants relating to preventive health measures with respect to breast and cervical cancer.

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

Preventive Health Amendments of 1993.
Intergovernmental relations.
42 USC 201 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Preventive Health Amendments of 1993".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—BREAST AND CERVICAL CANCER

Sec. 101. Revisions in program of State grants regarding breast and cervical cancer.
Sec. 102. Establishment of demonstration program of grants for additional preventive health services for women.
Sec. 103. Funding for general program.
Sec. 104. Breast and cervical cancer information.

TITLE II—INJURY PREVENTION AND CONTROL

Sec. 201. Establishment of requirements with respect to interpersonal violence within families and among acquaintances.
Sec. 202. Advisory committee; reports.
Sec. 203. Technical corrections.
Sec. 204. Authorization of appropriations.

TITLE III—TUBERCULOSIS

Sec. 301. Preventive health services regarding tuberculosis.
Sec. 302. Research through National Institute of Allergy and Infectious Diseases.
Sec. 303. Research through the Food and Drug Administration.

TITLE IV—SEXUALLY TRANSMITTED DISEASES

Sec. 401. Extension of program of grants regarding prevention and control of sexually transmitted diseases.
Sec. 402. Extension of program regarding preventable cases of infertility arising as result of sexually transmitted diseases.

TITLE V—NATIONAL CENTER FOR HEALTH STATISTICS

Sec. 501. Revision and extension of programs.

TITLE VI—TRAUMA CARE SYSTEMS

Sec. 601. Revisions in programs relating to trauma care.
Sec. 602. Authorization of appropriations.

TITLE VII—MISCELLANEOUS PROVISIONS

Sec. 701. Evaluations.
Sec. 702. Federal benefits for overseas assignees.
Sec. 703. Loan repayment program.

Sec. 704. Establishment of requirement of biennial report on nutrition and health.
Sec. 705. Alignment of current Centers for Disease Control and Prevention reauthorization schedule.
Sec. 706. Miscellaneous payment provisions.
Sec. 707. Interim final regulations.
Sec. 708. Simplification of vaccine information materials.

TITLE I—BREAST AND CERVICAL CANCER

SEC. 101. REVISIONS IN PROGRAM OF STATE GRANTS REGARDING BREAST AND CERVICAL CANCER.

(a) LIMITED AUTHORITY REGARDING FOR-PROFIT ENTITIES.—Section 1501(b) of the Public Health Service Act (42 U.S.C. 300k(b)), as amended by section 2008(c)(1) of Public Law 103–43 (107 Stat. 211), is amended—

(1) in paragraph (1), by striking "paragraph (2)" and inserting "paragraphs (2) and (3)"; and

(2) by striking paragraph (2) and inserting the following paragraphs:

"(2) LIMITED AUTHORITY REGARDING OTHER ENTITIES.—In addition to the authority established in paragraph (1) for a State with respect to grants and contracts, the State may provide for screenings under subsection (a)(1) through entering into contracts with private entities that are not nonprofit entities.

"(3) PAYMENTS FOR SCREENINGS.—The amount paid by a State to an entity under this subsection for a screening procedure under subsection (a)(1) may not exceed the amount that would be paid under part B of title XVIII of the Social Security Act if payment were made under such part for furnishing the procedure to a woman enrolled under such part.".

(b) SPECIAL CONSIDERATION.—Section 1501 of the Public Health Service Act (42 U.S.C. 300k) is amended by adding at the end the following subsection:

"(c) SPECIAL CONSIDERATION FOR CERTAIN STATES.—In making grants under subsection (a) to States whose initial grants under such subsection are made for fiscal year 1995 or any subsequent fiscal year, the Secretary shall give special consideration to any State whose proposal for carrying out programs under such subsection—

"(1) has been approved through a process of peer review; and

"(2) is made with respect to geographic areas in which there is—

"(A) a substantial rate of mortality from breast or cervical cancer; or

"(B) a substantial incidence of either of such cancers.".

(c) QUALITY ASSURANCE REGARDING SCREENING PROCEDURES.—

(1) IN GENERAL.—Section 1503 of the Public Health Service Act (42 U.S.C. 300m) is amended by striking subsections (c) through (e) and inserting the following:

"(c) QUALITY ASSURANCE REGARDING SCREENING PROCEDURES.—The Secretary may not make a grant under section 1501 unless the State involved agrees that the State will, in accordance with applicable law, assure the quality of screening procedures conducted pursuant to such section.".

42 USC 300m note.

(2) TRANSITION RULE REGARDING MAMMOGRAPHIES.—With respect to the screening procedure for breast cancer known as a mammography, the requirements in effect on the day before the date of the enactment of this Act under section 1503(c) of the Public Health Service Act remain in effect (for an individual or facility conducting such procedures pursuant to a grant to a State under section 1501 of such Act) until there is in effect for the facility a certificate (or provisional certificate) issued under section 354 of such Act.

(d) STATEWIDE PROVISION OF SERVICES.—Section 1504(c) of the Public Health Service Act (42 U.S.C. 300n(c)) is amended by adding at the end the following paragraph:

"(3) GRANTS TO TRIBES AND TRIBAL ORGANIZATIONS.—

"(A) The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may make grants to tribes and tribal organizations (as such terms are used in paragraph (1)) for the purpose of carrying out programs described in section 1501(a). This title applies to such a grant (in relation to the jurisdiction of the tribe or organization) to the same extent and in the same manner as such title applies to a grant to a State under section 1501 (in relation to the jurisdiction of the State).

"(B) If a tribe or tribal organization is receiving a grant under subparagraph (A) and the State in which the tribe or organization is located is receiving a grant under section 1501, the requirement established in paragraph (1) for the State regarding the tribe or organization is deemed to have been waived under paragraph (2).".

(e) EVALUATIONS AND REPORTS.—Section 1508 of the Public Health Service Act (42 U.S.C. 300n–4) is amended—

(1) in subsection (a), by adding at the end the following sentence: "Such evaluations shall include evaluations of the extent to which States carrying out such programs are in compliance with section 1501(a)(2) and with section 1504(c)."; and

(2) in subsection (b), by inserting before the period the following: ", including recommendations regarding compliance by the States with section 1501(a)(2) and with section 1504(c)".

(f) ESTABLISHMENT OF COORDINATING COMMITTEE.—Section 1501 of the Public Health Service Act (42 U.S.C. 300k) is amended by adding at the end the following subsection:

"(c) COORDINATING COMMITTEE REGARDING YEAR 2000 HEALTH OBJECTIVES.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall establish a committee to coordinate the activities of the agencies of the Public Health Service (and other appropriate Federal agencies) that are carried out toward achieving the objectives established by the Secretary for reductions in the rate of mortality from breast and cervical cancer in the United States by the year 2000. Such committee shall be comprised of Federal officers or employees designated by the heads of the agencies involved to serve on the committee as representatives of the agencies, and such representatives from other public or private entities as the Secretary determines to be appropriate.".

(g) TECHNICAL CORRECTIONS.—Title XV of the Public Health Service Act (42 U.S.C. 300k et seq.) is amended—

(1) in section 1501(a), in the matter preceding paragraph (1), by striking "Control," and inserting "Control and Prevention,"; and 42 USC 300k.

(2) in section 1505— 42 USC 300n-1.

(A) in paragraph (3) (as amended by section 2008(c)(2) of Public Law 103-43 (107 Stat. 211)), by striking "public" and all that follows and inserting "public and nonprofit private entities; and"; and

(B) in paragraph (4), by inserting "will" before "be used".

SEC. 102. ESTABLISHMENT OF DEMONSTRATION PROGRAM OF GRANTS FOR ADDITIONAL PREVENTIVE HEALTH SERVICES FOR WOMEN.

(a) IN GENERAL.—Title XV of the Public Health Service Act (42 U.S.C. 300k et seq.) is amended—

(1) by redesignating section 1509 as section 1510; and 42 USC 300n-5.

(2) by inserting after section 1508 the following section:

"SEC. 1509. SUPPLEMENTAL GRANTS FOR ADDITIONAL PREVENTIVE HEALTH SERVICES. 42 USC 300n-4a.

"(a) DEMONSTRATION PROJECTS.—In the case of States receiving grants under section 1501, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, may make grants to not more than 3 such States to carry out demonstration projects for the purpose of—

"(1) providing preventive health services in addition to the services authorized in such section, including screenings regarding blood pressure and cholesterol, and including health education;

"(2) providing appropriate referrals for medical treatment of women receiving services pursuant to paragraph (1) and ensuring, to the extent practicable, the provision of appropriate follow-up services; and

"(3) evaluating activities conducted under paragraphs (1) and (2) through appropriate surveillance or program-monitoring activities.

"(b) STATUS AS PARTICIPANT IN PROGRAM REGARDING BREAST AND CERVICAL CANCER.—The Secretary may not make a grant under subsection (a) unless the State involved agrees that services under the grant will be provided only through entities that are screening women for breast or cervical cancer pursuant to a grant under section 1501.

"(c) APPLICABILITY OF PROVISIONS OF GENERAL PROGRAM.—This title applies to a grant under subsection (a) to the same extent and in the same manner as such title applies to a grant under section 1501.

"(d) FUNDING.—

"(1) IN GENERAL.—Subject to paragraph (2), for the purpose of carrying out this section, there are authorized to be appropriated $3,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998. Appropriation authorization.

"(2) LIMITATION REGARDING FUNDING WITH RESPECT TO BREAST AND CERVICAL CANCER.—The authorization of appropriations established in paragraph (1) is not effective for a fiscal year unless the amount appropriated under section 1510(a) for the fiscal year is equal to or greater than $100,000,000.".

(b) CONFORMING AMENDMENT.—Section 1510(a) of the Public Health Service Act, as redesignated by subsection (a)(1) of this section, is amended in the heading for the section by striking "FUNDING." and inserting "FUNDING FOR GENERAL PROGRAM.".

42 USC 300n-5.

SEC. 103. FUNDING FOR GENERAL PROGRAM.

Section 1510(a) of the Public Health Service Act, as redesignated by section 102(a)(1) of this Act, is amended—

(1) by striking "and" after "1991,"; and

(2) by inserting before the period the following: ", $150,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998".

SEC. 104. BREAST AND CERVICAL CANCER INFORMATION.

Part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.), as amended by section 2008(i)(2)(A) of Public Law 103–43 (107 Stat. 213), is amended by adding at the end the following new section:

"BREAST AND CERVICAL CANCER INFORMATION

42 USC 256d.

"SEC. 340D. (a) IN GENERAL.—As a condition of receiving grants, cooperative agreements, or contracts under this Act, each of the entities specified in subsection (c) shall, to the extent determined to be appropriate by the Secretary, make available information concerning breast and cervical cancer.

"(b) CERTAIN AUTHORITIES.—In carrying out subsection (a), an entity specified in subsection (c)—

"(1) may make the information involved available to such individuals as the entity determines appropriate;

"(2) may, as appropriate, provide information under subsection (a) on the need for self-examination of the breasts and on the skills for such self-examinations;

"(3) shall provide information under subsection (a) in the language and cultural context most appropriate to the individuals to whom the information is provided; and

"(4) shall refer such clients as the entities determine appropriate for breast and cervical cancer screening, treatment, or other appropriate services.

"(c) RELEVANT ENTITIES.—The entities specified in this subsection are the following:

"(1) Entities receiving assistance under section 317E (relating to tuberculosis).

"(2) Entities receiving assistance under section 318 (relating to sexually transmitted diseases).

"(3) Migrant health centers receiving assistance under section 329.

"(4) Community health centers receiving assistance under section 330.

"(5) Entities receiving assistance under section 340 (relating to homeless individuals).

"(6) Entities receiving assistance under section 340A (relating to health services for residents of public housing).

"(7) Entities providing services with assistance under title V or title XIX.

"(8) Entities receiving assistance under section 1001 (relating to family planning).

"(9) Entities receiving assistance under title XXVI (relating to services with respect to acquired immune deficiency syndrome).

"(10) Non-Federal entities authorized under the Indian Self-Determination Act.".

TITLE II—INJURY PREVENTION AND CONTROL

SEC. 201. ESTABLISHMENT OF REQUIREMENTS WITH RESPECT TO INTERPERSONAL VIOLENCE WITHIN FAMILIES AND AMONG ACQUAINTANCES.

Part J of title III of the Public Health Service Act (42 U.S.C. 280b et seq.), as redesignated by section 2008(i)(2)(B)(i) of Public Law 103–43 (107 Stat. 213), is amended—

(1) by redesignating sections 393 and 394 as sections 394 and 394A, respectively; and

(2) by inserting after section 392 the following section:

42 USC 280b–2, 280b–3.

"INTERPERSONAL VIOLENCE WITHIN FAMILIES AND AMONG ACQUAINTANCES

"SEC. 393. (a) With respect to activities that are authorized in sections 391 and 392, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall carry out such activities with respect to interpersonal violence within families and among acquaintances. Activities authorized in the preceding sentence include the following:

42 USC 280b–1a.

"(1) Collecting data relating to the incidence of such violence.

"(2) Making grants to public and nonprofit private entities for the evaluation of programs whose purpose is to prevent such violence, including the evaluation of demonstration projects under paragraph (6).

"(3) Making grants to public and nonprofit private entities for the conduct of research on identifying effective strategies for preventing such violence.

"(4) Providing to the public information and education on such violence, including information and education to increase awareness of the public health consequences of such violence.

Public information.

"(5) Training health care providers as follows:

"(A) To identify individuals whose medical conditions or statements indicate that the individuals are victims of such violence.

"(B) To routinely determine, in examining patients, whether the medical conditions or statements of the patients so indicate.

"(C) To refer individuals so identified to entities that provide services regarding such violence, including referrals for counseling, housing, legal services, and services of community organizations.

"(6) Making grants to public and nonprofit private entities for demonstration projects with respect to such violence, including with respect to prevention.

"(b) For purposes of this part, the term 'interpersonal violence within families and among acquaintances' includes behavior com-

monly referred to as domestic violence, sexual assault, spousal abuse, woman battering, partner abuse, elder abuse, and acquaintance rape.".

SEC. 202. ADVISORY COMMITTEE; REPORTS.

42 USC 280b-2.

Section 394 of the Public Health Service Act, as redesignated by section 201(1) of this Act, is amended to read as follows:

"GENERAL PROVISIONS

Establishment.

"SEC. 394. (a) The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall establish an advisory committee to advise the Secretary and such Director with respect to the prevention and control of injuries.

"(b) The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may provide technical assistance to public and nonprofit private entities with respect to the planning, development, and operation of any program or service carried out pursuant to this part. The Secretary may provide such technical assistance directly or through grants or contracts.

"(c) Not later than February 1 of 1995 and of every second year thereafter, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the activities carried out under this part during the preceding 2 fiscal years. Such report shall include a description of such activities that were carried out with respect to interpersonal violence within families and among acquaintances and with respect to rural areas.".

SEC. 203. TECHNICAL CORRECTIONS.

(a) TERMINOLOGY.—Part J of title III of the Public Health Service Act (42 U.S.C. 280b et seq.), as redesignated by section 2008(i)(2)(B)(i) of Public Law 103–43 (107 Stat. 213), is amended—

(1) in the heading for such part, by striking "INJURY CONTROL" and inserting "PREVENTION AND CONTROL OF INJURIES"; and

42 USC 280b-1.

(2) in section 392—

(A) in the heading for such section, by inserting "PREVENTION AND" before "CONTROL ACTIVITIES";

(B) in subsection (a)(1), by inserting "and control" after "prevention"; and

(C) in subsection (b)(1), by striking "injuries and injury control" and inserting "the prevention and control of injuries".

(b) PROVISIONS RELATING TO PUBLIC LAW 102–531.—Part J of title III of the Public Health Service Act (42 U.S.C. 280b et seq.), as amended by section 301 of Public Law 102–531 (106 Stat. 3482) and as redesignated by section 2008(i)(2)(B)(i) of Public Law 103–43 (107 Stat. 213), is amended—

(1) in section 392(b)(2), by striking "to promote injury control" and all that follows and inserting "to promote activities regarding the prevention and control of injuries; and"; and

42 USC 280b.

(2) in section 391(b), by adding at the end the following sentence: "In carrying out the preceding sentence, the Secretary shall disseminate such information to the public, including through elementary and secondary schools.".

SEC. 204. AUTHORIZATION OF APPROPRIATIONS.

Section 394A of the Public Health Service Act, as redesignated by section 201(1) of this Act, is amended by striking "To carry out" and all that follows and inserting the following: "For the purpose of carrying out this part, there are authorized to be appropriated $50,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998.". 42 USC 280b-3.

TITLE III—TUBERCULOSIS

SEC. 301. PREVENTIVE HEALTH SERVICES REGARDING TUBERCULOSIS.

(a) IN GENERAL.—Part B of title III of the Public Health Service Act (42 U.S.C. 242 et seq.), as amended by section 308 of Public Law 102-531 (106 Stat. 3495), is amended by inserting after section 317D the following section:

"PREVENTIVE HEALTH SERVICES REGARDING TUBERCULOSIS

"SEC. 317E. (a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may make grants to States, political subdivisions, and other public entities for preventive health service programs for the prevention, control, and elimination of tuberculosis. 42 USC 247b-6.

"(b) RESEARCH, DEMONSTRATION PROJECTS, EDUCATION, AND TRAINING.—With respect to the prevention, control, and elimination of tuberculosis, the Secretary may, directly or through grants to public or nonprofit private entities, carry out the following:

"(1) Research, with priority given to research concerning strains of tuberculosis resistant to drugs and research concerning cases of tuberculosis that affect certain populations.

"(2) Demonstration projects.

"(3) Public information and education programs.

"(4) Education, training, and clinical skills improvement activities for health professionals, including allied health personnel and emergency response employees.

"(5) Support of centers to carry out activities under paragraphs (1) through (4).

"(6) Collaboration with international organizations and foreign countries in carrying out such activities.

"(c) COOPERATION WITH PROVIDERS OF PRIMARY HEALTH SERVICES.—The Secretary may make a grant under subsection (a) or (b) only if the applicant for the grant agrees that, in carrying out activities under the grant, the applicant will cooperate with public and nonprofit private providers of primary health services or substance abuse services, including entities receiving assistance under section 329, 330, 340, or 340A or under title V or XIX.

"(d) APPLICATION FOR GRANT.—

"(1) IN GENERAL.—The Secretary may make a grant under subsection (a) or (b) only if an application for the grant is submitted to the Secretary and the application, subject to paragraph (2), is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out the subsection involved.

"(2) PLAN FOR PREVENTION, CONTROL, AND ELIMINATION.—The Secretary may make a grant under subsection (a) only

if the application under paragraph (1) contains a plan regarding the prevention, control, and elimination of tuberculosis in the geographic area with respect to which the grant is sought.

"(e) SUPPLIES AND SERVICES IN LIEU OF GRANT FUNDS.—

"(1) IN GENERAL.—Upon the request of a grantee under subsection (a) or (b), the Secretary may, subject to paragraph (2), provide supplies, equipment, and services for the purpose of aiding the grantee in carrying out the subsection involved and, for such purpose, may detail to the State any officer or employee of the Department of Health and Human Services.

"(2) CORRESPONDING REDUCTION IN PAYMENTS.—With respect to a request described in paragraph (1), the Secretary shall reduce the amount of payments under the grant involved by an amount equal to the costs of detailing personnel and the fair market value of any supplies, equipment, or services provided by the Secretary. The Secretary shall, for the payment of expenses incurred in complying with such request, expend the amounts withheld.

"(f) ADVISORY COUNCIL.—

Establishment.

"(1) IN GENERAL.—The Secretary shall establish an advisory council to be known as the Advisory Council for the Elimination of Tuberculosis (in this subsection referred to as the "Council").

"(2) GENERAL DUTIES.—The Council shall provide advice and recommendations regarding the elimination of tuberculosis to the Secretary, the Assistant Secretary for Health, and the Director of the Centers for Disease Control and Prevention.

"(3) CERTAIN ACTIVITIES.—With respect to the elimination of tuberculosis, the Council shall—

"(A) in making recommendations under paragraph (2), make recommendations regarding policies, strategies, objectives, and priorities;

"(B) address the development and application of new technologies; and

"(C) review the extent to which progress has been made toward eliminating tuberculosis.

"(4) COMPOSITION.—The Secretary shall determine the size and composition of the Council, and the frequency and scope of official meetings of the Council.

"(5) STAFF, INFORMATION, AND OTHER ASSISTANCE.—The Secretary shall provide to the Council such staff, information, and other assistance as may be necessary to carry out the duties of the Council.

Appropriation authorizations.

"(g) FUNDING.—

"(1) IN GENERAL; ALLOCATION FOR EMERGENCY GRANTS.—

"(A) For the purpose of making grants under subsection (a), there are authorized to be appropriated $200,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998.

"(B) Of the amounts appropriated under subparagraph (A) for a fiscal year, the Secretary may reserve not more than $50,000,000 for emergency grants under subsection (a) for any geographic area in which there is, relative to other areas, a substantial number of cases of tuberculosis or a substantial rate of increase in such cases.

"(2) RESEARCH, DEMONSTRATION PROJECTS, EDUCATION, AND TRAINING.—For the purpose of making grants under subsection (b), there are authorized to be appropriated such sums as

may be necessary for each of the fiscal years 1994 through 1998.".

(b) CONFORMING AMENDMENTS.—Section 317 of the Public Health Service Act (42 U.S.C. 247b) is amended—

(1) in subsection (j)—

(A) by striking paragraph (2);

(B) by striking "(j)(1)(A)" and inserting "(j)(1)";

(C) by striking "(B) For grants" and inserting "(2) For grants"; and

(D) in paragraph (1) (as so redesignated), by striking "established in subparagraph (B)" and inserting "established in paragraph (2)";

(2) in subsection (k)—

(A) by striking paragraph (2);

(B) by redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively; and

(C) in paragraph (4) (as so redesignated), by striking "of section 317" each place such term appears; and

(3) by striking subsection (l).

SEC. 302. RESEARCH THROUGH NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES.

(a) CERTAIN DUTIES.—Subpart 6 of part C of title IV of the Public Health Service Act (42 U.S.C. 285f) is amended by inserting after section 446 the following section:

"RESEARCH AND RESEARCH TRAINING REGARDING TUBERCULOSIS

"SEC. 447. (a) In carrying out section 446, the Director of the Institute shall conduct or support research and research training regarding the cause, diagnosis, early detection, prevention and treatment of tuberculosis. 42 USC 285f-2.

"(b) For the purpose of carrying out subsection (a), there are authorized to be appropriated $50,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998. Such authorization is in addition to any other authorization of appropriations that is available for such purpose.". Appropriation authorization.

SEC. 303. RESEARCH THROUGH THE FOOD AND DRUG ADMINISTRATION. 42 USC 285f-2 note.

The Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, shall implement a tuberculosis drug and device research program under which the Commissioner may—

(1) provide assistance to other Federal agencies for the development of tuberculosis protocols;

(2) review and evaluate medical devices designed for the diagnosis and control of airborne tuberculosis; and

(3) conduct research concerning drugs or devices to be used in diagnosing, controlling and preventing tuberculosis.

TITLE IV—SEXUALLY TRANSMITTED DISEASES

SEC. 401. EXTENSION OF PROGRAM OF GRANTS REGARDING PREVENTION AND CONTROL OF SEXUALLY TRANSMITTED DISEASES.

(a) INNOVATIVE, INTERDISCIPLINARY APPROACHES.—Section 318 of the Public Health Service Act (42 U.S.C. 247c(d)(1)) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following subsection:

"(d) The Secretary may make grants to States and political subdivisions of States for the development, implementation, and evaluation of innovative, interdisciplinary approaches to the prevention and control of sexually transmitted diseases.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 318(e) of the Public Health Service Act, as redesignated by subsection (a)(1) of this section, is amended by amending paragraph (1) to read as follows: "(1) For the purpose of making grants under subsections (b) through (d), there are authorized to be appropriated $85,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998.".

(c) TECHNICAL CORRECTIONS.—Section 318 of the Public Health Service Act, as amended by subsection (a) of this section, is amended—

(1) in subsection (b)(3), by striking ", and" and inserting "; and";

(2) in subsection (c)(3), by striking ", and" and inserting "; and"; and

(3) in subsection (d)(5)—

(A) in subparagraph (A), by striking "form, or" and inserting "form; or"; and

(B) in subparagraph (B), by striking "purposes," and inserting "purposes;".

SEC. 402. EXTENSION OF PROGRAM REGARDING PREVENTABLE CASES OF INFERTILITY ARISING AS RESULT OF SEXUALLY TRANSMITTED DISEASES.

(a) TECHNICAL CORRECTIONS.—Section 318A of the Public Health Service Act (42 U.S.C. 247c–1), as added by section 304 of Public Law 102–531 (106 Stat. 3490), is amended in subsection (o)(2) by striking "subsection (s)" and inserting "subsection (q)".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 318A of the Public Health Service Act (42 U.S.C. 247c–1), as added by section 304 of Public Law 102–531 (106 Stat. 3490), is amended—

(1) in subsection (q), by striking "and 1995" and inserting "through 1998"; and

(2) in subsection (r)(2), by striking "through 1995" and inserting "through 1998".

TITLE V—NATIONAL CENTER FOR HEALTH STATISTICS

SEC. 501. REVISION AND EXTENSION OF PROGRAMS.

(a) IN GENERAL.—Section 306 of the Public Health Service Act (42 U.S.C. 242k) is amended—

(1) in subsection (c), by striking "Committee on Human Resources" and inserting "Committee on Labor and Human Resources";

(2) in subsection (g), by striking "data which shall be published" and all that follows and inserting "data.";

(3) in subsection (i), by striking "engaged in health planning activities";

(4) in subsection (k)(2)—

(A) in subparagraph (A), in the last sentence, by striking "Except" and all that follows through "members" and inserting "Members";

(B) by striking subparagraph (B); and

(C) by striking the remaining subparagraph designation; and

(5)(A) by striking subsection (l);

(B) by redesignating subsections (m) through (o) as subsections (l) through (n), respectively;

(C) in subsection (l) (as so redesignated), in the last sentence, by striking "(n)" and inserting "(m)"; and

(D) in subsection (n) (as so redesignated)—

(i) in paragraph (1), by striking "(m)" and inserting "(l)"; and

(ii) in paragraph (2)—

(I) by striking "(n)" and inserting "(m)"; and

(II) by striking "(n)(2)" and inserting "(m)(2)".

(b) GENERAL AUTHORITY RESPECTING RESEARCH, EVALUATIONS, AND DEMONSTRATIONS.—Section 304 of the Public Health Service Act (42 U.S.C. 242b) is amended by striking subsection (d).

(c) GENERAL PROVISIONS RESPECTING EFFECTIVENESS, EFFICIENCY, AND QUALITY OF HEALTH SERVICES.—Section 308 of the Public Health Service Act (42 U.S.C. 242m) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking subparagraph (A); and

(ii) by redesignating subparagraphs (B) through (E) as subparagraphs (A) through (D), respectively; and

(B) in paragraph (2), by striking "reports required by subparagraphs" and all that follows through "Center" and inserting the following: "reports required in paragraph (1) shall be prepared through the National Center";

(2)(A) by striking subsection (c);

(B) by transferring paragraph (2) of subsection (g) from the current location of the paragraph;

(C) by redesignating such paragraph as subsection (c);

(D) by inserting subsection (c) (as so redesignated) after subsection (b); and

(E) by striking the remainder of subsection (g);

(3) in subsection (c) (as so redesignated)—

(A) by striking "shall (A) take" and inserting "shall take"; and

(B) by striking "and (B) publish" and inserting "and shall publish";

(4) in subsection (f), by striking "sections 3648" and all that follows and inserting the following: "section 3324 of title 31, United States Code, and section 3709 of the Revised Statutes (41 U.S.C. 5)."; and

(5) by striking subsection (h).

42 USC 242k.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 306(n) of the Public Health Service Act, as redesignated by subsection (a)(5)(B), is amended—

(1) in paragraph (1), by striking "through 1993" and inserting "through 1998"; and

(2) in paragraph (2), in the first sentence—

(A) by striking "and" after "1992,"; and

(B) by inserting before the period the following: ", and $10,000,000 for each of the fiscal years 1994 through 1998".

TITLE VI—TRAUMA CARE SYSTEMS

SEC. 601. REVISIONS IN PROGRAMS RELATING TO TRAUMA CARE.

(a) GENERAL AUTHORITY.—Section 1201 of the Public Health Service Act (42 U.S.C. 300d) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by inserting after "Secretary" the following: ", acting through the Administrator of the Health Resources and Services Administration,"; and

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

"(c) ADMINISTRATION.—The Administrator of the Health Resources and Services Administration shall ensure that this title is administered by the Division of Trauma and Emergency Medical Systems within such Administration. Such Division shall be headed by a director appointed by the Secretary from among individuals who are knowledgeable by training or experience in the development and operation of trauma and emergency medical systems.".

(b) ADVISORY COUNCIL.—Section 1201 of the Public Health Service Act (42 U.S.C. 300d) is amended—

42 USC 300d-1.

(1) by striking section 1202; and

42 USC 300d-2, 300d-3.

(2) by redesignating sections 1203 and 1204 as sections 1202 and 1203, respectively;

(c) REPORTS BY STATES; EVALUATIONS BY COMPTROLLER GENERAL.—Section 1216(c) of the Public Health Service Act (42 U.S.C. 300d–16) is amended by striking "1993" and inserting "1994".

(d) REPORT BY SECRETARY.—Section 1222 of the Public Health Service Act (42 U.S.C. 300d–22) is amended—

(1) in the first sentence, by striking "1992" and inserting "1995"; and

(2) by inserting after the first sentence the following sentence: "Such report shall include an assessment of the extent to which Federal and State efforts to develop systems of trauma care and to designate trauma centers have reduced the incidence of mortality, and the incidence of permanent disability, resulting from trauma.".

(e) WAIVER REGARDING PURPOSE OF GRANTS.—Section 1233 of the Public Health Service Act (42 U.S.C. 300d–33) is repealed.

(f) TECHNICAL CORRECTIONS.—Title XII of the Public Health Service Act (42 U.S.C. 300d et seq.) is amended—

(1) in section 1204(c), by inserting before the period the following: "determines to be necessary to carry out this section"; 42 USC 300d–3.

(2) in section 1212(a)(2)(A), by striking "1211(c)" and inserting "1211(b)"; 42 USC 300d–12.

(3) in section 1213(a)— 42 USC 300d–13.

(A) in paragraph (4), by striking "Act" and inserting "Act)";

(B) in paragraphs (8) and (9), by striking "to provide" each place such term appears and inserting "provides for"; and

(C) in paragraph (10), by striking "to conduct" and inserting "conducts"; and

(4) in section 1231(3), by striking "Rico;" and inserting "Rico,". 42 USC 300d–31.

SEC. 602. AUTHORIZATION OF APPROPRIATIONS.

Section 1232(a) of the Public Health Service Act (42 U.S.C. 300d–32(a)) is amended by striking "for the purpose" and all that follows and inserting the following: "For the purpose of carrying out parts A and B, there are authorized to be appropriated $6,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.".

TITLE VII—MISCELLANEOUS PROVISIONS

SEC. 701. EVALUATIONS.

Effective October 1, 1994, section 241 of the Public Health Service Act (42 U.S.C. 238j), as transferred and redesignated by section 2010(a) of Public Law 103–43 (107 Stat. 213), is amended to read as follows: Effective date.

"EVALUATION OF PROGRAMS

"SEC. 241. (a) IN GENERAL.—Such portion as the Secretary shall determine, but not less than 0.2 percent nor more than 1 percent, of any amounts appropriated for programs authorized under this Act shall be made available for the evaluation (directly, or by grants of contracts) of the implementation and effectiveness of such programs.

"(b) REPORT ON EVALUATIONS.—Not later than February 1 of each year, the Secretary shall prepare and submit to the Committee on Labor and Human Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report summarizing the findings of the evaluations conducted under subsection (a).".

SEC. 702. FEDERAL BENEFITS FOR OVERSEAS ASSIGNEES.

Section 307 of the Public Health Service Act (42 U.S.C. 242l) is amended by adding at the end thereof the following new subsection:

"(c) The Secretary may provide to personnel appointed or assigned by the Secretary to serve abroad, allowances and benefits

similar to those provided under chapter 9 of title I of the Foreign Service Act of 1990 (22 U.S.C. 4081 et seq.). Leaves of absence for personnel under this subsection shall be on the same basis as that provided under subchapter I of chapter 63 of title 5, United States Code, to individuals serving in the Foreign Service.".

SEC. 703. LOAN REPAYMENT PROGRAM.

Part B of title III of the Public Health Service Act, as amended by section 301 of this Act, is amended by inserting after section 317E the following section:

"LOAN REPAYMENT PROGRAM

42 USC 247b-7.

"SEC. 317F. (a) IN GENERAL.—

"(1) AUTHORITY.—Subject to paragraph (2), the Secretary may carry out a program of entering into contracts with appropriately qualified health professionals under which such health professionals agree to conduct prevention activities, as employees of the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry, in consideration of the Federal Government agreeing to repay, for each year of such service, not more than $20,000 of the principal and interest of the educational loans of such health professionals.

"(2) LIMITATION.—The Secretary may not enter into an agreement with a health professional pursuant to paragraph (1) unless such professional—

"(A) has a substantial amount of educational loans relative to income; and

"(B) agrees to serve as an employee of the Centers for Disease Control and Prevention or the Agency for Toxic Substances and Disease Registry for purposes of paragraph (1) for a period of not less than 3 years.

"(b) APPLICABILITY OF CERTAIN PROVISIONS.—With respect to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III of this Act, the provisions of such subpart shall, except as inconsistent with subsection (a), apply to the program established in this section in the same manner and to the same extent as such provisions apply to the National Health Service Corps Loan Repayment Program.

"(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $500,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998.".

SEC. 704. ESTABLISHMENT OF REQUIREMENT OF BIENNIAL REPORT ON NUTRITION AND HEALTH.

Title XVII of the Public Health Service Act (42 U.S.C. 300u et seq.), as amended by section 302 of Public Law 102-531 (106 Stat. 3483), is amended by adding at the end the following section:

"BIENNIAL REPORT REGARDING NUTRITION AND HEALTH

42 USC 300u-8.

"SEC. 1709. (a) BIENNIAL REPORT.—The Secretary shall require the Surgeon General of the Public Health Service to prepare biennial reports on the relationship between nutrition and health. Such reports may, with respect to such relationship, include any recommendations of the Secretary and the Surgeon General.

"(b) SUBMISSION TO CONGRESS.—The Secretary shall ensure that, not later than February 1 of 1995 and of every second year thereafter, a report under subsection (a) is submitted to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate.".

SEC. 705. ALIGNMENT OF CURRENT CENTERS FOR DISEASE CONTROL AND PREVENTION REAUTHORIZATION SCHEDULE.

(a) SCREENINGS, EDUCATION, AND REFERRALS REGARDING LEAD POISONING.—Section 317A(l)(1) of the Public Health Service Act (42 U.S.C. 247b–1(l)(1)) is amended by striking "through 1997" and inserting "through 1998".

(b) PROSTATE CANCER PREVENTION.—Section 317D((l)(1) of the Public Health Service Act (42 U.S.C. 247b–5(l)(1)) is amended by striking "through 1996" and inserting "through 1998".

(c) CANCER REGISTRIES.—Section 399L(a) of the Public Health Service Act (42 U.S.C. 280e–4(a)) (as amended by section 2003(1) of Public Law 103–43) is amended by striking "through 1996" and inserting "through 1998".

(d) HEALTH PROMOTION AND DISEASE PREVENTION RESEARCH AND DEMONSTRATION CENTERS.—Section 1706(e) of the Public Health Service Act (42 U.S.C. 300u–5(e)) is amended by striking "through 1996" and inserting "through 1998".

(e) TITLE XIX PROGRAM.—Section 1901(a) of the Public Health Service Act (42 U.S.C. 300w(a)) is amended by striking "through 1997" and inserting "through 1998".

(f) SENSE OF CONGRESS REGARDING SCHEDULE FOR LEGISLATION.—It is the sense of the Congress that, during the fiscal years 1994 through 1997, authorizations of appropriations for the programs of the Centers for Disease Control and Prevention should be provided only through fiscal year 1998, and that for fiscal year 1999 and subsequent fiscal years such programs, when considered by the Congress through legislation providing further authorizations of appropriations, should be so considered during a single year.

SEC. 706. MISCELLANEOUS PAYMENT PROVISIONS

(a) PAYMENT OF CERTAIN JUDGMENTS.—Section 224(k)(2) of the Public Health Service Act (42 U.S.C. 233(k)(2)), as added by section 4 of the Federally Supported Health Centers Assistance Act of 1992, is amended by adding at the end thereof the following new sentence: "Appropriations for purposes of this paragraph shall be made separate from appropriations made for purposes of sections 329, 330, 340 and 340A.".

(b) COMPENSATION REGARDING CERTAIN ADVISORY COUNCIL.—Section 337(b)(2) of the Public Health Service Act (42 U.S.C. 254j(b)(2) is amended—

(1) by inserting before "the daily equivalent" the following: "compensation at a rate fixed by the Secretary (but not to exceed"; and

(2) by striking "Schedule;" and inserting "Schedule);".

SEC. 707. INTERIM FINAL REGULATIONS.

42 USC 263b note.

The Secretary of Health and Human Services is authorized to issue interim final regulations—

(1) under which the Secretary may approve accreditation bodies under section 354(e) of the Public Health Service Act (42 U.S.C. 263b(e)); and

(2) establishing quality standards under section 354(f) of the Public Health Service Act (42 U.S.C. 263b(f)).

SEC. 708. SIMPLIFICATION OF VACCINE INFORMATION MATERIALS.

(a) INFORMATION.—Section 2126(b) of the Public Health Service Act (42 U.S.C. 300aa–26(b)) is amended—

(1) by striking "by rule" in the matter preceding paragraph (1); and

(2) by striking, in paragraph (1), ", opportunity for a public hearing, and 90" and inserting "and 60".

(b) REQUIREMENTS.—Section 2126(c) of the Public Health Service Act (42 U.S.C. 300aa–26(c)) is amended—

(1) by inserting "shall be based on available data and information," after "such materials" in the matter preceding paragraph (1); and

(2) by striking paragraphs (1) through (10) and inserting the following:

"(1) a concise description of the benefits of the vaccine,

"(2) a concise description of the risks associated with the vaccine,

"(3) a statement of the availability of the National Vaccine Injury Compensation Program, and

"(4) such other relevant information as may be determined by the Secretary.".

(c) OTHER INDIVIDUALS.—Subsections (a) and (d) of section 2126 of the Public Health Service Act (42 U.S.C. 300aa–26) are each amended by inserting "or to any other individual" after "to the legal representatives of any child".

(d) PROVIDERS DUTIES.—Subsection (d) of section 2126 of the Public Health Service Act (42 U.S.C. 300aa–26) is amended—

(1) by striking all after "subsection (a)," the second place it appears in the first sentence and inserting "supplemented with visual presentations or oral explanations, in appropriate cases."; and

(2) by striking "or other information" in the last sentence.

Approved December 14, 1993.

LEGISLATIVE HISTORY—H.R. 2202 (S. 1002) (S. 1318):

HOUSE REPORTS: Nos. 103-120 (Comm. on Energy and Commerce) and 103-397 (Comm. of Conference).

SENATE REPORTS: No. 103-135 accompanying S. 1318 (Comm. on Labor and Human Resources).

CONGRESSIONAL RECORD, Vol. 139 (1993):

June 14, considered and passed House.

Nov. 2, considered and passed Senate, amended.

Nov. 21, House agreed to conference report.

Nov. 22, Senate agreed tp conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 29 (1993):

Dec. 16, Presidential statement.

Public Law 103-184
103d Congress

An Act

To provide for the addition of the Truman Farm Home to the Harry S Truman National Historic Site in the State of Missouri.

Dec. 14, 1993
[H.R. 486]

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

SECTION 1. PROPERTY ACQUISITION

The first section of the Act entitled "An Act to establish the Harry S Truman National Historic Site in the State of Missouri, and for other purposes", approved May 23, 1983 (97 Stat. 193), is amended by adding at the end the following: 16 USC 461 note.

"(c) The Secretary is further authorized to acquire from Jackson County, Missouri, by donation, the real property commonly referred to as the Truman Farm Home located in Grandview, Jackson County, Missouri, together with associated lands and related structures, comprising approximately 5.2 acres.

"(d) The Secretary is authorized and directed to provide appropriate political subdivisions of the State of Missouri with technical and planning assistance for the development and implementation of plans, programs, regulations, or other means for minimizing the adverse effects on the Truman Farm House of the development and use of adjacent lands.".

Approved December 14, 1993.

LEGISLATIVE HISTORY—H.R. 486:

HOUSE REPORTS: No. 103-399 (Comm. on Natural Resources).
CONGRESSIONAL RECORD, Vol. 139 (1993):
Nov. 22, considered and passed House.
Nov. 24, considered and passed Senate.

Public Law 103–185
103d Congress

An Act

Dec. 14, 1993
[H.R. 3321]

To provide increased flexibility to States in carrying out the Low-Income Home Energy Assistance Program.

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

SECTION 1. INCREASED STATE FLEXIBILITY IN THE LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM.

42 USC 8624 note.

Section 927 of the Housing and Community Development Act of 1992 (Public Law 102–550) is amended—

(1) in subsection (a)—

(A) by striking the parenthetical phrase; and

(B) by inserting before the period ", except as provided in subsection (d)";

(2) in subsection (b)—

(A) by striking "such" and inserting in lieu thereof "or receiving energy"; and

(B) by inserting before the period "for any program in which eligibility or benefits are based on need, except as provided in subsection (d)"; and

(3) by inserting at the end thereof the following new subsection:

"(d) SPECIAL RULE FOR LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM.—For purposes of the Low-Income Home Energy Assistance Program, tenants described in subsection (a)(2) who are responsible for paying some or all heating or cooling costs shall not have their eligibility automatically denied. A State may consider the amount of the heating or cooling component of utility allowances received by tenants described in subsection (a)(2) when setting benefit levels under the Low-Income Home Energy Assistance Program. The size of any reduction in Low-Income Home Energy Assistance Program benefits must be reasonably related to the amount of the heating or cooling component of the utility allowance received and must ensure that the highest level of assistance will be furnished to those households with the lowest incomes and the highest energy costs in relation to income, taking into account family size, in compliance with section 2605(b)(5) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8624(b)(5)).".

Approved December 14, 1993.

LEGISLATIVE HISTORY—H.R. 3321:

CONGRESSIONAL RECORD, Vol. 139 (1993):
Nov. 15, considered and passed House.
Nov. 22, considered and passed Senate.

Public Law 103-186
103d Congress

An Act

To require the Secretary of the Treasury to mint coins in commemoration of the 250th anniversary of the birth of Thomas Jefferson, Americans who have been prisoners of war, the Vietnam Veterans Memorial on the occasion of the 10th anniversary of the Memorial, and the Women in Military Service for America Memorial, and for other purposes.

Dec. 14, 1993
[H.R. 3616]

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

TITLE I—THOMAS JEFFERSON COMMEMORATIVE COIN

Jefferson Commemorative Coin Act of 1993.
31 USC 5112 note.

SEC. 101. SHORT TITLE.

This title may be cited as the "Jefferson Commemorative Coin Act of 1993".

SEC. 102. COIN SPECIFICATIONS.

(a) ONE-DOLLAR SILVER COINS.—

(1) ISSUANCE.—The Secretary of the Treasury (hereafter in this title referred to as the "Secretary") shall issue not more than 600,000 one-dollar coins, which shall—

(A) weigh 26.73 grams;

(B) have a diameter of 1.500 inches; and

(C) contain 90 percent silver and 10 percent copper.

(2) DESIGN.—The design of the coins issued under this title shall be emblematic of a profile of Thomas Jefferson and a frontal view of his home Monticello. On each coin there shall be a designation of the value of the coin, an inscription of the year "1993", and inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(b) LEGAL TENDER.—The coins issued under this title shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of section 5132(a)(1) of title 31, United States Code, all coins minted under this title shall be considered to be numismatic items.

SEC. 103. SOURCES OF BULLION.

The Secretary shall obtain silver for the coins minted under this title only from stockpiles established under the Strategic and Critical Minerals Stock Piling Act.

SEC. 104. SELECTION OF DESIGN.

Subject to section 102(a)(2), the design for the coins authorized by this title shall be—

(1) selected by the Secretary after consultation with the Executive Director of the Thomas Jefferson Memorial Foundation and the Commission of Fine Arts; and

(2) reviewed by the Citizens Commemorative Advisory Committee.

SEC. 105. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this title shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this title.

(c) PERIOD FOR ISSUANCE.—The Secretary may issue coins minted under this title during the period beginning on May 1, 1994, and ending on April 30, 1995.

SEC. 106. SALE OF COINS.

(a) SALE PRICE.—The coins authorized under this title shall be sold by the Secretary at a price equal to the sum of the face value of the coins, the surcharge provided in subsection (c) with respect to such coins, and the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) PREPAID ORDERS.—The Secretary shall accept prepaid orders for the coins authorized under this title prior to the issuance of such coins. Sale prices with respect to such prepaid orders shall be at a reasonable discount.

(c) SURCHARGES.—All sales shall include a surcharge of $10 per coin.

SEC. 107. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

(a) IN GENERAL.—Except as provided in subsection (b), no provision of law governing procurement or public contracts shall be applicable to the procurement of goods and services necessary for carrying out the provisions of this title.

(b) EQUAL EMPLOYMENT OPPORTUNITY.—Subsection (a) shall not relieve any person entering into a contract under the authority of this title from complying with any law relating to equal employment opportunity.

SEC. 108. DISTRIBUTION OF SURCHARGES.

All surcharges received by the Secretary from the sale of coins issued under this title shall be promptly paid by the Secretary—

(1) in the case of surcharges received in connection with the sale of the first 500,000 coins issued, to the Jefferson Endowment Fund, to be used—

(A) to establish and maintain an endowment to be a permanent source of support for Monticello and its historic furnishings; and

(B) for the Jefferson Endowment Fund's educational programs, including the International Center for Jefferson Studies; and

(2) in the case of surcharges received in connection with the sale of all other such coins, to the Corporation for Jefferson's

Poplar Forest, to be used for the restoration and maintenance of Poplar Forest.

SEC. 109. AUDITS.

The Comptroller General of the United States shall have the right to examine such books, records, documents, and other data of the entities specified in section 108, as may be related to the expenditures of amounts paid under section 108.

SEC. 110. FINANCIAL ASSURANCES.

(a) NO NET COST TO THE GOVERNMENT.—The Secretary shall take such actions as may be necessary to ensure that minting and issuing coins under this title will not result in any net cost to the United States Government.

(b) PAYMENT FOR COINS.—A coin shall not be issued under this title unless the Secretary has received—

(1) full payment for the coin;

(2) security satisfactory to the Secretary to indemnify the United States for full payment; or

(3) a guarantee of full payment satisfactory to the Secretary from a depository institution whose deposits are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration Board.

TITLE II—UNITED STATES VETERANS COMMEMORATIVE COINS

United States Veterans Commemorative Coin Act of 1993.
31 USC 5112 note.

SEC. 201. SHORT TITLE.

This title may be cited as the "United States Veterans Commemorative Coin Act of 1993".

SEC. 202. COIN SPECIFICATIONS.

(a) ONE-DOLLAR SILVER COINS.—

(1) ISSUANCE.—The Secretary of the Treasury (hereafter in this title referred to as the "Secretary") shall issue one-dollar coins of 3 different designs, which shall—

(A) weigh 26.73 grams;

(B) have a diameter of 1.500 inches; and

(C) contain 90 percent silver and 10 percent copper.

(2) DESIGNATION OF VALUE AND INSCRIPTIONS.—On each coin there shall be a designation of the value of the coin, an inscription of the year "1994", and inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(3) DESIGN OF 3 COINS.—

(A) PRISONER-OF-WAR COMMEMORATIVE COIN.—1 type of coin issued under this title shall be a prisoner-of-war commemorative coin the design of which shall be emblematic of the experience of Americans who have been prisoners-of-war.

(B) VIETNAM VETERANS MEMORIAL COMMEMORATIVE COIN.—1 type of coin issued under this title shall be a Vietnam Veterans Memorial commemorative coin the design of which shall be emblematic of the Vietnam Veterans Memorial.

(C) WOMEN IN MILITARY SERVICE FOR AMERICA MEMORIAL COMMEMORATIVE COIN.—1 type of coin issued under this title shall be Women in Military Service for America Memorial commemorative coin the design of which shall be symbolic of women's service in the Armed Forces of the United States.

(4) MAXIMUM NUMBER FOR COINS OF EACH DESIGN.—The Secretary shall issue no more than 500,000 coins of each design.

(b) LEGAL TENDER.—The coins issued under this title shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of section 5132(a)(1) of title 31, United States Code, all coins minted under this title shall be considered to be numismatic items.

SEC. 203. SOURCES OF BULLION.

The Secretary shall obtain silver for the coins minted under this title only from stockpiles established under the Strategic and Critical Minerals Stock Piling Act.

SEC. 204. SELECTION OF DESIGN.

Subject to section 202(a)(3), the design for the coins authorized by this title shall be—

(1) selected by the Secretary after consultation with the Commission of Fine Arts and—

(A) in the case of the coin described in section 202(a)(3)(B), the Vietnam Veterans Memorial Fund; and

(B) in the case of the coin described in section 202(a)(3)(C), the Women in Military Service for America Memorial Foundation, Incorporated; and

(2) reviewed by the Citizens Commemorative Advisory Committee.

SEC. 205. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this title shall be sold by the Secretary at a price equal to the face value, plus the cost of designing and issuing such coins (including labor, materials, dies, use of machinery, and overhead expenses) and the surcharge provided for in subsection (d).

(b) BULK SALES.—The Secretary shall make bulk sales at a reasonable discount.

(c) PREPAID ORDERS.—The Secretary shall accept prepaid orders for the coins issued under this title before the issuance of such coins. Sales under this subsection shall be at a reasonable discount to reflect the benefit of prepayment.

(d) SURCHARGES.—All sales of coins issued under this title shall include a surcharge of $10 per coin.

SEC. 206. ISSUANCE OF THE COINS.

(a) COMMENCEMENT OF ISSUANCE.—The coins minted under this title may be issued beginning May 1, 1994.

(b) TERMINATION OF AUTHORITY.—The coins authorized under this title may not be minted after April 30, 1995.

(c) PROOF AND UNCIRCULATED COINS.—The coins authorized under this title shall be issued in uncirculated and proof qualities.

(d) 3-COIN SETS.—

(1) IN GENERAL.—In addition to any other manner and form of sales of coins minted under this title, the Secretary

shall make a portion of such coins available for sale in 3-coin sets containing 1 of each of the 3 designs of coins required pursuant to section 202(a)(3).

(2) NUMBER OF SETS.—The number of 3-coin sets made available pursuant to paragraph (1) shall be at the discretion of the Secretary.

SEC. 207. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

(a) IN GENERAL.—Except as provided in subsection (b), no provision of law governing procurement or public contracts shall be applicable to the procurement of goods and services necessary for carrying out the provisions of this title.

(b) EQUAL EMPLOYMENT OPPORTUNITY.—Subsection (a) shall not relieve any person entering into a contract under the authority of this title from complying with any law relating to equal employment opportunity.

SEC. 208. DISTRIBUTION OF SURCHARGES.

(a) PRISONER-OF-WAR COMMEMORATIVE COINS.—Except as provided in subsection (d), an amount equal to the surcharges received by the Secretary from the sale of prisoner-of-war commemorative coins described in section 202(a)(3)(A) shall be promptly paid by the Secretary in the order that follows:

(1) AMOUNTS TO BE MADE AVAILABLE FOR CONSTRUCTION OF MUSEUM.—The Secretary of the Treasury shall make available to the Secretary of the Interior the first $3,000,000 of such surcharges for the construction of the Andersonville Prisoner-of-War Museum in Andersonville, Georgia.

(2) AMOUNTS TO BE PAID TO ENDOWMENT FUND.—After payment of the amount required by paragraph (1), the Secretary of the Treasury shall pay 50 percent of the remaining surcharges to the endowment fund established pursuant to section 209(a).

(3) AMOUNTS TO BE PAID TO MAINTAIN NATIONAL CEMETERIES.—After payment of the amount required by paragraph (1), the Secretary shall pay 50 percent of the remaining surcharges to the Secretary of Veterans Affairs for purposes of maintaining national cemeteries pursuant to chapter 24 of title 38, United States Code.

(b) VIETNAM VETERANS MEMORIAL COMMEMORATIVE COINS.—Except as provided in subsection (d), an amount equal to the surcharges received by the Secretary from the sale of Vietnam Veterans Memorial commemorative coins described in section 202(a)(3)(B) shall be promptly paid by the Secretary to the Vietnam Veterans Memorial Fund to assist the Fund's efforts to raise an endowment to be a permanent source of support for the repair, maintenance, and addition of names to the Vietnam Veterans Memorial.

(c) WOMEN IN MILITARY SERVICE FOR AMERICA MEMORIAL COMMEMORATIVE COINS.—Except as provided in subsection (d), an amount equal to the surcharges received by the Secretary from the sale of Women in Military Service for America Memorial commemorative coins described in section 202(a)(3)(C) shall be promptly paid by the Secretary to the Women in Military Service for America Memorial Foundation, Inc., for the purpose of creating, endowing, and dedicating the Women in Military Service for America Memorial.

(d) SURCHARGES FROM 3-COIN SETS.—In the case of surcharges derived from the sale of 3-coin sets pursuant to section 206(d)—

(1) ⅓ of such amount shall be distributed as provided in subsection (a);

(2) ⅓ shall be distributed as provided in subsection (b); and

(3) ⅓ shall be distributed as provided in subsection (c).

SEC. 209. ANDERSONVILLE PRISONER-OF-WAR MUSEUM ENDOWMENT FUND.

(a) ESTABLISHMENT.—There is hereby established in the Department of the Interior an endowment fund (hereinafter in this section referred to as the "fund") to be administered by the Secretary of the Interior and to consist of the amounts deposited under subsection (b).

(b) DEPOSIT INTO FUND.—

(1) DEPOSIT FROM SURCHARGES.—There shall be deposited into the fund such amounts that are paid by the Secretary under section 208(a)(2).

(2) INVESTMENT.—The Secretary of the Interior shall have the authority to invest the portion of the fund that is not, in the determination of such Secretary, required to meet the current needs of the fund, in obligations of the United States or in obligations guaranteed as to the principal and interest by the United States. In making such investments, the Secretary of the Interior shall select obligations having maturities suitable to the needs of the fund.

(c) EXPENDITURES.—The Secretary of the Interior may use the amounts deposited in the fund under this title to pay for the maintenance of the Andersonville Prisoner-of-War Museum in Andersonville, Georgia.

SEC. 210. AUDITS.

The Comptroller General of the United States shall have the right to examine such books, records, documents, and other data of the entities specified in section 208, as may be related to the expenditures of amounts paid under section 208.

SEC. 211. FINANCIAL ASSURANCES.

(a) NO NET COST TO THE GOVERNMENT.—The Secretary shall take such actions as may be necessary to ensure that minting and issuing coins under this title will not result in any net cost to the United States Government.

(b) PAYMENT FOR COINS.—A coin shall not be issued under this title unless the Secretary has received—

(1) full payment for the coin;

(2) security satisfactory to the Secretary to indemnify the United States for full payment; or

(3) a guarantee of full payment satisfactory to the Secretary from a depository institution whose deposits are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration Board.

TITLE III—REFORM OF COMMEMORATIVE COIN PROGRAMS

31 USC 5112 note.

SEC. 301. SENSE OF CONGRESS RESOLUTION.

(a) FINDINGS.—The Congress hereby makes the following findings:

(1) Congress has authorized 18 commemorative coin programs in the 9 years since 1984.

(2) There are more meritorious causes, events, and people worthy of commemoration than can be honored with commemorative coinage.

(3) Commemorative coin legislation has increased at a pace beyond that which the numismatic community can reasonably be expected to absorb.

(4) It is in the interests of all Members of Congress that a policy be established to control the flow of commemorative coin legislation.

(b) DECLARATION.—It is the sense of the Congress that the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate should not report or otherwise clear for consideration by the House of Representatives or the Senate legislation providing for more than 2 commemorative coin programs for any year, unless the committee determines, on the basis of a recommendation by the Citizens Commemorative Coin Advisory Committee, that extraordinary merit exists for an additional commemorative coin program.

SEC. 302. REPORTS BY RECIPIENTS OF COMMEMORATIVE COIN SURCHARGES.

(a) QUARTERLY FINANCIAL REPORT.—

(1) IN GENERAL.—Each person who receives, after the date of the enactment of this Act, any surcharge derived from the sale of commemorative coins under any Act of Congress shall submit a quarterly financial report to the Director of the United States Mint and the Comptroller General of the United States describing in detail the expenditures made by such person from the proceeds of the surcharge.

(2) INFORMATION TO BE INCLUDED.—The report under paragraph (1) shall include information on the proportion of the surcharges received during the period covered by the report to the total revenue of such person during such period, expressed as a percentage, and the percentage of total revenue during such period which was spent on administrative expenses (including salaries, travel, overhead, and fund raising).

(3) DUE DATES.—Quarterly reports under this subsection shall be due at the end of the 30-day period beginning on the last day of any calendar quarter during which any surcharge derived from the sale of commemorative coins is received by any person.

(b) FINAL REPORT.—Each person who receives, after the date of the enactment of this Act, any surcharge derived from the sale of commemorative coins under any Act of Congress shall submit a final report on the expenditures made by such person from the proceeds of all surcharges received by such person, including information described in subsection (a)(2), before the end of the

1-year period beginning on the last day on which sales of such coins may be made.

SEC. 303. GAO REPORTS TO CONGRESS.

Before the end of the 1-year period beginning on the last day on which sales of commemorative coins may be made under the Act of Congress which authorized such coins, the Comptroller General of the United States shall submit a financial accounting statement to the Congress on the payment of any surcharges derived from the sale of such coins and the use and expenditure of the proceeds of such surcharges by any recipient (other than a recipient which is an agency or department of the Federal Government) based on the reports filed by such recipient with the Comptroller General in accordance with section 302 and any audit of such recipient which is conducted by the Comptroller General with respect to the use and expenditure of such proceeds.

Bicentennial of the United States Capitol Commemorative Coin Act. 31 USC 5112 note.

TITLE IV—BICENTENNIAL OF THE UNITED STATES CAPITOL COMMEMORATIVE COIN ACT

SEC. 401. SHORT TITLE.

This title may be cited as the "Bicentennial of the United States Capitol Commemorative Coin Act".

SEC. 402. SPECIFICATIONS OF COINS.

(a) ONE-DOLLAR SILVER COINS.—

(1) ISSUANCE.—The Secretary of the Treasury (hereinafter in this title referred to as the "Secretary") shall mint and issue not more than 500,000 one-dollar coins each of which shall—

(A) weigh 26.73 grams;

(B) have a diameter of 1.500 inches; and

(C) be composed of 90 percent silver and 10 percent copper.

(2) DESIGN.—The design of the one-dollar coins shall, in accordance with section 404, be emblematic of the bicentennial of the United States Capitol. Each one-dollar coin shall bear a designation of the value of the coin, an inscription of the year "1994", and inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(b) LEGAL TENDER.—The coins minted under this title shall be legal tender as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of section 5132(a)(1) of title 31, United States Code, all coins minted under this title shall be considered to be numismatic items.

SEC. 403. SOURCES OF BULLION.

The Secretary shall obtain silver for minting coins under this title only from stockpiles established under the Strategic and Critical Minerals Stock Piling Act.

SEC. 404. DESIGN OF COINS.

The design for the coin authorized by this title shall be selected by the Secretary after consultation with the Speaker of the House

of Representatives, the President pro tempore of the Senate, and the Commission of Fine Arts.

SEC. 405. ISSUANCE OF COINS.

(a) ONE-DOLLAR COINS.—The one-dollar coins minted under this title may be issued in uncirculated and proof qualities, except that not more than 1 facility of the United States Mint may be used to strike any particular quality.

(b) COMMENCEMENT OF ISSUANCE.—The Secretary may issue the coins minted under this title beginning May 1, 1994.

(c) TERMINATION OF AUTHORITY.—Coins may not be minted under this title after April 30, 1995.

(d) CONTRACTS.—Any contract to be made by the Secretary involving the promotion, advertising, or marketing of any coins authorized under this title shall be valid only upon approval by the United States Capitol Preservation Commission.

SEC. 406. SALE OF COINS.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall sell the coins minted under this title at a price equal to the face value, plus the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, and overhead expenses).

(b) BULK SALES.—The Secretary shall make any bulk sales of the coins minted under this title at a reasonable discount.

(c) PREPAID ORDERS.—The Secretary shall accept prepaid orders for the coins minted under this title prior to the issuance of such coins. Sale prices with respect to such prepaid orders shall be at a reasonable discount.

(d) SURCHARGES.—All sales of coins minted under this title shall include a surcharge of $15 per coin.

SEC. 407. FINANCIAL ASSURANCES.

(a) NO NET COST TO THE GOVERNMENT.—The Secretary shall take such actions as may be necessary to ensure that minting and issuing coins under this title will not result in any net cost to the United States Government.

(b) PAYMENT FOR COINS.—A coin shall not be issued under this title unless the Secretary has received—

(1) full payment for the coin;

(2) security satisfactory to the Secretary to indemnify the United States for full payment; or

(3) a guarantee of full payment satisfactory to the Secretary from a depository institution whose deposits are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration Board.

SEC. 408. USE OF SURCHARGES.

(a) USE OF SURCHARGES.—All surcharges that are received by the Secretary from the sale of coins minted under this title shall be deposited in the Capitol Preservation Fund and be available to the United States Capitol Preservation Commission.

(b) TECHNICAL AMENDMENT.—Section 8(b)(1) of Public Law 100-673 is amended to read as follows: 31 USC 5112 note.

"(2) LIMITATIONS ON REIMBURSEMENTS.—No amount received by the Commission from the Capitol Preservation Fund from the sale of coins minted under this Act may be used to pay representational expenses of the Commission.".

SEC. 409. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

(a) IN GENERAL.—Except as provided in subsection (b), no provision of law governing procurement or public contracts shall be applicable to the procurement of goods and services necessary for carrying out the provisions of this title.

(b) EQUAL EMPLOYMENT OPPORTUNITY.—Subsection (a) shall not relieve any person entering into a contract under the authority of this title from complying with any law relating to equal employment opportunity.

Approved December 14, 1993.

LEGISLATIVE HISTORY—H.R. 3616:

CONGRESSIONAL RECORD, Vol. 139 (1993):
Nov. 22, considered and passed House.
Nov. 24, considered and passed Senate.

Public Law 103-187
103d Congress

Joint Resolution

Designating December 15, 1993, as "National Firefighters Day".

Dec. 14, 1993
[H.J. Res. 272]

Whereas there are over 2,000,000 firefighters in the United States;
Whereas firefighters respond to more than 2,300,000 fires and 8,700,000 emergencies other than fires each year;
Whereas fires annually cause nearly 6,000 deaths and $10,000,000,000 in property damages;
Whereas firefighters have given their lives and risked injury to preserve the lives and protect the property of others;
Whereas the contributions and sacrifices of valiant firefighters often go unreported and are inadequately recognized by the public; and
Whereas the work of firefighters deserves the attention and gratitude of all individuals in the United States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That December 15, 1993, is designated as "National Firefighters Day", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe the day with appropriate ceremonies and activities.

Approved December 14, 1993.

LEGISLATIVE HISTORY—H.J. Res. 272:

CONGRESSIONAL RECORD, Vol. 139 (1993):
Nov. 21, considered and passed House.
Nov. 22, considered and passed Senate.

Public Law 103-188
103d Congress

An Act

Dec. 14, 1993
[S. 717]

To amend the Egg Research and Consumer Information Act to modify the provisions governing the rate of assessment, to expand the exemption of egg producers from such Act, and for other purposes.

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

Egg Research and Consumer Information Act Amendments of 1993.
7 USC 2701 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Egg Research and Consumer Information Act Amendments of 1993".

SEC. 2. ASSESSMENT RATE.

(a) IN GENERAL.—Section 8(e) of the Egg Research and Consumer Information Act (7 U.S.C. 2707(e)) is amended—

(1) by designating the first and second sentences as paragraph (1);

(2) by designating the fifth and sixth sentences as paragraph (3); and

(3) by striking the third and fourth sentences and inserting the following new paragraph:

"(2)(A) The assessment rate shall be prescribed by the order. The rate shall not exceed 20 cents per case (or the equivalent of a case) of commercial eggs.

"(B) The order may be amended to increase the rate of assessment if the increase is recommended by the Egg Board and approved by egg producers in a referendum conducted under section 9(b).

"(C) The order may be amended to decrease the assessment rate after public notice and opportunity for comment in accordance with section 553 of title 5, United States Code, and without regard to sections 556 and 557 of such title.".

(b) REFERENDUM.—Section 9 of such Act (7 U.S.C. 2708) is amended—

(1) by designating the first and second sentences as subsection (a);

(2) by designating the last sentence as subsection (c); and

(3) by inserting after subsection (a) (as designated by paragraph (1)) the following new subsection:

"(b)(1) If the Egg Board determines, based on a scientific study, marketing analysis, or other similar competent evidence, that an increase in the assessment rate is needed to ensure that assessments under the order are set at an appropriate level to effectuate the policy declared in section 2, the Egg Board may request that the Secretary conduct a referendum, as provided in paragraph (2).

"(2)(A) If the Egg Board requests the Secretary to conduct a referendum under paragraph (1) or (3), the Secretary shall conduct a referendum among egg producers not exempt from this Act who, during a representative period determined by the Secretary, have been engaged in the production of commercial eggs, for the purpose of ascertaining whether the producers approve the change in the assessment rate proposed by the Egg Board.

"(B) The change in the assessment rate shall become effective if the change is approved or favored by—

"(i) not less than two-thirds of the producers voting in the referendum; or

"(ii) a majority of the producers voting in the referendum, if the majority produced not less than two-thirds of all the commercial eggs produced by the producers voting during a representative period defined by the Secretary.

"(3)(A) In the case of the order in effect on the date of enactment of this subsection, the Egg Board shall determine under paragraph (1), as soon as practicable after such date of enactment, whether to request that the Secretary conduct a referendum under paragraph (2).

"(B) If the Egg Board makes such a request on the basis of competent evidence, as provided in paragraph (1), the Secretary shall conduct the referendum as soon as practicable, but not later than—

"(i) 120 days after receipt of the request from the Egg Board; or

"(ii) if the Director of the Office of Management and Budget determines that the change in the assessment rate is a significant action that requires review by the Director, 170 days after receipt of the request from the Egg Board.

"(4) Notwithstanding any other provision of this Act, if an increase in the assessment rate and the authority for additional increases is approved by producers in a referendum conducted under this subsection, the Secretary shall amend the order to reflect the vote of the producers. The amendment to the order shall become effective on the date of issuance of the amendment.". Effective date.

SEC. 3. RESEARCH.

Section 8(d) of the Egg Research and Consumer Information Act (7 U.S.C. 2707(d)) is amended by adding at the end the following new sentence: "In preparing a budget for each of the 1994 and subsequent fiscal years, the Egg Board shall, to the maximum extent practicable, allocate a proportion of funds for research projects under this Act that is comparable to the proportion of funds that were allocated for research projects under this Act in the budget of the Egg Board for fiscal year 1993.".

SEC. 4. EXEMPTED PRODUCERS.

Section 12(a)(1) of the Egg Research and Consumer Information Act (7 U.S.C. 2711(a)(1)) is amended by striking "30,000 laying hens" and inserting "75,000 laying hens".

SEC. 5. AMENDMENT TO ORDER. 7 USC 2703 note.

Notwithstanding any other provision of law:

(1) IN GENERAL.—The Secretary of Agriculture shall issue amendments to the egg promotion and research order issued under the Egg Research and Consumer Information Act (7 U.S.C. 2701 et seq.) to implement the amendments made by

this Act. The amendments shall be issued after public notice and opportunity for comment in accordance with section 553 of title 5, United States Code, and without regard to sections 556 and 557 of such title. The Secretary shall issue the proposed amendments to the order not later than 80 days after the date of enactment of this Act.

(2) EFFECTIVE DATE.—The amendments to the egg promotion and research order required by paragraph (1) shall become effective not later than—

(A) 30 days after the proposed amendments are issued; or

(B) if the Director of the Office of Management and Budget determines that the amendments are a significant action that requires review by the Director, 50 days after the proposed amendments are issued.

(3) REFERENDUM.—The amendments referred to in paragraph (2) shall not be subject to a referendum conducted under the Egg Research and Consumer Information Act.

Approved December 14, 1993.

LEGISLATIVE HISTORY—S. 717 (H.R. 3515):

HOUSE REPORTS: No. 103-394 accompanying H.R. 3515 (Comm. on Agriculture).
CONGRESSIONAL RECORD, Vol. 139 (1993):
Nov. 20, S. 717 considered and passed Senate. H.R. 3515 considered and passed House.
Nov. 21, S. 717 considered and passed House.

Public Law 103-189
103d Congress

An Act

To amend the Watermelon Research and Promotion Act to expand operation of the Act to the entire United States, to authorize the revocation of the refund provision of the Act, to modify the referendum procedures of the Act, and for other purposes.

Dec. 14, 1993
[S. 778]

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

Watermelon Research and Promotion Improvement Act of 1993.
7 USC 4901 note.

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Watermelon Research and Promotion Improvement Act of 1993".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Change to majority vote in referendum procedures.
Sec. 3. Expansion of watermelon plans to entire United States.
Sec. 4. Clarification of differences between producers and handlers.
Sec. 5. Clarification of collection of assessments by the Board.
Sec. 6. Changes to assessment rate not subject to formal rulemaking.
Sec. 7. Elimination of watermelon assessment refund.
Sec. 8. Equitable treatment of watermelon plans.
Sec. 9. Definition of producer.
Sec. 10. Amendment procedure.

SEC. 2. CHANGE TO MAJORITY VOTE IN REFERENDUM PROCEDURES.

Section 1653 of the Watermelon Research and Promotion Act (7 U.S.C. 4912) is amended—

(1) by inserting "(a)" after "SEC. 1653.";

(2) by striking the third sentence; and

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

"(b) A plan issued under this subtitle shall not take effect unless the Secretary determines that the issuance of the plan is approved or favored by a majority of the producers and handlers (and importers who are subject to the plan) voting in the referendum.".

SEC. 3. EXPANSION OF WATERMELON PLANS TO ENTIRE UNITED STATES.

(a) DEFINITIONS.—Section 1643 of the Watermelon Research and Promotion Act (7 U.S.C. 4902) is amended—

(1) in paragraph (3), by striking "the forty-eight contiguous States of"; and

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

"(10) The term 'United States' means each of the several States and the District of Columbia.".

(b) ISSUANCE OF PLANS.—The last sentence of section 1644 of such Act (7 U.S.C. 4903) is amended by striking "the forty-eight contiguous States of".

SEC. 4. CLARIFICATION OF DIFFERENCES BETWEEN PRODUCERS AND HANDLERS.

Section 1647(c) of the Watermelon Research and Promotion Act (7 U.S.C. 4906(c)) is amended by adding at the end the following new paragraph:

(1) by inserting "(1)" after "(c)"; and

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

"(2) A producer shall be eligible to serve on the Board only as a representative of handlers, and not as a representative of producers, if—

"(A) the producer purchases watermelons from other producers, in a combined total volume that is equal to 25 percent or more of the producer's own production; or

"(B) the combined total volume of watermelons handled by the producer from the producer's own production and purchases from other producers' production is more than 50 percent of the producer's own production.".

SEC. 5. CLARIFICATION OF COLLECTION OF ASSESSMENTS BY THE BOARD.

Section 1647 of the Watermelon Research and Promotion Act (7 U.S.C. 4906) is amended—

(1) in subsection (f), by striking "collection of the assessments by the Board" and inserting "payment of the assessments to the Board."; and

(2) in paragraphs (1) and (3) of subsection (g), by striking "collected" each place it appears and inserting "received".

SEC. 6. CHANGES TO ASSESSMENT RATE NOT SUBJECT TO FORMAL RULEMAKING.

Section 1647(f) of the Watermelon Research and Promotion Act (7 U.S.C. 4906(f)) is amended by adding at the end the following new sentences: "In fixing or changing the rate of assessment pursuant to the plan, the Secretary shall comply with the notice and comment procedures established under section 553 of title 5, United States Code. Sections 556 and 557 of such title shall not apply with respect to fixing or changing the rate of assessment.".

SEC. 7. ELIMINATION OF WATERMELON ASSESSMENT REFUND.

Section 1647(h) of the Watermelon Research and Promotion Act (7 U.S.C. 4906(h)) is amended—

(1) by striking "(h) The" and inserting "(h)(1) Except as provided in paragraph (2), the"; and

(3) by adding at the end the following new paragraphs:

"(2) If approved in the referendum required by section 1655(b) relating to the elimination of the assessment refund under paragraph (1), the Secretary shall amend the plan that is in effect on the day before the date of the enactment of the Watermelon Research and Promotion Improvement Act of 1993 to eliminate the refund provision.

"(3)(A) Notwithstanding paragraph (2) and subject to subparagraph (B), if importers are subject to the plan, the plan shall provide that an importer of less than 150,000 pounds of water-

melons per year shall be entitled to apply for a refund that is based on the rate of assessment paid by domestic producers.

"(B) The Secretary may adjust the quantity of the weight exemption specified in subparagraph (A) on the recommendation of the Board after an opportunity for public notice and opportunity for comment in accordance with section 553 of title 5, United States Code, and without regard to sections 556 and 557 of such title, to reflect significant changes in the 5-year average yield per acre of watermelons produced in the United States.".

SEC. 8. EQUITABLE TREATMENT OF WATERMELON PLANS.

(a) DEFINITIONS.—Section 1643 of the Watermelon Research and Promotion Act (7 U.S.C. 4902), as amended by section 3(a), is further amended—

(1) in paragraph (3), by striking the semicolon at the end and inserting the following: "or imported into the United States.";

(2) by redesignating paragraphs (6) and (7) as paragraphs (8) and (9), respectively; and

(3) by inserting after paragraph (5) the following new paragraphs:

"(6) The term 'importer' means any person who imports watermelons into the United States.

"(7) The term 'plan' means an order issued by the Secretary under this subtitle.".

(b) ISSUANCE OF PLANS.—Section 1644 of such Act (7 U.S.C. 4903), as amended by section 3(b), is further amended—

(1) in the first sentence, by striking "and handlers" and inserting ", handlers, and importers";

(2) by striking the second sentence; and

(3) in the last sentence, by inserting "or imported into the United States" before the period.

(c) NOTICE AND HEARINGS.—Section 1645(a) of such Act (7 U.S.C. 4904(a)) is amended—

(1) in the first sentence, by striking "and handlers" and inserting ", handlers, and importers"; and

(2) in the last sentence, by striking "or handlers" and inserting ", handlers, or importers".

(d) MEMBERSHIP OF BOARD.—Section 1647(c) of such Act (7 U.S.C. 4906(c)), as amended by section 4, is further amended—

(1) in the second sentence of paragraph (1), by striking "producer and handler members" and inserting "other members"; and

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

"(3)(A) If importers are subject to the plan, the Board shall also include 1 or more representatives of importers, who shall be appointed by the Secretary from nominations submitted by importers in such manner as may be prescribed by the Secretary.

"(B) Importer representation on the Board shall be proportionate to the percentage of assessments paid by importers to the Board, except that at least 1 representative of importers shall serve on the Board.

"(C) If importers are subject to the plan and fail to select nominees for appointment to the Board, the Secretary may appoint any importers as the representatives of importers.

"(D) Not later than 5 years after the date that importers are subjected to the plan, and every 5 years thereafter, the Secretary

shall evaluate the average annual percentage of assessments paid by importers during the 3-year period preceding the date of the evaluation and adjust, to the extent practicable, the number of importer representatives on the Board.".

(e) ASSESSMENTS.—Section 1647(g) of such Act (7 U.S.C. 4906(g)) is amended—

(1) in paragraph (4)—

(A) by striking "(4) assessments" and inserting "(4) Assessments"; and

(B) by inserting "in the case of producers and handlers" after "such assessments"; and

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

"(5) If importers are subject to the plan, an assessment shall also be made on watermelons imported into the United States by the importers. The rate of assessment for importers who are subject to the plan shall be equal to the combined rate for producers and handlers.".

(f) REFUNDS.—Paragraph (1) of section 1647(h) of such Act (7 U.S.C. 4906(h)), as amended by section 7, is further amended—

(1) by inserting after "or handler" the first two places it appears the following: "(or importer who is subject to the plan)"; and

(2) by striking "or handler" the last place it appears and inserting ", handler, or importer".

(g) ASSESSMENT PROCEDURES.—Section 1649 of such Act (7 U.S.C. 4908) is amended—

(1) in subsection (a)—

(A) by inserting "(1)" after "(a)"; and

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

"(2)(A) If importers are subject to the plan, each importer required to pay assessments under the plan shall be responsible for payment of the assessment to the Board, as the Board may direct.

"(B) The assessment on imported watermelons shall be equal to the combined rate for domestic producers and handlers and shall be paid by the importer to the Board at the time of the entry of the watermelons into the United States.

"(C) Each importer required to pay assessments under the plan shall maintain a separate record that includes a record of—

"(i) the total quantity of watermelons imported into the United States that are included under the terms of the plan;

"(ii) the total quantity of watermelons that are exempt from the plan; and

"(iii) such other information as may be prescribed by the Board.

"(D) No more than 1 assessment shall be made on any imported watermelon.";

(2) in subsection (b), by inserting "and importers" after "Handlers"; and

(3) in subsection (c)(1), by inserting "or importers" after "handlers".

(h) INVESTIGATIONS.—Section 1652(a) of such Act (7 U.S.C. 4911(a)) is amended—

(1) in the first sentence, by striking "a handler or any other person" by inserting "a person";

(2) in the fourth sentence, by inserting "(or an importer who is subject to the plan)" after "a handler"; and

(3) in the last sentence, by striking "the handler or other person" and inserting "the person".

(i) REFERENDUM.—Subsection (a) of section 1653 of such Act (7 U.S.C. 4912), as amended by section 2, is further amended—

(1) in the first sentence—

(A) by striking "and handlers" both places it appears and inserting ", handlers, and importers"; and

(B) by striking "or handling" and inserting ", handling, or importing";

(2) by striking the second sentence; and

(3) in the sentence beginning with "The ballots"—

(A) by striking "or handler" and inserting ", handler, or importer"; and

(B) by striking "or handled" and inserting ", handled, or imported".

(j) TERMINATION OF PLANS.—Section 1654(b) of such Act (7 U.S.C. 4913(b)) is amended—

(1) in the first sentence—

(A) by striking "10 per centum or more" and inserting "at least 10 percent of the combined total"; and

(B) by striking "and handlers" both places it appears and inserting ", handlers, and importers";

(2) in the second sentence—

(A) by striking "or handle" and inserting ", handle, or import";

(B) by striking "50 per centum" and inserting "50 percent of the combined total"; and

(C) by striking "or handled by the handlers," and inserting ", handled by the handlers, or imported by the importers"; and

(3) by striking the last sentence.

(k) CONFORMING AND TECHNICAL AMENDMENTS.—Such Act is further amended—

(1) in section 1642(a)(5) (7 U.S.C. 4901(a)(5)), by striking "and handling" and inserting "handling, and importing";

(2) in the first sentence of section 1642(b) (7 U.S.C. 4901(b))—

(A) by inserting ", or imported into the United States," after "harvested in the United States"; and

(B) by striking "produced in the United States";

(3) in section 1643 (7 U.S.C. 4902), as amended by subsection (a) and section 3(a)—

(A) by striking "subtitle—" and inserting "subtitle:";

(B) in paragraphs (1) through (5), by striking "the term" each place it appears and inserting "The term";

(C) in paragraphs (1), (2), (4), and (5), by striking the semicolon at the end of each paragraph and inserting a period;

(D) in paragraph (8), as redesignated by subsection (a)(2)—

(i) by striking "the term" and inserting "The term"; and

(ii) by striking "; and" and inserting a period; and

(E) in paragraph (9), as redesignated by subsection (a)(2)—

(i) by striking "the term" and inserting "The term"; and

(ii) by striking "1644" and inserting "1647"; and

(4) in section 1647(g) (7 U.S.C. 4906(g)), as amended by subsection (e) and section 5(2)—

(A) by striking "that—" and inserting "the following:";

(B) in paragraph (1)—

(i) by striking "(1) funds" and inserting "(1) Funds"; and

(ii) by striking the semicolon at the end and inserting a period;

(C) in paragraph (2)—

(i) by striking "(2) no" and inserting "(2) No"; and

(ii) by striking the semicolon at the end and inserting a period;

(D) in paragraph (3)—

(i) by striking "(3) no" and inserting "(3) No"; and

(ii) by striking "; and" and inserting a period.

SEC. 9. DEFINITION OF PRODUCER.

(a) IN GENERAL.—Section 1643(5) of the Watermelon Research and Promotion Act (7 U.S.C. 4902(5)) is amended by striking "five" and inserting "10".

(b) CERTIFICATION.—Section 1647 of such Act (7 U.S.C. 4906) is amended by adding at the end the following new subsection:

"(l) The plan shall provide that the Board shall have the authority to establish rules for certifying whether a person meets the definition of a producer under section 1643(5).".

SEC. 10. AMENDMENT PROCEDURE.

Section 1655 of the Watermelon Research and Promotion Act (7 U.S.C. 4914) is amended to read as follows:

"SEC. 1655. AMENDMENT PROCEDURE.

Publication.

"(a) IN GENERAL.—Before a plan issued by the Secretary under this subtitle may be amended, the Secretary shall publish the proposed amendments for public comment and conduct a referendum in accordance with section 1653.

"(b) SEPARATE CONSIDERATION OF AMENDMENTS.—

"(1) IN GENERAL.—The amendments described in paragraph (2) that are required to be made by the Secretary to a plan as a result of the amendments made by the Watermelon Research and Promotion Improvement Act of 1993 shall be subject to separate line item voting and approval in a referendum conducted pursuant to section 1653 before the Secretary alters the plan as in effect on the day before the date of the enactment of such Act.

"(2) AMENDMENTS.—The amendments referred to in paragraph (1) are the amendments to a plan required under—

"(A) section 7 of the Watermelon Research and Promotion Improvement Act of 1993 relating to the elimination of the assessment refund; and

"(B) section 8 of such Act relating to subjecting importers to the terms and conditions of the plan.

"(3) IMPORTERS.—When conducting the referendum relating to subjecting importers to the terms and conditions of a plan, the Secretary shall include as eligible voters in the referendum producers, handlers, and importers who would be subject to the plan if the amendments to a plan were approved.".

Approved December 14, 1993.

LEGISLATIVE HISTORY—S. 778 (H.R. 3515):

HOUSE REPORTS: No. 103-394 accompanying H.R. 3515 (Comm. on Agriculture).
CONGRESSIONAL RECORD, Vol. 139 (1993):
Nov. 20, S. 778 considered and passed Senate. H.R. 3515 considered and passed House.
Nov. 21, S. 778 considered and passed House.

Public Law 103-190
103d Congress

An Act

Dec. 14, 1993
[S. 994]

To authorize the establishment of a fresh cut flowers and fresh cut greens promotion and consumer information program for the benefit of the floricultural industry and other persons, and for other purposes.

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

Fresh Cut Flowers and Fresh Cut Greens Promotion and Information Act of 1993.
7 USC 6801 note.

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Fresh Cut Flowers and Fresh Cut Greens Promotion and Information Act of 1993".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Findings and declaration of policy.
Sec. 3. Definitions.
Sec. 4. Issuance of orders.
Sec. 5. Required terms in orders.
Sec. 6. Exclusion; determinations.
Sec. 7. Referenda.
Sec. 8. Petition and review.
Sec. 9. Enforcement.
Sec. 10. Investigations and power to subpoena.
Sec. 11. Confidentiality.
Sec. 12. Authority for Secretary to suspend or terminate order.
Sec. 13. Construction.
Sec. 14. Regulations.
Sec. 15. Authorization of appropriations.

7 USC 6801.

SEC. 2. FINDINGS AND DECLARATION OF POLICY.

(a) FINDINGS.—Congress finds that—

(1) fresh cut flowers and fresh cut greens are an integral part of life in the United States, are enjoyed by millions of persons every year for a multitude of special purposes (especially important personal events), and contribute a natural and beautiful element to the human environment;

(2)(A) cut flowers and cut greens are produced by many individual producers throughout the United States as well as in other countries, and are handled and marketed by thousands of small-sized and medium-sized businesses; and

(B) the production, handling, and marketing of cut flowers and cut greens constitute a key segment of the United States horticultural industry and thus a significant part of the overall agricultural economy of the United States;

(3) handlers play a vital role in the marketing of cut flowers and cut greens in that handlers—

(A) purchase most of the cut flowers and cut greens marketed by producers;

(B) prepare the cut flowers and cut greens for retail consumption;

(C) serve as an intermediary between the source of the product and the retailer;

(D) otherwise facilitate the entry of cut flowers and cut greens into the current of domestic commerce; and

(E) add efficiencies to the market process that ensure the availability of a much greater variety of the product to retailers and consumers;

(4) it is widely recognized that it is in the public interest and important to the agricultural economy of the United States to provide an adequate, steady supply of cut flowers and cut greens at reasonable prices to the consumers of the United States;

(5)(A) cut flowers and cut greens move in interstate and foreign commerce; and

(B) cut flowers and cut greens that do not move in interstate or foreign channels of commerce but only in intrastate commerce directly affect interstate commerce in cut flowers and cut greens;

(6) the maintenance and expansion of markets in existence on the date of enactment of this Act, and the development of new or improved markets or uses for cut flowers and cut greens, are needed to preserve and strengthen the economic viability of the domestic cut flowers and cut greens industry for the benefit of producers, handlers, retailers, and the entire floral industry;

(7) generic programs of promotion and consumer information can be effective in maintaining and developing markets for cut flowers and cut greens, and have the advantage of equally enhancing the market position for all cut flowers and cut greens;

(8) because cut flowers and cut greens producers are primarily agriculture-oriented rather than promotion-oriented, and because the floral marketing industry within the United States is comprised mainly of small-sized and medium-sized businesses, the development and implementation of an adequate and coordinated national program of generic promotion and consumer information necessary for the maintenance of markets in existence on the date of enactment of this Act and the development of new markets for cut flowers and cut greens have been prevented;

(9) there exist established State and commodity-specific producer-funded programs of promotion and research that are valuable efforts to expand markets for domestic producers of cut flowers and cut greens and that will benefit from the promotion and consumer information program authorized by this Act in that the program will enhance the market development efforts of the programs for domestic producers;

(10) an effective and coordinated method for ensuring cooperative and collective action in providing for and financing a nationwide program of generic promotion and consumer information is needed to ensure that the cut flowers and cut greens industry will be able to provide, obtain, and implement programs of promotion and consumer information necessary to maintain, expand, and develop markets for cut flowers and cut greens; and

(11) the most efficient method of financing such a nationwide program is to assess cut flowers and cut greens at the point at which the flowers and greens are sold by handlers into the retail market.

(b) POLICY AND PURPOSE.—It is the policy of Congress that it is in the public interest, and it is the purpose of this Act, to authorize the establishment, through the exercise of the powers provided in this Act, of an orderly procedure for the development and financing (through an adequate assessment on cut flowers and cut greens sold by handlers to retailers and related entities in the United States) of an effective and coordinated program of generic promotion, consumer information, and related research designed to strengthen the position of the cut flowers and cut greens industry in the marketplace and to maintain, develop, and expand markets for cut flowers and cut greens.

7 USC 6802.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) CONSUMER INFORMATION.—The term "consumer information" means any action or program that provides information to consumers and other persons on appropriate uses under varied circumstances, and on the care and handling, of cut flowers or cut greens.

(2) CUT FLOWERS AND CUT GREENS.—

(A) IN GENERAL.—

(i) CUT FLOWERS.—The term "cut flowers" includes all flowers cut from growing plants that are used as fresh-cut flowers and that are produced under cover or in field operations.

(ii) CUT GREENS.—The term "cut greens" includes all cultivated or noncultivated decorative foliage cut from growing plants that are used as fresh-cut decorative foliage (except Christmas trees) and that are produced under cover or in field operations.

(iii) EXCLUSIONS.—The terms "cut flowers" and "cut greens" do not include a foliage plant, floral supply, or flowering plant.

(B) SUBSTANTIAL PORTION.—In any case in which a handler packages cut flowers or cut greens with hard goods in an article (such as a gift basket or similar presentation) for sale to a retailer, the PromoFlor Council may determine, under procedures specified in the order, that the cut flowers or cut greens in the article do not constitute a substantial portion of the value of the article and that, based on the determination, the article shall not be treated as an article of cut flowers or cut greens subject to assessment under the order.

(3) GROSS SALES PRICE.—The term "gross sales price" means the total amount of the transaction in a sale of cut flowers or cut greens from a handler to a retailer or exempt handler.

(4) HANDLER.—

(A) QUALIFIED HANDLER.—

(i) IN GENERAL.—The term "qualified handler" means a person (including a cooperative) operating in the cut flowers or cut greens marketing system—

(I) that sells domestic or imported cut flowers or cut greens to retailers and exempt handlers; and

(II) whose annual sales of cut flowers and cut greens to retailers and exempt handlers are $750,000 or more.

(ii) INCLUSIONS AND EXCLUSIONS.—

(I) IN GENERAL.—The term "qualified handler" includes—

(aa) bouquet manufacturers (subject to paragraph (2)(B));

(bb) an auction house that clears the sale of cut flowers and cut greens to retailers and exempt handlers through a central clearinghouse; and

(cc) a distribution center that is owned or controlled by a retailer if the predominant retail business activity of the retailer is floral sales.

(II) TRANSFERS.—For the purpose of determining sales of cut flowers and cut greens to a retailer from a distribution center described in subclause (I)(cc), each non-sale transfer to a retailer shall be treated as a sale in an amount calculated as provided in subparagraph (C).

(III) TRANSPORTATION OR DELIVERY.—The term "qualified handler" does not include a person who only physically transports or delivers cut flowers or cut greens.

(iii) CONSTRUCTION.—

(I) IN GENERAL.—The term "qualified handler" includes an importer or producer that sells cut flowers or cut greens that the importer or producer has imported into the United States or produced, respectively, directly to consumers and whose sales of the cut flowers and cut greens (as calculated under subparagraph (C)), together with sales of cut flowers and cut greens to retailers or exempt handlers, annually are $750,000 or more.

(II) SALES.—Each direct sale to a consumer by a qualified handler described in subclause (I) shall be treated as a sale to a retailer or exempt handler in an amount calculated as provided in subparagraph (C).

(III) DEFINITIONS.—As used in this paragraph:

(aa) IMPORTER.—The term "importer" has the meaning provided in section 5(b)(2)(B)(i)(I).

(bb) PRODUCER.—The term "producer" has the meaning provided in section 5(b)(2)(B)(ii)(I).

(B) EXEMPT HANDLER.—The term "exempt handler" means a person who would otherwise be considered to be a qualified handler, except that the annual sales by the person of cut flowers and cut greens to retailers and other exempt handlers are less than $750,000.

(C) ANNUAL SALES DETERMINED.—

(i) IN GENERAL.—Except as provided in clause (ii), for the purpose of determining the amount of annual sales of cut flowers and cut greens under subparagraphs (A) and (B), the amount of a sale shall be determined on the basis of the gross sales price of the cut flowers and cut greens sold.

(ii) TRANSFERS.—

(I) NON-SALE TRANSFERS AND DIRECT SALES BY IMPORTERS.—Subject to subclause (III), in the case of a non-sale transfer of cut flowers or cut greens from a distribution center (as described in subparagraph (A)(ii)(II)), or a direct sale to a consumer by an importer (as described in subparagraph (A)(iii)), the amount of the sale shall be equal to the sum of—

(aa) the price paid by the distribution center or importer, respectively, to acquire the cut flowers or cut greens; and

(bb) an amount determined by multiplying the acquisition price referred to in item (aa) by a uniform percentage established by an order to represent the mark-up of a wholesale handler on a sale to a retailer.

(II) DIRECT SALES BY PRODUCERS.—Subject to subclause (III), in the case of a direct sale to a consumer by a producer (as described in subparagraph (A)(iii)), the amount of the sale shall be equal to an amount determined by multiplying the price paid by the consumer by a uniform percentage established by an order to represent the cost of producing the article and the mark-up of a wholesale handler on a sale to a retailer.

(III) CHANGES IN UNIFORM PERCENTAGES.—Any change in a uniform percentage referred to in subclause (I) or (II) may become effective after—

(aa) recommendation by the PromoFlor Council; and

(bb) approval by the Secretary after public notice and opportunity for comment in accordance with section 553 of title 5, United States Code, and without regard to sections 556 and 557 of such title.

(5) ORDER.—The term "order" means an order issued under this Act (other than sections 9, 10, and 12).

(6) PERSON.—The term "person" means any individual, group of individuals, firm, partnership, corporation, joint stock company, association, society, cooperative, or other legal entity.

(7) PROMOFLOR COUNCIL.—The term "PromoFlor Council" means the Fresh Cut Flowers and Fresh Cut Greens Promotion Council established under section 5(b).

(8) PROMOTION.—The term "promotion" means any action determined by the Secretary to advance the image, desirability, or marketability of cut flowers or cut greens, including paid advertising.

(9) RESEARCH.—The term "research" means market research and studies limited to the support of advertising, market development, and other promotion efforts and consumer

information efforts relating to cut flowers or cut greens, including educational activities.

(10) RETAILER.—

(A) IN GENERAL.—The term "retailer" means a person (such as a retail florist, supermarket, mass market retail outlet, or other end-use seller), as described in an order, that sells cut flowers or cut greens to consumers, and a distribution center described in subparagraph (B)(i).

(B) DISTRIBUTION CENTERS.—

(i) IN GENERAL.—The term "retailer" includes a distribution center that is—

(I) owned or controlled by a person described in subparagraph (A), or owned or controlled cooperatively by a group of the persons, if the predominant retail business activity of the person is not floral sales; or

(II) independently owned but operated primarily to provide food products to retail stores.

(ii) IMPORTERS AND PRODUCERS.—An independently owned distribution center described in clause (i)(II) that also is an importer or producer of cut flowers or cut greens shall be subject to the rules of construction specified in paragraph (4)(A)(iii) and, for the purpose of the rules of construction, be considered to be the seller of the articles directly to the consumer.

(11) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(12) STATE.—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau (until such time as the Compact of Free Association is ratified).

(13) UNITED STATES.—The term "United States" means the States collectively.

SEC. 4. ISSUANCE OF ORDERS. 7 USC 6803.

(a) IN GENERAL.—

(1) ISSUANCE.—To effectuate the policy of this Act specified in section 2(b), the Secretary, subject to the procedures provided in subsection (b), shall issue orders under this Act applicable to qualified handlers of cut flowers and cut greens.

(2) SCOPE.—Any order shall be national in scope.

(3) ONE ORDER.—Not more than 1 order shall be in effect at any 1 time.

(b) PROCEDURES.—

(1) PROPOSAL FOR AN ORDER.—

(A) SECRETARY.—The Secretary may propose the issuance of an order.

(B) OTHER PERSONS.—An industry group that represents a substantial number of the industry members who are to be assessed under the order, or any other person who will be affected by this Act, may request the issuance of, and submit a proposal for, an order.

(2) PUBLICATION OF PROPOSAL.—The Secretary shall publish a proposed order and give notice and opportunity for public

comment on the proposed order not later than 60 days after the earlier of—

(A) the date on which the Secretary proposes an order, as provided in paragraph (1)(A); and

(B) the date of the receipt by the Secretary of a proposal for an order, as provided in paragraph (1)(B).

(3) ISSUANCE OF ORDER.—

(A) IN GENERAL.—After notice and opportunity for public comment are provided in accordance with paragraph (2), the Secretary shall issue the order, taking into consideration the comments received and including in the order such provisions as are necessary to ensure that the order is in conformity with this Act.

(B) EFFECTIVE DATE.—The order shall be issued and become effective not later than 180 days after publication of the proposed order.

(c) AMENDMENTS.—The Secretary, from time to time, may amend an order. The provisions of this Act applicable to an order shall be applicable to any amendment to an order.

7 USC 6804.

SEC. 5. REQUIRED TERMS IN ORDERS.

(a) IN GENERAL.—An order shall contain the terms and provisions specified in this section.

(b) PROMOFLOR COUNCIL.—

(1) ESTABLISHMENT AND MEMBERSHIP.—

(A) ESTABLISHMENT.—The order shall provide for the establishment of a Fresh Cut Flowers and Fresh Cut Greens Promotion Council, consisting of 25 members, to administer the order.

(B) MEMBERSHIP.—

(i) APPOINTMENT.—The order shall provide that members of the PromoFlor Council shall be appointed by the Secretary from nominations submitted as provided in paragraphs (2) and (3).

(ii) COMPOSITION.—The PromoFlor Council shall consist of—

(I) participating qualified handlers representing qualified wholesale handlers and producers and importers that are qualified handlers;

(II) representatives of traditional retailers; and

(III) representatives of persons who produce fresh cut flowers and fresh cut greens.

(2) DISTRIBUTION OF APPOINTMENTS.—

(A) IN GENERAL.—The order shall provide that the membership of the PromoFlor Council shall consist of—

(i) 14 members representing qualified wholesale handlers of domestic or imported cut flowers and cut greens;

(ii) 3 members representing producers that are qualified handlers of cut flowers and cut greens;

(iii) 3 members representing importers that are qualified handlers of cut flowers and cut greens;

(iv) 3 members representing traditional cut flowers and cut greens retailers; and

(v) 2 members representing persons who produce fresh cut flowers and fresh cut greens, of whom—

(I) 1 member shall represent persons who produce the flowers or greens in locations that are east of the Mississippi River; and

(II) 1 member shall represent persons who produce the flowers or greens in locations that are west of the Mississippi River.

(B) DEFINITIONS.—As used in this subsection:

(i) IMPORTER THAT IS A QUALIFIED HANDLER.—The term "importer that is a qualified handler" means an entity—

(I) whose principal activity is the importation of cut flowers or cut greens into the United States (either directly or as an agent, broker, or consignee of any person or nation that produces or handles cut flowers or cut greens outside the United States for sale in the United States); and

(II) that is subject to assessments as a qualified handler under the order.

(ii) PRODUCER THAT IS A QUALIFIED HANDLER.—The term "producer that is a qualified handler" means an entity that—

(I) is engaged—

(aa) in the domestic production, for sale in commerce, of cut flowers or cut greens and that owns or shares in the ownership and risk of loss of the cut flowers or cut greens; or

(bb) as a first processor of noncultivated cut greens, in receiving the cut greens from a person who gathers the cut greens for handling; and

(II) is subject to assessments as a qualified handler under the order.

(iii) QUALIFIED WHOLESALE HANDLER.—

(I) IN GENERAL.—The term "qualified wholesale handler" means a person in business as a floral wholesale jobber or floral supplier that is subject to assessments as a qualified handler under the order.

(II) DEFINITIONS.—As used in this clause:

(aa) FLORAL SUPPLIER.—The term "floral supplier" means a person engaged in acquiring cut flowers or cut greens to be manufactured into floral articles or otherwise processed for resale.

(bb) FLORAL WHOLESALE JOBBER.—The term "floral wholesale jobber" means a person who conducts a commission or other wholesale business in buying and selling cut flowers or cut greens.

(C) DISTRIBUTION OF QUALIFIED WHOLESALE HANDLER APPOINTMENTS.—The order shall provide that the appointments of qualified wholesale handlers to the PromoFlor Council made by the Secretary shall take into account the geographical distribution of cut flowers and cut greens markets in the United States.

(3) NOMINATION PROCESS.—The order shall provide that—

(A) 2 nominees shall be submitted for each appointment to the PromoFlor Council;

(B) nominations for each appointment of a qualified wholesale handler, producer that is a qualified handler, or importer that is a qualified handler to the PromoFlor Council shall be made by qualified wholesale handlers, producers that are qualified handlers, or importers that are qualified handlers, respectively, through an election process, in accordance with regulations issued by the Secretary;

(C) nominations for—

(i) 1 of the retailer appointments shall be made by the American Floral Marketing Council or a successor entity; and

(ii) 2 of the retailer appointments shall be made by traditional retail florist organizations, in accordance with regulations issued by the Secretary;

(D) nominations for each appointment of a representative of persons who produce fresh cut flowers and fresh cut greens shall be made by the persons through an election process, in accordance with regulations issued by the Secretary; and

(E) in any case in which qualified wholesale handlers, producers that are qualified handlers, importers that are qualified handlers, persons who produce fresh cut flowers and fresh cut greens, or retailers fail to nominate individuals for an appointment to the PromoFlor Council, the Secretary may appoint an individual to fill the vacancy on a basis provided in the order or other regulations of the Secretary.

(4) ALTERNATES.—The order shall provide for the selection of alternate members of the PromoFlor Council by the Secretary in accordance with procedures specified in the order.

(5) TERMS; COMPENSATION.—The order shall provide that—

(A) each term of appointment to the PromoFlor Council shall be for 3 years, except that, of the initial appointments, 9 of the appointments shall be for 2-year terms, 8 of the appointments shall be for 3-year terms, and 8 of the appointments shall be for 4-year terms;

(B) no member of the PromoFlor Council may serve more than 2 consecutive terms of 3 years, except that any member serving an initial term of 4 years may serve an additional term of 3 years; and

(C) members of the PromoFlor Council shall serve without compensation, but shall be reimbursed for the expenses of the members incurred in performing duties as members of the PromoFlor Council.

(6) EXECUTIVE COMMITTEE.—

(A) ESTABLISHMENT.—

(i) IN GENERAL.—The order shall authorize the PromoFlor Council to appoint, from among the members of the Council, an executive committee of not more than 9 members.

(ii) INITIAL MEMBERSHIP.—The membership of the executive committee initially shall be composed of—

(I) 4 members representing qualified wholesale handlers;

(II) 2 members representing producers that are qualified handlers;

(III) 2 members representing importers that are qualified handlers; and

(IV) 1 member representing traditional retailers.

(iii) SUBSEQUENT MEMBERSHIP.—After the initial appointments, each appointment to the executive committee shall be made so as to ensure that the committee reflects, to the maximum extent practicable, the membership composition of the PromoFlor Council as a whole.

(iv) TERMS.—Each initial appointment to the executive committee shall be for a term of 2 years. After the initial appointments, each appointment to the executive committee shall be for a term of 1 year.

(B) AUTHORITY.—The PromoFlor Council may delegate to the executive committee the authority of the PromoFlor Council under the order to hire and manage staff and conduct the routine business of the PromoFlor Council consistent with such policies as are determined by the PromoFlor Council.

(c) GENERAL RESPONSIBILITIES OF THE PROMOFLOR COUNCIL.—The order shall define the general responsibilities of the PromoFlor Council, which shall include the responsibility to—

(1) administer the order in accordance with the terms and provisions of the order;

(2) make rules and regulations to effectuate the terms and provisions of the order;

(3) appoint members of the PromoFlor Council to serve on an executive committee;

(4) employ such persons as the PromoFlor Council determines are necessary, and set the compensation and define the duties of the persons;

(5)(A) develop budgets for the implementation of the order and submit the budgets to the Secretary for approval under subsection (d); and

(B) propose and develop (or receive and evaluate), approve, and submit to the Secretary for approval under subsection (d) plans and projects for cut flowers or cut greens promotion, consumer information, or related research;

(6)(A) implement plans and projects for cut flowers or cut greens promotion, consumer information, or related research, as provided in subsection (d); or

(B) contract or enter into agreements with appropriate persons to implement the plans and projects, as provided in subsection (e), and pay the costs of the implementation, or contracts and agreements, with funds received under the order;

(7) evaluate on-going and completed plans and projects for cut flowers or cut greens promotion, consumer information, or related research;

(8) receive, investigate, and report to the Secretary complaints of violations of the order;

(9) recommend to the Secretary amendments to the order;

(10) invest, pending disbursement under a plan or project, funds collected through assessments authorized under this Act only in—

(A) obligations of the United States or any agency of the United States;

(B) general obligations of any State or any political subdivision of a State;

(C) any interest-bearing account or certificate of deposit of a bank that is a member of the Federal Reserve System; or

(D) obligations fully guaranteed as to principal and interest by the United States,

except that income from any such invested funds may be used only for a purpose for which the invested funds may be used; and

(11) provide the Secretary such information as the Secretary may require.

(d) BUDGETS; PLANS AND PROJECTS.—

(1) SUBMISSION OF BUDGETS.—The order shall require the PromoFlor Council to submit to the Secretary for approval budgets, on a fiscal year basis, of the anticipated expenses and disbursements of the Council in the implementation of the order, including the projected costs of cut flowers and cut greens promotion, consumer information, and related research plans and projects.

(2) PLANS AND PROJECTS.—

(A) PROMOTION AND CONSUMER INFORMATION.—The order shall provide—

(i) for the establishment, implementation, administration, and evaluation of appropriate plans and projects for advertising, sales promotion, other promotion, and consumer information with respect to cut flowers and cut greens, and for the disbursement of necessary funds for the purposes described in this clause;

(ii) that any plan or project referred to in clause (i) shall be directed toward increasing the general demand for cut flowers or cut greens and may not make reference to a private brand or trade name, point of origin, or source of supply, except that this clause shall not preclude the PromoFlor Council from offering the plans and projects of the Council for use by commercial parties, under terms and conditions prescribed by the PromoFlor Council and approved by the Secretary; and

(iii) that no plan or project may make use of unfair or deceptive acts or practices with respect to quality or value.

(B) RESEARCH.—The order shall provide for—

(i) the establishment, implementation, administration, and evaluation of plans and projects for—

(I) market development research;

(II) research with respect to the sale, distribution, marketing, or use of cut flowers or cut greens; and

(III) other research with respect to cut flowers or cut greens marketing, promotion, or consumer information;

(ii) the dissemination of the information acquired through the plans and projects; and

(iii) the disbursement of such funds as are necessary to carry out this subparagraph.

(C) SUBMISSION TO SECRETARY.—The order shall provide that the PromoFlor Council shall submit to the Secretary for approval a proposed plan or project for cut flowers or cut greens promotion, consumer information, or related research, as described in subparagraphs (A) and (B).

(3) APPROVAL BY SECRETARY.—A budget, or plan or project for cut flowers or cut greens promotion, consumer information, or related research may not be implemented prior to approval of the budget, plan, or project by the Secretary.

(e) CONTRACTS AND AGREEMENTS.—

(1) PROMOTION, CONSUMER INFORMATION, AND RELATED RESEARCH PLANS AND PROJECTS.—

(A) IN GENERAL.—To ensure efficient use of funds, the order shall provide that the PromoFlor Council, with the approval of the Secretary, may enter into a contract or an agreement for the implementation of a plan or project for promotion, consumer information, or related research with respect to cut flowers or cut greens, and for the payment of the cost of the contract or agreement with funds received by the PromoFlor Council under the order.

(B) REQUIREMENTS.—The order shall provide that any contract or agreement entered into under this paragraph shall provide that—

(i) the contracting or agreeing party shall develop and submit to the PromoFlor Council a plan or project, together with a budget that includes the estimated costs to be incurred for the plan or project;

(ii) the plan or project shall become effective on the approval of the Secretary; and

(iii) the contracting or agreeing party shall—

(I) keep accurate records of all of the transactions of the party;

(II) account for funds received and expended;

(III) make periodic reports to the PromoFlor Council of activities conducted; and

(IV) make such other reports as the PromoFlor Council or the Secretary may require.

(2) OTHER CONTRACTS AND AGREEMENTS.—The order shall provide that the PromoFlor Council may enter into a contract or agreement for administrative services. Any contract or agreement entered into under this paragraph shall include provisions comparable to the provisions described in paragraph (1)(B).

(f) BOOKS AND RECORDS OF THE PROMOFLOR COUNCIL.—

(1) IN GENERAL.—The order shall require the PromoFlor Council to—

(A) maintain such books and records (which shall be available to the Secretary for inspection and audit) as the Secretary may require;

(B) prepare and submit to the Secretary, from time to time, such reports as the Secretary may require; and Reports.

(C) account for the receipt and disbursement of all funds entrusted to the PromoFlor Council.

(2) AUDITS.—The PromoFlor Council shall cause the books and records of the Council to be audited by an independent

auditor at the end of each fiscal year. A report of each audit shall be submitted to the Secretary.

(g) CONTROL OF ADMINISTRATIVE COSTS.—The order shall provide that the PromoFlor Council shall, as soon as practicable after the order becomes effective and after consultation with the Secretary and other appropriate persons, implement a system of cost controls based on normally accepted business practices that will ensure that the annual budgets of the PromoFlor Council include only amounts for administrative expenses that cover the minimum administrative activities and personnel needed to properly administer and enforce the order, and conduct, supervise, and evaluate plans and projects under the order.

(h) ASSESSMENTS.—

(1) AUTHORITY.—

(A) IN GENERAL.—The order shall provide that each qualified handler shall pay to the PromoFlor Council, in the manner provided in the order, an assessment on each sale of cut flowers or cut greens to a retailer or an exempt handler (including each transaction described in subparagraph (C)(ii)), except to the extent that the sale is excluded from assessments under section 6(a).

(B) PUBLISHED LISTS.—To facilitate the payment of assessments under this paragraph, the PromoFlor Council shall publish lists of qualified handlers required to pay assessments under the order and exempt handlers.

(C) MAKING DETERMINATIONS.—

(i) QUALIFIED HANDLER STATUS.—The order shall contain provisions regarding the determination of the status of a person as a qualified handler or exempt handler that include the rules and requirements specified in sections 3(4) and 6(b).

(ii) CERTAIN COVERED TRANSACTIONS.—

(I) IN GENERAL.—The order shall provide that each non-sale transfer of cut flowers or cut greens to a retailer from a qualified handler that is a distribution center (as described in section 3(4)(A)(ii)(II)), and each direct sale of cut flowers or cut greens to a consumer by a qualified handler that is an importer or a producer (as described in section 3(4)(A)(iii)), shall be treated as a sale of cut flowers or cut greens to a retailer subject to assessments under this subsection.

(II) AMOUNT OF SALE IN THE CASE OF NON-SALE TRANSFERS AND DIRECT SALES BY IMPORTERS.—Subject to subclause (IV), in the case of a non-sale transfer of cut flowers or cut greens from a distribution center, or a direct sale to a consumer by an importer, the amount of the sale shall be equal to the sum of—

(aa) the price paid by the distribution center or importer, respectively, to acquire the cut flowers or cut greens; and

(bb) an amount determined by multiplying the acquisition price referred to in item (aa) by a uniform percentage established by the order to represent the mark-up of a wholesale handler on a sale to a retailer.

(III) DIRECT SALES BY PRODUCERS.—Subject to subclause (IV), in the case of a direct sale to a consumer by a producer, the amount of the sale shall be equal to an amount determined by multiplying the price paid by the consumer by a uniform percentage established by the order to represent the cost of producing the article and the mark-up of a wholesale handler on a sale to a retailer.

(IV) CHANGES IN UNIFORM PERCENTAGES.—Any change in a uniform percentage referred to in subclause (II) or (III) may become effective after—

(aa) recommendation by the PromoFlor Council; and

(bb) approval by the Secretary after public notice and opportunity for comment in accordance with section 553 of title 5, United States Code, and without regard to sections 556 and 557 of such title.

(2) ASSESSMENT RATES.—With respect to assessment rates, the order shall contain the following terms:

(A) INITIAL RATE.—During the first 3 years the order is in effect, the rate of assessment on each sale or transfer of cut flowers or cut greens shall be ½ of 1 percent of—

(i) the gross sales price of the cut flowers or cut greens sold; or

(ii) in the case of transactions described in paragraph (1)(C)(ii), the amount of each transaction calculated as provided in paragraph (1)(C)(ii).

(B) CHANGES IN THE RATE.—

(i) IN GENERAL.—After the first 3 years the order is in effect, the uniform assessment rate may be increased or decreased annually by not more than .25 percent of—

(I) the gross sales price of a product sold; or

(II) in the case of transactions described in paragraph (1)(C)(ii), the amount of each transaction calculated as provided in paragraph (1)(C)(ii),

except that the assessment rate may in no case exceed 1 percent of the gross sales price or 1 percent of the transaction amount.

(ii) REQUIREMENTS.—Any change in the rate of assessment under this subparagraph—

(I) may be made only if adopted by the PromoFlor Council by at least a ⅔ majority vote and approved by the Secretary as necessary to achieve the objectives of this Act (after public notice and opportunity for comment in accordance with section 553 of title 5, United States Code, and without regard to sections 556 and 557 of such title);

(II) shall be announced by the PromoFlor Council not less than 30 days prior to going into effect; and

(III) shall not be subject to a vote in a referendum conducted under section 7.

(3) TIMING OF SUBMITTING ASSESSMENTS.—The order shall provide that each person required to pay assessments under this subsection shall remit, to the PromoFlor Council, the assessment due from each sale by the person of cut flowers or cut greens that is subject to an assessment within such time period after the sale (not to exceed 60 days after the end of the month in which the sale took place) as is specified in the order.

(4) REFUNDS FROM ESCROW ACCOUNT.—

(A) ESTABLISHMENT OF ESCROW ACCOUNT.—The order shall provide that the PromoFlor Council shall—

(i) establish an escrow account to be used for assessment refunds, as needed; and

(ii) place into the account an amount equal to 10 percent of the total amount of assessments collected during the period beginning on the date the order becomes effective, as provided in section 4(b)(3)(B), and ending on the date the initial referendum on the order under section 7(a) is completed.

(B) RIGHT TO RECEIVE REFUND.—

(i) IN GENERAL.—The order shall provide that, subject to subparagraph (C) and the conditions specified in clause (ii), any qualified handler shall have the right to demand and receive from the PromoFlor Council out of the escrow account a one-time refund of any assessments paid by or on behalf of the qualified handler during the time period specified in subparagraph (A)(ii), if—

(I) the qualified handler is required to pay the assessments;

(II) the qualified handler does not support the program established under this Act;

(III) the qualified handler demands the refund prior to the conduct of the referendum on the order under section 7(a); and

(IV) the order is not approved by qualified handlers in the referendum.

(ii) CONDITIONS.—The right of a qualified handler to receive a refund under clause (i) shall be subject to the following conditions:

(I) The demand shall be made in accordance with regulations, on a form, and within a time period specified by the PromoFlor Council.

(II) The refund shall be made only on submission of proof satisfactory to the PromoFlor Council that the qualified handler paid the assessment for which the refund is demanded.

(III) If the amount in the escrow account required under subparagraph (A) is not sufficient to refund the total amount of assessments demanded by all qualified handlers determined eligible for refunds and the order is not approved in the referendum on the order under section 7(a), the PromoFlor Council shall prorate the amount

of all such refunds among all eligible qualified handlers that demand the refund.

(C) PROGRAM APPROVED.—The order shall provide that, if the order is approved in the referendum conducted under section 7(a), there shall be no refunds made, and all funds in the escrow account shall be returned to the PromoFlor Council for use by the PromoFlor Council in accordance with the other provisions of the order.

(5) USE OF ASSESSMENT FUNDS.—The order shall provide that assessment funds (less any refunds expended under the terms of the order required under paragraph (4)) shall be used for payment of costs incurred in implementing and administering the order, with provision for a reasonable reserve, and to cover the administrative costs incurred by the Secretary in implementing and administering this Act.

(6) POSTPONEMENT OF COLLECTIONS.—

(A) AUTHORITY.—

(i) IN GENERAL.—Subject to the other provisions of this paragraph and notwithstanding any other provision of this Act, the PromoFlor Council may grant a postponement of the payment of an assessment under this subsection for any qualified handler that establishes that the handler is financially unable to make the payment.

(ii) REQUIREMENTS AND PROCEDURES.—A handler described in clause (i) shall establish that the handler is financially unable to make the payment in accordance with application and documentation requirements and review procedures established under rules recommended by the PromoFlor Council, approved by the Secretary, and issued after public notice and opportunity for comment in accordance with section 553 of title 5, United States Code, and without regard to sections 556 and 557 of such title.

(B) CRITERIA AND RESPONSIBILITY FOR DETERMINATIONS.—The PromoFlor Council may grant a postponement under subparagraph (A) only if the handler demonstrates by the submission of an opinion of an independent certified public accountant, and by submission of other documentation required under the rules established under subparagraph (A)(ii), that the handler is insolvent or will be unable to continue to operate if the handler is required to pay the assessment when otherwise due.

(C) PERIOD OF POSTPONEMENT.—

(i) IN GENERAL.—The time period of a postponement and the terms and conditions of the payment of each assessment that is postponed under this paragraph shall be established by the PromoFlor Council, in accordance with rules established under the procedures specified in subparagraph (A)(ii), so as to appropriately reflect the demonstrated needs of the qualified handler.

(ii) EXTENSIONS.—A postponement may be extended under rules established under the procedures specified in subparagraph (A)(ii) for the grant of initial postponements.

(i) PROHIBITION.—The order shall prohibit the use of any funds received by the PromoFlor Council in any manner for the purpose of influencing legislation or government action or policy, except that the funds may be used by the PromoFlor Council for the development and recommendation to the Secretary of amendments to the order.

(j) BOOKS AND RECORDS; REPORTS.—

(1) IN GENERAL.—The order shall provide that each qualified handler shall maintain, and make available for inspection, such books and records as are required by the order and file reports at the time, in the manner, and having the content required by the order, to the end that such information is made available to the Secretary and the PromoFlor Council as is appropriate for the administration or enforcement of this Act, the order, or any regulation issued under this Act.

(2) CONFIDENTIALITY REQUIREMENT.—

(A) IN GENERAL.—Information obtained from books, records, or reports under paragraph (1) or subsection (h)(6), or from reports required under section 6(b)(3), shall be kept confidential by all officers and employees of the Department of Agriculture and by the staff and agents of the PromoFlor Council.

(B) SUITS AND HEARINGS.—Information described in subparagraph (A) may be disclosed to the public only—

(i) in a suit or administrative hearing brought at the request of the Secretary, or to which the Secretary or any officer of the United States is a party, involving the order; and

(ii) to the extent the Secretary considers the information relevant to the suit or hearing.

(C) GENERAL STATEMENTS AND PUBLICATIONS.—Nothing in this paragraph may be construed to prohibit—

(i) the issuance of general statements, based on the reports, of the number of persons subject to the order or statistical data collected from the reports, if the statements do not identify the information furnished by any person; or

(ii) the publication, by direction of the Secretary, of the name of any person who violates the order, together with a statement of the particular provisions of the order violated by the person.

(3) LISTS OF IMPORTERS.—

(A) REVIEW.—The order shall provide that the staff of the PromoFlor Council shall periodically review lists of importers of cut flowers and cut greens to determine whether persons on the lists are subject to the order.

(B) CUSTOMS SERVICE.—On the request of the PromoFlor Council, the Commissioner of the United States Customs Service shall provide to the PromoFlor Council lists of importers of cut flowers and cut greens.

(k) CONSULTATIONS WITH INDUSTRY EXPERTS.—

(1) IN GENERAL.—The order shall provide that the PromoFlor Council, from time to time, may seek advice from and consult with experts from the production, import, wholesale, and retail segments of the cut flowers and cut greens industry to assist in the development of promotion, consumer information, and related research plans and projects.

(2) SPECIAL COMMITTEES.—

(A) IN GENERAL.—For the purposes described in paragraph (1), the order shall authorize the appointment of special committees composed of persons other than PromoFlor Council members.

(B) CONSULTATION.—A committee appointed under subparagraph (A)—

(i) may not provide advice or recommendations to a representative of an agency, or an officer, of the Federal Government; and

(ii) shall consult directly with the PromoFlor Council.

(l) OTHER TERMS OF THE ORDER.—The order shall contain such other terms and provisions, consistent with this Act, as are necessary to carry out this Act (including provision for the assessment of interest and a charge for each late payment of assessments under subsection (h) and for carrying out section 6).

SEC. 6. EXCLUSION; DETERMINATIONS.

7 USC 6805.

Exports.

(a) EXCLUSION.—An order shall exclude from assessments under the order any sale of cut flowers or cut greens for export from the United States.

(b) MAKING DETERMINATIONS.—

(1) IN GENERAL.—For the purpose of applying the $750,000 annual sales limitation to a specific person in order to determine the status of the person as a qualified handler or an exempt handler under section 3(4), or to a specific facility in order to determine the status of the facility as an eligible separate facility under section 7(b)(2), an order issued under this Act shall provide that—

(A) a determination of the annual sales volume of a person or facility shall be based on the sales of cut flowers and cut greens by the person or facility during the most recently-completed calendar year, except as provided in subparagraph (B); and

(B) in the case of a new business or other operation for which complete data on sales during all or part of the most recently-completed calendar year are not available to the PromoFlor Council, the determination may be made using an alternative time period or other alternative procedure specified in the order.

(2) RULE OF ATTRIBUTION.—

(A) IN GENERAL.—For the purpose of determining the annual sales volume of a person or a separate facility of a person, sales attributable to a person shall include—

(i) in the case of an individual, sales attributable to the spouse, children, grandchildren, parents, and grandparents of the person;

(ii) in the case of a partnership or member of a partnership, sales attributable to the partnership and other partners of the partnership;

(iii) in the case of an individual or a partnership, sales attributable to any corporation or other entity in which the individual or partnership owns more than 50 percent of the stock or (if the entity is not a corporation) that the individual or partnership controls; and

(iv) in the case of a corporation, sales attributable to any corporate subsidiary or other corporation or entity in which the corporation owns more than 50 percent of the stock or (if the entity is not a corporation) that the corporation controls.

(B) STOCK AND OWNERSHIP INTEREST.—For the purpose of this paragraph, stock or an ownership interest in an entity that is owned by the spouse, children, grandchildren, parents, grandparents, or partners of an individual, or by a partnership in which a person is a partner, or by a corporation more than 50 percent of the stock of which is owned by a person, shall be treated as owned by the individual or person.

(3) REPORTS.—For the purpose of this subsection, the order may require a person who sells cut flowers or cut greens to retailers to submit reports to the PromoFlor Council on annual sales by the person.

7 USC 6806.

SEC. 7. REFERENDA.

(a) REQUIREMENT FOR INITIAL REFERENDUM.—

(1) IN GENERAL.—Not later than 3 years after the issuance of an order under section 4(b)(3), the Secretary shall conduct a referendum among qualified handlers required to pay assessments under the order, as provided in section 5(h)(1), subject to the voting requirements of subsection (b), to ascertain whether the order then in effect shall be continued.

(2) APPROVAL OF ORDER NEEDED.—The order shall be continued only if the Secretary determines that the order has been approved by a simple majority of all votes cast in the referendum. If the order is not approved, the Secretary shall terminate the order as provided in subsection (d).

(b) VOTES PERMITTED.—

(1) IN GENERAL.—Each qualified handler eligible to vote in a referendum conducted under this section shall be entitled to cast 1 vote for each separate facility of the person that is an eligible separate facility, as defined in paragraph (2).

(2) ELIGIBLE SEPARATE FACILITY.—For the purpose of paragraph (1):

(A) SEPARATE FACILITY.—A handling or marketing facility of a qualified handler shall be considered to be a separate facility if the facility is physically located away from other facilities of the qualified handler or the business function of the facility is substantially different from the functions of other facilities owned or operated by the qualified handler.

(B) ELIGIBILITY.—A separate facility of a qualified handler shall be considered to be an eligible separate facility if the annual sales of cut flowers and cut greens to retailers and exempt handlers from the facility are $750,000 or more.

(C) ANNUAL SALES DETERMINED.—For the purpose of determining the amount of annual sales of cut flowers and cut greens under subparagraph (B), subparagraphs (A) and (C) of section 3(4) shall apply.

(c) SUSPENSION OR TERMINATION REFERENDA.—If an order is approved in a referendum conducted under subsection (a), effective

beginning on the date that is 3 years after the date of the approval, the Secretary—

(1) at the discretion of the Secretary, may conduct at any time a referendum of qualified handlers required to pay assessments under the order, as provided in section 5(h)(1), subject to the voting requirements of subsection (b), to ascertain whether qualified handlers favor suspension or termination of the order; and

(2) if requested by the PromoFlor Council or by a representative group comprising 30 percent or more of all qualified handlers required to pay assessments under the order, as provided in section 5(h)(1), shall conduct a referendum of all qualified handlers required to pay assessments under the order, as provided in section 5(h)(1), subject to the voting requirements of subsection (b), to ascertain whether qualified handlers favor suspension or termination of the order.

(d) SUSPENSION OR TERMINATION.—If, as a result of the referendum conducted under subsection (a), the Secretary determines that the order has not been approved by a simple majority of all votes cast in the referendum, or as a result of a referendum conducted under subsection (c), the Secretary determines that suspension or termination of the order is favored by a simple majority of all votes cast in the referendum, the Secretary shall—

(1) not later than 180 days after the referendum, suspend or terminate, as appropriate, collection of assessments under the order; and

(2) suspend or terminate, as appropriate, activities under the order as soon as practicable and in an orderly manner.

(e) MANNER OF CONDUCTING REFERENDA.—Referenda under this section shall be conducted in such manner as is determined appropriate by the Secretary.

SEC. 8. PETITION AND REVIEW. 7 USC 6807.

(a) PETITION AND HEARING.—

(1) PETITION.—A person subject to an order may file with the Secretary a petition—

(A) stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law; and

(B) requesting a modification of the order or an exemption from the order.

(2) HEARING.—The petitioner shall be given the opportunity for a hearing on a petition filed under paragraph (1), in accordance with regulations issued by the Secretary. Any such hearing shall be conducted in accordance with section 10(b)(2) and be held within the United States judicial district in which the residence or principal place of business of the person is located.

(3) RULING.—After a hearing under paragraph (2), the Secretary shall make a ruling on the petition, which shall be final if in accordance with law.

(b) REVIEW.—

(1) COMMENCEMENT OF ACTION.—The district courts of the United States in any district in which a person who is a petitioner under subsection (a) resides or conducts business shall have jurisdiction to review the ruling of the Secretary on the petition of the person, if a complaint requesting the

review is filed not later than 20 days after the date of the entry of the ruling by the Secretary.

(2) PROCESS.—Service of process in proceedings under this subsection shall be conducted in accordance with the Federal Rules of Civil Procedure.

(3) REMAND.—If the court in a proceeding under this subsection determines that the ruling of the Secretary on the petition of the person is not in accordance with law, the court shall remand the matter to the Secretary with directions—

(A) to make such ruling as the court shall determine to be in accordance with law; or

(B) to take such further action as, in the opinion of the court, the law requires.

(c) ENFORCEMENT.—The pendency of proceedings instituted under this section shall not impede, hinder, or delay the Attorney General or the Secretary from obtaining relief under section 9.

7 USC 6808.

SEC. 9. ENFORCEMENT.

(a) JURISDICTION.—A district court of the United States shall have jurisdiction to enforce, and to prevent and restrain any person from violating, this Act or an order or regulation issued by the Secretary under this Act.

(b) REFERRAL TO ATTORNEY GENERAL.—A civil action brought under subsection (a) shall be referred to the Attorney General for appropriate action, except that the Secretary is not required to refer to the Attorney General a violation of this Act, or an order or regulation issued under this Act, if the Secretary believes that the administration and enforcement of this Act would be adequately served by administrative action under subsection (c) or suitable written notice or warning to the person who committed or is committing the violation.

(c) CIVIL PENALTIES AND ORDERS.—

(1) CIVIL PENALTIES.—

(A) IN GENERAL.—A person who violates a provision of this Act, or an order or regulation issued by the Secretary under this Act, or who fails or refuses to pay, collect, or remit any assessment or fee required of the person under an order or regulation issued under this Act, may be assessed by the Secretary—

(i) a civil penalty of not less than $500 nor more than $5,000 for each violation; and

(ii) in the case of a willful failure to remit an assessment as required by an order or regulation, an additional penalty equal to the amount of the assessment.

(B) SEPARATE OFFENSES.—Each violation shall be a separate offense.

(2) CEASE AND DESIST ORDERS.—In addition to or in lieu of a civil penalty under paragraph (1), the Secretary may issue an order requiring a person to cease and desist from continuing a violation of this Act, or an order or regulation issued under this Act.

(3) NOTICE AND HEARING.—No penalty shall be assessed or cease and desist order issued by the Secretary under this subsection unless the Secretary gives the person against whom the penalty is assessed or the order is issued notice and opportunity for a hearing before the Secretary with respect to the

violation. Any such hearing shall be conducted in accordance with section 10(b)(2) and shall be held within the United States judicial district in which the residence or principal place of business of the person is located.

(4) FINALITY.—The penalty assessed or cease and desist order issued under this subsection shall be final and conclusive unless the person against whom the penalty is assessed or the order is issued files an appeal with the appropriate district court of the United States in accordance with subsection (d).

(d) REVIEW BY DISTRICT COURT.—

(1) COMMENCEMENT OF ACTION.—

(A) IN GENERAL.—Any person against whom a violation is found and a civil penalty is assessed or a cease and desist order is issued under subsection (c) may obtain review of the penalty or order by, within the 30-day period beginning on the date the penalty is assessed or order issued—

(i) filing a notice of appeal in the district court of the United States for the district in which the person resides or conducts business, or in the United States District Court for the District of Columbia; and

(ii) sending a copy of the notice by certified mail to the Secretary.

(B) COPY OF RECORD.—The Secretary shall promptly file in the court a certified copy of the record on which the Secretary found that the person had committed a violation.

(2) STANDARD OF REVIEW.—A finding of the Secretary shall be set aside under this subsection only if the finding is found to be unsupported by substantial evidence.

(e) FAILURE TO OBEY AN ORDER.—

(1) IN GENERAL.—A person who fails to obey a cease and desist order issued under subsection (c) after the order has become final and unappealable, or after the appropriate United States district court has entered a final judgment in favor of the Secretary, shall be subject to a civil penalty assessed by the Secretary of not more than $5,000 for each offense, after opportunity for a hearing and for judicial review under the procedures specified in subsections (c) and (d).

(2) SEPARATE VIOLATIONS.—Each day during which the person fails to obey an order described in paragraph (1) shall be considered as a separate violation of the order.

(f) FAILURE TO PAY A PENALTY.—

(1) IN GENERAL.—If a person fails to pay a civil penalty assessed under subsection (c) or (e) after the penalty has become final and unappealable, or after the appropriate United States district court has entered final judgment in favor of the Secretary, the Secretary shall refer the matter to the Attorney General for recovery of the amount assessed in any United States district court in which the person resides or conducts business.

(2) SCOPE OF REVIEW.—In an action by the Attorney General under paragraph (1), the validity and appropriateness of the civil penalty shall not be subject to review.

(g) ADDITIONAL REMEDIES.—The remedies provided in this Act shall be in addition to, and not exclusive of, other remedies that may be available.

7 USC 6809.

SEC. 10. INVESTIGATIONS AND POWER TO SUBPOENA.

(a) INVESTIGATIONS.—The Secretary may make such investigations as the Secretary considers necessary for the effective administration of this Act, or to determine whether any person has engaged or is engaging in any act that constitutes a violation of this Act or any order or regulation issued under this Act.

(b) SUBPOENAS, OATHS, AND AFFIRMATIONS.—

(1) INVESTIGATIONS.—For the purpose of making an investigation under subsection (a), the Secretary may administer oaths and affirmations, and issue subpoenas to require the production of any records that are relevant to the inquiry. The production of the records may be required from any place in the United States.

(2) ADMINISTRATIVE HEARINGS.—For the purpose of an administrative hearing held under section 8(a)(2) or 9(c)(3), the presiding officer may administer oaths and affirmations, subpoena witnesses, compel the attendance of witnesses, take evidence, and require the production of any records that are relevant to the inquiry. The attendance of witnesses and the production of the records may be required from any place in the United States.

(c) AID OF COURTS.—

(1) IN GENERAL.—In the case of contumacy by, or refusal to obey a subpoena issued under subsection (b) to, any person, the Secretary may invoke the aid of any court of the United States within the jurisdiction of which the investigation or proceeding is conducted, or where the person resides or conducts business, in order to enforce a subpoena issued under subsection (b).

(2) ORDER.—The court may issue an order requiring the person referred to in paragraph (1) to comply with a subpoena referred to in paragraph (1).

(3) FAILURE TO OBEY.—Any failure to obey the order of the court may be punished by the court as a contempt of court.

(4) PROCESS.—Process in any proceeding under this subsection may be served in the United States judicial district in which the person being proceeded against resides or conducts business or wherever the person may be found.

7 USC 6810.

SEC. 11. CONFIDENTIALITY.

(a) PROHIBITION.—No information on how a person voted in a referendum conducted under this Act shall be made public.

(b) PENALTY.—Any person who knowingly violates subsection (a) or the confidentiality terms of an order, as described in section 5(j)(2), shall be subject to a fine of not less than $1,000 nor more than $10,000 or to imprisonment for not more than 1 year, or both. If the person is an officer or employee of the Department of Agriculture or the PromoFlor Council, the person shall be removed from office.

(c) ADDITIONAL PROHIBITION.—No information obtained under this Act may be made available to any agency or officer of the Federal Government for any purpose other than the implementation of this Act or an investigatory or enforcement action necessary for the implementation of this Act.

(d) WITHHOLDING INFORMATION FROM CONGRESS PROHIBITED.—Nothing in this Act shall be construed to authorize the withholding of information from Congress.

SEC. 12. AUTHORITY FOR SECRETARY TO SUSPEND OR TERMINATE ORDER. 7 USC 6811.

If the Secretary finds that an order, or any provision of the order, obstructs or does not tend to effectuate the policy of this Act specified in section 2(b), the Secretary shall terminate or suspend the operation of the order or provision under such terms as the Secretary determines are appropriate.

SEC. 13. CONSTRUCTION. 7 USC 6812.

(a) TERMINATION OR SUSPENSION NOT AN ORDER.—The termination or suspension of an order, or a provision of an order, shall not be considered an order under the meaning of this Act.

(b) PRODUCER RIGHTS.—This Act—

(1) may not be construed to provide for control of production or otherwise limit the right of individual cut flowers and cut greens producers to produce cut flowers and cut greens; and

(2) shall be construed to treat all persons producing cut flowers and cut greens fairly and to implement any order in an equitable manner.

(c) OTHER PROGRAMS.—Nothing in this Act may be construed to preempt or supersede any other program relating to cut flowers or cut greens promotion and consumer information organized and operated under the laws of the United States or a State.

SEC. 14. REGULATIONS. 7 USC 6813.

The Secretary may issue such regulations as are necessary to carry out this Act and the powers vested in the Secretary by this Act, including regulations relating to the assessment of late payment charges and interest.

SEC. 15. AUTHORIZATION OF APPROPRIATIONS. 7 USC 6814.

(a) IN GENERAL.—There are authorized to be appropriated for each fiscal year such sums as are necessary to carry out this Act.

(b) ADMINISTRATIVE EXPENSES.—Funds appropriated under subsection (a) may not be used for the payment of the expenses or

expenditures of the PromoFlor Council in administering a provision of an order.

Approved December 14, 1993.

LEGISLATIVE HISTORY—S. 994 (H.R. 3515):

HOUSE REPORTS: No. 103-394 accompanying H.R. 3515 (Comm. on Agriculture).
CONGRESSIONAL RECORD, Vol. 139 (1993):
Nov. 20, S. 994 considered and passed Senate. H.R. 3515 considered and passed House.
Nov. 21, S. 994 considered and passed House.

Public Law 103-191
103d Congress

An Act

To amend the Thomas Jefferson Commemoration Commission Act to extend the deadlines for reports.

Dec. 14, 1993
[S. 1716]

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

SECTION 1. REPORTS FROM THE COMMISSION.

Section 9 of the Thomas Jefferson Commemoration Commission Act (36 U.S.C. 149 note) is amended—

(1) in subsection (a), by striking "December 31, 1992" and inserting "March 15, 1994"; and

(2) in subsection (b), by striking "December 31, 1993" and inserting "December 31, 1994".

SEC. 2. AUDIT OF FINANCIAL TRANSACTIONS.

Section 10(b) of the Thomas Jefferson Commemoration Commission Act (36 U.S.C. 149 note) is amended—

(1) by striking "December 31, 1992" each place it appears and inserting "March 15, 1994";

(2) by striking "March 4, 1994" and inserting "March 3, 1995"; and

(3) by striking "1993" and inserting "1994".

Approved December 14, 1993.

LEGISLATIVE HISTORY—S. 1716:

CONGRESSIONAL RECORD, Vol. 139 (1993):
Nov. 20, considered and passed Senate.
Nov. 21, considered and passed House.

Public Law 103-192
103d Congress

An Act

Dec. 14, 1993
[S. 1732]

To extend arbitration under the provisions of chapter 44 of title 28, United States Code, and for other purposes.

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

SECTION 1. EXTENSION OF ARBITRATION.

(a) AMENDMENT OF REPEAL.—Section 906 of the Judicial Improvements and Access to Justice Act (28 U.S.C. 651 note; Public Law 100–702; 102 Stat. 4664) is amended in the first sentence by striking out "5 years after the date of the enactment of this Act" and inserting in lieu thereof "December 31, 1994".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 905 of the Judicial Improvements and Access to Justice Act (28 U.S.C. 651 note; Public Law 100–702; 102 Stat. 4664) is amended in the first sentence by striking out "4" and inserting in lieu thereof "7".

Effective date.
28 USC 651 note.

SEC. 2. TREATMENT OF EXPIRED PROVISIONS.

Chapter 44 of title 28, United States Code, and the item relating to that chapter in the table of chapters at the beginning of part III of such title, shall be effective on or after the date of the enactment of this Act as if such chapter and item had not been repealed by section 906 of the Judicial Improvements and Access to Justice Act, as such section was in effect on the day before the date of the enactment of this Act.

Approved December 14, 1993.

LEGISLATIVE HISTORY—S. 1732:

CONGRESSIONAL RECORD, Vol. 139 (1993):
Nov. 19, considered and passed Senate.
Nov. 22, considered and passed House, amended.
Nov. 24, Senate concurred in House amendment.

Public Law 103-193
103d Congress

An Act

To provide for the extension of certain authority for the Marshal of the Supreme Court and the Supreme Court Police.

Dec. 14, 1993
[S. 1764]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 9(c) of the Act entitled "An Act relating to the policing of the building and grounds of the Supreme Court of the United States," approved August 18, 1949 (40 U.S.C. 13n(c)), is amended in the first sentence by striking out "1993" and inserting in lieu thereof "1996".

Approved December 14, 1993.

LEGISLATIVE HISTORY—S. 1764:

CONGRESSIONAL RECORD, Vol. 139 (1993):
Nov. 20, considered and passed Senate.
Nov. 22, considered and passed House.

Public Law 103-194
103d Congress

An Act

Dec. 14, 1993
[S. 1766]

To amend the Lime Research, Promotion, and Consumer Information Act of 1990 to cover seedless and not seeded limes, to increase the exemption level, to delay the initial referendum date, and to alter the composition of the Lime Board, and for other purposes.

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

Lime Research, Promotion, and Consumer Information Improvement Act.
7 USC 6201 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lime Research, Promotion, and Consumer Information Improvement Act".

7 USC 6201 note.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) The Lime Research, Promotion, and Consumer Information Act of 1990 was enacted on November 28, 1990, for the purpose of establishing an orderly procedure for the development and financing of an effective and coordinated program of research, promotion, and consumer information to strengthen the domestic and foreign markets for limes.

(2) The lime research, promotion, and consumer information order required by such Act became effective on January 27, 1992.

(3) Although the intent of such Act was to cover seedless limes, the definition of the term "lime" in section 1953(6) of such Act applies to seeded limes. Therefore, the Act and the order need to be revised before a research, promotion, and consumer information program on seedless limes can go into effect.

(4) Since the enactment of the Lime Research, Promotion, and Consumer Information Act of 1990, the United States production of fresh market limes has plummeted and the volume of imports has risen dramatically. The drop in United States production is primarily due to damage to lime orchards in the State of Florida by Hurricane Andrew in August 1992. United States production is not expected to reach pre-Hurricane Andrew levels for possibly two to three years because a majority of the United States production of limes is in Florida.

(b) PURPOSES.—The purpose of this Act is—

(1) to revise the definition of the term "lime" in order to cover seedless and not seeded limes;

(2) to increase the exemption level;

(3) to delay the initial referendum date; and

(4) to alter the composition of the Lime Board.

SEC. 3. DEFINITION OF LIME.

Section 1953(6) of the Lime Research, Promotion, and Consumer Information Act of 1990 (7 U.S.C. 6202(6)) is amended by striking "citrus aurantifolia" and inserting "citrus latifolia".

SEC. 4. REQUIRED TERMS IN ORDERS.

(a) COMPOSITION OF LIME BOARD.—Subsection (b) of section 1955 of the Lime Research, Promotion, and Consumer Information Act of 1990 (7 U.S.C. 6204) is amended—

(1) in paragraph (1)(A), by striking "7" and inserting "3";

(2) in paragraph (2)(B), by striking "7" and inserting "3";

(3) in paragraph (2)(F), by adding at the end the following new sentence: "The Secretary shall terminate the initial Board established under this subsection as soon as practicable after the date of the enactment of the Lime Research, Promotion, and Consumer Information Improvement Act."; and

(4) by inserting after paragraph (2)(F) the following new paragraph:

"(G) BOARD ALLOCATION.—The producer and importer representation on the Board shall be allocated on the basis of 2 producer members and 1 importer member from the district east of the Mississippi River and 1 producer member and 2 importer members from the district west of the Mississippi River.".

(b) TERMS OF MEMBERS.—Subsection (b)(4) of such section is amended—

(1) by striking "Members" and all that follows through "appointed—" and inserting "The initial members of the Board appointed under the amended order shall serve a term of 30 months. Subsequent appointments to the Board shall be for a term of 3 years, except that—";

(2) in subparagraph (A), by striking "3" and inserting "2";

(3) in subparagraph (B), by striking "4" and inserting "2"; and

(4) in subparagraph (C), by striking "4" and inserting "3".

(c) DE MINIMIS EXCEPTION.—Subsection (d)(5) of such section is amended by striking "35,000" each place it appears and inserting "200,000".

SEC. 5. INITIAL REFERENDUM.

Section 1960(a) of the Lime Research, Promotion, and Consumer Information Act of 1990 (7 U.S.C. 6209(a)) is amended by striking "Not later than 2 years after the date on which the Secretary first issues an order under section 1954(a)," and inserting

"Not later than 30 months after the date on which the collection of assessments begins under the order pursuant to section 1955(d),".

Approved December 14, 1993.

LEGISLATIVE HISTORY—S. 1766 (H.R. 3515):

HOUSE REPORTS: No. 103-394 accompanying H.R. 3515 (Comm. on Agriculture).
CONGRESSIONAL RECORD, Vol. 139 (1993):
Nov. 20, S. 1766 considered and passed Senate. H.R. 3515 considered and passed House.
Nov. 21, S. 1766 considered and passed House.

Public Law 103-195
103d Congress

An Act

To make a technical amendment, and for other purposes.

Dec. 14, 1993
[S. 1769]

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

Community development.

SECTION 1. CDBG TECHNICAL AMENDMENT.

Notwithstanding any other provision of law, the city of Slidell, Louisiana may submit, not later than 10 days after the enactment of this Act, and the Secretary of Housing and Urban Development shall consider and accept, the final statement of community development objectives and projected use of funds required by section 104(a)(1) of the Housing and Community Development Act of 1974 in connection with a grant to the city of Slidell under title 1 of such Act for fiscal year 1994.

SEC. 2. INCREASE OF CDBG PUBLIC SERVICES CAP.

(a) IN GENERAL.—Section 105(a)(8) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(8)) is amended—

(1) by striking "and" after the penultimate comma; and

(2) by inserting before the semicolon at the end the following: ", and except that of any amount of assistance under this title (including program income) in fiscal year 1994 to the City of Pittsburgh, Pennsylvania, such city may use not more than 20 percent in each such fiscal year for activities under this paragraph".

SEC. 3. CONVERSION PROJECTS.

(a) SECTION 23 CONVERSION.—

(1) AUTHORIZATION.—Notwithstanding contracts entered into pursuant to section 14(b)(2) of the United States Housing Act of 1937, the Secretary is authorized to enter into obligations for conversion of Leonard Terrace Apartments in Grand Rapids, Michigan, from a leased housing contract under section 23 of such Act to a project-based rental assistance contract under section 8 of such Act.

(2) REPAYMENT REQUIRED.—The authorization made in paragraph (1) is conditioned on the repayment to the Secretary of all amounts received by the public housing agency under the comprehensive improvement assistance program under section 14 of the United States Housing Act of 1937 for the Leonard Terrace Apartment project and the amounts, as determined by the Secretary, received by the public housing agency under the formula in section 14(k) of such Act by reason of the project.

SEC. 4. EXCEPTION TO FIRE SAFETY REQUIREMENT FOR NEWLY CONSRUCTED MULTIFAMILY PROPERTY.

In the case of any newly constucted multifamily property, as defined in section 31(c)(2)(A)(ii) of the Federal Fire Prevention and Control Act of 1974, in the city of New York in the State of New York, the requirement contained in section 31(c)(2)(A)(i) of the Federal Fire Prevention and Control Act of 1974 with respect to an automatic sprinkler system shall be deemed to be met if such property meets an equivalent level of safety (as defined in section 31(a)(3) of such Act).

Approved December 14, 1993.

LEGISLATIVE HISTORY—S. 1769:

CONGRESSIONAL RECORD, Vol. 139 (1993):
Nov. 22, considered and passed Senate; considered and passed House, amended.
Nov. 24, Senate concurred in House amendment.

Public Law 103-196
103d Congress

Joint Resolution

Designating January 16, 1994, as "Religious Freedom Day".

Dec. 14, 1993
[S.J. Res. 154]

Whereas December 15, 1991, is the 200th anniversary of the completion of the ratification of the Bill of Rights;

Whereas the first amendment to the Constitution of the United States guarantees religious liberty to the people of the United States;

Whereas millions of people from all parts of the world have come to the United States fleeing religious persecution and seeking to worship;

Whereas in 1777 Thomas Jefferson wrote the bill entitled "A Bill for Establishing Religious Freed in Virginia" to guarantee freedom of conscience and separation of church and State;

Whereas in 1786, through the devotion of Virginians such as George Mason and James Madison, the General Assembly of Virginia passed such bill;

Whereas the Statute of Virginia for Religious Freedom inspired and shaped the guarantee of religious freedom in the first amendment;

Whereas the Supreme Court of the United States has recognized repeatedly that the Statute of Virginia for Religious Freedom was an important influence in the development of the Bill of Rights;

Whereas scholars across the United States have proclaimed the vital importance of such statute and leader in fields such as law and religion have devoted time, energy and resources to celebrating its contribution to international freedom; and

Whereas America's First Freedom Center, located in Richmond, Virginia, plans a permanent monument to the Statute of Religious Freedom, accompanied by educational programs and commemorative activities for visitors from around the world: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That January 16, 1994, is designated as "Religious Freedom Day", and the President is authorized and requested to issue a proclamation calling

on the people of the United States to join together to celebrate their religious freedom and to observe the day with appropriate ceremonies and activities.

Approved December 14, 1993.

LEGISLATIVE HISTORY—S.J. Res. 154:

CONGRESSIONAL RECORD, Vol. 139 (1993):
Nov. 20, considered and passed Senate.
Nov. 21, considered and passed House.

Public Law 103-197
103d Congress

An Act

To provide for additional development at War in the Pacific National Historical Park, and for other purposes.

Dec. 17, 1993
[H.R. 1944]

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

Guam.
Northern Mariana Islands.
16 USC 410dd note.

SECTION 1. FINDINGS.

Congress finds that—

(1) June 15 through August 10, 1994, marks the 50th anniversary of the Mariana campaign of World War II in which American forces captured the islands of Saipan and Tinian in the Northern Marianas and liberated the United States Territory of Guam from Japanese occupation;

(2) an attack during this campaign by the Japanese Imperial fleet, aimed at countering the American forces that had landed on Saipan, led to the battle of the Philippine Sea, which resulted in a crushing defeat for the Japanese by United States naval forces and the destruction of the effectiveness of the Japanese carrier-based airpower;

(3) the recapture of Guam liberated one of the few pieces of United States territory that was occupied for two and one-half years by the enemy during World War II and restored freedom to the indigenous Chamorros on Guam who suffered as a result of the Japanese occupation;

(4) Army, Navy, Marine Corps, and Coast Guard units distinguished themselves with their heroic bravery and sacrifice;

(5) the Guam Insular Force Guard, the Guam militia, and the people of Guam earned the highest respect for their defense of the island during the Japanese invasion and their resistance during the occupation; their assistance to the American forces as scouts for the American invasion was invaluable; and their role, as members of the Guam Combat Patrol, was instrumental in seeking out the remaining Japanese forces and restoring peace to the island;

(6) during the occupation, the people of Guam—

(A) were forcibly removed from their homes;

(B) were relocated to remote sections of the island;

(C) were required to perform forced labor and faced other harsh treatment, injustices, and death; and

(D) were placed in concentration camps when the American invasion became imminent and were brutalized by their occupiers when the liberation of Guam became apparent to the Japanese;

(7) the liberation of the Mariana Islands marked a pivotal point in the Pacific war and led to the American victories at Iwo Jima, Okinawa, the Philippines, Taiwan, and the south China coast, and ultimately against the Japanese home islands;

(8) the Mariana Islands of Guam, Saipan, and Tinian provided, for the first time during the war, air bases which allowed land-based American bombers to reach strategic targets in Japan; and

(9) the air offensive conducted from the Marianas against the Japanese war-making capability helped shorten the war and ultimately reduced the toll of lives to secure peace in the Pacific.

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) an appropriate commemoration of the 50th anniversary of the Mariana campaign should be planned by the United States in conjunction with the Government of Guam and the Government of the Commonwealth of the Northern Mariana Islands;

(2) the Secretary of the Interior should take all necessary steps to ensure that appropriate visitor facilities at War in the Pacific National Historical Park on Guam are expeditiously developed and constructed; and

(3) the Secretary of the Interior should take all necessary steps to ensure that the monument referenced in section 3(b) is completed before July 21, 1994, for the 50th anniversary commemoration, to provide adequate historical interpretation of the events described in section 1.

SEC. 3. WAR IN THE PACIFIC NATIONAL HISTORICAL PARK.

(a) AUTHORIZATION OF APPROPRIATIONS.—Subsection (k) of section 6 of the Act entitled "An Act to authorize appropriations for certain insular areas of the United States, and for other purposes", approved August 18, 1978 (92 Stat. 493; 16 U.S.C. 410dd) is amended by striking "$500,000" and inserting "$8,000,000".

(b) DEVELOPMENT.—Section 6 is further amended by adding at the end the following subsections:

Monuments.

"(l) Within the boundaries of the park, the Secretary is authorized to construct a monument which shall commemorate the loyalty of the people of Guam and the herosim of the American forces that liberated Guam.

"(m) Within the boundaries of the park, the Secretary is authorized to implement programs to interpret experiences of the people of Guam during World War II, including, but not limited to, oral histories of those people of Guam who experienced the occupation.

Reports.

"(n) Within six months after the date of enactment of this subsection, the Secretary, through the Director of the National Park Service, shall develop and transmit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report containing updated cost estimates for the development of the park. Further, this report shall contain a general plan to implement subsections (l) and (m), including, at a minimum, cost estimates for the design and construction of the monument authorized in section (l).

"(o) The Secretary may take such steps as may be necessary to preserve and protect various World War II vintage weapons and fortifications which exist within the boundaries of the park.".

Approved December 17, 1993.

LEGISLATIVE HISTORY—H.R. 1944:

HOUSE REPORTS: No. 103-145 (Comm. on Natural Resources).
SENATE REPORTS: No. 103-98 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 139 (1993):
June 21, considered and passed House.
July 21, considered and passed Senate, amended.
Nov. 21, House concurred in Senate amendment with an amendment.
Nov. 22, Senate concurred in House amendment.

Public Law 103-198
103d Congress

An Act

Dec. 17, 1993
[H.R. 2840]

To amend title 17, United States Code, to establish copyright arbitration royalty panels to replace the Copyright Royalty Tribunal, and for other purposes.

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

Copyright Royalty Tribunal Reform Act of 1993.
17 USC 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Copyright Royalty Tribunal Reform Act of 1993".

SEC. 2. COPYRIGHT ARBITRATION ROYALTY PANELS.

(a) ESTABLISHMENT AND PURPOSE.—Section 801 of title 17, United States Code, is amended as follows:

(1) The section designation and heading are amended to read as follows:

"§ 801. Copyright arbitration royalty panels: Establishment and purpose".

(2) Subsection (a) is amended to read as follows:

"(a) ESTABLISHMENT.—The Librarian of Congress, upon the recommendation of the Register of Copyrights, is authorized to appoint and convene copyright arbitration royalty panels.".

(3) Subsection (b) is amended—

(A) by inserting "PURPOSES.—" after "(b)";

(B) in the matter preceding paragraph (1), by striking "Tribunal" and inserting "copyright arbitration royalty panels";

(C) in paragraph (2)—

(i) in subparagraph (A), by striking "Commission" and inserting "copyright arbitration royalty panels";

(ii) in subparagraph (B), by striking "Copyright Royalty Tribunal" and inserting "copyright arbitration royalty panels"; and

(iii) in subparagraph (D) by adding "and" after the semicolon;

(D) in paragraph (3)—

(i) by striking "and 119(b)," and inserting "119(b), and 1003,"; and

(ii) by striking the sentence beginning with "In determining" through "this title; and"; and

(E) by striking paragraph (4);

(4) by amending subsection (c) to read as follows:

"(c) RULINGS.—The Librarian of Congress, upon the recommendation of the Register of Copyrights, may, before a copyright arbitration royalty panel is convened, make any necessary proce-

dural or evidentiary rulings that would apply to the proceedings conducted by such panel."; and

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

"(d) ADMINISTRATIVE SUPPORT OF COPYRIGHT ARBITRATION ROYALTY PANELS.—The Library of Congress, upon the recommendation of the Register of Copyrights, shall provide the copyright arbitration royalty panels with the necessary administrative services related to proceedings under this chapter.".

(b) MEMBERSHIP AND PROCEEDINGS.—Section 802 of title 17, United States Code, is amended to read as follows:

"§ 802. Membership and proceedings of copyright arbitration royalty panels

"(a) COMPOSITION OF COPYRIGHT ARBITRATION ROYALTY PANELS.—A copyright arbitration royalty panel shall consist of 3 arbitrators selected by the Librarian of Congress pursuant to subsection (b).

"(b) SELECTION OF ARBITRATION PANEL.—Not later than 10 days after publication of a notice in the Federal Register initiating an arbitration proceeding under section 803, and in accordance with procedures specified by the Register of Copyrights, the Librarian of Congress shall, upon the recommendation of the Register of Copyrights, select 2 arbitrators from lists provided by professional arbitration associations. Qualifications of the arbitrators shall include experience in conducting arbitration proceedings and facilitating the resolution and settlement of disputes, and any qualifications which the Librarian of Congress, upon the recommendation of the Register of Copyrights, shall adopt by regulation. The 2 arbitrators so selected shall, within 10 days after their selection, choose a third arbitrator from the same lists, who shall serve as the chairperson of the arbitrators. If such 2 arbitrators fail to agree upon the selection of a third arbitrator, the Librarian of Congress shall promptly select the third arbitrator. The Librarian of Congress, upon the recommendation of the Register of Copyrights, shall adopt regulations regarding standards of conduct which shall govern arbitrators and the proceedings under this chapter.

Federal Register, publication.

Regulations.

Regulations.

"(c) ARBITRATION PROCEEDINGS.—Copyright arbitration royalty panels shall conduct arbitration proceedings, subject to subchapter II of chapter 5 of title 5, for the purpose of making their determinations in carrying out the purposes set forth in section 801. The arbitration panels shall act on the basis of a fully documented written record, prior decisions of the Copyright Royalty Tribunal, prior copyright arbitration panel determinations, and rulings by the Librarian of Congress under section 801(c). Any copyright owner who claims to be entitled to royalties under section 111, 116, or 119, or any interested copyright party who claims to be entitled to royalties under section 1006, may submit relevant information and proposals to the arbitration panels in proceedings applicable to such copyright owner or interested copyright party, and any other person participating in arbitration proceedings may submit such relevant information and proposals to the arbitration panel conducting the proceedings. In ratemaking proceedings, the parties to the proceedings shall bear the entire cost thereof in such manner and proportion as the arbitration panels shall direct. In distribution proceedings, the parties shall bear the cost in direct proportion to their share of the distribution.

Effective date.
Regulations.

"(d) PROCEDURES.—Effective on the date of the enactment of the Copyright Royalty Tribunal Reform Act of 1993, the Librarian of Congress shall adopt the rules and regulations set forth in chapter 3 of title 37 of the Code of Federal Regulations to govern proceedings under this chapter. Such rules and regulations shall remain in effect unless and until the Librarian, upon the recommendation of the Register of Copyrights, adopts supplemental or superseding regulations under subchapter II of chapter 5 of title 5.

"(e) REPORT TO THE LIBRARIAN OF CONGRESS.—Not later than 180 days after publication of the notice in the Federal Register initiating an arbitration proceeding, the copyright arbitration royalty panel conducting the proceeding shall report to the Librarian of Congress its determination concerning the royalty fee or distribution of royalty fees, as the case may be. Such report shall be accompanied by the written record, and shall set forth the facts that the arbitration panel found relevant to its determination.

"(f) ACTION BY LIBRARIAN OF CONGRESS.—Within 60 days after receiving the report of a copyright arbitration royalty panel under subsection (e), the Librarian of Congress, upon the recommendation of the Register of Copyrights, shall adopt or reject the determination of the arbitration panel. The Librarian shall adopt the determination of the arbitration panel unless the Librarian finds that the determination is arbitrary or contrary to the applicable provisions of this title. If the Librarian rejects the determination of the arbitration panel, the Librarian shall, before the end of that 60-day period, and after full examination of the record created in the arbitration proceeding, issue an order setting the royalty fee or distribution of fees, as the case may be. The Librarian shall cause to be published in the Federal Register the determination of the arbitration panel, and the decision of the Librarian (including an order issued under the preceding sentence). The Librarian shall also publicize such determination and decision in such other manner as the Librarian considers appropriate. The Librarian shall also make the report of the arbitration panel and the accompanying record available for public inspection and copying.

Federal Register, publication.

Public information.

"(g) JUDICIAL REVIEW.—Any decision of the Librarian of Congress under subsection (f) with respect to a determination of an arbitration panel may be appealed, by any aggrieved party who would be bound by the determination, to the United States Court of Appeals for the District of Columbia Circuit, within 30 days after the publication of the decision in the Federal Register. If no appeal is brought within such 30-day period, the decision of the Librarian is final, and the royalty fee or determination with respect to the distribution of fees, as the case may be, shall take effect as set forth in the decision. The pendency of an appeal under this paragraph shall not relieve persons obligated to make royalty payments under sections 111, 115, 116, 118, 119, or 1003 who would be affected by the determination on appeal to deposit the statement of account and royalty fees specified in those sections. The court shall have jurisdiction to modify or vacate a decision of the Librarian only if it finds, on the basis of the record before the Librarian, that the Librarian acted in an arbitrary manner. If the court modifies the decision of the Librarian, the court shall have jurisdiction to enter its own determination with respect to the amount or distribution of royalty fees and costs, to order the repayment of any excess fees, and to order the payment of any

underpaid fees, and the interest pertaining respectively thereto, in accordance with its final judgment. The court may further vacate the decision of the arbitration panel and remand the case to the Librarian for arbitration proceedings in accordance with subsection (c).

"(h) ADMINISTRATIVE MATTERS.—

"(1) DEDUCTION OF COSTS FROM ROYALTY FEES.—The Librarian of Congress and the Register of Copyrights may, to the extent not otherwise provided under this title, deduct from royalty fees deposited or collected under this title the reasonable costs incurred by the Library of Congress and the Copyright Office under this chapter. Such deduction may be made before the fees are distributed to any copyright claimants. If no royalty pool exists from which their costs can be deducted, the Librarian of Congress and the Copyright Office may assess their reasonable costs directly to the parties to the most recent relevant arbitration proceeding.

"(2) POSITIONS REQUIRED FOR ADMINISTRATION OF COMPULSORY LICENSING.—Section 307 of the Legislative Branch Appropriations Act, 1994, shall not apply to employee positions in the Library of Congress that are required to be filled in order to carry out section 111, 115, 116, 118, or 119 or chapter 10.".

(c) PROCEDURES OF THE TRIBUNAL.—Section 803 of title 17, United States Code, and the item relating to such section in the table of sections at the beginning of chapter 8 of such title, are repealed.

(d) INSTITUTION AND CONCLUSION OF PROCEEDINGS.—Section 804 of title 17, United States Code, is amended as follows:

(1) The section heading is amended to read as follows:

"§ 803. Institution and conclusion of proceedings".

(2) Subsection (a) is amended to read as follows:

"(a)(1) With respect to proceedings under section 801(b)(1) concerning the adjustment of royalty rates as provided in sections 115 and 116, and with respect to proceedings under subparagraphs (A) and (D) of section 801(b)(2), during the calendar years specified in the schedule set forth in paragraphs (2), (3), and (4), any owner or user of a copyrighted work whose royalty rates are specified by this title, established by the Copyright Royalty Tribunal before the date of the enactment of the Copyright Royalty Tribunal Reform Act of 1993, or established by a copyright arbitration royalty panel after such date of enactment, may file a petition with the Librarian of Congress declaring that the petitioner requests an adjustment of the rate. The Librarian of Congress shall, upon the recommendation of the Register of Copyrights, make a determination as to whether the petitioner has such a significant interest in the royalty rate in which an adjustment is requested. If the Librarian determines that the petitioner has such a significant interest, the Librarian shall cause notice of this determination, with the reasons therefor, to be published in the Federal Register, together with the notice of commencement of proceedings under this chapter.

"(2) In proceedings under section 801(b)(2)(A) and (D), a petition described in paragraph (1) may be filed during 1995 and in each subsequent fifth calendar year.

"(3) In proceedings under section 801(b)(1) concerning the adjustment of royalty rates as provided in section 115, a petition

described in paragraph (1) may be filed in 1997 and in each subsequent tenth calendar year.

"(4)(A) In proceedings under section 801(b)(1) concerning the adjustment of royalty rates as provided in section 116, a petition described in paragraph (1) may be filed at any time within 1 year after negotiated licenses authorized by section 116 are terminated or expire and are not replaced by subsequent agreements.

"(B) If a negotiated license authorized by section 116 is terminated or expires and is not replaced by another such license agreement which provides permission to use a quantity of musical works not substantially smaller than the quantity of such works performed on coin-operated phonorecord players during the 1-year period ending March 1, 1989, the Librarian of Congress shall, upon petition filed under paragraph (1) within 1 year after such termination or expiration, convene a copyright arbitration royalty panel. The arbitration panel shall promptly establish an interim royalty rate or rates for the public performance by means of a coin-operated phonorecord player of non-dramatic musical works embodied in phonorecords which had been subject to the terminated or expired negotiated license agreement. Such rate or rates shall be the same as the last such rate or rates and shall remain in force until the conclusion of proceedings by the arbitration panel, in accordance with section 802, to adjust the royalty rates applicable to such works, or until superseded by a new negotiated license agreement, as provided in section 116(b).".

(3) Subsection (b) is amended—

(A) by striking "subclause" and inserting "subparagraph";

(B) by striking "Tribunal" the first place it appears and inserting "Copyright Royalty Tribunal or the Librarian of Congress";

(C) by striking "Tribunal" the second and third places it appears and inserting "Librarian";

(D) by striking "Tribunal" the last place it appears and inserting "Copyright Royalty Tribunal or the Librarian of Congress"; and

(E) by striking "(a)(2), above" and inserting "subsection (a) of this section".

(4) Subsection (c) is amended by striking "Tribunal" and inserting "Librarian of Congress".

(5) Subsection (d) is amended—

(A) by striking "Chairman of the Tribunal" and inserting "Librarian of Congress"; and

(B) by striking "determination by the Tribunal" and inserting "a determination".

(6) Subsection (e) is stricken out.

(e) REPEAL.—Sections 805 through 810 of title 17, United States Code, are repealed.

(f) CLERICAL AMENDMENT.—The table of sections for chapter 8 of title 17, United States Code, is amended to read as follows:

"CHAPTER 8—COPYRIGHT ARBITRATION ROYALTY PANELS

"Sec.
"801. Copyright arbitration royalty panels: establishment and purpose.
"802. Membership and proceedings of copyright arbitration royalty panels.
"803. Institution and conclusion of proceedings.".

SEC. 3. JUKEBOX LICENSES.

(a) REPEAL OF COMPULSORY LICENSE.—Section 116 of title 17, United States Code, and the item relating to section 116 in the table of sections at the beginning of chapter 1 of such title, are repealed.

(b) NEGOTIATED LICENSES.—(1) Section 116A of title 17, United States Code, is amended—

(A) by redesignating such section as section 116;

(B) by striking subsection (b) and redesignating subsections (c) and (d) as subsections (b) and (c), respectively;

(C) in subsection (b)(2) (as so redesignated) by striking "Copyright Royalty Tribunal" each place it appears and inserting "Librarian of Congress";

(D) in subsection (c) (as so redesignated)—

(i) in the subsection caption by striking "ROYALTY TRIBUNAL" and inserting "ARBITRATION ROYALTY PANEL";

(ii) by striking "subsection (c)" and inserting "subsection (b)"; and

(iii) by striking "the Copyright Royalty Tribunal" and inserting "a copyright arbitration royalty panel"; and

(E) by striking subsections (e), (f), and (g).

(2) The table of sections at the beginning of chapter 1 of title 17, United States Code, is amended by striking "116A" and inserting "116".

SEC. 4. PUBLIC BROADCASTING COMPULSORY LICENSE.

Section 118 of title 17, United States Code, is amended—

(1) in subsection (b)—

(A) by striking the first 2 sentences;

(B) in the third sentence by striking "works specified by this subsection" and inserting "published nondramatic musical works and published pictorial, graphic, and sculptural works";

(C) in paragraph (1)—

(i) in the first sentence by striking ", within one hundred and twenty days after publication of the notice specified in this subsection,"; and

(ii) by striking "Copyright Royalty Tribunal" each place it appears and inserting "Librarian of Congress";

(D) in paragraph (2) by striking "Tribunal" and inserting "Librarian of Congress";

(E) in paragraph (3)—

(i) by striking the first sentence and inserting the following: "In the absence of license agreements negotiated under paragraph (2), the Librarian of Congress shall, pursuant to chapter 8, convene a copyright arbitration royalty panel to determine and publish in the Federal Register a schedule of rates and terms which, subject to paragraph (2), shall be binding on all owners of copyright in works specified by this subsection and public broadcasting entities, regardless of whether such copyright owners have submitted proposals to the Librarian of Congress.";

Federal Register, publication.

(ii) in the second sentence—

(I) by striking "Copyright Royalty Tribunal" and inserting "copyright arbitration royalty panel"; and

(II) by striking "clause (2) of this subsection" and inserting "paragraph (2)"; and

(iii) in the last sentence by striking "Copyright Royalty Tribunal" and inserting "Librarian of Congress"; and

(F) by striking paragraph (4);

(2) in subsection (c)—

(A) by striking "1982" and inserting "1997"; and

(B) by striking "Copyright Royalty Tribunal" and inserting "Librarian of Congress";

(3) in subsection (d)—

(A) by striking "to the transitional provisions of subsection (b)(4), and";

(B) by striking "the Copyright Royalty Tribunal" and inserting "a copyright arbitration royalty panel"; and

(C) in paragraphs (2) and (3) by striking "clause" each place it appears and inserting "paragraph"; and

(4) in subsection (g) by striking "clause" and inserting "paragraph".

SEC. 5. SECONDARY TRANSMISSIONS OF SUPERSTATIONS AND NETWORK STATIONS FOR PRIVATE HOME VIEWING.

Section 119 of title 17, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1) by striking ", after consultation with the Copyright Royalty Tribunal," each place it appears;

(B) in paragraph (2) by striking "Copyright Royalty Tribunal" and inserting "Librarian of Congress";

(C) in paragraph (3) by striking "Copyright Royalty Tribunal" and inserting "Librarian of Congress"; and

(D) in paragraph (4)—

(i) by striking "Copyright Royalty Tribunal" each place it appears and inserting "Librarian of Congress";

(ii) by striking "Tribunal" each place it appears and inserting "Librarian of Congress"; and

(iii) in subparagraph (B) by striking "conduct a proceeding" in the last sentence and inserting "convene a copyright arbitration royalty panel"; and

(2) in subsection (c)—

(A) in the subsection caption by striking "DETERMINATION" and inserting "ADJUSTMENT";

(B) in paragraph (2) by striking "Copyright Royalty Tribunal" each place it appears and inserting "Librarian of Congress";

(C) in paragraph (3)—

(i) in subparagraph (A)—

(I) by striking "Copyright Royalty Tribunal" and inserting "Librarian of Congress"; and

(II) by striking the last sentence and inserting the following: "Such arbitration proceeding shall be conducted under chapter 8.";

(ii) by striking subparagraphs (B) and (C);

(iii) in subparagraph (D)—

(I) by redesignating such subparagraph as subparagraph (B); and

(II) by striking "Arbitration Panel" and inserting "copyright arbitration royalty panel appointed under chapter 8";

(iv) by striking subparagraphs (E) and (F);

(v) by amending subparagraph (G) to read as follows:

"(C) PERIOD DURING WHICH DECISION OF ARBITRATION PANEL OR ORDER OF LIBRARIAN EFFECTIVE.—The obligation to pay the royalty fee established under a determination which—

"(i) is made by a copyright arbitration royalty panel in an arbitration proceeding under this paragraph and is adopted by the Librarian of Congress under section 802(f), or

"(ii) is established by the Librarian of Congress under section 802(f),

shall become effective as provided in section 802(g)."; and

(vi) in subparagraph (H)—

(I) by redesignating such subparagraph as subparagraph (D); and

(II) by striking "adopted or ordered under subparagraph (F)" and inserting "referred to in subparagraph (C)"; and

(D) by striking paragraph (4).

SEC. 6. CONFORMING AMENDMENTS.

(a) CABLE COMPULSORY LICENSE.—Section 111(d) of title 17, United States Code, is amended as follows:

(1) Paragraph (1) is amended by striking ", after consultation with the Copyright Royalty Tribunal (if and when the Tribunal has been constituted),".

(2) Paragraph (1)(A) is amended by striking ", after consultation with the Copyright Royalty Tribunal (if and when the Tribunal has been constituted),".

(3) Paragraph (2) is amended by striking the second and third sentences and inserting the following: "All funds held by the Secretary of the Treasury shall be invested in interest-bearing United States securities for later distribution with interest by the Librarian of Congress in the event no controversy over distribution exists, or by a copyright arbitration royalty panel in the event a controversy over such distribution exists.". Securities.

(4) Paragraph (4)(A) is amended—

(A) by striking "Copyright Royalty Tribunal" and inserting "Librarian of Congress"; and

(B) by striking "Tribunal" and inserting "Librarian of Congress".

(5) Paragraph (4)(B) is amended to read as follows:

"(B) After the first day of August of each year, the Librarian of Congress shall, upon the recommendation of the Register of Copyrights, determine whether there exists a controversy concerning the distribution of royalty fees. If the Librarian determines that no such controversy exists, the Librarian shall, after deducting reasonable administrative costs under this section, distribute such fees to the copyright owners entitled to such fees, or to their designated agents. If the Librarian finds the existence of a

controversy, the Librarian shall, pursuant to chapter 8 of this title, convene a copyright arbitration royalty panel to determine the distribution of royalty fees.".

(6) Paragraph (4)(C) is amended by striking "Copyright Royalty Tribunal" and inserting "Librarian of Congress".

(b) AUDIO HOME RECORDING ACT.—

(1) ROYALTY PAYMENTS.—Section 1004(a)(3) of title 17, United States Code, is amended—

(A) by striking "Copyright Royalty Tribunal" and inserting "Librarian of Congress"; and

(B) by striking "Tribunal" and inserting "Librarian of Congress".

(2) DEPOSIT OF ROYALTY PAYMENTS.—Section 1005 of title 17, United States Code, is amended by striking the last sentence.

(3) ENTITLEMENT TO ROYALTY PAYMENTS.—Section 1006(c) of title 17, United States Code, is amended by striking "Copyright Royalty Tribunal" and inserting "Librarian of Congress shall convene a copyright arbitration royalty panel which".

(4) PROCEDURES FOR DISTRIBUTING ROYALTY PAYMENTS.—Section 1007 of title 17, United States Code, is amended—

(A) in subsection (a)(1)—

(i) by striking "Copyright Royalty Tribunal" and inserting "Librarian of Congress"; and

(ii) by striking "Tribunal" and inserting "Librarian of Congress";

(B) in subsection (b)—

(i) by striking "Copyright Royalty Tribunal" and inserting "Librarian of Congress"; and

(ii) by striking "Tribunal" each place it appears and inserting "Librarian of Congress"; and

(C) in subsection (c)—

(i) by striking the first sentence and inserting "If the Librarian of Congress finds the existence of a controversy, the Librarian shall, pursuant to chapter 8 of this title, convene a copyright arbitration royalty panel to determine the distribution of royalty payments.";

(ii) by striking "Tribunal" each place it appears and inserting "Librarian of Congress"; and

(iii) in the last sentence by striking "its reasonable administrative costs" and inserting "the reasonable administrative costs incurred by the Librarian".

(5) ARBITRATION OF CERTAIN DISPUTES.—Section 1010 of title 17, United States Code, is amended—

(A) in subsection (b)—

(i) by striking "Copyright Royalty Tribunal" and inserting "Librarian of Congress"; and

(ii) by striking "Tribunal" each place it appears and inserting "Librarian of Congress";

(B) in subsection (e)—

(i) in the subsection caption by striking "COPYRIGHT ROYALTY TRIBUNAL" and inserting "LIBRARIAN OF CONGRESS"; and

(ii) by striking "Copyright Royalty Tribunal" and inserting "Librarian of Congress";

(C) in subsection (f)—

(i) in the subsection caption by striking "COPYRIGHT ROYALTY TRIBUNAL" and inserting "LIBRARIAN OF CONGRESS";

(ii) by striking "Copyright Royalty Tribunal" and inserting "Librarian of Congress";

(iii) by striking "Tribunal" each place it appears and inserting "Librarian of Congress"; and

(iv) in the third sentence by striking "its" and inserting "the Librarian's"; and

(D) in subsection (g)—

(i) by striking "Copyright Royalty Tribunal" and inserting "Librarian of Congress";

(ii) by striking "Tribunal's decision" and inserting "decision of the Librarian of Congress"; and

(iii) by striking "Tribunal" each place it appears and inserting "Librarian of Congress".

SEC. 7. EFFECTIVE DATE AND TRANSITION PROVISIONS. 17 USC 801 note.

(a) IN GENERAL.—This Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) EFFECTIVENESS OF EXISTING RATES AND DISTRIBUTIONS.—All royalty rates and all determinations with respect to the proportionate division of compulsory license fees among copyright claimants, whether made by the Copyright Royalty Tribunal, or by voluntary agreement, before the effective date set forth in subsection (a) shall remain in effect until modified by voluntary agreement or pursuant to the amendments made by this Act.

(c) TRANSFER OF APPROPRIATIONS.—All unexpended balances of appropriations made to the Copyright Royalty Tribunal, as of the effective date of this Act, are transferred on such effective date to the Copyright Office for use by the Copyright Office for the purposes for which such appropriations were made.

SEC. 8. LIMITATIONS ON PERFORMANCE OF LONGSHORE WORK BY ALIEN CREWMEMBERS—ALASKA EXCEPTION.

(a) ALASKA EXCEPTION.—Section 258 of the Immigration and Nationality Act (8 U.S.C. 1288) is amended—

(1) by redesignating subsection (d) as subsection (e); and

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

"(d) STATE OF ALASKA EXCEPTION.—(1) Subsection (a) shall not apply to a particular activity of longshore work at a particular location in the State of Alaska if an employer of alien crewmen has filed an attestation with the Secretary of Labor at least 30 days before the date of the first performance of the activity (or anytime up to 24 hours before the first performance of the activity, upon a showing that the employer could not have reasonably anticipated the need to file an attestation for that location at that time) setting forth facts and evidence to show that—

"(A) the employer will make a bona fide request for United States longshore workers who are qualified and available in sufficient numbers to perform the activity at the particular time and location from the parties to whom notice has been provided under clauses (ii) and (iii) of subparagraph (D), except that—

"(i) wherever two or more contract stevedoring companies have signed a joint collective bargaining agreement with a single labor organization described in subparagraph

(D)(i), the employer may request longshore workers from only one of such contract stevedoring companies, and

"(ii) a request for longshore workers to an operator of a private dock may be made only for longshore work to be performed at that dock and only if the operator meets the requirements of section 32 of the Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 932);

"(B) the employer will employ all those United States longshore workers made available in response to the request made pursuant to subparagraph (A) who are qualified and available in sufficient numbers and who are needed to perform the longshore activity at the particular time and location;

"(C) the use of alien crewmembers for such activity is not intended or designed to influence an election of a bargaining representative for workers in the State of Alaska; and

"(D) notice of the attestation has been provided by the employer to—

"(i) labor organizations which have been recognized as exclusive bargaining representatives of United States longshore workers within the meaning of the National Labor Relations Act and which make available or intend to make available workers to the particular location where the longshore work is to be performed,

"(ii) contract stevedoring companies which employ or intend to employ United States longshore workers at that location, and

"(iii) operators of private docks at which the employer will use longshore workers.

"(2)(A) An employer filing an attestation under paragraph (1) who seeks to use alien crewmen to perform longshore work shall be responsible while the attestation is valid to make bona fide requests for United States longshore workers under paragraph (1)(A) and to employ United States longshore workers, as provided in paragraph (1)(B), before using alien crewmen to perform the activity or activities specified in the attestation, except that an employer shall not be required to request longshore workers from a party if that party has notified the employer in writing that it does not intend to make available United States longshore workers to the location at which the longshore work is to be performed.

"(B) If a party that has provided such notice subsequently notifies the employer in writing that it is prepared to make available United States longshore workers who are qualified and available in sufficient numbers to perform the longshore activity to the location at which the longshore work is to be performed, then the employer's obligations to that party under subparagraphs (A) and (B) of paragraph (1) shall begin 60 days following the issuance of such notice.

"(3)(A) In no case shall an employer filing an attestation be required—

"(i) to hire less than a full work unit of United States longshore workers needed to perform the longshore activity;

"(ii) to provide overnight accommodations for the longshore workers while employed; or

"(iii) to provide transportation to the place of work, except where—

"(I) surface transportation is available;

"(II) such transportation may be safely accomplished;

"(III) travel time to the vessel does not exceed one-half hour each way; and

"(IV) travel distance to the vessel from the point of embarkation does not exceed 5 miles.

"(B) In the cases of Wide Bay, Alaska, and Klawock/Craig, Alaska, the travel times and travel distances specified in subclauses (III) and (IV) of subparagraph (A) shall be extended to 45 minutes and 7.5 miles, respectively, unless the party responding to the request for longshore workers agrees to the lesser time and distance limitations specified in those subclauses.

"(4) Subject to subparagraphs (A) through (D) of subsection (c)(4), attestations filed under paragraph (1) of this subsection shall—

"(A) expire at the end of the 1-year period beginning on the date the employer anticipates the longshore work to begin, as specified in the attestation filed with the Secretary of Labor, and

"(B) apply to aliens arriving in the United States during such 1-year period if the owner, agent, consignee, master, or commanding officer states in each list under section 251 that it continues to comply with the conditions in the attestation.

"(5)(A) Except as otherwise provided by subparagraph (B), subsection (c)(3) and subparagraphs (A) through (E) of subsection (c)(4) shall apply to attestations filed under this subsection.

"(B) The use of alien crewmen to perform longshore work in Alaska consisting of the use of an automated self-unloading conveyor belt or vacuum-actuated system on a vessel shall be governed by the provisions of subsection (c).

"(6) For purposes of this subsection—

"(A) the term 'contract stevedoring companies' means those stevedoring companies licensed to do business in the State of Alaska that meet the requirements of section 32 of the Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 932);

"(B) the term 'employer' includes any agent or representative designated by the employer; and

"(C) the terms 'qualified' and 'available in sufficient numbers' shall be defined by reference to industry standards in the State of Alaska, including safety considerations.".

(b) CONFORMING AMENDMENTS.—

(1) Section 258(a) (8 U.S.C. 1288(a)) is amended by striking "subsection (c) or subsection (d)" and inserting "subsection (c), (d), or (e)".

(2) Section 258(c)(4)(A) (8 U.S.C. 1288(c)(4)(A)) is amended by inserting "or subsection (d)(1)" after "paragraph (1)" each of the two places it appears.

(3) Section 258(c) (8 U.S.C. 1288(c)) is amended by adding at the end the following new paragraph:

"(5) Except as provided in paragraph (5) of subsection (d), this subsection shall not apply to longshore work performed in the State of Alaska.".

(c) IMPLEMENTATION.—(1) The Secretary of Labor shall prescribe such regulations as may be necessary to carry out this section.

Regulations.
8 USC 1288 note.

(2) Attestations filed pursuant to section 258(c) (8 U.S.C. 1288(c)) with the Secretary of Labor before the date of enactment of this Act shall remain valid until 60 days after the date of issuance of final regulations by the Secretary under this section.

Approved December 17, 1993.

LEGISLATIVE HISTORY—H.R. 2840:

HOUSE REPORTS: No. 103-286 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 139 (1993):
Oct. 12, considered and passed House.
Nov. 20, considered and passed Senate, amended.
Nov. 22, House concurred in Senate amendment.

Public Law 103-199
103d Congress

An Act

For reform in emerging new democracies and support and help for improved partnership with Russia, Ukraine, and other new independent states of the former Soviet Union.

Dec. 17, 1993
[H.R. 3000]

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

Act For Reform In Emerging New Democracies and Support and Help for Improved Partnership with Russia, Ukraine, and Other New Independent States.
FRIENDSHIP Act.
Foreign relations.
22 USC 5801 note.

SECTION 1. SHORT TITLES.

This Act may be cited as the "Act For Reform In Emerging New Democracies and Support and Help for Improved Partnership with Russia, Ukraine, and Other New Independent States" or as the "FRIENDSHIP Act".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short titles.
Sec. 2. Table of contents.
Sec. 3. Definition.

TITLE I—POLICY OF FRIENDSHIP AND COOPERATION

Sec. 101. Statement of purpose.
Sec. 102. Findings.
Sec. 103. Statutory provisions that have been applicable to the Soviet Union.

TITLE II—TRADE AND BUSINESS RELATIONS

Sec. 201. Policy under Export Administration Act.
Sec. 202. Representation of countries of Eastern Europe and the Independent States of the former Soviet Union in legal commercial transactions.
Sec. 203. Procedures regarding transfers of certain Department of Defense-funded items.
Sec. 204. Soviet slave labor.

TITLE III—CULTURAL, EDUCATIONAL, AND OTHER EXCHANGE PROGRAMS

Sec. 301. Mutual Educational and Cultural Exchange Act of 1961.
Sec. 302. Soviet-Eastern European research and training.
Sec. 303. Fascell Fellowship Act.
Sec. 304. Board for International Broadcasting Act.
Sec. 305. Scholarship programs for developing countries.
Sec. 306. Report on Soviet participants in certain exchange programs.

TITLE IV—ARMS CONTROL

Sec. 401. Arms Control and Disarmament Act.
Sec. 402. Arms Export Control Act.
Sec. 403. Annual reports on arms control matters.
Sec. 404. United States/Soviet direct communication link.

TITLE V—DIPLOMATIC RELATIONS

Sec. 501. Personnel levels and limitations.
Sec. 502. Other provisions related to operation of embassies and consulates.

Sec. 503. Foreign Service Buildings Act.

TITLE VI—OCEANS AND THE ENVIRONMENT

Sec. 601. Arctic Research and Policy Act.
Sec. 602. Fur seal management.
Sec. 603. Global climate protection.

TITLE VII—REGIONAL AND GENERAL DIPLOMATIC ISSUES

Sec. 701. United Nations assessments.
Sec. 702. Soviet occupation of Afghanistan.
Sec. 703. Angola.
Sec. 704. Self determination of the people from the Baltic States.
Sec. 705. Obsolete references in Foreign Assistance Act.
Sec. 706. Review of United States policy toward the Soviet Union.

TITLE VIII—INTERNAL SECURITY; WORLDWIDE COMMUNIST CONSPIRACY

Sec. 801. Civil defense.
Sec. 802. Report on Soviet press manipulation in the United States.
Sec. 803. Subversive Activities Control Act.
Sec. 804. Report on Soviet and international communist behavior.

TITLE IX—MISCELLANEOUS

Sec. 901. Ballistic missile tests near Hawaii.
Sec. 902. Nondelivery of international mail.
Sec. 903. State-sponsored harassment of religious groups.
Sec. 904. Murder of Major Arthur Nicholson.
Sec. 905. Monument to honor victims of communism.

22 USC 5801 note.

SEC. 3. DEFINITION.

As used in this Act (including the amendments made by this Act), the terms "independent states of the former Soviet Union" and "independent states" have the meaning given those terms by section 3 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (22 U.S.C. 5801).

TITLE I—POLICY OF FRIENDSHIP AND COOPERATION

22 USC 5801 note.

SEC. 101. STATEMENT OF PURPOSE.

The purpose of this Act is to amend or repeal numerous statutory provisions that restrict or otherwise impede normal relations between the United States and the Russian Federation, Ukraine, and the other independent states of the former Soviet Union. All of the statutory provisions amended or repealed by this Act were relevant and appropriate at the time of enactment, but with the end of the Cold War, they have become obsolete. It is not the purpose of this Act to rewrite or erase history, or to forget those who suffered in the past from the injustices or repression of communist regimes in the Soviet Union, but rather to update United States law to reflect changed international circumstances and to demonstrate for reformers and democrats in the independent states of the former Soviet Union the resolve of the people of the United States to support the process of democratic and economic reform and to conduct business with those states in a new spirit of friendship and cooperation.

22 USC 5801 note.

SEC. 102. FINDINGS.

The Congress finds and declares as follows:

(1) The Vancouver Declaration issued by President Clinton and President Yeltsin in April 1993 marked a new milestone in the development of the spirit of cooperation and partnership

between the United States and Russia. The Congress affirms its support for the principles contained in the Vancouver Declaration.

(2) The Vancouver Declaration underscored that—

(A) a dynamic and effective partnership between the United States and Russia is vital to the success of Russia's historic transformation;

(B) the rapid integration of Russia into the community of democratic nations and the world economy is important to the national interest of the United States; and

(C) cooperation between the United States and Russia is essential to the peaceful resolution of international conflicts and the promotion of democratic values, the protection of human rights, and the solution of global problems such as environmental pollution, terrorism, and narcotics trafficking.

(3) The Congress enacted the FREEDOM Support Act (Public Law 102–511), as well as other legislation such as the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102–228) and the Former Soviet Union Demilitarization Act of 1992 (title XIV of Public Law 102–484), to help meet the historic opportunities and challenges presented by the transformation that has taken place, and is continuing to take place, in what once was the Soviet Union.

(4) The process of reform in Russia, Ukraine, and the other independent states of the former Soviet Union is ongoing. The holding of a referendum in Russia on April 25, 1993, that was free and fair, and that reflected the support of the Russian people for the process of continued and strengthened democratic and economic reform, represents an important and encouraging hallmark in this ongoing process.

(5) There remain in force many United States laws that are relics of the Cold War, and repeals or revisions of these provisions can play an important role in efforts to foster and strengthen the bonds of trust and friendship, as well as mutually beneficial trade and economic relations, between the United States and Russia, the United States and Ukraine, and the United States and the other independent states of the former Soviet Union.

SEC. 103. STATUTORY PROVISIONS THAT HAVE BEEN APPLICABLE TO THE SOVIET UNION.

22 USC 5801 note.

(a) IN GENERAL.—There are numerous statutory provisions that were enacted in the context of United States relations with a country, the Soviet Union, that are fundamentally different from the relations that now exist between the United States and Russia, between the United States and Ukraine, and between the United States and the other independent states of the former Soviet Union.

(b) EXTENT OF SUCH PROVISIONS.—Many of the provisions referred to in subsection (a) imposed limitations specifically with respect to the Soviet Union, and its constituent republics, or utilized language that reflected the tension that existed between the United States and the Soviet Union at the time of their enactment. Other such provisions did not refer specifically to the Soviet Union, but nonetheless were directed (or may be construed as having been directed) against the Soviet Union on the basis of the relations

that formerly existed between the United States and the Soviet Union, particularly in its role as the leading communist country.

(c) FINDINGS AND AFFIRMATION.—The Congress finds and affirms that provisions such as those described in this section, including—

(1) section 216 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4316),

(2) sections 136 and 804 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (Public Law 99–93),

(3) section 1222 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100–204; 101 Stat. 1411),

(4) the Multilateral Export Control Enhancement Amendments Act (50 U.S.C. 2410 note, et seq.),

(5) the joint resolution providing for the designation of "Captive Nations Week" (Public Law 86–90),

(6) the Communist Control Act of 1954 (Public Law 83–637),

(7) provisions in the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), including sections 101(a)(40), 101(e)(3), and 313(a)(3),

(8) section 2 of the joint resolution entitled "A joint resolution to promote peace and stability in the Middle East", approved March 9, 1957 (Public Law 85–7), and

(9) section 43 of the Bretton Woods Agreements Act (22 U.S.C. 286aa),

should not be construed as being directed against Russia, Ukraine, or the other independent states of the former Soviet Union, connoting an adversarial relationship between the United States and the independent states, or signifying or implying in any manner unfriendliness toward the independent states.

TITLE II—TRADE AND BUSINESS RELATIONS

SEC. 201. POLICY UNDER EXPORT ADMINISTRATION ACT.

(a) CONFORMING AMENDMENTS.—Section 2 of the Export Administration Act of 1979 (50 U.S.C. App. 2401) is amended—

(1) by striking paragraph (11); and

(2) by redesignating paragraphs (12) and (13) as paragraphs (11) and (12), respectively.

50 USC app. 2402 note.

(b) POLICY REGARDING KAL.—

(1) The Congress finds that—

(A) President Yeltsin should be commended for meeting personally with representatives of the families of the victims of the shootdown of Korean Airlines (KAL) Flight 7;

(B) President Yeltsin's Government has met on two separate occasions with United States Government and family members to answer questions associated with the shootdown and has arranged for the families to interview Russians involved in the incident or the search and rescue operations that followed;

(C) President Yeltsin's Government has also cooperated fully with the International Civil Aviation Organization (ICAO) to allow it to complete its investigation of the

incident and has provided numerous materials requested by the ICAO, including radar data and so-called "black boxes", the digital flight data and cockpit voice recorders from the flight;

(D) the Export Administration Act of 1979 continues to state that the United States should continue to object to exceptions to the International Control List for the Union of Soviet Socialist Republics in light of the KAL tragedy, even though the "no exceptions" policy was rescinded by President Bush in 1990;

(E) the Government of the United States is seeking compensation from the Russian Government on behalf of the families of the KAL victims, and the Congress expects the Administration to continue to pursue issues related to the shootdown, including that of compensation, with officials at the highest level of the Russian Government; and

(F) in view of the cooperation provided by President Yeltsin and his government regarding the KAL incident and these other developments, it is appropriate to remove such language from the Export Administration Act of 1979.

(2) Section 3(15) of the Export Administration Act of 1979 (50 U.S.C. App. 2402(15)) is repealed.

SEC. 202. REPRESENTATION OF COUNTRIES OF EASTERN EUROPE AND THE INDEPENDENT STATES OF THE FORMER SOVIET UNION IN LEGAL COMMERCIAL TRANSACTIONS.

Reports.

Section 951(e) of title 18, United States Code, is amended by striking "the Soviet Union" and all that follows through "or Cuba" and inserting "Cuba or any other country that the President determines (and so reports to the Congress) poses a threat to the national security interest of the United States for purposes of this section".

SEC. 203. PROCEDURES REGARDING TRANSFERS OF CERTAIN DEPARTMENT OF DEFENSE-FUNDED ITEMS.

(a) LIMITATION ON CERTAIN MILITARY TECHNOLOGY TRANSFERS.—(1) Section 223 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (10 U.S.C. 2431 note) is amended to read as follows:

"SEC. 223. LIMITATION ON TRANSFER OF CERTAIN MILITARY TECHNOLOGY TO INDEPENDENT STATES OF THE FORMER SOVIET UNION.

President.

"Military technology developed with funds appropriated or otherwise made available for the Ballistic Missile Defense Program may not be transferred (or made available for transfer) to Russia or any other independent state of the former Soviet Union by the United States (or with the consent of the United States) unless the President determines, and certifies to the Congress at least 15 days prior to any such transfer, that such transfer is in the national interest of the United States and is to be made for the purpose of maintaining peace.".

(2) Section 6 of that Act is amended by amending the item in the table of contents relating to section 223 to read as follows:

"Sec. 223. Limitation on transfer of certain military technology to independent states of the former Soviet Union.".

(b) REPEAL OF OBSOLETE PROVISION.—Section 709 of the Department of Defense Appropriations Authorization Act, 1975 (50 U.S.C. App. 2403–1) is repealed.

SEC. 204. SOVIET SLAVE LABOR.

(a) REPEAL.—Section 1906 of the Omnibus Trade and Competitiveness Act of 1988 (19 U.S.C. 1307 note) is repealed.

102 Stat. 1107.

(b) CONFORMING AMENDMENT.—Section 1(b) of that Act is amended by striking the item in the table of contents relating to section 1906.

TITLE III—CULTURAL, EDUCATIONAL, AND OTHER EXCHANGE PROGRAMS

SEC. 301. MUTUAL EDUCATIONAL AND CULTURAL EXCHANGE ACT OF 1961.

The Mutual Educational and Cultural Exchange Act of 1961 is amended—

(1) in section 112(a)(8) (22 U.S.C. 2460(a)(8)), by striking "Soviet Union" both places it occurs and inserting "independent states of the former Soviet Union"; and

(2) in section 113 (22 U.S.C. 2461)—

(A) by amending the section caption to read "EXCHANGES BETWEEN THE UNITED STATES AND THE INDEPENDENT STATES OF THE FORMER SOVIET UNION.—";

(B) by striking "an agreement with the Union of Soviet Socialist Republics" and inserting "agreements with the independent states of the former Soviet Union";

(C) by striking "made by the Soviet Union" and inserting "made by the independent states";

(D) by striking "and the Soviet Union" and inserting "and the independent states"; and

(E) by striking "by Soviet citizens in the United States" and inserting "in the United States by citizens of the independent states".

SEC. 302. SOVIET-EASTERN EUROPEAN RESEARCH AND TRAINING.

The Soviet-Eastern European Research and Training Act of 1983 (22 U.S.C. 4501–4508) is amended—

(1) by amending the title heading to read "**TITLE VIII—RESEARCH AND TRAINING FOR EASTERN EUROPE AND THE INDEPENDENT STATES OF THE FORMER SOVIET UNION**";

22 USC 4501 note.

(2) in section 801, by striking "Soviet-Eastern European Research and Training" and inserting "Research and Training for Eastern Europe and the Independent States of the Former Soviet Union";

22 USC 4501.

(3) in paragraphs (1), (2), and (3)(E) of section 802, by striking "Soviet Union and Eastern European countries" and inserting "countries of Eastern Europe and the independent states of the former Soviet Union";

22 USC 4502.

(4) in section 803(2), by striking "Soviet-Eastern European Studies Advisory Committee" and inserting "Advisory Committee for Studies of Eastern Europe and the Independent States of the Former Soviet Union";

22 USC 4503.

(5) in section 804—

(A) in the section heading by striking "THE SOVIET-EASTERN EUROPEAN STUDIES";

(B) in subsection (a), by striking "Soviet-Eastern European Studies Advisory Committee" and inserting "Advisory Committee for Studies of Eastern Europe and the Independent States of the Former Soviet Union"; and

(C) in subsection (d), by striking "Soviet and Eastern European countries" and inserting "the countries of Eastern Europe and the independent states of the former Soviet Union"; and

(6) in section 805(b)— 22 USC 4504.

(A) in paragraphs (2)(A), (2)(B), and (6), by striking "Soviet and Eastern European studies" and inserting "studies on the countries of Eastern Europe and the independent states of the former Soviet Union";

(B) in paragraphs (3)(A) and (3)(B), by striking "fields of Soviet and Eastern European studies and related studies" and inserting "independent states of the former Soviet Union and the countries of Eastern Europe and related fields";

(C) in paragraph (3)(A) by striking "the Soviet Union and Eastern European countries" and inserting "those states and countries";

(D) in paragraph (4)—

(i) by striking "Union of Soviet Socialist Republics" the first place it appears and inserting "independent states of the former Soviet Union", and

(ii) by striking "the Union of Soviet Socialist Republics and Eastern European countries" and inserting "those states and countries"; and

(E) in paragraph (5)—

(i) by striking everything in the first sentence following "support" and inserting "training in the languages of the independent states of the former Soviet Union and the countries of Eastern Europe."; and

(ii) in the last sentence by inserting immediately before the period "and, as appropriate, studies of other languages of the independent states of the former Soviet Union".

SEC. 303. FASCELL FELLOWSHIP ACT.

Section 1002 of the Fascell Fellowship Act (22 U.S.C. 4901) is amended in the section heading by striking "IN THE SOVIET UNION AND EASTERN EUROPE" and inserting "ABROAD".

SEC. 304. BOARD FOR INTERNATIONAL BROADCASTING ACT.

(a) BALTIC DIVISION.—Section 307 of the Board for International Broadcasting Authorization Act, Fiscal Years 1984 and 1985 (title III of Public Law 98-164; 97 Stat. 1037) is repealed.

(b) JAMMING OF BROADCASTS.—Section 308 of that Act (97 Stat. 1037) is amended—

(1) by striking "(a) The" and all that follows through "(b) It" and inserting "It"; and

(2) by striking "Government of the Soviet Union" and inserting "government of any country engaging in such activities".

SEC. 305. SCHOLARSHIP PROGRAMS FOR DEVELOPING COUNTRIES.

Section 602 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 4702) is amended by striking paragraphs (6) and (7) and by redesignating paragraphs (8), (9), and (10) as paragraphs (6), (7), and (8), respectively.

SEC. 306. REPORT ON SOVIET PARTICIPANTS IN CERTAIN EXCHANGE PROGRAMS.

22 USC 2458 note.

Section 126 of the Department of State Authorization Act, Fiscal Years 1982 and 1983 (Public Law 102–138; 96 Stat. 282) is repealed.

TITLE IV—ARMS CONTROL

SEC. 401. ARMS CONTROL AND DISARMAMENT ACT.

(a) REPORTS ON STANDING CONSULTATIVE COMMISSION ACTIVITIES.—Section 38 of the Arms Control and Disarmament Act (22 U.S.C. 2578) is amended by striking "United States-Union of Soviet Socialist Republics".

(b) LANGUAGE SPECIALISTS.—Section 51 of that Act (22 U.S.C. 2591) is amended—

(1) by amending the section heading to read "SPECIALISTS FLUENT IN RUSSIAN OR OTHER LANGUAGES OF THE INDEPENDENT STATES OF THE FORMER SOVIET UNION";

(2) by striking "Soviet foreign and military policies" and inserting "the foreign and military policies of the independent states of the former Soviet Union"; and

(3) by inserting "or another language of the independent states of the former Soviet Union" after "Russian language".

(c) COMPLIANCE WITH AGREEMENTS.—Section 52 of that Act (22 U.S.C. 2592) is amended—

(1) in paragraph (1), by striking "the Soviet Union" both places it appears and inserting "Russia";

(2) in paragraph (3), by striking "Soviet adherence" and inserting "Russian adherence" and by striking "the Soviet Union" and inserting "Russia"; and

(3) in paragraph (5), by striking "the Soviet Union" and inserting "Russia".

(d) ON-SITE INSPECTION AGENCY.—Section 61(4) of that Act (22 U.S.C. 2595(4)) is amended—

(1) in subparagraph (A), by striking "the Soviet Union, Czechoslovakia, and the German Democratic Republic" and inserting "Russia, Ukraine, Kazakhstan, Belarus, Turkmenistan, Uzbekistan, the Czech Republic, and Germany";

(2) in subparagraph (B), by striking "Soviet";

(3) in subparagraph (C), by striking "the Soviet Union" and inserting "Russia"; and

(4) in subparagraph (D), by striking "Soviet".

SEC. 402. ARMS EXPORT CONTROL ACT.

The Arms Export Control Act is amended—

(1) in section 94(b)(3)(B) (22 U.S.C. 2799c(b)(3)(B)), by striking "Warsaw Pact country" and inserting "country of the Eastern Group of States Parties"; and

(2) in section 95(5) (22 U.S.C. 2799d(5))—

(A) by striking "Warsaw Pact country" and inserting "country of the Eastern Group of States Parties"; and

(B) by inserting before the period at the end "or a successor state to such a country".

SEC. 403. ANNUAL REPORTS ON ARMS CONTROL MATTERS.

(a) SOVIET COMPLIANCE WITH ARMS CONTROL COMMITMENTS.—(1) Section 1002 of the Department of Defense Authorization Act, 1986 (22 U.S.C. 2592a) is repealed.

(2) Section 1(b) of that Act is amended by striking the item in the table of contents relating to section 1002.

(b) ARMS CONTROL STRATEGY.—(1) Section 906 of the National Defense Authorization Act, Fiscal Year 1989 (22 U.S.C. 2592b) is repealed.

(2) Section 3 of that Act is amended by striking the item in the table of contents relating to section 906. 102 Stat. 1918.

(c) ANTIBALLISTIC MISSILE CAPABILITIES AND ACTIVITIES OF THE SOVIET UNION.—(1) Section 907 of the National Defense Authorization Act, Fiscal Year 1989 (102 Stat. 2034) is repealed.

(2) Section 3 of that Act is amended by striking the item in the table of contents relating to section 907.

SEC. 404. UNITED STATES/SOVIET DIRECT COMMUNICATION LINK.

(a) CHANGING REFERENCES.—The joint resolution entitled "Joint Resolution authorizing the Secretary of Defense to provide to the Soviet Union, on a reimbursable basis, equipment and services necessary for an improved United States/Soviet Direct Communication Link for crisis control," approved August 8, 1985 (10 U.S.C. 113 note) is amended—

(1) in the first section— 10 USC 113 note.

(A) by striking "to the Soviet Union" both places it appears and inserting "to Russia"; and

(B) by striking "Soviet Union part" and inserting "Russian part"; and

(2) in section 2(b), by striking "the Soviet Union" and inserting "Russia". 10 USC 113 note.

(b) SAVINGS PROVISION.—The amendment made by subsection (a)(2) does not affect the applicability of section 2(b) of that joint resolution to funds received from the Soviet Union. 10 USC 113 note.

TITLE V—DIPLOMATIC RELATIONS

SEC. 501. PERSONNEL LEVELS AND LIMITATIONS.

(a) PERSONNEL CEILING ON UNITED STATES AND SOVIET MISSIONS.—Section 602 of the Intelligence Authorization Act, Fiscal Year 1990 (Public Law 101-193; 103 Stat. 1710) is repealed.

(b) REPORT ON PERSONNEL OF SOVIET STATE TRADING ENTERPRISES.—(1) Section 154 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100-204; 101 Stat. 1353) is repealed.

(2) Section 1(b) of that Act is amended by striking the item in the table of contents relating to section 154. 101 Stat. 1331.

(c) REPORT ON ADMISSION OF CERTAIN ALIENS.—Section 501 of the Intelligence Authorization Act, Fiscal Year 1988 (22 U.S.C. 254c-2) is repealed.

(d) SOVIET MISSION AT THE UNITED NATIONS.—Section 702 of the Intelligence Authorization Act for Fiscal Year 1987 (22 U.S.C. 287 note) is repealed.

(e) DIPLOMATIC EQUIVALENCE AND RECIPROCITY.—(1) Section 813 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (Public Law 99–93; 99 Stat. 455) is repealed.

99 Stat. 405.

(2) Section 1(b) of that Act is amended by striking the item in the table of contents relating to section 813.

SEC. 502. OTHER PROVISIONS RELATED TO OPERATION OF EMBASSIES AND CONSULATES.

(a) CONSTRUCTION OF DIPLOMATIC FACILITIES.—Section 132 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (Public Law 102–138; 105 Stat. 662) is amended—

(1) by repealing subsections (a) through (d) and subsections (h) through (j); and

(2) in subsection (e)—

(A) by striking "(e) EXTRAORDINARY SECURITY SAFEGUARDS.—";

(B) by striking "(1) In" and inserting "(a) EXTRAORDINARY SECURITY SAFEGUARDS.—In" and by striking "(2) Such" and inserting "(b) SAFEGUARDS TO BE INCLUDED.—Such";

(C) by setting subsections (a) and (b), as so redesignated, on a full measure margin; and

(D) in subsection (b), as so redesignated—

(i) by striking "paragraph (1)" and inserting "subsection (a)"; and

(ii) by redesignating subparagraphs (A) through (E) as paragraphs (1) through (5), respectively, and by setting such redesignated paragraphs on a 2-em indention.

(b) POSSIBLE MOSCOW EMBASSY SECURITY BREACH.—(1) Section 133 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (Public Law 102–138; 105 Stat. 665) is repealed.

105 Stat. 647.

(2) Section 2 of that Act is amended by striking the item in the table of contents relating to section 133.

(c) UNITED STATES-SOVIET RECIPROCITY IN MATTERS RELATING TO EMBASSIES.—(1) Section 134 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (22 U.S.C. 4301 note) is repealed.

104 Stat. 15.

(2) Section 1(b) of that Act is amended by striking the item in the table of contents relating to section 134.

(d) REASSESSMENT OF SOVIET ELECTRONIC ESPIONAGE CAPABILITY FROM MOUNT ALTO EMBASSY SITE.—(1) Section 1232 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456; 102 Stat. 2056) is repealed.

102 Stat. 1918.

(2) Section 3 of that Act is amended by striking the item in the table of contents relating to section 1232.

(e) DIPLOMATIC RECIPROCITY.—(1) Sections 151 through 153 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100–204; 101 Stat. 1351) are repealed.

22 USC 4301 note.

101 Stat. 1331.

(2) Section 1(b) of that Act is amended by striking the items in the table of contents relating to sections 151 through 153.

(f) ELECTRONIC ESPIONAGE CAPABILITY FROM MOUNT ALTO EMBASSY SITE.—(1) Section 1122 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100–180; 101 Stat. 1149) is repealed.

101 Stat. 1020.

(2) Section 6 of that Act is amended by striking the item in the table of contents relating to section 1122.

(g) ASSESSMENT OF SOVIET ELECTRONIC ESPIONAGE CAPABILITIES.—Section 901 of the Intelligence Authorization Act, Fiscal Year 1988 (Public Law 100–178; 101 Stat. 1017) is repealed.

(h) FOREIGN ESPIONAGE ACTIVITIES IN THE UNITED STATES.—Section 1364 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99–661; 100 Stat. 4001) is amended by—

(1) repealing subsections (a) and (c); and

(2) striking "(b) CONGRESSIONAL POLICY.—".

SEC. 503. FOREIGN SERVICE BUILDINGS ACT.

Section 4(j) of the Foreign Service Buildings Act, 1926 (22 U.S.C. 295(j)) is repealed.

TITLE VI—OCEANS AND THE ENVIRONMENT

SEC. 601. ARCTIC RESEARCH AND POLICY ACT.

Section 102(a) of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4101(a)) is amended—

(1) in paragraph (2), by striking "as" and all that follows through the comma; and

(2) in paragraph (10), by striking ", particularly the Soviet Union,".

SEC. 602. FUR SEAL MANAGEMENT.

The Act of November 2, 1966, commonly known as the Fur Seal Act of 1966, is amended—

(1) in section 101(h) (16 U.S.C. 1151(h)), by striking "the Union of Soviet Socialist Republics" and inserting "Russia (except that as used in subsection (b) of this section, 'party' and 'parties' refer to the Union of Soviet Socialist Republics)"; and

(2) in section 102 (16 U.S.C. 1152), by striking "the Union of Soviet Socialist Republics" and inserting "Russia".

SEC. 603. GLOBAL CLIMATE PROTECTION.

The Global Climate Protection Act of 1987 (title XI of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989; 15 U.S.C. 2901 note) is amended—

(1) in section 1106— 15 USC 2901 note.

(A) by striking "UNITED STATES-SOVIET RELATIONS" in the section heading and inserting "UNITED STATES RELATIONS WITH THE INDEPENDENT STATES OF THE FORMER SOVIET UNION";

(B) by striking "Soviet Union" and inserting "independent states of the former Soviet Union";

(C) by striking "their joint role as the world's two major" and inserting "the extent to which they are"; and

(D) by striking "United States-Soviet relations" and inserting "United States relations with the independent states"; and

(2) in section 1(b), in the item in the table of contents relating to section 1106, by striking "United States-Soviet relations" and inserting "United States relations with the independent states of the former Soviet Union". 101 Stat. 1331.

TITLE VII—REGIONAL AND GENERAL DIPLOMATIC ISSUES

SEC. 701. UNITED NATIONS ASSESSMENTS.

Section 717 of the International Security and Development Cooperation Act of 1981 (Public Law 97–113; 95 Stat. 1549) is amended—

(1) in the section heading by striking "OF THE SOVIET UNION";

(2) in subsection (a)—

(A) in paragraph (2), by inserting "and" after the semicolon;

(B) in paragraph (3) by striking "; and" and inserting a period; and

(C) by striking paragraph (4); and

(3) in subsection (b), by striking "a diplomatic" and all that follows through "including its", and inserting "appropriate diplomatic initiatives to ensure that members of the United Nations make payments of all their outstanding financial obligations to the United Nations, including their".

SEC. 702. SOVIET OCCUPATION OF AFGHANISTAN.

(a) REPEAL.—Section 1241 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100–204; 101 Stat. 1420) is repealed.

101 Stat. 1331.

(b) CONFORMING AMENDMENT.—Section 1(b) of that Act is amended by striking the item in the table of contents relating to section 1241.

22 USC 2293 note.

SEC. 703. ANGOLA.

Section 405 of the International Security Assistance and Arms Export Control Act of 1976 (22 U.S.C. 2293 note) is repealed.

SEC. 704. SELF DETERMINATION OF THE PEOPLE FROM THE BALTIC STATES.

Paragraph (1) of section 1206 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100–204; 101 Stat. 1411) is amended by striking "from the Soviet Union".

SEC. 705. OBSOLETE REFERENCES IN FOREIGN ASSISTANCE ACT.

The Foreign Assistance Act of 1961 is amended—

(1) in section 501 (22 U.S.C. 2301)—

(A) in the second undesignated paragraph by striking "international communism and the countries it controls" and inserting "hostile countries";

(B) in the fourth undesignated paragraph, by striking "Communist or Communist-supported"; and

(C) in the fifth undesignated paragraph, by striking everything following "victims of" and inserting "aggression or in which the internal security is threatened by internal subversion inspired or supported by hostile countries.";

(2) in section 614(a)(4)(C) (22 U.S.C. 2364(a)(4)(C)), by striking "Communist or Communist-supported"; and

(3) in section 620(h) (22 U.S.C. 2370(h)), by striking "the Communist-bloc countries" and inserting "any country that is a Communist country for purposes of subsection (f)".

SEC. 706. REVIEW OF UNITED STATES POLICY TOWARD THE SOVIET UNION.

Section 24 of the International Security Assistance Act of 1978 (22 U.S.C. 2151 note) is repealed.

TITLE VIII—INTERNAL SECURITY; WORLDWIDE COMMUNIST CONSPIRACY

SEC. 801. CIVIL DEFENSE.

(a) IN GENERAL.—Except as provided in paragraph (2), section 501(b)(2) of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2301(b)) is amended by striking the first comma and all that follows through "stability,".

(b) EXCEPTION.—The amendment made by subsection (a) shall not apply if, before the date of enactment of this Act, title V of the Federal Civil Defense Act of 1950 has been repealed.

SEC. 802. REPORT ON SOVIET PRESS MANIPULATION IN THE UNITED STATES.

(a) REPEAL.—Section 147 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (Public Law 99–93; 99 Stat. 426) is repealed.

(b) CONFORMING AMENDMENT.—Section 1(b) of that Act is amended by striking the item in the table of contents relating to section 147. 99 Stat. 405.

SEC. 803. SUBVERSIVE ACTIVITIES CONTROL ACT.

The Subversive Activities Control Act of 1950 (50 U.S.C. 781 and following) is amended—

(1) by repealing sections 1 through 3, 5, 6, and 9 through 16; and 50 USC 781 *et seq.*

(2) in section 4— 50 USC 783.

(A) by repealing subsections (a) and (f);

(B) by redesignating subsections (b) through (e) as subsections (a) through (d), respectively;

(C) in subsection (a), as so redesignated, by striking "or an officer" and all that follows through "section 3 of this title"; and

(D) in subsection (b), as so redesignated, by striking ", or any officer" and all that follows through "section 3 of this title,".

SEC. 804. REPORT ON SOVIET AND INTERNATIONAL COMMUNIST BEHAVIOR.

(a) REPEAL.—Section 155 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (Public Law 99–93) is repealed. 99 Stat. 429.

(b) CONFORMING AMENDMENT.—Section 1(b) of that Act is amended by striking the item in the table of contents relating to section 155. 99 Stat. 405.

TITLE IX—MISCELLANEOUS

SEC. 901. BALLISTIC MISSILE TESTS NEAR HAWAII.

(a) REPEAL.—Section 1201 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100–204; 101 Stat. 1409) is repealed.

101 Stat. 1331.

(b) CONFORMING AMENDMENT.—Section 1(b) of that Act is amended by striking the item in the table of contents relating to section 1201.

SEC. 902. NONDELIVERY OF INTERNATIONAL MAIL.

(a) REPEAL.—Section 1203 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100–204; 101 Stat. 1411) is repealed.

(b) CONFORMING AMENDMENT.—Section 1(b) of that Act is amended by striking the item in the table of contents relating to section 1203.

SEC. 903. STATE-SPONSORED HARASSMENT OF RELIGIOUS GROUPS.

(a) POLICY.—Section 1204 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100–204; 101 Stat. 1411) is amended—

(1) by amending the section heading to read "**SEC. 1204. STATE SPONSORED HARASSMENT OF RELIGIOUS GROUPS.**";

(2) in paragraph (1)—

(A) by striking "governments of the Union" and all that follows through "countries" and inserting "government of any country that engages in the harassment of religious groups", and

(B) by striking "to the harassment of Christians and other religious believers" and inserting "to such activities";

(3) in paragraph (2), by striking "the Union of Soviet Socialist Republics and Eastern European" and inserting "all" ; and

(4) by striking paragraph (3).

(b) REPEAL.—(1) Section 1202 of that Act (Public Law 100–204; 101 Stat. 1410) is repealed.

(2) Section 1(b) of that Act is amended—

(A) by striking the item in the table of contents relating to section 1202; and

(B) by amending the item in the table of contents relating to section 1204 to read as follows:

"Sec. 1204. State sponsored harassment of religious groups.".

(c) REPEAL.—(1) Section 805 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (Public Law 99–93; 99 Stat. 450) is repealed.

99 Stat. 405.

(2) Section 1(b) of that Act is amended by striking the item in the table of contents relating to section 805.

SEC. 904. MURDER OF MAJOR ARTHUR NICHOLSON.

(a) FOREIGN RELATIONS AUTHORIZATION ACT.—Section 148 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (Public Law 99–93; 99 Stat. 427) is repealed.

(b) CONFORMING AMENDMENT TO TABLE OF CONTENTS.—Section 1(b) of that Act is amended by striking the item in the table of contents relating to section 148.

SEC. 905. MONUMENT TO HONOR VICTIMS OF COMMUNISM.

40 USC 1003 note.

(a) FINDINGS.—Congress finds that—

(1) since 1917, the rulers of empires and international communism led by Vladimir I. Lenin and Mao Tse-tung have been responsible for the deaths of over 100,000,000 victims in an unprecedented imperial communist holocaust through conquests, revolutions, civil wars, purges, wars by proxy, and other violent means;

(2) the imperialist regimes of international communism have brutally suppressed the human rights, national independence, religious liberty, intellectual freedom, and cultural life of the peoples of over 40 captive nations;

(3) there is a danger that the heroic sacrifices of the victims of communism may be forgotten as international communism and its imperial bases continue to collapse and crumble; and

(4) the sacrifices of these victims should be permanently memorialized so that never again will nations and peoples allow so evil a tyranny to terrorize the world.

(b) AUTHORIZATION OF MEMORIAL.—

(1) AUTHORIZATION.—

(A) The National Captive Nations Committee, Inc., is authorized to construct, maintain, and operate in the District of Columbia an appropriate international memorial to honor victims of communism.

(B) The National Captive Nations Committee, Inc., is encouraged to create an independent entity for the purposes of constructing, maintaining, and operating the memorial.

(C) Once created, this entity is encouraged and authorized, to the maximum extent practicable, to include as active participants organizations representing all groups that have suffered under communism.

(2) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—The design, location, inscription, and construction of the memorial authorized by paragraph (1) shall be subject to the requirements of the Act entitled "An Act to provide standards for placement of commemorative works on certain Federal lands in the District of Columbia and its environs, and for other purposes", approved November 14, 1986 (40 U.S.C. 1001 et seq.).

(c) PAYMENT OF EXPENSES.—The entity referred to in subsection (b)(1) shall be solely responsible for acceptance of contributions for, and payment of the expenses of, the establishment of the memorial. No Federal funds may be used to pay any expense of the establishment of the memorial.

(d) DEPOSIT OF EXCESS FUNDS.—If, upon payment of all expenses of the establishment of the memorial, including the maintenance and preservation amount provided for in section 8(b) of the Act entitled "An Act to provide standards for placement of commemorative works on certain Federal lands in the District of Columbia and its environs, and for other purposes", approved November 14, 1986 (40 U.S.C. 1008(b)), or upon expiration of the authority for the memorial under section 10(b) of such Act (40 U.S.C. 4010(b)), there remains a balance of funds received for the establishment of the memorial, the entity referred to in subsection (b)(1) shall transmit the amount of the balance to the

Secretary of the Treasury for deposit in the account provided for in section 8(b)(1) of such Act (40 U.S.C. 1008(b)(1)).

Approved December 17, 1993.

LEGISLATIVE HISTORY—H.R. 3000 (S. 1672):

HOUSE REPORTS: No. 103-297, Pt. 1 (Comm. on Foreign Affairs).
CONGRESSIONAL RECORD, Vol. 139 (1993):
Nov. 15, considered and passed House.
Nov. 22, considered and passed Senate, amended, in lieu of S. 1672. House concurred in Senate amendment.

Public Law 103-200
103d Congress

An Act

To amend the Comprehensive Drug Abuse Prevention and Control Act of 1970 to control the diversion of certain chemicals used in the illicit production of controlled substances such as methcathinone and methamphetamine, and for other purposes.

Dec. 17, 1993
[H.R. 3216]

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

SECTION 1. SHORT TITLE.

Domestic Chemical Diversion Control Act of 1993.
21 USC 801 note.

This Act may be cited as the "Domestic Chemical Diversion Control Act of 1993".

SEC. 2. DEFINITION AMENDMENTS.

(a) DEFINITIONS.—Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended—

(1) in paragraph (33), by striking "any listed precursor chemical or listed essential chemical" and inserting "any list I chemical or any list II chemical";

(2) in paragraph (34)—

(A) by striking "listed precursor chemical" and inserting "list I chemical"; and

(B) by striking "critical to the creation" and inserting "important to the manufacture";

(3) in paragraph (34) (A), (F), and (H), by inserting ", its esters," before "and";

(4) in paragraph (35)—

(A) by striking "listed essential chemical" and inserting "list II chemical";

(B) by inserting "(other than a list I chemical)" before "specified"; and

(C) by striking "as a solvent, reagent, or catalyst"; and

(5) in paragraph (38), by inserting "or who acts as a broker or trader for an international transaction involving a listed chemical, a tableting machine, or an encapsulating machine" before the period;

(6) in paragraph (39)(A)—

(A) by striking "importation or exportation of" and inserting "importation, or exportation of, or an international transaction involving shipment of,";

(B) in clause (iii) by inserting "or any category of transaction for a specific listed chemical or chemicals" after "transaction";

(C) by amending clause (iv) to read as follows:

"(iv) any transaction in a listed chemical that is contained in a drug that may be marketed or distributed lawfully in the United States under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) unless—

"(I)(aa) the drug contains ephedrine or its salts, optical isomers, or salts of optical isomers as the only active medicinal ingredient or contains ephedrine or its salts, optical isomers, or salts of optical isomers and therapeutically insignificant quantities of another active medicinal ingredient; or

"(bb) the Attorney General has determined under section 204 that the drug or group of drugs is being diverted to obtain the listed chemical for use in the illicit production of a controlled substance; and

"(II) the quantity of ephedrine or other listed chemical contained in the drug included in the transaction or multiple transactions equals or exceeds the threshold established for that chemical by the Attorney General."; and

(D) in clause (v), by striking the semicolon and inserting "which the Attorney General has by regulation designated as exempt from the application of this title and title III based on a finding that the mixture is formulated in such a way that it cannot be easily used in the illicit production of a controlled substance and that the listed chemical or chemicals contained in the mixture cannot be readily recovered;";

(7) in paragraph (40), by striking "listed precursor chemical or a listed essential chemical" each place it appears and inserting "list I chemical or a list II chemical"; and

(8) by adding at the end the following new paragraphs:

"(42) The term 'international transaction' means a transaction involving the shipment of a listed chemical across an international border (other than a United States border) in which a broker or trader located in the United States participates.

"(43) The terms 'broker' and 'trader' mean a person that assists in arranging an international transaction in a listed chemical by—

"(A) negotiating contracts;

"(B) serving as an agent or intermediary; or

"(C) bringing together a buyer and seller, a buyer and transporter, or a seller and transporter.".

(b) REMOVAL OF EXEMPTION OF CERTAIN DRUGS.—

(1) PROCEDURE.—Part B of the Controlled Substances Act (21 U.S.C. 811 et seq.) is amended by adding at the end the following new section:

"REMOVAL OF EXEMPTION OF CERTAIN DRUGS

Regulations.
21 USC 814.

"SEC. 204. (a) REMOVAL OF EXEMPTION.—The Attorney General shall by regulation remove from exemption under section 102(39)(A)(iv) a drug or group of drugs that the Attorney General finds is being diverted to obtain a listed chemical for use in the illicit production of a controlled substance.

"(b) FACTORS TO BE CONSIDERED.—In removing a drug or group of drugs from exemption under subsection (a), the Attorney General shall consider, with respect to a drug or group of drugs that is proposed to be removed from exemption—

"(1) the scope, duration, and significance of the diversion;

"(2) whether the drug or group of drugs is formulated in such a way that it cannot be easily used in the illicit production of a controlled substance; and

"(3) whether the listed chemical can be readily recovered from the drug or group of drugs.

"(c) SPECIFICITY OF DESIGNATION.—The Attorney General shall limit the designation of a drug or a group of drugs removed from exemption under subsection (a) to the most particularly identifiable type of drug or group of drugs for which evidence of diversion exists unless there is evidence, based on the pattern of diversion and other relevant factors, that the diversion will not be limited to that particular drug or group of drugs.

"(d) REINSTATEMENT OF EXEMPTION WITH RESPECT TO PARTICULAR DRUG PRODUCTS.—

"(1) REINSTATEMENT.—On application by a manufacturer of a particular drug product that has been removed from exemption under subsection (a), the Attorney General shall by regulation reinstate the exemption with respect to that particular drug product if the Attorney General determines that the particular drug product is manufactured and distributed in a manner that prevents diversion. Regulations.

"(2) FACTORS TO BE CONSIDERED.—In deciding whether to reinstate the exemption with respect to a particular drug product under paragraph (1), the Attorney General shall consider—

"(A) the package sizes and manner of packaging of the drug product;

"(B) the manner of distribution and advertising of the drug product;

"(C) evidence of diversion of the drug product;

"(D) any actions taken by the manufacturer to prevent diversion of the drug product; and

"(E) such other factors as are relevant to and consistent with the public health and safety, including the factors described in subsection (b) as applied to the drug product.

"(3) STATUS PENDING APPLICATION FOR REINSTATEMENT.—A transaction involving a particular drug product that is the subject of a bona fide pending application for reinstatement of exemption filed with the Attorney General not later than 60 days after a regulation removing the exemption is issued pursuant to subsection (a) shall not be considered to be a regulated transaction if the transaction occurs during the pendency of the application and, if the Attorney General denies the application, during the period of 60 days following the date on which the Attorney General denies the application, unless—

"(A) the Attorney General has evidence that, applying the factors described in subsection (b) to the drug product, the drug product is being diverted; and

"(B) the Attorney General so notifies the applicant.

"(4) AMENDMENT AND MODIFICATION.—A regulation reinstating an exemption under paragraph (1) may be modified or revoked with respect to a particular drug product upon a finding that—

"(A) applying the factors described in subsection (b) to the drug product, the drug product is being diverted; or

"(B) there is a significant change in the data that led to the issuance of the regulation.".

(2) CLERICAL AMENDMENT.—The table of contents of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (84 Stat. 1236) is amended by adding at the end of that portion relating to part B of title II the following new item:

"Sec. 204. Removal of exemption of certain drugs.".

(c) REGULATION OF LISTED CHEMICALS.—Section 310 of the Controlled Substances Act (21 U.S.C. 830) is amended—

(1) in subsection (a)(1)—

(A) by striking "precursor chemical" and inserting "list I chemical"; and

(B) in subparagraph (B), by striking "an essential chemical" and inserting "a list II chemical"; and

(2) in subsection (c)(2)(D), by striking "precursor chemical" and inserting "chemical control".

SEC. 3. REGISTRATION REQUIREMENTS.

(a) RULES AND REGULATIONS.—Section 301 of the Controlled Substances Act (21 U.S.C. 821) is amended by striking the period and inserting "and to the registration and control of regulated persons and of regulated transactions.".

(b) PERSONS REQUIRED TO REGISTER UNDER SECTION 302.—Section 302 of the Controlled Substances Act (21 U.S.C. 822) is amended—

(1) in subsection (a)(1), by inserting "or list I chemical" after "controlled substance" each place it appears;

(2) in subsection (b)—

(A) by inserting "or list I chemicals" after "controlled substances"; and

(B) by inserting "or chemicals" after "such substances";

(3) in subsection (c), by inserting "or list I chemical" after "controlled substance" each place it appears; and

(4) in subsection (e), by inserting "or list I chemicals" after "controlled substances".

(c) REGISTRATION REQUIREMENTS UNDER SECTION 303.—Section 303 of the Controlled Substances Act (21 U.S.C. 823) is amended by adding at the end the following new subsection:

"(h) The Attorney General shall register an applicant to distribute a list I chemical unless the Attorney General determines that registration of the applicant is inconsistent with the public interest. Registration under this subsection shall not be required for the distribution of a drug product that is exempted under section 102(39)(A)(iv). In determining the public interest for the purposes of this subsection, the Attorney General shall consider—

"(1) maintenance by the applicant of effective controls against diversion of listed chemicals into other than legitimate channels;

"(2) compliance by the applicant with applicable Federal, State, and local law;

"(3) any prior conviction record of the applicant under Federal or State laws relating to controlled substances or to chemicals controlled under Federal or State law;

"(4) any past experience of the applicant in the manufacture and distribution of chemicals; and

"(5) such other factors as are relevant to and consistent with the public health and safety.".

(d) DENIAL, REVOCATION, OR SUSPENSION OF REGISTRATION.—Section 304 of the Controlled Substances Act (21 U.S.C. 824) is amended—

(1) in subsection (a)—

(A) by inserting "or a list I chemical" after "controlled substance" each place it appears; and

(B) by inserting "or list I chemicals" after "controlled substances";

(2) in subsection (b), by inserting "or list I chemical" after "controlled substance";

(3) in subsection (f), by inserting "or list I chemicals" after "controlled substances" each place it appears; and

(4) in subsection (g)—

(A) by inserting "or list I chemicals" after "controlled substances" each place it appears; and

(B) by inserting "or list I chemical" after "controlled substance" each place it appears.

(e) PERSONS REQUIRED TO REGISTER UNDER SECTION 1007.—Section 1007 of the Controlled Substances Import and Export Act (21 U.S.C. 957) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting "or list I chemical" after "controlled substance"; and

(B) in paragraph (2), by striking "in schedule I, II, III, IV, or V," and inserting "or list I chemical,"; and

(2) in subsection (b)—

(A) in paragraph (1), by inserting "or list I chemical" after "controlled substance" each place it appears; and

(B) in paragraph (2), by inserting "or list I chemicals" after "controlled substances".

(f) REGISTRATION REQUIREMENTS UNDER SECTION 1008.—Section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958) is amended—

(1) in subsection (c)—

(A) by inserting "(1)" after "(c)"; and

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

"(2)(A) The Attorney General shall register an applicant to import or export a list I chemical unless the Attorney General determines that registration of the applicant is inconsistent with the public interest. Registration under this subsection shall not be required for the import or export of a drug product that is exempted under section 102(39)(A)(iv).

"(B) In determining the public interest for the purposes of subparagraph (A), the Attorney General shall consider the factors specified in section 303(h).";

(2) in subsection (d)—

(A) in paragraph (3), by inserting "or list I chemical or chemicals," after "substances,"; and

(B) in paragraph (6), by inserting "or list I chemicals" after "controlled substances" each place it appears;

(3) in subsection (e), by striking "and 307" and inserting "307, and 310"; and

(4) in subsections (f), (g), and (h), by inserting "or list I chemicals" after "controlled substances" each place it appears.

(g) PROHIBITED ACTS C.—Section 403(a) of the Controlled Substances Act (21 U.S.C. 843(a)) is amended—

(1) by amending paragraphs (6) and (7) to read as follows:

"(6) to possess any three-neck round-bottom flask, tableting machine, encapsulating machine, or gelatin capsule, or any equipment, chemical, product, or material which may be used to manufacture a controlled substance or listed chemical, knowing, intending, or having reasonable cause to believe, that it will be used to manufacture a controlled substance or listed chemical in violation of this title or title III;

"(7) to manufacture, distribute, export, or import any three-neck round-bottom flask, tableting machine, encapsulating machine, or gelatin capsule, or any equipment, chemical, product, or material which may be used to manufacture a controlled substance or listed chemical, knowing, intending, or having reasonable cause to believe, that it will be used to manufacture a controlled substance or listed chemical in violation of this title or title III or, in the case of an exportation, in violation of this title or title III or of the laws of the country to which it is exported;";

(2) by striking the period at the end of paragraph (8) and inserting "; or"; and

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

"(9) to distribute, import, or export a list I chemical without the registration required by this title or title III.".

SEC. 4. REPORTS BY BROKERS AND TRADERS; CRIMINAL PENALTIES.

(a) NOTIFICATION, SUSPENSION OF SHIPMENT, AND PENALTIES WITH RESPECT TO IMPORTATION AND EXPORTATION OF LISTED CHEMICALS.—Section 1018 of the Controlled Substances Import and Export Act (21 U.S.C. 971) is amended by adding at the end the following new subsection:

"(d) A person located in the United States who is a broker or trader for an international transaction in a listed chemical that is a regulated transaction solely because of that person's involvement as a broker or trader shall, with respect to that transaction, be subject to all of the notification, reporting, recordkeeping, and other requirements placed upon exporters of listed chemicals by this title and title II.".

(b) PROHIBITED ACTS A.—Section 1010(d) of the Controlled Substances Import and Export Act (21 U.S.C. 960(d)) is amended to read as follows:

"(d) A person who knowingly or intentionally—

"(1) imports or exports a listed chemical with intent to manufacture a controlled substance in violation of this title or title II;

"(2) exports a listed chemical in violation of the laws of the country to which the chemical is exported or serves as a broker or trader for an international transaction involving a listed chemical, if the transaction is in violation of the laws of the country to which the chemical is exported;

"(3) imports or exports a listed chemical knowing, or having reasonable cause to believe, that the chemical will be used to manufacture a controlled substance in violation of this title or title II; or

"(4) exports a listed chemical, or serves as a broker or trader for an international transaction involving a listed chemical, knowing, or having reasonable cause to believe, that the chemical will be used to manufacture a controlled substance

in violation of the laws of the country to which the chemical is exported,

shall be fined in accordance with title 18, imprisoned not more than 10 years, or both.".

SEC. 5. EXEMPTION AUTHORITY; ANTISMUGGLING PROVISION.

(a) NOTIFICATION REQUIREMENT.—Section 1018 of the Controlled Substances Import and Export Act (21 U.S.C. 971), as amended by section 1505(a) of this Act, is amended by adding at the end the following new subsection:

"(e)(1) The Attorney General may by regulation require that the 15-day notification requirement of subsection (a) apply to all exports of a listed chemical to a specified country, regardless of the status of certain customers in such country as regular customers, if the Attorney General finds that such notification is necessary to support effective chemical diversion control programs or is required by treaty or other international agreement to which the United States is a party.

"(2) The Attorney General may by regulation waive the 15-day notification requirement for exports of a listed chemical to a specified country if the Attorney General determines that such notification is not required for effective chemical diversion control. If the notification requirement is waived, exporters of the listed chemical shall be required to submit to the Attorney General reports of individual exportations or periodic reports of such exportation of the listed chemical, at such time or times and containing such information as the Attorney General shall establish by regulation. Reports. Regulations.

"(3) The Attorney General may by regulation waive the 15-day notification requirement for the importation of a listed chemical if the Attorney General determines that such notification is not necessary for effective chemical diversion control. If the notification requirement is waived, importers of the listed chemical shall be required to submit to the Attorney General reports of individual importations or periodic reports of the importation of the listed chemical, at such time or times and containing such information as the Attorney General shall establish by regulation.". Reports. Regulations.

(b) PROHIBITED ACTS A.—Section 1010(d) of the Controlled Substances Import and Export Act (21 U.S.C. 960(d)), as amended by section 4(b) of this Act, is amended—

(1) by striking "or" at the end of paragraph (3);

(2) by striking the comma at the end of paragraph (4) and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

"(5) imports or exports a listed chemical, with the intent to evade the reporting or recordkeeping requirements of section 1018 applicable to such importation or exportation by falsely representing to the Attorney General that the importation or exportation qualifies for a waiver of the 15-day notification requirement granted pursuant to section 1018(e) (2) or (3) by misrepresenting the actual country of final destination of the listed chemical or the actual listed chemical being imported or exported; or Exports and imports.

"(6) imports or exports a listed chemical in violation of section 1007 or 1018,".

SEC. 6. ADMINISTRATIVE INSPECTIONS AND AUTHORITY.

Section 510 of the Controlled Substances Act (21 U.S.C. 880) is amended—

(1) by amending subsection (a)(2) to read as follows:

"(2) places, including factories, warehouses, and other establishments, and conveyances, where persons registered under section 303 (or exempt from registration under section 302(d) or by regulation of the Attorney General) or regulated persons may lawfully hold, manufacture, distribute, dispense, administer, or otherwise dispose of controlled substances or listed chemicals or where records relating to those activities are maintained."; and

(2) in subsection (b)(3)—

(A) in subparagraph (B), by inserting ", listed chemicals," after "unfinished drugs"; and

(B) in subparagraph (C), by inserting "or listed chemical" after "controlled substance" and inserting "or chemical" after "such substance".

SEC. 7. THRESHOLD AMOUNTS.

Section 102(39)(A) of the Controlled Substances Act (21 U.S.C. 802(39)(A)), as amended by section 2, is amended by inserting "a listed chemical, or if the Attorney General establishes a threshold amount for a specific listed chemical," before "a threshold amount, including a cumulative threshold amount for multiple transactions".

SEC. 8. AMENDMENTS TO LIST I.

Section 102(34) of the Controlled Substances Act (21 U.S.C. 802(34)) is amended—

(1) by striking subparagraphs (O), (U), and (W);

(2) by redesignating subparagraphs (P) through (T) as (O) through (S), subparagraph (V) as (T), and subparagraphs (X) and (Y) as (U) and (X), respectively;

(3) in subparagraph (X), as redesignated by paragraph (2), by striking "(X)" and inserting "(U)"; and

(4) by inserting after subparagraph (U), as redesignated by paragraph (2), the following new subparagraphs:

"(V) benzaldehyde.

"(W) nitroethane.".

SEC. 9. ELIMINATION OF REGULAR SUPPLIER STATUS AND CREATION OF REGULAR IMPORTER STATUS.

(a) DEFINITION.—Section 102(37) of the Controlled Substances Act (21 U.S.C. 802(37)) is amended to read as follows:

"(37) The term 'regular importer' means, with respect to a listed chemical, a person that has an established record as an importer of that listed chemical that is reported to the Attorney General.".

(b) NOTIFICATION.—Section 1018 of the Controlled Substances Act (21 U.S.C. 971) is amended—

(1) in subsection (b)—

(A) in paragraph (1) by striking "regular supplier of the regulated person" and inserting "to an importation by a regular importer"; and

(B) in paragraph (2)—

(i) by striking "a customer or supplier of a regulated person" and inserting "a customer of a regulated person or to an importer"; and

(ii) by striking "regular supplier" and inserting "the importer as a regular importer"; and

(2) in subsection (c)(1) by striking "regular supplier" and inserting "regular importer".

SEC. 10. REPORTING OF LISTED CHEMICAL MANUFACTURING.

Section 310(b) of the Controlled Substances Act (21 U.S.C. 830(b)) is amended—

(1) by inserting "(1)" after "(b)";

(2) by redesignating paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), and (D), respectively;

(3) by striking "paragraph (1)" each place it appears and inserting "subparagraph (A)";

(4) by striking "paragraph (2)" and inserting "subparagraph (B)";

(5) by striking "paragraph (3)" and inserting "subparagraph (C)"; and

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

"(2) A regulated person that manufactures a listed chemical shall report annually to the Attorney General, in such form and manner and containing such specific data as the Attorney General shall prescribe by regulation, information concerning listed chemicals manufactured by the person. The requirement of the preceding sentence shall not apply to the manufacture of a drug product that is exempted under section 102(39)(A)(iv).". Regulations.

SEC. 11. EFFECTIVE DATE. 21 USC 802 note.

This Act and the amendments made by this Act shall take effect on the date that is 120 days after the date of enactment of this Act.

Approved December 17, 1993.

LEGISLATIVE HISTORY—H.R. 3216:

HOUSE REPORTS: No. 103-379, Pt. 1 (Comm. on Energy and Commerce).
CONGRESSIONAL RECORD, Vol. 139 (1993):
Nov. 21, considered and passed House.
Nov. 24, considered and passed Senate.

Public Law 103-201
103d Congress

An Act

Dec. 17, 1993
[H.R. 3514]

To clarify the regulatory oversight exercised by the Rural Electrification Administration with respect to certain electric borrowers.

Loans.

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

SECTION 1. ADMINISTRATIVE PROHIBITIONS APPLICABLE TO CERTAIN ELECTRIC BORROWERS.

7 USC 936e.

Section 306E of the Rural Electrification Act of 1936 is amended to read as follows:

Regulations.

"SEC. 306E. ADMINISTRATIVE PROHIBITIONS APPLICABLE TO CERTAIN ELECTRIC BORROWERS.

"(a) IN GENERAL.—For the purpose of relieving borrowers of unnecessary and burdensome requirements, the Administrator, guided by the practices of private lenders with respect to similar credit risks, shall issue regulations, applicable to any electric borrower under this Act whose net worth exceeds 110 percent of the outstanding principal balance on all loans made or guaranteed to the borrower by the Administrator, to minimize those approval rights, requirements, restrictions, and prohibitions that the Administrator otherwise may establish with respect to the operations of such a borrower.

"(b) SUBORDINATION OR SHARING OF LIENS.—At the request of a private lender providing financing to such a borrower for a capital investment, the Administrator shall, expeditiously, either offer to share the government's lien on the borrower's system or offer to subordinate the government's lien on that property financed by the private lender.

"(c) ISSUANCE OF REGULATIONS.—In issuing regulations implementing this section, the Administrator may establish requirements, guided by the practices of private lenders, to ensure that the security for any loan made or guaranteed under this Act is reasonably adequate.

"(d) AUTHORITY OF THE ADMINISTRATOR.—Nothing in this section limits the authority of the Administrator to establish terms and conditions with respect to the use by borrowers of the proceeds of loans made or guaranteed under this Act or to take any other action specifically authorized by law.".

7 USC 936e note.

SEC. 2. ISSUANCE OF REGULATIONS.

The Administrator of the Rural Electrification Administration shall issue interim final regulations implementing this Act not later than 180 days after enactment. If the regulations are not issued within such period of time, the Administrator may not,

until the Administrator issues such regulations, require prior approval of, establish any requirement, restriction, or prohibition, with respect to the operations of any electric borrower under the Rural Electrification Act of 1936 whose net worth exceeds 110 percent of the outstanding principal balance on all loans made or guaranteed to the borrower by the Administrator.

Approved December 17, 1993.

LEGISLATIVE HISTORY—H.R. 3514:

HOUSE REPORTS: No. 103-381 (Comm. on Agriculture).
CONGRESSIONAL RECORD, Vol. 139 (1993):
Nov. 19, considered and passed House.
Nov. 22, considered and passed Senate.

Public Law 103-202
103d Congress

An Act

Dec. 17, 1993
[S. 422]

To extend and revise rulemaking authority with respect to government securities under the Federal securities laws, and for other purposes.

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

Government Securities Act Amendments of 1993.
15 USC 78a note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Government Securities Act Amendments of 1993".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—AMENDMENTS TO THE SECURITIES EXCHANGE ACT OF 1934

Sec. 101. Findings.
Sec. 102. Extension of government securities rulemaking authority.
Sec. 103. Transaction records.
Sec. 104. Large position reporting.
Sec. 105. Authority of the Commission to regulate transactions in exempted securities.
Sec. 106. Sales practice rulemaking authority.
Sec. 107. Market information.
Sec. 108. Disclosure by government securities brokers and government securities dealers whose accounts are not insured by the Securities Investor Protection Corporation.
Sec. 109. Technical amendments.
Sec. 110. Offerings of certain government securities.
Sec. 111. Rule of construction.
Sec. 112. Study of regulatory system for government securities.

TITLE II—REPORTS ON PUBLIC DEBT

Sec. 201. Annual report on public debt.
Sec. 202. Treasury auction reforms.
Sec. 203. Notice on Treasury modifications to auction process.

TITLE III—LIMITED PARTNERSHIP ROLLUPS

Sec. 301. Short title.
Sec. 302. Revision of proxy solicitation rules with respect to limited partnership rollup transactions.
Sec. 303. Rules of fair practice in rollup transactions.
Sec. 304. Effective date; effect on existing authority.

TITLE I—AMENDMENTS TO THE SECURITIES EXCHANGE ACT OF 1934

15 USC 78o-5 note.

SEC. 101. FINDINGS.

The Congress finds that—

(1) the liquid and efficient operation of the government securities market is essential to facilitate government borrowing at the lowest possible cost to taxpayers;

(2) the fair and honest treatment of investors will strengthen the integrity and liquidity of the government securities market;

(3) rules promulgated by the Secretary of the Treasury pursuant to the Government Securities Act of 1986 have worked well to protect investors from unregulated dealers and maintain the efficiency of the government securities market; and

(4) extending the authority of the Secretary and providing new authority will ensure the continued strength of the government securities market.

SEC. 102. EXTENSION OF GOVERNMENT SECURITIES RULEMAKING AUTHORITY.

Section 15C of the Securities Exchange Act of 1934 (15 U.S.C. 78o–5) is amended by striking subsection (g).

SEC. 103. TRANSACTION RECORDS.

(a) AMENDMENT.—Section 15C(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–5(d)) is amended by adding at the end the following new paragraph:

"(3) GOVERNMENT SECURITIES TRADE RECONSTRUCTION.—

"(A) FURNISHING RECORDS.—Every government securities broker and government securities dealer shall furnish to the Commission on request such records of government securities transactions, including records of the date and time of execution of trades, as the Commission may require to reconstruct trading in the course of a particular inquiry or investigation being conducted by the Commission for enforcement or surveillance purposes. In requiring information pursuant to this paragraph, the Commission shall specify the information required, the period for which it is required, the time and date on which the information must be furnished, and whether the information is to be furnished directly to the Commission, to the Federal Reserve Bank of New York, or to an appropriate regulatory agency or self-regulatory organization with responsibility for examining the government securities broker or government securities dealer. The Commission may require that such information be furnished in machine readable form notwithstanding any limitation in subparagraph (B). In utilizing its authority to require information in machine readable form, the Commission shall minimize the burden such requirement may place on small government securities brokers and dealers.

"(B) LIMITATION; CONSTRUCTION.—The Commission shall not utilize its authority under this paragraph to develop regular reporting requirements, except that the Commission may require information to be furnished under this paragraph as frequently as necessary for particular inquiries or investigations for enforcement or surveillance purposes. This paragraph shall not be construed as requiring, or as authorizing the Commission to require, any government securities broker or government securities dealer to obtain or maintain any information for purposes of this paragraph which is not otherwise maintained by such broker or dealer in accordance with any other provision of law or usual and customary business practice. The Commission shall, where feasible, avoid requiring any information to

be furnished under this paragraph that the Commission may obtain from the Federal Reserve Bank of New York.

"(C) PROCEDURES FOR REQUIRING INFORMATION.—At the time the Commission requests any information pursuant to subparagraph (A) with respect to any government securities broker or government securities dealer for which the Commission is not the appropriate regulatory agency, the Commission shall notify the appropriate regulatory agency for such government securities broker or government securities dealer and, upon request, furnish to the appropriate regulatory agency any information supplied to the Commission.

"(D) CONSULTATION.—Within 90 days after the date of enactment of this paragraph, and annually thereafter, or upon the request of any other appropriate regulatory agency, the Commission shall consult with the other appropriate regulatory agencies to determine the availability of records that may be required to be furnished under this paragraph and, for those records available directly from the other appropriate regulatory agencies, to develop a procedure for furnishing such records expeditiously upon the Commission's request.

"(E) EXCLUSION FOR EXAMINATION REPORTS.—Nothing in this paragraph shall be construed so as to permit the Commission to require any government securities broker or government securities dealer to obtain, maintain, or furnish any examination report of any appropriate regulatory agency other than the Commission or any supervisory recommendations or analysis contained in any such examination report.

Confidentiality.

"(F) AUTHORITY TO LIMIT DISCLOSURE OF INFORMATION.—Notwithstanding any other provision of law, the Commission and the appropriate regulatory agencies shall not be compelled to disclose any information required or obtained under this paragraph. Nothing in this paragraph shall authorize the Commission or any appropriate regulatory agency to withhold information from Congress, or prevent the Commission or any appropriate regulatory agency from complying with a request for information from any other Federal department or agency requesting information for purposes within the scope of its jurisdiction, or from complying with an order of a court of the United States in an action brought by the United States, the Commission, or the appropriate regulatory agency. For purposes of section 552 of title 5, United States Code, this subparagraph shall be considered a statute described in subsection (b)(3)(B) of such section 552.".

(b) CONFORMING AMENDMENTS.—(1) Section 15C(a)(4) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–5(a)(4)) is amended by inserting ", other than subsection (d)(3)," after "subsection (a), (b), or (d) of this section".

(2) Section 15C(f)(2) of such Act is amended—

(A) in the first sentence, by inserting ", other than subsection (d)(3)", after "threatened violation of the provisions of this section"; and

(B) in the second sentence, by inserting "(except subsection (d)(3))" after "other than this section".

SEC. 104. LARGE POSITION REPORTING.

Section 15C of the Securities Exchange Act of 1934 (15 U.S.C. 78o–5) is amended—

(1) by redesignating subsection (f) as subsection (g); and

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

"(f) LARGE POSITION REPORTING.—

"(1) REPORTING REQUIREMENTS.—The Secretary may adopt rules to require specified persons holding, maintaining, or controlling large positions in to-be-issued or recently issued Treasury securities to file such reports regarding such positions as the Secretary determines to be necessary and appropriate for the purpose of monitoring the impact in the Treasury securities market of concentrations of positions in Treasury securities and for the purpose of otherwise assisting the Commission in the enforcement of this title, taking into account any impact of such rules on the efficiency and liquidity of the Treasury securities market and the cost to taxpayers of funding the Federal debt. Unless otherwise specified by the Secretary, reports required under this subsection shall be filed with the Federal Reserve Bank of New York, acting as agent for the Secretary. Such reports shall, on a timely basis, be provided directly to the Commission by the person with whom they are filed.

"(2) RECORDKEEPING REQUIREMENTS.—Rules under this subsection may require persons holding, maintaining, or controlling large positions in Treasury securities to make and keep for prescribed periods such records as the Secretary determines are necessary or appropriate to ensure that such persons can comply with reporting requirements under this subsection.

"(3) AGGREGATION RULES.—Rules under this subsection—

"(A) may prescribe the manner in which positions and accounts shall be aggregated for the purpose of this subsection, including aggregation on the basis of common ownership or control; and

"(B) may define which persons (individually or as a group) hold, maintain, or control large positions.

"(4) DEFINITIONAL AUTHORITY; DETERMINATION OF REPORTING THRESHOLD.—

"(A) In prescribing rules under this subsection, the Secretary may, consistent with the purpose of this subsection, define terms used in this subsection that are not otherwise defined in section 3 of this title.

"(B) Rules under this subsection shall specify—

"(i) the minimum size of positions subject to reporting under this subsection, which shall be no less than the size that provides the potential for manipulation or control of the supply or price, or the cost of financing arrangements, of an issue or the portion thereof that is available for trading;

"(ii) the types of positions (which may include financing arrangements) to be reported;

"(iii) the securities to be covered; and

"(iv) the form and manner in which reports shall be transmitted, which may include transmission in machine readable form.

"(5) EXEMPTIONS.—Consistent with the public interest and the protection of investors, the Secretary by rule or order may exempt in whole or in part, conditionally or unconditionally,

any person or class or persons, or any transaction or class of transactions, from the requirements of this subsection.

Confidentiality.

"(6) LIMITATION ON DISCLOSURE OF INFORMATION.—Notwithstanding any other provision of law, the Secretary and the Commission shall not be compelled to disclose any information required to be kept or reported under this subsection. Nothing in this subsection shall authorize the Secretary or the Commission to withhold information from Congress, or prevent the Secretary or the Commission from complying with a request for information from any other Federal department or agency requesting information for purposes within the scope of its jurisdiction, or from complying with an order of a court of the United States in an action brought by the United States, the Secretary, or the Commission. For purposes of section 552 of title 5, United States Code, this paragraph shall be considered a statute described in subsection (b)(3)(B) of such section 552.".

SEC. 105. AUTHORITY OF THE COMMISSION TO REGULATE TRANSACTIONS IN EXEMPTED SECURITIES.

(a) PREVENTION OF FRAUDULENT AND MANIPULATIVE ACTS AND PRACTICES.—Section 15(c)(2) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(c)(2)) is amended—

(1) by inserting "(A)" after "(2)";

(2) by striking "fictitious quotation, and no municipal securities dealer" and inserting the following:

"fictitious quotation.

"(B) No municipal securities dealer";

(3) by striking "fictitious quotation. The Commission shall" and inserting the following:

"fictitious quotation.

"(C) No government securities broker or government securities dealer shall make use of the mails or any means or instrumentality of interstate commerce to effect any transaction in, or induce or attempt to induce the purchase or sale of, any government security in connection with which such government securities broker or government securities dealer engages in any fraudulent, deceptive, or manipulative act or practice, or makes any fictitious quotation.

"(D) The Commission shall"; and

(4) by adding at the end the following:

"(E) The Commission shall, prior to adopting any rule or regulation under subparagraph (C), consult with and consider the views of the Secretary of the Treasury and each appropriate regulatory agency. If the Secretary of the Treasury or any appropriate regulatory agency comments in writing on a proposed rule or regulation of the Commission under such subparagraph (C) that has been published for comment, the Commission shall respond in writing to such written comment before adopting the proposed rule. If the Secretary of the Treasury determines, and notifies the Commission, that such rule or regulation, if implemented, would, or as applied does (i) adversely affect the liquidity or efficiency of the market for government securities; or (ii) impose any burden on competition not necessary or appropriate in furtherance of the purposes of this section, the Commission shall, prior to adopting the proposed rule or regulation, find that such rule or regulation is necessary and appropriate in furtherance of the purposes of this section notwithstanding the Secretary's determination.".

(b) FRAUDULENT AND MANIPULATIVE DEVICES AND CONTRIVANCES.—Section 15(c)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(c)(1)) is amended—

(1) by inserting "(A)" after "(c)(1)";

(2) by striking "contrivance, and no municipal securities dealer" and inserting the following:
"contrivance.

"(B) No municipal securities dealer";

(3) by striking "contrivance. The Commission shall" and inserting the following:
"contrivance.

"(C) No government securities broker or government securities dealer shall make use of the mails or any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, any government security by means of any manipulative, deceptive, or other fraudulent device or contrivance.

"(D) The Commission shall"; and

(4) by adding at the end the following:

"(E) The Commission shall, prior to adopting any rule or regulation under subparagraph (C), consult with and consider the views of the Secretary of the Treasury and each appropriate regulatory agency. If the Secretary of the Treasury or any appropriate regulatory agency comments in writing on a proposed rule or regulation of the Commission under such subparagraph (C) that has been published for comment, the Commission shall respond in writing to such written comment before adopting the proposed rule. If the Secretary of the Treasury determines, and notifies the Commission, that such rule or regulation, if implemented, would, or as applied does (i) adversely affect the liquidity or efficiency of the market for government securities; or (ii) impose any burden on competition not necessary or appropriate in furtherance of the purposes of this section, the Commission shall, prior to adopting the proposed rule or regulation, find that such rule or regulation is necessary and appropriate in furtherance of the purposes of this section notwithstanding the Secretary's determination.".

SEC. 106. SALES PRACTICE RULEMAKING AUTHORITY.

(a) RULES FOR FINANCIAL INSTITUTIONS.—Section 15C(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–5(b)) is amended—

(1) by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (4), (5), (6), and (7), respectively; and

(2) by inserting after paragraph (2) the following new paragraph:

"(3)(A) With respect to any financial institution that has filed notice as a government securities broker or government securities dealer or that is required to file notice under subsection (a)(1)(B), the appropriate regulatory agency for such government securities broker or government securities dealer may issue such rules and regulations with respect to transactions in government securities as may be necessary to prevent fraudulent and manipulative acts and practices and to promote just and equitable principles of trade. If the Secretary of the Treasury determines, and notifies the appropriate regulatory agency, that such rule or regulation, if implemented, would, or as applied does (i) adversely affect the liquidity or efficiency of the market for government securities; or (ii) impose any burden on competition not necessary or appropriate in further-

ance of the purposes of this section, the appropriate regulatory agency shall, prior to adopting the proposed rule or regulation, find that such rule or regulation is necessary and appropriate in furtherance of the purposes of this section notwithstanding the Secretary's determination.

"(B) The appropriate regulatory agency shall consult with and consider the views of the Secretary prior to approving or amending a rule or regulation under this paragraph, except where the appropriate regulatory agency determines that an emergency exists requiring expeditious and summary action and publishes its reasons therefor. If the Secretary comments in writing to the appropriate regulatory agency on a proposed rule or regulation that has been published for comment, the appropriate regulatory agency shall respond in writing to such written comment before approving the proposed rule or regulation.

"(C) In promulgating rules under this section, the appropriate regulatory agency shall consider the sufficiency and appropriateness of then existing laws and rules applicable to government securities brokers, government securities dealers, and persons associated with government securities brokers and government securities dealers.".

(b) RULES BY REGISTERED SECURITIES ASSOCIATIONS.—

(1) REMOVAL OF LIMITATIONS ON AUTHORITY.—(A) Section 15A of the Securities Exchange Act of 1934 (15 U.S.C. 78o–3) is amended—

(i) by striking subsections (f)(1) and (f)(2); and

(ii) by redesignating subsection (f)(3) as subsection (f).

(B) Section 15A(g) of such Act is amended—

(i) by striking "exempted securities" in paragraph (3)(D) and inserting "municipal securities";

(ii) by striking paragraph (4); and

(iii) by redesignating paragraph (5) as paragraph (4).

(2) CONFORMING AMENDMENT.—

(A) Section 3(a)(12)(B)(ii) of such Act (15 U.S.C. 78c(a)(12)(B)(ii)) is amended by striking "15, 15A (other than subsection (g)(3)), and 17A" and inserting "15 and 17A".

(B) Section 15(b)(7) of such Act (15 U.S.C. 78o(b)(7)) is amended by inserting "or government securities broker or government securities dealer registered (or required to register) under section 15C(a)(1)(A)" after "No registered broker or dealer".

(c) OVERSIGHT OF REGISTERED SECURITIES ASSOCIATIONS.—Section 19 of the Securities Exchange Act of 1934 (15 U.S.C. 78s) is amended—

(1) in subsection (b), by adding at the end the following new paragraphs:

"(5) The Commission shall consult with and consider the views of the Secretary of the Treasury prior to approving a proposed rule filed by a registered securities association that primarily concerns conduct related to transactions in government securities, except where the Commission determines that an emergency exists requiring expeditious or summary action and publishes its reasons therefor. If the Secretary of the Treasury comments in writing to the Commission on a proposed rule that has been published for comment, the Commission shall respond in writing to such written comment before approving the proposed rule. If the Secretary of the Treasury determines, and notifies the Commission,

that such rule, if implemented, would, or as applied does (i) adversely affect the liquidity or efficiency of the market for government securities; or (ii) impose any burden on competition not necessary or appropriate in furtherance of the purposes of this section, the Commission shall, prior to adopting the proposed rule, find that such rule is necessary and appropriate in furtherance of the purposes of this section notwithstanding the Secretary's determination.

"(6) In approving rules described in paragraph (5), the Commission shall consider the sufficiency and appropriateness of then existing laws and rules applicable to government securities brokers, government securities dealers, and persons associated with government securities brokers and government securities dealers."; and

(2) in subsection (c), by adding at the end the following new paragraph:

"(5) With respect to rules described in subsection (b)(5), the Commission shall consult with and consider the views of the Secretary of the Treasury before abrogating, adding to, and deleting from such rules, except where the Commission determines that an emergency exists requiring expeditious or summary action and publishes its reasons therefor.".

SEC. 107. MARKET INFORMATION.

Section 23(b)(4) of the Securities Exchange Act of 1934 (15 U.S.C. 78w) is amended—

(1) by striking subparagraphs (C), (D), and (H);

(2) by redesignating subparagraphs (E), (F), and (G) as subparagraphs (C), (D), and (E), respectively;

(3) by redesignating subparagraphs (I), (J), and (K) as subparagraphs (F), (G), and (H), respectively;

(4) by striking "and" at the end of such redesignated subparagraph (G);

(5) by striking the period at the end of such redesignated subparagraph (H) and inserting "; and"; and

(6) by inserting after such redesignated subparagraph (H) the following new subparagraph:

"(I) the steps that have been taken and the progress that has been made in promoting the timely public dissemination and availability for analytical purposes (on a fair, reasonable, and nondiscriminatory basis) of information concerning government securities transactions and quotations, and its recommendations, if any, for legislation to assure timely dissemination of (i) information on transactions in regularly traded government securities sufficient to permit the determination of the prevailing market price for such securities, and (ii) reports of the highest published bids and lowest published offers for government securities (including the size at which persons are willing to trade with respect to such bids and offers).".

SEC. 108. DISCLOSURE BY GOVERNMENT SECURITIES BROKERS AND GOVERNMENT SECURITIES DEALERS WHOSE ACCOUNTS ARE NOT INSURED BY THE SECURITIES INVESTOR PROTECTION CORPORATION.

Section 15C(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–5(a)) is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following:

"(4) No government securities broker or government securities dealer that is required to register under paragraph (1)(A) and that is not a member of the Securities Investor Protection Corporation shall effect any transaction in any security in contravention of such rules as the Commission shall prescribe pursuant to this subsection to assure that its customers receive complete, accurate, and timely disclosure of the inapplicability of Securities Investor Protection Corporation coverage to their accounts.".

SEC. 109. TECHNICAL AMENDMENTS.

(a) AMENDMENTS TO DEFINITIONS.—Section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)) is amended—

(1) in paragraph (34)(G) (relating to the definition of appropriate regulatory agency), by amending clauses (ii), (iii), and (iv) to read as follows:

"(ii) the Board of Governors of the Federal Reserve System, in the case of a State member bank of the Federal Reserve System, a foreign bank, an uninsured State branch or State agency of a foreign bank, a commercial lending company owned or controlled by a foreign bank (as such terms are used in the International Banking Act of 1978), or a corporation organized or having an agreement with the Board of Governors of the Federal Reserve System pursuant to section 25 or section 25A of the Federal Reserve Act;

"(iii) the Federal Deposit Insurance Corporation, in the case of a bank insured by the Federal Deposit Insurance Corporation (other than a member of the Federal Reserve System or a Federal savings bank) or an insured State branch of a foreign bank (as such terms are used in the International Banking Act of 1978);

"(iv) the Director of the Office of Thrift Supervision, in the case of a savings association (as defined in section 3(b) of the Federal Deposit Insurance Act) the deposits of which are insured by the Federal Deposit Insurance Corporation;";

(2) by amending paragraph (46) (relating to the definition of financial institution) to read as follows:

"(46) The term 'financial institution' means—

"(A) a bank (as defined in paragraph (6) of this subsection);

"(B) a foreign bank (as such term is used in the International Banking Act of 1978); and

"(C) a savings association (as defined in section 3(b) of the Federal Deposit Insurance Act) the deposits of which are insured by the Federal Deposit Insurance Corporation."; and

(3) by redesignating paragraph (51) (as added by section 204 of the International Securities Enforcement Cooperation Act of 1990) as paragraph (52).

(b) EFFECTIVE DATE OF BROKER/DEALER REGISTRATION.—

(1) GOVERNMENT SECURITIES BROKERS AND DEALERS.—Section 15C(a)(2)(ii) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–5(a)(2)(ii)) is amended by inserting before "The Commission may extend" the following: "The order granting registration shall not be effective until such government securi-

ties broker or government securities dealer has become a member of a national securities exchange registered under section 6 of this title, or a securities association registered under section 15A of this title, unless the Commission has exempted such government securities broker or government securities dealer, by rule or order, from such membership.".

(2) OTHER BROKERS AND DEALERS.—Section 15(b)(1)(B) of such Act (15 U.S.C. 78o(b)(1)(B)) is amended by inserting before "The Commission may extend" the following: "The order granting registration shall not be effective until such broker or dealer has become a member of a registered securities association, or until such broker or dealer has become a member of a national securities exchange if such broker or dealer effects transactions solely on that exchange, unless the Commission has exempted such broker or dealer, by rule or order, from such membership.".

(c) INFORMATION SHARING.—Section 15C(d)(2) of such Act is amended to read as follows: 15 USC 78o-5.

"(2) Information received by an appropriate regulatory agency, the Secretary, or the Commission from or with respect to any government securities broker, government securities dealer, any person associated with a government securities broker or government securities dealer, or any other person subject to this section or rules promulgated thereunder, may be made available by the Secretary or the recipient agency to the Commission, the Secretary, the Department of Justice, the Commodity Futures Trading Commission, any appropriate regulatory agency, any self-regulatory organization, or any Federal Reserve Bank.".

SEC. 110. OFFERINGS OF CERTAIN GOVERNMENT SECURITIES.

Section 15(c) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(c)) is amended by adding at the end the following new paragraph:

"(7) In connection with any bid for or purchase of a government security related to an offering of government securities by or on behalf of an issuer, no government securities broker, government securities dealer, or bidder for or purchaser of securities in such offering shall knowingly or willfully make any false or misleading written statement or omit any fact necessary to make any written statement made not misleading.".

SEC. 111. RULE OF CONSTRUCTION. 15 USC 78o-5 note.

(a) IN GENERAL.—No provision of, or amendment made by, this title may be construed—

(1) to govern the initial issuance of any public debt obligation, or

(2) to grant any authority to (or extend any authority of) the Securities and Exchange Commission, any appropriate regulatory agency, or a self-regulatory organization—

(A) to prescribe any procedure, term, or condition of such initial issuance,

(B) to promulgate any rule or regulation governing such initial issuance, or

(C) to otherwise regulate in any manner such initial issuance.

(b) EXCEPTION.—Subsection (a) of this section shall not apply to the amendment made by section 110 of this Act.

(c) PUBLIC DEBT OBLIGATION.—For purposes of this section, the term "public debt obligation" means an obligation subject to the public debt limit established in section 3101 of title 31, United States Code.

15 USC 78o-5 note.

SEC. 112. STUDY OF REGULATORY SYSTEM FOR GOVERNMENT SECURITIES.

(a) JOINT STUDY.—The Secretary of the Treasury, the Securities and Exchange Commission, and the Board of Governors of the Federal Reserve System shall—

(1) with respect to any rules promulgated or amended after October 1, 1991, pursuant to section 15C of the Securities Exchange Act of 1934 or any amendment made by this title, and any national securities association rule changes applicable principally to government securities transactions approved after October 1, 1991—

(A) evaluate the effectiveness of such rules in carrying out the purposes of such Act; and

(B) evaluate the impact of any such rules on the efficiency and liquidity of the government securities market and the cost of funding the Federal debt;

(2) evaluate the effectiveness of surveillance and enforcement with respect to government securities, and the impact on such surveillance and enforcement of the availability of automated, time-sequenced records of essential information pertaining to trades in such securities; and

(3) submit to the Congress, not later than March 31, 1998, any recommendations they may consider appropriate concerning—

(A) the regulation of government securities brokers and government securities dealers;

(B) the dissemination of information concerning quotations for and transactions in government securities;

(C) the prevention of sales practice abuses in connection with transactions in government securities; and

(D) such other matters as they consider appropriate.

(b) TREASURY STUDY.—The Secretary of the Treasury, in consultation with the Securities and Exchange Commission, shall—

(1) conduct a study of—

(A) the identity and nature of the business of government securities brokers and government securities dealers that are registered with the Securities and Exchange Commission under section 15C of the Securities Exchange Act of 1934; and

(B) the continuing need for, and regulatory and financial consequences of, a separate regulatory system for such government securities brokers and government securities dealers; and

(2) submit to the Congress, not later than 18 months after the date of enactment of this Act, the Secretary's recommendations for change, if any, or such other recommendations as the Secretary considers appropriate.

TITLE II—REPORTS ON PUBLIC DEBT

SEC. 201. ANNUAL REPORT ON PUBLIC DEBT.

(a) GENERAL RULE.—Subchapter II of chapter 31 of title 31, United States Code, is amended by adding at the end the following new section:

"§ 3130. Annual public debt report

"(a) GENERAL RULE.—On or before June 1 of each calendar year after 1993, the Secretary of the Treasury shall submit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on—

"(1) the Treasury's public debt activities, and

"(2) the operations of the Federal Financing Bank.

"(b) REQUIRED INFORMATION ON PUBLIC DEBT ACTIVITIES.—Each report submitted under subsection (a) shall include the following information:

"(1) A table showing the following information with respect to the total public debt:

"(A) The past levels of such debt and the projected levels of such debt as of the close of the current fiscal year and as of the close of the next 5 fiscal years under the most recent current services baseline projection of the executive branch.

"(B) The past debt to GDP ratios and the projected debt to GDP ratios as of the close of the current fiscal year and as of the close of the next 5 fiscal years under such most recent current services baseline projection.

"(2) A table showing the following information with respect to the net public debt:

"(A) The past levels of such debt and the projected levels of such debt as of the close of the current fiscal year and as of the close of the next 5 fiscal years under the most recent current services baseline projection of the executive branch.

"(B) The past debt to GDP ratios and the projected debt to GDP ratios as of the close of the current fiscal year and as of the close of the next 5 fiscal years under such most recent current services baseline projection.

"(C) The interest cost on such debt for prior fiscal years and the projected interest cost on such debt for the current fiscal year and for the next 5 fiscal years under such most recent current services baseline projection.

"(D) The interest cost to outlay ratios for prior fiscal years and the projected interest cost to outlay ratios for the current fiscal year and for the next 5 fiscal years under such most recent current services baseline projection.

"(3) A table showing the maturity distribution of the net public debt as of the time the report is submitted and for prior years, and an explanation of the overall financing strategy used in determining the distribution of maturities when issuing public debt obligations, including a discussion of the projections and assumptions with respect to the structure of interest rates for the current fiscal year and for the succeeding 5 fiscal years.

"(4) A table showing the following information as of the time the report is submitted and for prior years:

"(A) A description of the various categories of the holders of public debt obligations.

"(B) The portions of the total public debt held by each of such categories.

"(5) A table showing the relationship of federally assisted borrowing to total Federal borrowing as of the time the report is submitted and for prior years.

"(6) A table showing the annual principal and interest payments which would be required to amortize in equal annual payments the level (as of the time the report is submitted) of the net public debt over the longest remaining term to maturity of any obligation which is a part of such debt.

"(c) REQUIRED INFORMATION ON FEDERAL FINANCING BANK.—Each report submitted under subsection (a) shall include (but not be limited to) information on the financial operations of the Federal Financing Bank, including loan payments and prepayments, and on the levels and categories of the lending activities of the Federal Financing Bank, for the current fiscal year and for prior fiscal years.

"(d) RECOMMENDATIONS.—The Secretary of the Treasury may include in any report submitted under subsection (a) such recommendations to improve the issuance and sale of public debt obligations (and with respect to other matters) as he may deem advisable.

"(e) DEFINITIONS.—For purposes of this section—

"(1) CURRENT FISCAL YEAR.—The term 'current fiscal year' means the fiscal year ending in the calendar year in which the report is submitted.

"(2) TOTAL PUBLIC DEBT.—The term 'total public debt' means the total amount of the obligations subject to the public debt limit established in section 3101 of this title.

"(3) NET PUBLIC DEBT.—The term 'net public debt' means the portion of the total public debt which is held by the public.

"(4) DEBT TO GDP RATIO.—The term 'debt to GDP ratio' means the percentage obtained by dividing the level of the total public debt or net public debt, as the case may be, by the gross domestic product.

"(5) INTEREST COST TO OUTLAY RATIO.—The term 'interest cost to outlay ratio' means, with respect to any fiscal year, the percentage obtained by dividing the interest cost for such fiscal year on the net public debt by the total amount of Federal outlays for such fiscal year.".

(b) CLERICAL AMENDMENT.—The analysis for subchapter II of chapter 31 of title 31, United States Code, is amended by adding at the end the following new item:

"3130. Annual public debt report.".

31 USC 3121 note.

SEC. 202. TREASURY AUCTION REFORMS.

(a) ABILITY TO SUBMIT COMPUTER TENDERS IN TREASURY AUCTIONS.—By the end of 1995, any bidder shall be permitted to submit a computer-generated tender to any automated auction system established by the Secretary of the Treasury for the sale upon issuance of securities issued by the Secretary if the bidder—

(1) meets the minimum creditworthiness standard established by the Secretary; and

(2) agrees to comply with regulations and procedures applicable to the automated system and the sale upon issuance of securities issued by the Secretary.

(b) PROHIBITION ON FAVORED PLAYERS.—

(1) IN GENERAL.—No government securities broker or government securities dealer may receive any advantage, favorable treatment, or other benefit, in connection with the purchase upon issuance of securities issued by the Secretary of the Treasury, which is not generally available to other government securities brokers or government securities dealers under the regulations governing the sale upon issuance of securities issued by the Secretary of the Treasury.

(2) EXCEPTION.—

(A) IN GENERAL.—The Secretary of the Treasury may grant an exception to the application of paragraph (1) if—

(i) the Secretary determines that any advantage, favorable treatment, or other benefit referred to in such paragraph is necessary and appropriate and in the public interest; and

(ii) the grant of the exception is designed to minimize any anticompetitive effect.

(B) ANNUAL REPORT.—The Secretary of the Treasury shall submit an annual report to the Congress describing any exception granted by the Secretary under subparagraph (A) during the year covered by the report and the basis upon which the exception was granted.

(c) MEETINGS OF TREASURY BORROWING ADVISORY COMMITTEE.—

(1) OPEN MEETINGS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), any meeting of the Treasury Borrowing Advisory Committee of the Public Securities Association (hereafter in this subsection referred to as the "advisory committee"), or any successor to the advisory committee, shall be open to the public.

(B) EXCEPTION.—Subparagraph (A) shall not apply with respect to any part of any meeting of the advisory committee in which the advisory committee—

(i) discusses and debates the issues presented to the advisory committee by the Secretary of the Treasury; or

(ii) makes recommendations to the Secretary.

(2) MINUTES OF EACH MEETING.—The detailed minutes required to be maintained under section 10(c) of the Federal Advisory Committee Act for any meeting by the advisory committee shall be made available to the public within 3 business days of the date of the meeting.

(3) PROHIBITION ON RECEIPT OF GRATUITIES OR EXPENSES BY ANY OFFICER OR EMPLOYEE OF THE BOARD OR DEPARTMENT.—In connection with any meeting of the advisory committee, no officer or employee of the Department of the Treasury, the Board of Governors of the Federal Reserve System, or any Federal reserve bank may accept any gratuity, consideration, expense of any sort, or any other thing of value from any advisory committee described in subsection (c), any member of such committee, or any other person.

(4) PROHIBITION ON OUTSIDE DISCUSSIONS.—

(A) IN GENERAL.—Subject to subparagraph (B), a member of the advisory committee may not discuss any part of any discussion, debate, or recommendation at a meeting of the advisory committee which occurs while such meeting is closed to the public (in accordance with paragraph (1)(B)) with, or disclose the contents of such discussion, debate, or recommendation to, anyone other than—

(i) another member of the advisory committee who is present at the meeting; or

(ii) an officer or employee of the Department of the Treasury.

(B) APPLICABLE PERIOD OF PROHIBITION.—The prohibition contained in subparagraph (A) on discussions and disclosures of any discussion, debate, or recommendation at a meeting of the advisory committee shall cease to apply—

(i) with respect to any discussion, debate, or recommendation which relates to the securities to be auctioned in a midquarter refunding by the Secretary of the Treasury, at the time the Secretary makes a public announcement of the refunding; and

(ii) with respect to any other discussion, debate, or recommendation at the meeting, at the time the Secretary releases the minutes of the meeting in accordance with paragraph (2).

(C) REMOVAL FROM ADVISORY COMMITTEE FOR VIOLATIONS OF THIS PARAGRAPH.—In addition to any penalty or enforcement action to which a person who violates a provision of this paragraph may be subject under any other provision of law, the Secretary of the Treasury shall—

(i) remove a member of the advisory committee who violates a provision of this paragraph from the advisory committee and permanently bar such person from serving as a member of the advisory committee; and

(ii) prohibit any director, officer, or employee of the firm of which the member referred to in clause (i) is a director, officer, or employee (at the time the member is removed from the advisory committee) from serving as a member of the advisory committee at any time during the 5-year period beginning on the date of such removal.

(d) REPORT TO CONGRESS.—

(1) REPORT REQUIRED.—The Secretary of the Treasury shall submit an annual report to the Congress containing the following information with respect to material violations or suspected material violations of regulations of the Secretary relating to auctions and other offerings of securities upon the issuance of such securities by the Secretary:

(A) The number of inquiries begun by the Secretary during the year covered by the report regarding such material violations or suspected material violations by any participant in the auction system or any director, officer, or employee of any such participant and the number of inquiries regarding any such violations or suspected violations which remained open at the end of such year.

(B) A brief description of the nature of the violations.

(C) A brief description of any action taken by the Secretary during such year with respect to any such violation, including any referrals made to the Attorney General, the Securities and Exchange Commission, any other law enforcement agency, and any Federal banking agency (as defined in section 3 of the Federal Deposit Insurance Act).

(2) DELAY IN DISCLOSURE OF INFORMATION IN CERTAIN CASES.—The Secretary of the Treasury shall not be required to include in a report under paragraph (1) any information the disclosure of which could jeopardize an investigation by an agency described in paragraph (1)(C) for so long as such disclosure could jeopardize the investigation.

SEC. 203. NOTICE ON TREASURY MODIFICATIONS TO AUCTION PROCESS.

31 USC 3121 note.

The Secretary of the Treasury shall notify the Congress of any significant modifications to the auction process for issuing United States Treasury obligations at the time such modifications are implemented.

TITLE III—LIMITED PARTNERSHIP ROLLUPS

Limited Partnership Rollup Reform Act of 1993.

SEC. 301. SHORT TITLE.

15 USC 78a note.

This title may be cited as the "Limited Partnership Rollup Reform Act of 1993".

SEC. 302. REVISION OF PROXY SOLICITATION RULES WITH RESPECT TO LIMITED PARTNERSHIP ROLLUP TRANSACTIONS.

(a) AMENDMENT.—Section 14 of the Securities Exchange Act of 1934 (15 U.S.C. 78n) is amended by adding at the end the following new subsection:

"(h) PROXY SOLICITATIONS AND TENDER OFFERS IN CONNECTION WITH LIMITED PARTNERSHIP ROLLUP TRANSACTIONS.—

"(1) PROXY RULES TO CONTAIN SPECIAL PROVISIONS.—It shall be unlawful for any person to solicit any proxy, consent, or authorization concerning a limited partnership rollup transaction, or to make any tender offer in furtherance of a limited partnership rollup transaction, unless such transaction is conducted in accordance with rules prescribed by the Commission under subsections (a) and (d) as required by this subsection. Such rules shall—

"(A) permit any holder of a security that is the subject of the proposed limited partnership rollup transaction to engage in preliminary communications for the purpose of determining whether to solicit proxies, consents, or authorizations in opposition to the proposed limited partnership rollup transaction, without regard to whether any such communication would otherwise be considered a solicitation of proxies, and without being required to file soliciting material with the Commission prior to making that determination, except that—

"(i) nothing in this subparagraph shall be construed to limit the application of any provision of this title prohibiting, or reasonably designed to prevent,

fraudulent, deceptive, or manipulative acts or practices under this title; and

"(ii) any holder of not less than 5 percent of the outstanding securities that are the subject of the proposed limited partnership rollup transaction who engages in the business of buying and selling limited partnership interests in the secondary market shall be required to disclose such ownership interests and any potential conflicts of interests in such preliminary communications;

"(B) require the issuer to provide to holders of the securities that are the subject of the limited partnership rollup transaction such list of the holders of the issuer's securities as the Commission may determine in such form and subject to such terms and conditions as the Commission may specify;

"(C) prohibit compensating any person soliciting proxies, consents, or authorizations directly from security holders concerning such a limited partnership rollup transaction—

"(i) on the basis of whether the solicited proxy, consent, or authorization either approves or disapproves the proposed limited partnership rollup transaction; or

"(ii) contingent on the approval, disapproval, or completion of the limited partnership rollup transaction;

"(D) set forth disclosure requirements for soliciting material distributed in connection with a limited partnership rollup transaction, including requirements for clear, concise, and comprehensible disclosure with respect to—

"(i) any changes in the business plan, voting rights, form of ownership interest, or the compensation of the general partner in the proposed limited partnership rollup transaction from each of the original limited partnerships;

"(ii) the conflicts of interest, if any, of the general partner;

"(iii) whether it is expected that there will be a significant difference between the exchange values of the limited partnerships and the trading price of the securities to be issued in the limited partnership rollup transaction;

"(iv) the valuation of the limited partnerships and the method used to determine the value of the interests of the limited partners to be exchanged for the securities in the limited partnership rollup transaction;

"(v) the differing risks and effects of the limited partnership rollup transaction for investors in different limited partnerships proposed to be included, and the risks and effects of completing the limited partnership rollup transaction with less than all limited partnerships;

"(vi) the statement by the general partner required under subparagraph (E);

"(vii) such other matters deemed necessary or appropriate by the Commission;

"(E) require a statement by the general partner as to whether the proposed limited partnership rollup transaction is fair or unfair to investors in each limited partnership, a discussion of the basis for that conclusion, and an evaluation and a description by the general partner of alternatives to the limited partnership rollup transaction, such as liquidation;

"(F) provide that, if the general partner or sponsor has obtained any opinion (other than an opinion of counsel), appraisal, or report that is prepared by an outside party and that is materially related to the limited partnership rollup transaction, such soliciting materials shall contain or be accompanied by clear, concise, and comprehensible disclosure with respect to—

"(i) the analysis of the transaction, scope of review, preparation of the opinion, and basis for and methods of arriving at conclusions, and any representations and undertakings with respect thereto;

"(ii) the identity and qualifications of the person who prepared the opinion, the method of selection of such person, and any material past, existing, or contemplated relationships between the person or any of its affiliates and the general partner, sponsor, successor, or any other affiliate;

"(iii) any compensation of the preparer of such opinion, appraisal, or report that is contingent on the transaction's approval or completion; and

"(iv) any limitations imposed by the issuer on the access afforded to such preparer to the issuer's personnel, premises, and relevant books and records;

"(G) provide that, if the general partner or sponsor has obtained any opinion, appraisal, or report as described in subparagraph (F) from any person whose compensation is contingent on the transaction's approval or completion or who has not been given access by the issuer to its personnel and premises and relevant books and records, the general partner or sponsor shall state the reasons therefor;

"(H) provide that, if the general partner or sponsor has not obtained any opinion on the fairness of the proposed limited partnership rollup transaction to investors in each of the affected partnerships, such soliciting materials shall contain or be accompanied by a statement of such partner's or sponsor's reasons for concluding that such an opinion is not necessary in order to permit the limited partners to make an informed decision on the proposed transaction;

"(I) require that the soliciting material include a clear, concise, and comprehensible summary of the limited partnership rollup transaction (including a summary of the matters referred to in clauses (i) through (vii) of subparagraph (D) and a summary of the matter referred to in subparagraphs (F), (G), and (H)), with the risks of the limited partnership rollup transaction set forth prominently in the fore part thereof;

"(J) provide that any solicitation or offering period with respect to any proxy solicitation, tender offer, or information statement in a limited partnership rollup

transaction shall be for not less than the lesser of 60 calendar days or the maximum number of days permitted under applicable State law; and

"(K) contain such other provisions as the Commission determines to be necessary or appropriate for the protection of investors in limited partnership rollup transactions.

"(2) EXEMPTIONS.—The Commission may, consistent with the public interest, the protection of investors, and the purposes of this title, exempt by rule or order any security or class of securities, any transaction or class of transactions, or any person or class of persons, in whole or in part, conditionally or unconditionally, from the requirements imposed pursuant to paragraph (1) or from the definition contained in paragraph (4).

"(3) EFFECT ON COMMISSION AUTHORITY.—Nothing in this subsection limits the authority of the Commission under subsection (a) or (d) or any other provision of this title or precludes the Commission from imposing, under subsection (a) or (d) or any other provision of this title, a remedy or procedure required to be imposed under this subsection.

"(4) DEFINITION OF LIMITED PARTNERSHIP ROLLUP TRANSACTION.—Except as provided in paragraph (5), as used in this subsection, the term 'limited partnership rollup transaction' means a transaction involving the combination or reorganization of one or more limited partnerships, directly or indirectly, in which—

"(A) some or all of the investors in any of such limited partnerships will receive new securities, or securities in another entity, that will be reported under a transaction reporting plan declared effective before the date of enactment of this subsection by the Commission under section 11A;

"(B) any of the investors' limited partnership securities are not, as of the date of filing, reported under a transaction reporting plan declared effective before the date of enactment of this subsection by the Commission under section 11A;

"(C) investors in any of the limited partnerships involved in the transaction are subject to a significant adverse change with respect to voting rights, the term of existence of the entity, management compensation, or investment objectives; and

"(D) any of such investors are not provided an option to receive or retain a security under substantially the same terms and conditions as the original issue.

"(5) EXCLUSIONS FROM DEFINITION.—Notwithstanding paragraph (4), the term 'limited partnership rollup transaction' does not include—

"(A) a transaction that involves only a limited partnership or partnerships having an operating policy or practice of retaining cash available for distribution and reinvesting proceeds from the sale, financing, or refinancing of assets in accordance with such criteria as the Commission determines appropriate;

"(B) a transaction involving only limited partnerships wherein the interests of the limited partners are repurchased, recalled, or exchanged in accordance with the

terms of the preexisting limited partnership agreements for securities in an operating company specifically identified at the time of the formation of the original limited partnership;

"(C) a transaction in which the securities to be issued or exchanged are not required to be and are not registered under the Securities Act of 1933;

"(D) a transaction that involves only issuers that are not required to register or report under section 12, both before and after the transaction;

"(E) a transaction, except as the Commission may otherwise provide by rule for the protection of investors, involving the combination or reorganization of one or more limited partnerships in which a non-affiliated party succeeds to the interests of a general partner or sponsor, if—

"(i) such action is approved by not less than 66⅔ percent of the outstanding units of each of the participating limited partnerships; and

"(ii) as a result of the transaction, the existing general partners will receive only compensation to which they are entitled as expressly provided for in the preexisting limited partnership agreements; or

"(F) a transaction, except as the Commission may otherwise provide by rule for the protection of investors, in which the securities offered to investors are securities of another entity that are reported under a transaction reporting plan declared effective before the date of enactment of this subsection by the Commission under section 11A, if—

"(i) such other entity was formed, and such class of securities was reported and regularly traded, not less than 12 months before the date on which soliciting material is mailed to investors; and

"(ii) the securities of that entity issued to investors in the transaction do not exceed 20 percent of the total outstanding securities of the entity, exclusive of any securities of such class held by or for the account of the entity or a subsidiary of the entity.".

(b) SCHEDULE FOR REGULATIONS.—The Securities and Exchange Commission shall conduct rulemaking proceedings and prescribe final regulations under the Securities Act of 1933 and the Securities Exchange Act of 1934 to implement the requirements of section 14(h) of the Securities Exchange Act of 1934, as amended by subsection (a), and such regulations shall become effective not later than 12 months after the date of enactment of this Act.

Effective date. 15 USC 78n note.

(c) EVALUATION OF FAIRNESS OPINION PREPARATION, DISCLOSURE, AND USE.—

15 USC 78n note.

(1) EVALUATION REQUIRED.—The Comptroller General of the United States shall, within 18 months after the date of enactment of this Act, conduct a study of—

(A) the use of fairness opinions in limited partnership rollup transactions;

(B) the standards which preparers use in making determinations of fairness;

(C) the scope of review, quality of analysis, qualifications and methods of selection of preparers, costs of

preparation, and any limitations imposed by issuers on such preparers;

(D) the nature and quality of disclosures provided with respect to such opinions;

(E) any conflicts of interest with respect to the preparation of such opinions; and

(F) the usefulness of such opinions to limited partners.

(2) REPORT REQUIRED.—Not later than the end of the 18-month period referred to in paragraph (1), the Comptroller General of the United States shall submit to the Congress a report on the evaluation required by paragraph (1).

SEC. 303. RULES OF FAIR PRACTICE IN ROLLUP TRANSACTIONS.

(a) REGISTERED SECURITIES ASSOCIATION RULE.—Section 15A(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–3(b)) is amended by adding at the end the following new paragraph:

"(12) The rules of the association to promote just and equitable principles of trade, as required by paragraph (6), include rules to prevent members of the association from participating in any limited partnership rollup transaction (as such term is defined in paragraphs (4) and (5) of section 14(h)) unless such transaction was conducted in accordance with procedures designed to protect the rights of limited partners, including—

"(A) the right of dissenting limited partners to one of the following:

"(i) an appraisal and compensation;

"(ii) retention of a security under substantially the same terms and conditions as the original issue;

"(iii) approval of the limited partnership rollup transaction by not less than 75 percent of the outstanding securities of each of the participating limited partnerships;

"(iv) the use of a committee that is independent, as determined in accordance with rules prescribed by the association, of the general partner or sponsor, that has been approved by a majority of the outstanding securities of each of the participating partnerships, and that has such authority as is necessary to protect the interest of limited partners, including the authority to hire independent advisors, to negotiate with the general partner or sponsor on behalf of the limited partners, and to make a recommendation to the limited partners with respect to the proposed transaction; or

"(v) other comparable rights that are prescribed by rule by the association and that are designed to protect dissenting limited partners;

"(B) the right not to have their voting power unfairly reduced or abridged;

"(C) the right not to bear an unfair portion of the costs of a proposed limited partnership rollup transaction that is rejected; and

"(D) restrictions on the conversion of contingent interests or fees into non-contingent interests or fees and restrictions on the receipt of a non-contingent equity interest in exchange for fees for services which have not yet been provided.

As used in this paragraph, the term 'dissenting limited partner' means a person who, on the date on which soliciting material is mailed to investors, is a holder of a beneficial interest in a limited partnership that is the subject of a limited partnership rollup transaction, and who casts a vote against the transaction and complies with procedures established by the association, except that for purposes of an exchange or tender offer, such person shall file an objection in writing under the rules of the association during the period in which the offer is outstanding.".

(b) LISTING STANDARDS OF NATIONAL SECURITIES EXCHANGES.—Section 6(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78f(b)) is amended by adding at the end the following:

"(9) The rules of the exchange prohibit the listing of any security issued in a limited partnership rollup transaction (as such term is defined in paragraphs (4) and (5) of section 14(h)), unless such transaction was conducted in accordance with procedures designed to protect the rights of limited partners, including—

"(A) the right of dissenting limited partners to one of the following:

"(i) an appraisal and compensation;

"(ii) retention of a security under substantially the same terms and conditions as the original issue;

"(iii) approval of the limited partnership rollup transaction by not less than 75 percent of the outstanding securities of each of the participating limited partnerships;

"(iv) the use of a committee of limited partners that is independent, as determined in accordance with rules prescribed by the exchange, of the general partner or sponsor, that has been approved by a majority of the outstanding units of each of the participating limited partnerships, and that has such authority as is necessary to protect the interest of limited partners, including the authority to hire independent advisors, to negotiate with the general partner or sponsor on behalf of the limited partners, and to make a recommendation to the limited partners with respect to the proposed transaction; or

"(v) other comparable rights that are prescribed by rule by the exchange and that are designed to protect dissenting limited partners;

"(B) the right not to have their voting power unfairly reduced or abridged;

"(C) the right not to bear an unfair portion of the costs of a proposed limited partnership rollup transaction that is rejected; and

"(D) restrictions on the conversion of contingent interests or fees into non-contingent interests or fees and restrictions on the receipt of a non-contingent equity interest in exchange for fees for services which have not yet been provided.

As used in this paragraph, the term 'dissenting limited partner' means a person who, on the date on which soliciting material is mailed to investors, is a holder of a beneficial interest in a limited partnership that is the subject of a limited partnership

rollup transaction, and who casts a vote against the transaction and complies with procedures established by the exchange, except that for purposes of an exchange or tender offer, such person shall file an objection in writing under the rules of the exchange during the period during which the offer is outstanding.".

(c) STANDARDS FOR AUTOMATED QUOTATION SYSTEMS.—Section 15A(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–3(b)) is amended by adding at the end the following new paragraph:

"(13) The rules of the association prohibit the authorization for quotation on an automated interdealer quotation system sponsored by the association of any security designated by the Commission as a national market system security resulting from a limited partnership rollup transaction (as such term is defined in paragraphs (4) and (5) of section 14(h)), unless such transaction was conducted in accordance with procedures designed to protect the rights of limited partners, including—

"(A) the right of dissenting limited partners to one of the following:

"(i) an appraisal and compensation;

"(ii) retention of a security under substantially the same terms and conditions as the original issue;

"(iii) approval of the limited partnership rollup transaction by not less than 75 percent of the outstanding securities of each of the participating limited partnerships;

"(iv) the use of a committee that is independent, as determined in accordance with rules prescribed by the association, of the general partner or sponsor, that has been approved by a majority of the outstanding securities of each of the participating partnerships, and that has such authority as is necessary to protect the interest of limited partners, including the authority to hire independent advisors, to negotiate with the general partner or sponsor on behalf of the limited partners, and to make a recommendation to the limited partners with respect to the proposed transaction; or

"(v) other comparable rights that are prescribed by rule by the association and that are designed to protect dissenting limited partners;

"(B) the right not to have their voting power unfairly reduced or abridged;

"(C) the right not to bear an unfair portion of the costs of a proposed limited partnership rollup transaction that is rejected; and

"(D) restrictions on the conversion of contingent interests or fees into non-contingent interests or fees and restrictions on the receipt of a non-contingent equity interest in exchange for fees for services which have not yet been provided.

As used in this paragraph, the term 'dissenting limited partner' means a person who, on the date on which soliciting material is mailed to investors, is a holder of a beneficial interest in a limited partnership that is the subject of a limited partnership rollup transaction, and who casts a vote against the transaction and complies with procedures established by the association, except that for purposes of an exchange or tender offer, such

person shall file an objection in writing under the rules of the association during the period during which the offer is outstanding.".

SEC. 304. EFFECTIVE DATE; EFFECT ON EXISTING AUTHORITY. 15 USC 78f note.

(a) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by section 303 shall become effective 12 months after the date of enactment of this Act.

(2) RULEMAKING AUTHORITY.—Notwithstanding paragraph (1), the authority of the Securities and Exchange Commission, a registered securities association, and a national securities exchange to commence rulemaking proceedings for the purpose of issuing rules pursuant to the amendments made by section 303 is effective on the date of enactment of this Act.

(3) REVIEW OF FILINGS PRIOR TO EFFECTIVE DATE.—Prior to the effective date of regulations promulgated pursuant to this title, the Securities and Exchange Commission shall continue to review and declare effective registration statements and amendments thereto relating to limited partnership rollup transactions in accordance with applicable regulations then in effect.

(b) EFFECT ON EXISTING AUTHORITY.—The amendments made by this title shall not limit the authority of the Securities and Exchange Commission, a registered securities association, or a national securities exchange under any provision of the Securities Exchange Act of 1934, or preclude the Commission or such association or exchange from imposing, under any other such provision, a remedy or procedure required to be imposed under such amendments.

Approved December 17, 1993.

LEGISLATIVE HISTORY—S. 422 (H.R. 618):

HOUSE REPORTS: No. 103-255 accompanying H.R. 618 (Comm. on Energy and Commerce).
SENATE REPORTS: No. 103-109 (Comm. on Banking, Housing, and Urban Affairs).
CONGRESSIONAL RECORD, Vol. 139 (1993):
July 29, considered and passed Senate.
Oct. 5, H.R. 618 considered and passed House; S. 422, amended, passed in lieu.
Nov. 22, Senate concurred in House amendments with an amendment. House concurred in Senate amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 29 (1993):
Dec. 17, Presidential statement.

Public Law 103-203
103d Congress

An Act

Dec. 17, 1993
[S. 664]

Making a technical amendment of the Clayton Act.

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

SECTION 1. TECHNICAL AMENDMENT OF THE CLAYTON ACT.

Section 8(a)(5) of the Clayton Act (15 U.S.C. 19(a)(5)) is amended by striking "October 30" and inserting "January 31".

Approved December 17, 1993.

LEGISLATIVE HISTORY—S. 664:

CONGRESSIONAL RECORD, Vol. 139 (1993):
Nov. 22, considered and passed Senate and House.

Public Law 103-204
103d Congress

An Act

To provide for the remaining funds needed to assure that the United States fulfills its obligation for the protection of depositors at savings and loan institutions, to improve the management of the Resolution Trust Corporation ("RTC") in order to assure the taxpayers the fairest and most efficient disposition of savings and loan assets, to provide for a comprehensive transition plan to assure an orderly transfer of RTC resources to the Federal Deposit Insurance Corporation, to abolish the RTC, and for other purposes.

Dec. 17, 1993
[S. 714]

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

Resolution Trust Corporation Completion Act. Banks and banking. 12 USC 1421 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Resolution Trust Corporation Completion Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Final funding for RTC.
Sec. 3. RTC management reforms.
Sec. 4. Extension of statute of limitations.
Sec. 5. Limitation on bonuses and compensation paid by the RTC and the Thrift Depositor Protection Oversight Board.
Sec. 6. FDIC—RTC transition task force.
Sec. 7. Amendments relating to the termination of the RTC.
Sec. 8. SAIF funding authorization amendments.
Sec. 9. Moratorium extension.
Sec. 10. Repayment schedule for permanent FDIC borrowing authority.
Sec. 11. Deposit insurance funds.
Sec. 12. Maximum dollar limits for eligible condominium and single family properties under RTC affordable housing program.
Sec. 13. Changes affecting only FDIC affordable housing program.
Sec. 14. Changes affecting both RTC and FDIC affordable housing programs.
Sec. 15. Right of first refusal for tenants to purchase single family property.
Sec. 16. Preference for sales of real property for use for homeless families.
Sec. 17. Preferences for sales of commercial properties to public agencies and nonprofit organizations for use in carrying out programs for affordable housing.
Sec. 18. Federal home loan banks housing opportunity hotline program.
Sec. 19. Conflict of interest provisions applicable to the FDIC.
Sec. 20. Restrictions on sales of assets to certain persons.
Sec. 21. Whistle blower protection.
Sec. 22. FDIC asset disposition division.
Sec. 23. Presidentially appointed inspector general for FDIC.
Sec. 24. Deputy chief executive officer.
Sec. 25. Due process protections relating to attachment of assets.
Sec. 26. GAO studies regarding Federal real property disposition.
Sec. 27. Extension of RTC power to be appointed as conservator or receiver.
Sec. 28. Final report on RTC and SAIF funding.
Sec. 29. General Counsel of the Resolution Trust Corporation.
Sec. 30. Authority to execute contracts.
Sec. 31. RTC contracting.

Sec. 32. Definition of property.
Sec. 33. Sense of the Congress relating to participation of disabled Americans in contracting for delivery of services to financial institution regulatory agencies.
Sec. 34. Report to Congress by Special Counsel.
Sec. 35. Reporting requirements.
Sec. 36. Continuation of conservatorships or receiverships.
Sec. 37. Exceptions for certain transactions.
Sec. 38. Bank deposit financial assistance program.

SEC. 2. FINAL FUNDING FOR RTC.

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

(1) in paragraph (3), by striking "until April 1, 1992"; and

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

"(4) CONDITIONS ON AVAILABILITY OF FINAL FUNDING IN EXCESS OF $10,000,000,000.—

"(A) CERTIFICATION REQUIRED.—Of the funds appropriated under paragraph (3) which are provided after April 1, 1993, any amount in excess of $10,000,000,000 shall not be available to the Corporation before the date on which the Secretary of the Treasury certifies to the Congress that, since the date of enactment of the Resolution Trust Corporation Completion Act, the Corporation has taken such action as may be necessary to comply with the requirements of subsection (w) or that, as of the date of the certification, the Corporation is continuing to make adequate progress toward full compliance with such requirements.

"(B) APPEARANCE UPON REQUEST.—The Secretary of the Treasury shall appear before the Committee on Banking, Finance and Urban Affairs of the House of Representatives or the Committee on Banking, Housing, and Urban Affairs of the Senate, upon the request of the chairman of the committee, to report on any certification made to the Congress under subparagraph (A).

"(5) RETURN TO TREASURY.—If the aggregate amount of funds transferred to the Corporation pursuant to this subsection exceeds the amount needed to carry out the purposes of this section or to meet the requirements of section 11(a)(6)(F) of the Federal Deposit Insurance Act, such excess amount shall be deposited in the general fund of the Treasury.

"(6) FUNDS ONLY FOR DEPOSITORS.—Notwithstanding any provision of law other than section 13(c)(4)(G) of the Federal Deposit Insurance Act, funds appropriated under this section shall not be used in any manner to benefit any shareholder of—

"(A) any insured depository institution for which the Corporation has been appointed conservator or receiver, in connection with any type of resolution by the Corporation;

"(B) any other insured depository institution in default or in danger of default, in connection with any type of resolution by the Corporation; or

"(C) any insured depository institution, in connection with the provision of assistance under section 11 or 13 of the Federal Deposit Insurance Act with respect to such institution, except that this subparagraph shall not prohibit

assistance to any insured depository institution that is not in default, or that is not in danger of default, that is acquiring (as defined in section 13(f)(8)(B) of such Act) another insured depository institution.".

SEC. 3. RTC MANAGEMENT REFORMS.

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

"(w) RTC MANAGEMENT REFORMS.—

"(1) COMPREHENSIVE BUSINESS PLAN.—The Corporation shall establish and maintain a comprehensive business plan covering the operations of the Corporation, including the disposition of assets, for the remainder of the Corporation's existence.

"(2) MARKETING REAL PROPERTY ON AN INDIVIDUAL BASIS.—The Corporation shall—

"(A) market any undivided or controlling interest in real property, whether held directly or indirectly by an institution described in subsection (b)(3)(A), on an individual basis, including sales by auction, for no fewer than 120 days before such assets may be made available for sale or other disposition on a portfolio basis or otherwise included in a multiasset sales initiative, except that this subparagraph does not apply to assets that are—

"(i) sold simultaneously with a resolution in which a buyer purchases a significant proportion of the assets and assumes a significant proportion of the liabilities, or acts as agent of the Corporation for purposes of paying insured deposits, of an institution described in subsection (b)(3)(A); or

"(ii) transferred to a new institution organized pursuant to section 11(d)(2)(F) of the Federal Deposit Insurance Act; and

"(B) prescribe regulations—

"(i) to require that the sale or other disposition of any asset consisting of real property on a portfolio basis or in connection with any multiasset sales initiative after the end of the 120-day period described in subparagraph (A) be justified in writing; and

"(ii) to carry out the requirements of subparagraph (A).

"(3) DISPOSITION OF REAL ESTATE RELATED ASSETS.—

"(A) PROCEDURES FOR DISPOSITION OF REAL ESTATE-RELATED ASSETS.—The Corporation shall not sell real property or any nonperforming real estate loan which the Corporation has acquired as receiver or conservator, unless—

"(i) the Corporation has assigned responsibility for the management and disposition of such asset to a qualified person or entity to—

"(I) analyze each asset on an asset-by-asset basis and consider alternative disposition strategies for such asset;

"(II) develop a written management and disposition plan; and

"(III) implement that plan for a reasonable period of time; or

"(ii) the Corporation has made a determination in writing that a bulk transaction would maximize net recovery to the Corporation, while providing opportunity for broad participation by qualified bidders, including minority- and women-owned businesses.

"(B) DEFINITIONS.—In defining any term for purposes of subparagraph (A), the Corporation may, by regulation, define—

"(i) the term 'asset' so as to include properties or loans which are legally separate and distinct properties or loans, but which have sufficiently common characteristics such that they may be logically treated as a single asset; and

"(ii) the term 'qualified person or entity' so as to include any employee of the Thrift Depositor Protection Oversight Board or any employee assigned to the Corporation under subsection (b)(8).

"(C) EXCEPTIONS.—This paragraph shall not apply to—

"(i) assets that are—

"(I) sold simultaneously with a resolution in which a buyer purchases a significant proportion of the assets and assumes a significant proportion of the liabilities (or acts as agent of the Corporation for purposes of paying insured deposits) of an institution described in subsection (b)(3)(A); or

"(II) transferred to a new institution organized pursuant to section 11(d)(2)(F) of the Federal Deposit Insurance Act;

"(ii) nonperforming real estate loans with a book value of not more than $1,000,000;

"(iii) real property with a book value of not more than $400,000; or

"(iv) real property with a book value of more than $400,000 or nonperforming real estate loans with a book value of more than $1,000,000 for which the Corporation determines, in writing, that a disposition not in conformity with the requirements of subparagraph (A) will bring a greater return to the Corporation.

"(D) COORDINATION WITH PARAGRAPH (2).—No provision of this paragraph shall supersede the requirements of paragraph (2).

"(4) DIVISION OF MINORITIES AND WOMEN PROGRAMS.—

"(A) IN GENERAL.—The Corporation shall maintain a division of minorities and women programs.

"(B) VICE PRESIDENT.—The head of the division shall be a vice president of the Corporation and a member of the executive committee of the Corporation.

"(5) CHIEF FINANCIAL OFFICER.—

"(A) IN GENERAL.—The chief executive officer of the Corporation shall appoint a chief financial officer for the Corporation.

"(B) AUTHORITY.—The chief financial officer of the Corporation shall—

"(i) have no operating responsibilities with respect to the Corporation other than as chief financial officer;

"(ii) report directly to the chief executive officer of the Corporation; and

"(iii) have such authority and duties of chief financial officers of agencies under section 902 of title 31, United States Code, as the Thrift Depositor Protection Oversight Board determines to be appropriate with respect to the Corporation.

"(6) BASIC ORDERING AGREEMENTS.—

"(A) REVISION OF PROCEDURES.—The Corporation shall revise the procedure for reviewing and qualifying applicants for eligibility for future contracts in a specified service area (commonly referred to as 'basic ordering agreements' or 'task ordering agreements') in such manner as may be necessary to ensure that small businesses, minorities, and women are not inadvertently excluded from eligibility for such contracts.

"(B) REVIEW OF LISTS.—To ensure the maximum participation level possible of minority- and women-owned businesses, the Corporation shall—

"(i) review all lists of contractors determined to be eligible for future contracts in a specified service area and other contracting mechanisms; and

"(ii) prescribe appropriate regulations and procedures. Regulations.

"(7) IMPROVEMENT OF CONTRACTING SYSTEMS AND CONTRACTOR OVERSIGHT.—The Corporation shall—

"(A) maintain such procedures and uniform standards for—

"(i) entering into contracts between the Corporation and private contractors; and

"(ii) overseeing the performance of contractors and subcontractors under such contracts and compliance by contractors and subcontractors with the terms of contracts and applicable regulations, orders, policies, and guidelines of the Corporation,

as may be appropriate in carrying out the Corporation's operations in as efficient and economical a manner as may be practicable;

"(B) commit sufficient resources, including personnel, to contract oversight and the enforcement of all laws, regulations, orders, policies, and standards applicable to contracts with the Corporation; and

"(C) maintain uniform procurement guidelines for basic goods and administrative services to prevent the acquisition of such goods and services at widely different prices.

"(8) AUDIT COMMITTEE.—

"(A) ESTABLISHMENT.—The Thrift Depositor Protection Oversight Board shall establish and maintain an audit committee.

"(B) DUTIES.—The audit committee shall have the following duties:

"(i) Monitor the internal controls of the Corporation.

"(ii) Monitor the audit findings and recommendations of the inspector general of the Corporation and the Comptroller General of the United States and the

Corporation's response to the findings and recommendations.

"(iii) Maintain a close working relationship with the inspector general of the Corporation and the Comptroller General of the United States.

Reports.

"(iv) Regularly report the findings and any recommendation of the audit committee to the Corporation and the Thrift Depositor Protection Oversight Board.

"(v) Monitor the financial operations of the Corporation and report any incipient problem identified by the audit committee to the Corporation and the Thrift Depositor Protection Oversight Board.

"(C) FEDERAL ADVISORY COMMITTEE ACT NOT APPLICABLE.—The audit committee is not an advisory committee within the meaning of section 3(2) of the Federal Advisory Committee Act.

"(9) CORRECTIVE RESPONSES TO AUDIT PROBLEMS.—The Corporation shall—

"(A) respond to problems identified by auditors of the Corporation's financial and asset-disposition operations, including problems identified in audit reports by the inspector general of the Corporation, the Comptroller General of the United States, and the audit committee; or

"(B) certify to the Thrift Depositor Protection Oversight Board that no action is necessary or appropriate.

"(10) ASSISTANT GENERAL COUNSEL FOR PROFESSIONAL LIABILITY.—

"(A) APPOINTMENT.—The Corporation shall appoint, within the division of legal services of the Corporation, an assistant general counsel for professional liability.

"(B) DUTIES.—The assistant general counsel for professional liability shall—

"(i) direct the investigation, evaluation, and prosecution of all professional liability claims involving the Corporation; and

"(ii) supervise all legal, investigative, and other personnel and contractors involved in the litigation of such claims.

"(C) SEMIANNUAL REPORTS TO THE CONGRESS.—The assistant general counsel for professional liability shall submit to the Congress a comprehensive litigation report, not later than—

"(i) April 30 of each year for the 6-month period ending on March 31 of that year; and

"(ii) October 31 of each year for the 6-month period ending on September 30 of that year.

"(D) CONTENTS OF REPORTS.—The semiannual reports required under subparagraph (C) shall each address the activities of the counsel for professional liability under subparagraph (B) and all civil actions—

"(i) in which the Corporation is a party, which are filed against—

"(I) directors or officers of depository institutions described in subsection (b)(3)(A); or

"(II) attorneys, accountants, appraisers, or other licensed professionals who performed professional services for such depository institutions; and

"(ii) which are initiated or pending during the period covered by the report.

"(11) MANAGEMENT INFORMATION SYSTEM.—The Corporation shall maintain an effective management information system capable of providing complete and current information to the extent the provision of such information is appropriate and cost-effective.

"(12) INTERNAL CONTROLS AGAINST FRAUD, WASTE, AND ABUSE.—The Corporation shall maintain effective internal controls designed to prevent fraud, waste, and abuse, identify any such activity should it occur, and promptly correct any such activity.

"(13) FAILURE TO APPOINT CERTAIN OFFICERS OF THE CORPORATION.—The failure to fill any position established under this section or any vacancy in any such position, shall be treated as a failure to comply with the requirements of this subsection for purposes of subsection (i)(4).

"(14) REPORTS.—

"(A) DISCLOSURE OF EXPENDITURES.—The Corporation shall include in the annual report submitted pursuant to subsection (k)(4) an itemization of the expenditures of the Corporation during the year for which funds provided pursuant to subsection (i)(3) were used.

"(B) PUBLIC DISCLOSURE OF SALARIES.—The Corporation shall include in the annual report submitted pursuant to subsection (k)(4) a disclosure of the salaries and other compensation paid during the year covered by the report to directors and senior executive officers at any depository institution for which the Corporation has been appointed conservator or receiver.

"(15) MINORITY- AND WOMEN-OWNED BUSINESSES CONTRACT PARITY GUIDELINES.—The Corporation shall establish guidelines for achieving the goal of a reasonably even distribution of contracts awarded to the various subgroups of the class of minority- and women-owned businesses and minority- and women-owned law firms whose total number of certified contractors comprise not less than 5 percent of all minority- and women-owned certified contractors. The guidelines may reflect the regional and local geographic distributions of minority subgroups. The distribution of contracts should not be accomplished at the expense of any eligible minority- or women-owned business or law firm in any subgroup that falls below the 5 percent threshold in any region or locality.

"(16) CONTRACT SANCTIONS FOR FAILURE TO COMPLY WITH SUBCONTRACT AND JOINT VENTURE REQUIREMENTS.—The Corporation shall prescribe regulations which provide sanctions, including contract penalties and suspensions, for violations by contractors of requirements relating to subcontractors and joint ventures.

"(17) MINORITY PREFERENCE IN ACQUISITION OF INSTITUTIONS IN PREDOMINANTLY MINORITY NEIGHBORHOODS.—

"(A) IN GENERAL.—In considering offers to acquire any insured depository institution, or any branch of an insured depository institution, located in a predominantly minority neighborhood (as defined in regulations prescribed under subsection (s)), the Corporation shall give preference to an offer from any minority individual, minority-owned busi-

ness, or a minority depository institution, over any other offer that results in the same cost to the Corporation, as determined under section 13(c)(4) of the Federal Deposit Insurance Act.

"(B) CAPITAL ASSISTANCE.—

"(i) ELIGIBILITY.—In order to effectuate the purposes of this paragraph, any minority individual, minority-owned business, or a minority depository institution shall be eligible for capital assistance under the minority interim capital assistance program established under subsection (u)(1) and subject to the provisions of subsection (u)(3), to the extent that such assistance is consistent with the application of section 13(c)(4) of the Federal Deposit Insurance Act.

"(ii) TERMS AND CONDITIONS.—Subsection (u)(4) shall not apply to capital assistance provided under this subparagraph.

"(C) PERFORMING ASSETS.—In the case of an acquisition of any depository institution or branch described in subparagraph (A) by any minority individual, minority-owned business, or a minority depository institution, the Corporation may provide, in connection with such acquisition and in addition to performing assets of the depository institution or branch, other performing assets under the control of the Corporation in an amount (as determined on the basis of the Corporation's estimate of the fair market value of the assets) not greater than the amount of net liabilities carried on the books of the institution or branch, including deposits, which are assumed in connection with the acquisition.

"(D) FIRST PRIORITY FOR DISPOSITION OF ASSETS.—In the case of an acquisition of any depository institution or branch described in subparagraph (A) by any minority individual, minority-owned business, or a minority depository institution, the disposition of the performing assets of the depository institution or branch to such individual, business, or minority depository institution shall have a first priority over the disposition by the Corporation of such assets for any other purpose.

"(E) DEFINITIONS.—For purposes of this paragraph, the following definitions shall apply:

"(i) ACQUIRE.—The term 'acquire' has the same meaning as in section 13(f)(8)(B) of the Federal Deposit Insurance Act.

"(ii) MINORITY.—The term 'minority' has the same meaning as in section 1204(c)(3) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

"(iii) MINORITY DEPOSITORY INSTITUTION.—The term 'minority depository institution' has the same meaning as in subsection (s)(2).

"(iv) MINORITY-OWNED BUSINESS.—The term 'minority-owned business' has the same meaning as in subsection (r)(4).

"(18) SUBCONTRACTS WITH MINORITY- AND WOMEN-OWNED BUSINESSES.—

"(A) GOALS AND PROCEDURES.—

"(i) REASONABLE GOALS.—The Corporation shall establish reasonable goals for contractors for services with the Corporation to subcontract with minority- and women-owned businesses and law firms.

"(ii) PROCEDURES.—The Corporation may not enter into any contract for the provision of services to the Corporation, including legal services, under which the contractor would receive fees or other compensation in an amount equal to or greater than $500,000, unless the Corporation requires the contractor to subcontract with minority- or women-owned businesses, including law firms, and to pay fees or other compensation to such businesses in an amount commensurate with the percentage of services provided by the business.

"(iii) EXCEPTIONS.—The Corporation may exclude a contract from the requirements of clause (ii) if the Chief Executive Officer of the Corporation determines in writing that imposing such a subcontracting requirement would—

"(I) substantially increase the cost of contract performance; or

"(II) undermine the ability of the contractor to perform its obligations under the contract.

"(B) LIMITED WAIVER AUTHORITY.—

"(i) IN GENERAL.—The Corporation may grant a waiver from the application of this paragraph to any contractor with respect to a contract described in subparagraph (A)(ii), if the contractor certifies to the Corporation that it has determined that no eligible minority- or women-owned business is available to enter into a subcontract (with respect to such contract) and provides an explanation of the basis for such determination.

"(ii) WAIVER PROCEDURES.—Any determination to grant a waiver under clause (i) shall be made in writing by the Chief Executive Officer of the Corporation.

"(C) REPORT.—Each quarterly report submitted by the Corporation pursuant to subsection (k)(7) shall contain a description of each exception granted under subparagraph (A)(iii) and each waiver granted under subparagraph (B) during the quarter covered by the report.

"(D) DEFINITIONS.—For purposes of this paragraph, the following definitions shall apply:

"(i) MINORITY.—The term 'minority' has the same meaning as in section 1204(c)(3) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

"(ii) MINORITY- AND WOMEN-OWNED BUSINESS.—The terms 'minority-owned business' and 'women-owned business' have the same meanings as in subsection (r)(4).

"(19) CONTRACTING PROCEDURES.—

"(A) PROCEDURES.—In awarding any contract subject to the competitive bidding process, the Corporation shall apply competitive bidding procedures that are no less stringent than those in effect on the date of the enactment of the Resolution Trust Corporation Completion Act.

"(B) COST TO TAXPAYER.—Nothing in this Act, or any other provision of law, shall supersede the Corporation's primary duty of minimizing costs to the taxpayer and maximizing the total return to the Government.

"(20) MANAGEMENT OF LEGAL SERVICES.—To improve the management of legal services, the Corporation—

"(A) shall utilize staff counsel when such utilization would provide the same level of quality in legal services as the use of outside counsel at the same or a lower estimated cost; and

"(B) may only employ outside counsel—

"(i) if the use of outside counsel would provide the most practicable, efficient, and cost-effective resolution to the action; and

"(ii) under a negotiated fee, contingent fee, or competitively bid fee agreement.

"(21) CLIENT RESPONSIVENESS UNITS.—The Corporation shall ensure that every regional office of the Corporation contains a client responsiveness unit responsible to the Corporation's ombudsman.".

(b) BORROWER APPEALS.—Section 21A(b)(4) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)(4)) is amended by adding at the end the following new subparagraph:

"(C) APPEALS.—The Corporation shall implement and maintain a program, in a manner acceptable to the Thrift Depositor Protection Oversight Board, to provide an appeals process for business and commercial borrowers to appeal decisions by the Corporation (when acting as a conservator) which would have the effect of terminating or otherwise adversely affecting credit or loan agreements, lines of credit, and similar arrangements with such borrowers who have not defaulted on their obligations.".

12 USC 1441a note.

(c) GAO STUDY OF PROGRESS OF IMPLEMENTATION OF REFORMS.—

(1) STUDY REQUIRED.—The Comptroller General of the United States shall conduct a study of the manner in which the reforms required pursuant to the amendment made by subsection (a) are being implemented by the Resolution Trust Corporation and the progress being made by the Corporation toward the achievement of full compliance with such requirements.

(2) INTERIM REPORT TO CONGRESS.—Not later than 6 months after the date of enactment of this Act, the Comptroller General of the United States shall submit an interim report to the Congress containing the preliminary findings of the Comptroller General in connection with the study required under paragraph (1).

(3) FINAL REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Congress containing—

(A) the findings of the Comptroller General in connection with the study required under paragraph (1); and

(B) such recommendations for legislative and administrative action as the Comptroller General may determine to be appropriate.

(4) DISCLOSURE OF PERFORMING ASSET TRANSFERS.—

(A) REPORT REQUIRED.—The Comptroller General of the United States shall submit an annual report to the Congress on transfers of performing assets by the Corporation, categorized by institution, to any acquirer during the year covered by the report.

(B) CONTENTS.—Each report submitted under subparagraph (A) shall contain—

(i) the number and a description of asset transfers during the year covered by the report;

(ii) the number of assets provided in connection with each transaction during such year; and

(iii) a report of an audit by the Comptroller General of the determination of the Corporation of the fair market value of transferred assets at the time of transfer.

(d) UTILIZATION OF SERVICES.—Section 11(d)(2)(K) of the Federal Deposit Insurance Act (12 U.S.C. 1821(d)(2)(K)) is amended—

(1) by inserting "legal," after "auction marketing,";

(2) by striking "if" and inserting "only if"; and

(3) by striking "practicable" and inserting "the most practicable".

(e) RTC NOTICE TO GSA.— 12 USC 1441a note.

(1) IN GENERAL.—Within a reasonable period of time after acquiring an undivided or controlling interest in any commercial office property in its capacity as conservator or receiver, the Corporation shall notify the Administrator of General Services of such acquisition.

(2) CONTENTS OF NOTICE.—The notice required under paragraph (1) shall contain basic information about the property, including—

(A) the location and condition of the property;

(B) information relating to the estimated fair market value of the property; and

(C) the Corporation's schedule, or estimate of the schedule, for marketing and disposing of the property.

(3) COMPETITIVE BIDDING.—The Administrator of General Services, in compliance with regulations of the Resolution Trust Corporation, may bid on property described in the notice required under paragraph (1) that is otherwise subject to competitive bidding.

SEC. 4. EXTENSION OF STATUTE OF LIMITATIONS.

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

"(14) EXTENSION OF STATUTE OF LIMITATIONS.—

"(A) TORT ACTIONS FOR WHICH THE PRIOR LIMITATION HAS RUN.—

"(i) IN GENERAL.—In the case of any tort claim—

"(I) which is described in clause (ii); and

"(II) for which the applicable statute of limitations under section 11(d)(14)(A)(ii) of the Federal Deposit Insurance Act has expired before the date of enactment of the Resolution Trust Corporation Completion Act;

the statute of limitations which shall apply to an action brought on such claim by the Corporation in the Cor-

poration's capacity as conservator or receiver of an institution described in paragraph (3)(A) shall be the period determined under subparagraph (C).

"(ii) CLAIMS DESCRIBED.—A tort claim referred to in clause (i)(I) with respect to an institution described in paragraph (3)(A) is a claim arising from fraud, intentional misconduct resulting in unjust enrichment, or intentional misconduct resulting in substantial loss to the institution.

"(B) TORT ACTIONS FOR WHICH THE PRIOR LIMITATION HAS NOT RUN.—

"(i) IN GENERAL.—Notwithstanding section 11(d)(14)(A) of the Federal Deposit Insurance Act, in the case of any tort claim—

"(I) which is described in clause (ii); and

"(II) for which the applicable statute of limitations under section 11(d)(14)(A)(ii) of the Federal Deposit Insurance Act has not expired as of the date of enactment of the Resolution Trust Corporation Completion Act;

the statute of limitations which shall apply to an action brought on such claim by the Corporation in the Corporation's capacity as conservator or receiver of an institution described in paragraph (3)(A) shall be the period determined under subparagraph (C).

"(ii) CLAIMS DESCRIBED.—A tort claim referred to in clause (i)(I) with respect to an institution described in paragraph (3)(A) is a claim arising from gross negligence or conduct that demonstrates a greater disregard of a duty of care than gross negligence, including intentional tortious conduct relating to the institution.

"(C) DETERMINATION OF PERIOD.—The period determined under this subparagraph for any claim to which subparagraph (A) or (B) applies shall be the longer of—

"(i) the 5-year period beginning on the date the claim accrues (as determined pursuant to section 11(d)(14)(B) of the Federal Deposit Insurance Act); or

"(ii) the period applicable under State law for such claim.

"(D) SCOPE OF APPLICATION.—Subparagraphs (A) and (B) shall not apply to any action which is brought after the date of the termination of the Corporation under subsection (m)(1).".

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 11(d)(14)(A)(ii) of the Federal Deposit Insurance Act (12 U.S.C. 1821(d)(14)(A)(ii)) is amended by inserting "(other than a claim which is subject to section 21A(b)(14) of the Federal Home Loan Bank Act)" after "any tort claim".

SEC. 5. LIMITATION ON BONUSES AND COMPENSATION PAID BY THE RTC AND THE THRIFT DEPOSITOR PROTECTION OVERSIGHT BOARD.

(a) IN GENERAL.—Section 21A of the Federal Home Loan Bank Act (12 U.S.C. 1441a) is amended by adding after subsection (w) (as added by section 3(a) of this Act) the following new subsection:

"(x) LIMITATION ON EXCESSIVE COMPENSATION AND CASH AWARDS.—

"(1) ESTABLISHMENT OF PERFORMANCE APPRAISAL SYSTEM REQUIRED.—The Corporation shall be treated as an agency for purposes of sections 4302 and 4304 of title 5, United States Code.

"(2) PROCEDURES FOR PAYMENT OF CASH AWARDS.—

"(A) IN GENERAL.—Sections 4502, 4503, and 4505a of title 5, United States Code, shall apply with respect to the Corporation.

"(B) LIMITATION ON AMOUNT OF CASH AWARDS.—For purposes of determining the amount of any performance-based cash award payable to any employee of the Corporation under section 4505a of title 5, United States Code, the amount of basic pay of the employee which may be taken into account under such section shall not exceed the amount which is equal to the annual rate of basic pay payable for level I of the Executive Schedule.

"(3) ALL OTHER CASH AWARDS AND BONUSES PROHIBITED.—Except as provided in paragraph (2), no cash award or bonus may be made to any employee of the Corporation.

"(4) LIMITATIONS ON CASH AWARDS AND BONUSES.—No employee shall receive any cash award or bonus if such employee has given notice of an intent to resign to take a position in the private sector before the payment of such cash award or bonus or accepts employment in the private sector not later than 60 days after receipt of such award or bonus.

"(5) LIMITATION ON EXCESSIVE COMPENSATION.—Except as provided in paragraphs (6) and (7), no employee may receive a total amount of allowances, benefits, basic pay, and other compensation, including bonuses and other awards, in excess of the total amount of allowances, benefits, basic pay, and other compensation, including bonuses and other awards, which are provided to the chief executive officer of the Corporation.

"(6) NO REDUCTION IN RATE OF PAY.—The annual rate of basic pay and benefits, including any regional pay differential, payable to any employee who was an employee as of the date of enactment of the Resolution Trust Corporation Completion Act for any year ending after such date of enactment shall not be reduced, by reason of paragraph (5), below the annual rate of basic pay and benefits, including any regional pay differential, paid to such employee, by reason of such employment, as of such date.

"(7) EMPLOYEES SERVING IN ACTING OR TEMPORARY CAPACITY.—In the case of any employee who, as of the date of enactment of the Resolution Trust Corporation Completion Act, is serving in an acting capacity or is otherwise temporarily employed at a higher grade than such employee's regular grade or position of employment—

"(A) the annual rate of basic pay and benefits, including any regional pay differential, payable to such employee in such capacity or at such higher grade shall not be reduced by reason of paragraph (5) so long as such employee continues to serve in such capacity or at such higher grade; and

"(B) after such employee ceases to serve in such capacity or at such higher grade, paragraph (6) shall be applied

with respect to such employee by taking into account only the annual rate of basic pay and benefits, including any regional pay differential, payable to such employee in such employee's regular grade or position of employment.

"(8) DEFINITIONS.—

"(A) ALLOWANCES.—For purposes of paragraph (5), the term 'allowances' does not include any allowance for travel and subsistence expenses incurred by an employee while away from home or designated post of duty on official business.

"(B) EMPLOYEE.—For purposes of this subsection and sections 4302, 4502, 4503, and 4505a of title 5, United States Code (as applicable with respect to this subsection), the term 'employee' includes any officer or employee assigned to the Corporation under subsection (b)(8) and any officer or employee of the Thrift Depositor Protection Oversight Board.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) AMENDMENT TO TITLE 5.—Section 5314 of title 5, United States Code, is amended by striking the following item:

"chief executive officer of the Resolution Trust Corporation.".

(2) FEDERAL HOME LOAN BANK ACT AMENDMENT.—Section 21A(a)(6) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(a)(6)) is amended by adding at the end the following new subparagraph:

"(K) To establish the rate of basic pay, benefits, and other compensation for the chief executive officer of the Corporation.".

12 USC 1441a note.

SEC. 6. FDIC—RTC TRANSITION TASK FORCE.

(a) ESTABLISHMENT REQUIRED.—The Federal Deposit Insurance Corporation and the Resolution Trust Corporation shall establish an interagency transition task force. The task force shall facilitate the transfer of the assets, personnel, and operations of the Resolution Trust Corporation to the Federal Deposit Insurance Corporation or the FSLIC Resolution Fund, as the case may be, in a coordinated manner.

(b) MEMBERS.—

(1) IN GENERAL.—The transition task force shall consist of such number of officers and employees of the Federal Deposit Insurance Corporation and the Resolution Trust Corporation as the Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation and the chief executive officer of the Resolution Trust Corporation may jointly determine to be appropriate.

(2) APPOINTMENT.—The Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation and the chief executive officer of the Resolution Trust Corporation shall appoint the members of the transition task force.

(3) NO ADDITIONAL PAY.—Members of the transition task force shall receive no additional pay, allowances, or benefits by reason of their service on the task force.

(c) DUTIES.—The transition task force shall have the following duties:

(1) Examine the operations of the Federal Deposit Insurance Corporation and the Resolution Trust Corporation to iden-

tify, evaluate, and resolve differences in the operations of the corporations to facilitate an orderly merger of such operations.

(2) Recommend which of the management, resolution, or asset disposition systems of the Resolution Trust Corporation should be preserved for use by the Federal Deposit Insurance Corporation.

(3) Recommend procedures to be followed by the Federal Deposit Insurance Corporation and the Resolution Trust Corporation in connection with the transition which will promote—

(A) coordination between the corporations before the termination of the Resolution Trust Corporation; and

(B) an orderly transfer of assets, personnel, and operations.

(4) Evaluate the management enhancement goals applicable to the Resolution Trust Corporation under section 21A(p) of the Federal Home Loan Bank Act and recommend which of such goals should apply to the Federal Deposit Insurance Corporation.

(5) Evaluate the management reforms applicable to the Resolution Trust Corporation under section 21A(w) of the Federal Home Loan Bank Act and recommend which of such reforms should apply to the Federal Deposit Insurance Corporation.

(d) REPORTS TO BANKING COMMITTEES.—

(1) REPORTS REQUIRED.—The transition task force shall submit a report to the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate not later than January 1, 1995, and a second report not later than July 1, 1995, on the progress made by the transition task force in meeting the requirements of this section.

(2) CONTENTS OF REPORT.—The reports required to be submitted under paragraph (1) shall contain the findings and recommendations made by the transition task force in carrying out the duties of the task force under subsection (c) and such recommendations for legislative and administrative action as the task force may determine to be appropriate.

(e) FOLLOWUP REPORT BY FDIC.—Not later than January 1, 1996, the Federal Deposit Insurance Corporation shall submit a report to the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate containing—

(1) a description of the recommendations of the transition task force which have been adopted by the Corporation;

(2) a description of the recommendations of the transition task force which have not been adopted by the Corporation;

(3) a detailed explanation of the reasons why the Corporation did not adopt each recommendation described in paragraph (2); and

(4) a description of the actions taken by the Corporation to comply with section 21A(m)(3) of the Federal Home Loan Bank Act.

SEC. 7. AMENDMENTS RELATING TO THE TERMINATION OF THE RTC.

(a) AMENDMENT RELATING TO TRANSFER OF PERSONNEL AND SYSTEMS.—Section 21A(m) of the Federal Home Loan Bank Act

(12 U.S.C. 1441a(m)) is amended by adding at the end the following new paragraph:

"(3) TRANSFER OF PERSONNEL AND SYSTEMS.—In connection with the assumption by the Federal Deposit Insurance Corporation of conservatorship and receivership functions with respect to institutions described in subsection (b)(3)(A) and the termination of the Corporation pursuant to paragraph (1)—

"(A) any management, resolution, or asset-disposition system of the Corporation which the Secretary of the Treasury determines, after considering the recommendations of the interagency transition task force under section 6(c) of the Resolution Trust Corporation Completion Act, has been of benefit to the operations of the Corporation (including any personal property of the Corporation which is used in operating any such system) shall, notwithstanding paragraph (2), be transferred to and used by the Federal Deposit Insurance Corporation in a manner which preserves the integrity of the system for so long as such system is efficient and cost-effective; and

"(B) any personnel of the Corporation involved with any such system who are otherwise eligible to be transferred to the Federal Deposit Insurance Corporation shall be transferred to the Federal Deposit Insurance Corporation for continued employment, subject to section 404(9) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 and other applicable provisions of this section, with respect to such system.".

(b) AMENDMENT RELATING TO DATE OF TERMINATION.—Section 21A(m)(1) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(m)(1)) is amended by striking "December 31, 1996" and inserting "December 31, 1995".

SEC. 8. SAIF FUNDING AUTHORIZATION AMENDMENTS.

(a) AMENDMENT TO SAIF FUNDING PROVISION.—Section 11(a)(6)(D) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(6)(D)) is amended to read as follows:

"(D) TREASURY PAYMENTS TO FUND.—To the extent of the availability of amounts provided in appropriation Acts and subject to subparagraphs (E) and (G), the Secretary of the Treasury shall pay to the Savings Association Insurance Fund such amounts as may be needed to pay losses incurred by the Fund in fiscal years 1994 through 1998.".

(b) CERTIFICATION OF NEED FOR FUNDS AND OTHER CONDITIONS ON SAIF FUNDING.—Section 11(a)(6)(E) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(6)(E)) is amended to read as follows:

"(E) CERTIFICATION CONDITIONS ON AVAILABILITY OF FUNDING.—No amount appropriated for payments by the Secretary of the Treasury in accordance with subparagraph (D) for any fiscal year may be expended unless the Chairperson of the Board of Directors certifies to the Congress, at any time before the beginning of or during such fiscal year, that—

"(i) such amount is needed to pay for losses which have been incurred or can reasonably be expected to be incurred by the Savings Association Insurance Fund;

"(ii) the Board of Directors has determined that—

"(I) Savings Association Insurance Fund members, in the aggregate, are unable to pay additional semiannual assessments under section 7(b) at the assessment rates which would be required in order to cover, from such additional assessments, losses which have been incurred or can reasonably be expected to be incurred by the Fund without adversely affecting the ability of such members to raise and maintain capital or to maintain the members' assessment base; and

"(II) an increase in the assessment rates for Savings Association Insurance Fund members to cover such losses could reasonably be expected to result in greater losses to the Government;

"(iii) the Board of Directors has determined that—

"(I) Savings Association Insurance Fund members, in the aggregate, are unable to pay additional semiannual assessments under section 7(b) at the assessment rates which would be required in order to meet the repayment schedule required under section 14(c) for any amount borrowed under section 14(a) to cover losses which have been incurred or can reasonably be expected to be incurred by the Fund without adversely affecting the ability of such members to raise and maintain capital or to maintain the members' assessment base; and

"(II) an increase in the assessment rates for Savings Association Insurance Fund members to meet any such repayment schedule could reasonably be expected to result in greater losses to the Government;

"(iv) as of the date of certification, the Corporation has in effect procedures designed to ensure that the activities of the Savings Association Insurance Fund and the affairs of any Savings Association Insurance Fund member for which a conservator or receiver has been appointed are conducted in an efficient manner and the Corporation is in compliance with such procedures;

"(v) with respect to the most recent audit of the Savings Association Insurance Fund by the Comptroller General of the United States before the date of the certification—

"(I) the Corporation has taken or is taking appropriate action to implement any recommendation made by the Comptroller General; or

"(II) no corrective action is necessary or appropriate;

"(vi) the Corporation has provided for the appointment of a chief financial officer who—

"(I) does not have other operating responsibilities;

"(II) will report directly to the Chairperson of the Corporation; and

"(III) will have such authority and duties of chief financial officers under section 902 of title

31, United States Code, as the Board of Directors of the Corporation determines to be appropriate with respect to the Corporation;

"(vii) the Corporation has provided for the appointment of a senior officer whose responsibilities shall include setting uniform standards for contracting and contracting enforcement in connection with the administration of the Fund;

"(viii) the Corporation is implementing the minority outreach provisions mandated by section 1216 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989;

"(ix) the Corporation has provided for the appointment of a senior attorney, at the assistant general counsel level or above, responsible for professional liability cases; and

"(x) the Corporation has improved the management of legal services by—

"(I) utilizing staff counsel when such utilization would provide the same level of quality in legal services as the use of outside counsel at the same or a lower estimated cost; and

"(II) employing outside counsel only if the use of outside counsel would provide the most practicable, efficient, and cost-effective resolution to the action and only under a negotiated fee, contingent fee, or competitively bid fee agreement.".

(c) AVAILABILITY OF UNEXPENDED RTC FUNDING FOR SAIF.—Section 11(a)(6)(F) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(6)(F)) is amended to read as follows:

"(F) AVAILABILITY OF RTC FUNDING.—At any time before the end of the 2-year period beginning on the date of the termination of the Resolution Trust Corporation, the Secretary of the Treasury shall provide, out of funds appropriated to the Resolution Trust Corporation pursuant to section 21A(i)(3) of the Federal Home Loan Bank Act and not expended by the Resolution Trust Corporation, to the Savings Association Insurance Fund, for any year such amounts as are needed by the Fund and are not needed by the Resolution Trust Corporation, if the Chairperson of the Board of Directors has certified to the Congress that—

"(i) such amount is needed to pay for losses which have been incurred or can reasonably be expected to be incurred by the Savings Association Insurance Fund;

"(ii) the Board of Directors has determined that—

"(I) Savings Association Insurance Fund members, in the aggregate, are unable to pay additional semiannual assessments under section 7(b) at the assessment rates which would be required in order to cover, from such additional assessments, losses which have been incurred or can reasonably be expected to be incurred by the Savings Association Insurance Fund without adversely affecting the ability of such members to raise and maintain

capital or to maintain the members' assessment base; and

"(II) an increase in the assessment rates for Savings Association Insurance Fund members to cover such losses could reasonably be expected to result in greater losses to the Government;

"(iii) the Board of Directors has determined that—

"(I) Savings Association Insurance Fund members, in the aggregate, are unable to pay additional semiannual assessments under section 7(b) at the assessment rates which would be required in order to meet the repayment schedule required under section 14(c) for any amount borrowed under section 14(a) to cover losses which have been incurred or can reasonably be expected to be incurred by the Savings Association Insurance Fund without adversely affecting the ability of such members to raise and maintain capital or to maintain such members' assessment base; and

"(II) an increase in the assessment rates for Savings Association Insurance Fund members to meet any such repayment schedule could reasonably be expected to result in greater losses to the Government;

"(iv) the Corporation has provided for the appointment of a chief financial officer who—

"(I) does not have other operating responsibilities;

"(II) will report directly to the Chairperson of the Corporation; and

"(III) will have such authority and duties of chief financial officers under section 902 of title 31, United States Code, as the Board of Directors of the Corporation determines to be appropriate with respect to the Corporation;

"(v) the Corporation has provided for the appointment of a senior officer whose responsibilities shall include setting uniform standards for contracting and contracting enforcement in connection with the administration of the Fund;

"(vi) the Corporation is implementing the minority outreach provisions mandated by section 1216 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989;

"(vii) the Corporation has provided for the appointment of a senior attorney, at the assistant general counsel level or above, responsible for professional liability cases; and

"(viii) the Corporation has improved the management of legal services by—

"(I) utilizing staff counsel when such utilization would provide the same level of quality in legal services as the use of outside counsel at the same or a lower estimated cost; and

"(II) employing outside counsel only if the use of outside counsel would provide the most practicable, efficient, and cost-effective resolution to

the action and only under a negotiated fee, contingent fee, or competitively bid fee agreement.".

(d) APPEARANCES BEFORE THE BANKING COMMITTEES.—Section 11(a)(6)(H) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(6)(H)) is amended to read as follows:

"(H) APPEARANCE UPON REQUEST.—The Secretary of the Treasury and the Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation shall appear before the Committee on Banking, Finance and Urban Affairs of the House of Representatives or the Committee on Banking, Housing, and Urban Affairs of the Senate, upon the request of the chairman of the committee, to report on any certification made to the Congress under subparagraph (E) or (F).".

(e) AMENDMENTS TO AUTHORIZATION OF APPROPRIATION.—Section 11(a)(6)(J) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(6)(J)) is amended—

(1) by striking "There are" and inserting "Subject to subparagraph (E), there are"; and

(2) by striking "of this paragraph, except" and all that follows through the period and inserting the following: "of subparagraph (D) for fiscal years 1994 through 1998, except that the aggregate amount appropriated pursuant to this authorization may not exceed $8,000,000,000.".

(f) RETURN OF TRANSFERRED AND UNEXPENDED AMOUNTS TO TREASURY.—Section 11(a)(6) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(6)) is amended by adding at the end the following new subparagraph:

"(K) RETURN TO TREASURY.—If the aggregate amount of funds transferred to the Savings Association Insurance Fund under subparagraph (D) or (F) exceeds the amount needed to cover losses incurred by the Fund, such excess amount shall be deposited in the general fund of the Treasury.".

12 USC 1821 note.

(g) GAO REPORT.—Not later than 60 days after receipt of any certification submitted pursuant to subparagraph (E) or (F) of section 11(a)(6) of the Federal Deposit Insurance Act, the Comptroller General shall transmit a report to the Congress evaluating any such certification.

(h) ADJUSTMENT OF SAIF SCHEDULE.—Effective on the effective date of the amendment made by section 302(a) of the Federal Deposit Insurance Corporation Improvement Act of 1991, section 7(b)(3)(C) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(3)(C)) is amended by striking ", but such amendments may not extend the date specified in subparagraph (B)" and inserting "and such amendment may extend the date specified in subparagraph (B) to such later date as the Corporation determines will, over time, maximize the amount of semiannual assessments received by the Savings Association Insurance Fund, net of insurance losses incurred by the Fund.".

(i) TECHNICAL AND CONFORMING AMENDMENTS.—Section 11(a)(6)(G) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(6)(G)) is amended—

(1) by striking "subparagraphs (E) and (F)" and inserting "subparagraph (D)"; and

(2) in the heading, by striking "SUBPARAGRAPHS (E) AND (F)" and inserting "SUBPARAGRAPH (D)".

SEC. 9. MORATORIUM EXTENSION.

(a) CONVERSION MORATORIUM UNTIL SAIF RECAPITALIZED.—Section 5(d)(2)(A)(ii) of the Federal Deposit Insurance Act (12 U.S.C. 1815(d)(2)(A)(ii)) is amended—

(1) by striking "before the end" and inserting "before the later of the end"; and

(2) by inserting "or the date on which the Savings Association Insurance Fund first meets or exceeds the designated reserve ratio for such fund" before the period.

(b) CLARIFICATION OF DEFINITION.—Section 5(d)(2)(B) of the Federal Deposit Insurance Act (12 U.S.C. 1815(d)(2)(B)) is amended—

(1) by striking the period at the end of clause (iv) and inserting "; and"; and

(2) by adding at the end the following:

"(v) the transfer of deposits—

"(I) from a Bank Insurance Fund member to a Savings Association Insurance Fund member; or

"(II) from a Savings Association Insurance Fund member to a Bank Insurance Fund member;

in a transaction in which the deposit is received from a depositor at an insured depository institution for which a receiver has been appointed and the receiving insured depository institution is acting as agent for the Corporation in connection with the payment of such deposit to the depositor at the institution for which a receiver has been appointed.".

(c) TECHNICAL AND CONFORMING AMENDMENTS.—Section 5(d) of the Federal Deposit Insurance Act (12 U.S.C. 1815(d)) is amended—

(1) in clauses (ii) and (iii) of paragraph (2)(C); and

(2) in paragraph (3)(I)(i);

by striking "5-year period referred to in" and inserting "moratorium period established by".

SEC. 10. REPAYMENT SCHEDULE FOR PERMANENT FDIC BORROWING AUTHORITY.

Section 14(c) of the Federal Deposit Insurance Act (12 U.S.C. 1824(c)) is amended by adding at the end the following new paragraph:

"(3) INDUSTRY REPAYMENT.—

"(A) BIF MEMBER PAYMENTS.—No agreement or repayment schedule under paragraph (1) shall require any payment by a Bank Insurance Fund member for funds obtained under subsection (a) for purposes of the Savings Association Fund.

"(B) SAIF MEMBER PAYMENTS.—No agreement or repayment schedule under paragraph (1) shall require any payment by a Savings Association Insurance Fund member for funds obtained under subsection (a) for purposes of the Bank Insurance Fund.".

SEC. 11. DEPOSIT INSURANCE FUNDS.

Section 11(a)(4) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(4)) is amended to read as follows:

"(4) GENERAL PROVISIONS RELATING TO FUNDS.—

"(A) MAINTENANCE AND USE OF FUNDS.—The Bank Insurance Fund established under paragraph (5) and the Savings Association Insurance Fund established under paragraph (6) shall each be—

"(i) maintained and administered by the Corporation;

"(ii) maintained separately and not commingled; and

"(iii) used by the Corporation to carry out its insurance purposes in the manner provided in this subsection.

"(B) LIMITATION ON USE.—Notwithstanding any provision of law other than section 13(c)(4)(G), the Bank Insurance Fund and the Savings Association Insurance Fund shall not be used in any manner to benefit any shareholder of—

"(i) any insured depository institution for which the Corporation or the Resolution Trust Corporation has been appointed conservator or receiver, in connection with any type of resolution by the Corporation or the Resolution Trust Corporation;

"(ii) any other insured depository institution in default or in danger of default, in connection with any type of resolution by the Corporation or the Resolution Trust Corporation; or

"(iii) any insured depository institution, in connection with the provision of assistance under this section or section 13 with respect to such institution, except that this clause shall not prohibit any assistance to any insured depository institution that is not in default, or that is not in danger of default, that is acquiring (as defined in section 13(f)(8)(B)) another insured depository institution.".

SEC. 12. MAXIMUM DOLLAR LIMITS FOR ELIGIBLE CONDOMINIUM AND SINGLE FAMILY PROPERTIES UNDER RTC AFFORDABLE HOUSING PROGRAM.

Section 21A(c)(9) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(c)(9)) is amended—

(1) in subparagraph (D), by striking clause (ii) and inserting the following new clause:

"(ii) that has an appraised value that does not exceed—

"(I) $67,500 in the case of a 1-family residence, $76,000 in the case of a 2-family residence, $92,000 in the case of a 3-family residence, and $107,000 in the case of a 4-family residence; or

"(II) only to the extent or in such amounts as are provided in appropriation Acts for additional costs and losses to the Corporation resulting from this subclause taking effect, the amount provided in section 203(b)(2)(A) of the National Housing Act, except that such amount shall not exceed $101,250 in the case of a 1-family residence, $114,000 in the case of a 2-family residence, $138,000 in the case of a 3-family residence, and $160,500 in the case of a 4-family residence."; and

(2) in subparagraph (G)—

(A) by moving subclause (I) two ems to the left and redesignating such subclause as clause (i); and

(B) by striking subclause (II) and inserting the following new clause:

"(ii) that has an appraised value that does not exceed—

"(I) $67,500 in the case of a 1-family residence, $76,000 in the case of a 2-family residence, $92,000 in the case of a 3-family residence, and $107,000 in the case of a 4-family residence; or

"(II) only to the extent or in such amounts as are provided in appropriation Acts for additional costs and losses to the Corporation resulting from this subclause taking effect, the amount provided in section 203(b)(2)(A) of the National Housing Act, except that such amount shall not exceed $101,250 in the case of a 1-family residence, $114,000 in the case of a 2-family residence, $138,000 in the case of a 3-family residence, and $160,500 in the case of a 4-family residence.".

SEC. 13. CHANGES AFFECTING ONLY FDIC AFFORDABLE HOUSING PROGRAM.

Section 40(p) of the Federal Deposit Insurance Act (12 U.S.C. 1831q(p)) is amended in paragraphs (4)(A), (5)(A), and (7)(A), by inserting before "; and" each place it appears the following: "in its corporate capacity, its capacity as conservator, or its capacity as receiver (including in its capacity as the sole owner of a subsidiary corporation of a depository institution under conservatorship or receivership, which subsidiary has as its principal business the ownership of real property)".

SEC. 14. CHANGES AFFECTING BOTH RTC AND FDIC AFFORDABLE HOUSING PROGRAMS.

(a) NOTICE TO CLEARINGHOUSES REGARDING PROPERTIES NOT INCLUDED IN PROGRAMS.—

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

"(16) NOTICE TO CLEARINGHOUSES REGARDING INELIGIBLE PROPERTIES.—

"(A) IN GENERAL.—Within a reasonable period of time after acquiring title to an ineligible residential property, the Corporation shall, to the extent practicable, provide written notice to clearinghouses.

"(B) CONTENT.—For ineligible single family properties, such notice shall contain the same information about such properties that the notice required under paragraph (2)(A) contains with respect to eligible single family properties. For ineligible multifamily housing properties, such notice shall contain the same information about such properties that the notice required under paragraph (3)(A) contains with respect to eligible multifamily housing properties. For ineligible condominium properties, such notice shall contain the same information about such properties that the notice required under paragraph (14)(A) contains with respect to eligible condominium properties.

"(C) AVAILABILITY.—The clearinghouses shall make such information available, upon request, to other public agencies, other nonprofit organizations, qualifying households, qualifying multifamily purchasers, and other purchasers, as appropriate.

"(D) DEFINITIONS.—For purposes of this paragraph, the following definitions shall apply:

"(i) INELIGIBLE CONDOMINIUM PROPERTY.—The term 'ineligible condominium property' means a condominium unit, as such term is defined in section 604 of the Housing and Community Development Act of 1980—

"(I) to which the Corporation acquires title in its corporate capacity, its capacity as conservator, or its capacity as receiver (including its capacity as the sole owner of a subsidiary corporation of a depository institution under conservatorship or receivership, which subsidiary corporation has as its principal business the ownership of real property);

"(II) that has an appraised value that does not exceed the applicable dollar amount limitation for the property under paragraph (9)(D)(ii)(II); and

"(III) that is not an eligible condominium property.

"(ii) INELIGIBLE MULTIFAMILY HOUSING PROPERTY.—The term 'ineligible multifamily housing property' means a property consisting of more than 4 dwelling units—

"(I) to which the Corporation acquires title in its capacity as conservator (including its capacity as the sole owner of a subsidiary corporation of a depository institution under conservatorship, which subsidiary corporation has as its principal business the ownership of real property);

"(II) that has an appraised value that does not exceed, for such part of the property as may be attributable to dwelling use (excluding exterior land improvements), the dollar amount limitations under paragraph (9)(E)(i)(II); and

"(III) that is not an eligible multifamily housing property.

"(iii) INELIGIBLE SINGLE FAMILY PROPERTY.—The term 'ineligible single family property' means a 1- to 4-family residence (including a manufactured home)—

"(I) to which the Corporation acquires title in its corporate capacity, its capacity as conservator, or its capacity as receiver (including its capacity as the sole owner of a subsidiary corporation of a depository institution under conservatorship or receivership, which subsidiary corporation has as its principal business the ownership of real property);

"(II) that has an appraised value that does not exceed the applicable dollar amount limitation for the property under paragraph (9)(G)(ii)(II); and

"(III) that is not an eligible single family property.

"(iv) INELIGIBLE RESIDENTIAL PROPERTY.—The term 'ineligible residential property' includes ineligible single family properties, ineligible multifamily housing properties, and ineligible condominium properties.".

(2) FDIC.—Section 40 of the Federal Deposit Insurance Act (12 U.S.C. 1831q) is amended by adding at the end the following new subsection:

"(q) NOTICE TO CLEARINGHOUSES REGARDING INELIGIBLE PROPERTIES.—

"(1) IN GENERAL.—Within a reasonable period of time after acquiring title to an ineligible residential property, the Corporation shall, to the extent practicable, provide written notice to clearinghouses.

"(2) CONTENT.—For ineligible single family properties, such notice shall contain the same information about such properties that the notice required under subsection (c)(1) contains with respect to eligible single family properties. For ineligible multifamily housing properties, such notice shall contain the same information about such properties that the notice required under subsection (d)(1) contains with respect to eligible multifamily housing properties. For ineligible condominium properties, such notice shall contain the same information about such properties that the notice required under subsection (l)(1) contains with respect to eligible condominium properties.

"(3) AVAILABILITY.—The clearinghouses shall make such information available, upon request, to other public agencies, other nonprofit organizations, qualifying households, qualifying multifamily purchasers, and other purchasers, as appropriate.

"(4) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

"(A) INELIGIBLE CONDOMINIUM PROPERTY.—The term 'ineligible condominium property' means any eligible condominium property to which the provisions of this section do not apply as a result of the limitations under subsection (b)(2)(A).

"(B) INELIGIBLE MULTIFAMILY HOUSING PROPERTY.—The term 'ineligible multifamily housing property' means any eligible multifamily housing property to which the provisions of this section do not apply as a result of the limitations under subsection (b)(2)(A).

"(C) INELIGIBLE SINGLE FAMILY PROPERTY.—The term 'ineligible single family property' means any eligible single family property to which the provisions of this section do not apply as a result of the limitations under subsection (b)(2)(A).

"(D) INELIGIBLE RESIDENTIAL PROPERTY.—The term 'ineligible residential property' includes ineligible single family properties, ineligible multifamily housing properties, and ineligible condominium properties.".

(b) AFFORDABLE HOUSING ADVISORY BOARD.— 12 USC 1831q note.

(1) ESTABLISHMENT.—There is hereby established the Affordable Housing Advisory Board (in this subsection referred to as the "Advisory Board") to advise the Thrift Depositor Protection Oversight Board and the Board of Directors of the Federal Deposit Insurance Corporation on policies and pro-

grams related to the provision of affordable housing, including the operation of the affordable programs.

(2) MEMBERSHIP.—The Advisory Board shall consist of—

(A) the Secretary of Housing and Urban Development;

(B) the Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation (or the Chairperson's delegate), who shall be a nonvoting member;

(C) the Chairperson of the Thrift Depositor Protection Oversight Board (or the Chairperson's delegate), who shall be a nonvoting member;

(D) 4 persons appointed by the Secretary of Housing and Urban Development not later than the expiration of the 90-day period beginning on the date of the enactment of this Act, who represent the interests of individuals and organizations involved in using the affordable housing programs (including nonprofit organizations, public agencies, and for-profit organizations that purchase properties under the affordable housing programs, organizations that provide technical assistance regarding the affordable housing programs, and organizations that represent the interest of low- and moderate-income families); and

(E) 2 persons who are members of the National Housing Advisory Board pursuant to section 21A(d)(2)(B)(ii) of the Federal Home Loan Bank Act (as in effect before the effective date of the repeal under subsection (c)(2)), who shall be appointed by such Board before such effective date.

(3) TERMS.—Each member shall be appointed for a term of 4 years, except as provided in paragraphs (4) and (5).

(4) TERMS OF INITIAL APPOINTEES.—

(A) PERMANENT POSITIONS.—As designated by the Secretary of Housing and Urban Development at the time of appointment, of the members first appointed under paragraph (2)(D)—

(i) 1 shall be appointed for a term of 1 year;

(ii) 1 shall be appointed for a term of 2 years;

(iii) 1 shall be appointed for a term of 3 years; and

(iv) 1 shall be appointed for a term of 4 years.

(B) INTERIM MEMBERS.—The members of the Advisory Board under paragraph (2)(E) shall be appointed for a single term of 4 years, which shall begin upon the earlier of (i) the expiration of the 90-day period beginning on the date of the enactment of this Act, or (ii) the first meeting of the Advisory Board.

(5) VACANCIES.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office. A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(6) MEETINGS.—

(A) TIMING AND LOCATION.—The Advisory Board shall meet 4 times a year, or more frequently if requested by the Thrift Depositor Protection Oversight Board or the Board of Directors of the Federal Deposit Insurance Cor-

poration. In each year, the Advisory Board shall conduct such meetings at various locations in different regions of the United States in which substantial residential property assets of the Federal Deposit Insurance Corporation or the Resolution Trust Corporation are located. The first meeting of the Advisory Board shall take place not later than the expiration of the 90-day period beginning on the date of the enactment of this Act.

(B) ADVICE.—The Advisory Board shall submit information and advice resulting from each meeting, in such form as the Board considers appropriate, to the Thrift Depositor Protection Oversight Board and the Board of Directors of the Federal Deposit Insurance Corporation.

(7) ANNUAL REPORTS.—For each year, the Advisory Board shall submit a report containing its findings and recommendations to the Committee on Banking, Housing, and Urban affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives, the Federal Deposit Insurance Corporation, and the Resolution Trust Corporation. The first such report shall be made not later than the expiration of the 6-month period beginning on the date of the enactment of this Act.

(8) DEFINITION.—For purposes of this subsection, the term "affordable housing programs" means the program under section 21A(c) of the Federal Home Loan Bank Act and the program under section 40 of the Federal Deposit Insurance Act.

(9) SUNSET.—The Advisory Board established under this subsection shall terminate on September 30, 1998.

(c) TERMINATION OF NATIONAL HOUSING ADVISORY BOARD.—

(1) TERMINATION.—The National Housing Advisory Board under section 21A(d)(2) of the Federal Home Loan Bank Act shall terminate upon the expiration of the 90-day period beginning on the date of the enactment of this Act. 12 USC 1441a note.

(2) REPEAL.—Effective upon the expiration of the period referred to in paragraph (1), paragraph (2) of section 21A(d) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(d)(2)) is amended to read as follows:

"(2) [Reserved]".

(d) PROVISION OF INFORMATION REGARDING SELLER FINANCING TO MINORITY- AND WOMEN-OWNED BUSINESSES.—

(1) RTC.—Section 21A(c)(6)(A)(ii) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(c)(6)(A)(ii)) is amended by adding at the end the following new sentences: "The Corporation shall periodically provide, to a wide range of minority- and women-owned businesses engaged in providing affordable housing and to nonprofit organizations, more than 50 percent of the control of which is held by 1 or more minority individuals, that are engaged in providing affordable housing, information that is sufficient to inform such businesses and organizations of the availability and terms of financing under this clause; such information may be provided directly, by notices published in periodicals and other publications that regularly provide information to such businesses or organizations, and through persons and organizations that regularly provide information or services to such businesses or organizations. For purposes of this clause, the terms 'women-owned business' and 'minority-owned business' have the meanings given such terms in sub-

section (r), and the term 'minority' has the meaning given such term in section 1204(c)(3) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.".

(2) FDIC.—Section 40(g)(1)(B) of the Federal Deposit Insurance Act (12 U.S.C. 1831q(g)(1)(B)) is amended by adding at the end the following new sentences: "The Corporation shall periodically provide, to a wide range of minority- and women-owned businesses engaged in providing affordable housing and to nonprofit organizations, more than 50 percent of the control of which is held by 1 or more minority individuals, that are engaged in providing affordable housing, information that is sufficient to inform such businesses and organizations of the availability and terms of financing under this subparagraph; such information may be provided directly, by notices published in periodicals and other publications that regularly provide information to such businesses or organizations, and through persons and organizations that regularly provide information or services to such businesses or organizations. For purposes of this subparagraph, the terms 'women-owned business' and 'minority-owned business' have the meanings given such terms in section 21A(r) of the Federal Home Loan Bank Act, and the term 'minority' has the meaning given such term in section 1204(c)(3) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.".

(e) AUTHORITY TO CARRY OUT UNIFIED AFFORDABLE HOUSING PROGRAM.—

(1) RTC.—Section 21A(c) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(c)) is amended by adding after paragraph (16) (as added by subsection (a) of this section) the following new paragraph:

"(17) UNIFIED AFFORDABLE HOUSING PROGRAM.—

Contracts.

"(A) IN GENERAL.—Not later than 4 months after the date of enactment of the Resolution Trust Corporation Completion Act, the Corporation shall enter into an agreement, as described in section 40(n)(3) of the Federal Deposit Insurance Act, with the Federal Deposit Insurance Corporation that sets out a plan for the orderly unification of the Corporation's activities, authorities, and responsibilities under this subsection with the authorities, activities, and responsibilities of the Federal Deposit Insurance Corporation pursuant to section 40 of the Federal Deposit Insurance Act in a manner that best achieves an effective and comprehensive affordable housing program management structure. The agreement shall be entered into after consultation with the Affordable Housing Advisory Board under section 14(b) of the Resolution Trust Corporation Completion Act.

"(B) AUTHORITY AND IMPLEMENTATION.—The Corporation shall have the authority to carry out the provisions of the agreement entered into pursuant to subparagraph (A) and shall implement such agreement as soon as practicable, but in no event later than 8 months after the date of enactment of the Resolution Trust Corporation Completion Act.

"(C) TRANSFER OF AUTHORITY.—Effective upon October 1, 1995, any remaining authority and responsibilities of

the Corporation under this subsection shall be carried out by the Federal Deposit Insurance Corporation.".

(2) FDIC.—Section 40(n) of the Federal Deposit Insurance Act (12 U.S.C. 1831q(n)) is amended to read as follows:

"(n) UNIFIED AFFORDABLE HOUSING PROGRAMS.—

"(1) IN GENERAL.—Not later than 4 months after the date of enactment of the Resolution Trust Corporation Completion Act, the Corporation shall enter into an agreement, as described in paragraph (3), with the Resolution Trust Corporation that sets out a plan for the orderly unification of the Corporation's activities, authorities, and responsibilities under this section with the authorities, activities, and responsibilities of the Resolution Trust Corporation pursuant to section 21A(c) of the Federal Home Loan Bank Act in a manner that best achieves an effective and comprehensive affordable housing program management structure. The agreement shall be entered into after consultation with the Affordable Housing Advisory Board under section 14(b) of the Resolution Trust Corporation Completion Act.

"(2) AUTHORITY AND IMPLEMENTATION.—The Corporation shall have the authority to carry out the provisions of the agreement entered into pursuant to paragraph (1) and shall implement such agreement as soon as practicable but in no event later than 8 months after the date of enactment of the Resolution Trust Corporation Completion Act.

"(3) TERMS OF AGREEMENT.—The agreement required under paragraph (1) shall provide a plan for—

"(A) a program unifying all activities and responsibilities of the Corporation and the Resolution Trust Corporation, and the design of the unified program shall take into consideration the substantial experience of the Resolution Trust Corporation regarding—

"(i) seller financing;

"(ii) technical assistance;

"(iii) marketing skills and relationships with public and nonprofit entities; and

"(iv) staff resources;

"(B) the elimination of duplicative and unnecessary administrative costs and resources;

"(C) the management structure of the unified program;

"(D) a timetable for the unification; and

"(E) a methodology to determine the extent to which the provisions of this section shall be effective, in accordance with the limitations under subsection (b)(2).

"(4) TRANSFER TO FDIC.—Beginning not later than October 1, 1995, the Corporation shall carry out any remaining authority and responsibilities of the Resolution Trust Corporation, as set forth in section 21A(c) of the Federal Home Loan Bank Act.".

(f) LIABILITY PROVISIONS.—

(1) RTC.—Section 21A(c)(11) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(c)(11)) is amended by adding at the end the following new subparagraph:

"(D) CORPORATION.—The Corporation shall not be liable to any depositor, creditor, or shareholder of any insured depository institution for which the Corporation has been appointed receiver or conservator, or of any subsidiary

corporation of a depository institution under conservatorship or receivership, or any claimant against such an institution or subsidiary, because the disposition of assets of the institution or the subsidiary under this subsection affects the amount of return from the assets.".

(2) FDIC.—Section 40(m)(4) of the Federal Deposit Insurance Act (12 U.S.C. 1831q(m)(4)) is amended to read as follows:

"(4) CORPORATION.—The Corporation shall not be liable to any depositor, creditor, or shareholder of any insured depository institution for which the Corporation has been appointed receiver or conservator, or of any subsidiary corporation of a depository institution under receivership or conservatorship, or any claimant against such institution or subsidiary, because the disposition of assets of the institution or the subsidiary under this section affects the amount of return from the assets.".

SEC. 15. RIGHT OF FIRST REFUSAL FOR TENANTS TO PURCHASE SINGLE FAMILY PROPERTY.

(a) RTC.—Section 21A(b) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)) is amended by adding after paragraph (14) (as added by section (4) of this Act) the following new paragraph:

"(15) PURCHASE RIGHTS OF TENANTS.—

"(A) NOTICE.—Except as provided in subparagraph (C), the Corporation may make available for sale a 1- to 4-family residence (including a manufactured home) to which the Corporation acquires title only after the Corporation has provided the household residing in the property notice (in writing and mailed to the property) of the availability of such property and the preference afforded such household under subparagraph (B).

"(B) PREFERENCE.—In selling such a property, the Corporation shall give preference to any bona fide offer made by the household residing in the property, if—

"(i) such offer is substantially similar in amount to other offers made within such period (or expected by the Corporation to be made within such period);

"(ii) such offer is made during the period beginning upon the Corporation making such property available and of a reasonable duration, as determined by the Corporation based on the normal period for sale of such properties; and

"(iii) the household making the offer complies with any other requirements applicable to purchasers of such property, including any downpayment and credit requirements.

"(C) EXCEPTIONS.—Subparagraphs (A) and (B) shall not apply to—

"(i) any residence transferred in connection with the transfer of substantially all of the assets of an insured depository institution for which the Corporation has been appointed conservator or receiver;

"(ii) any eligible single family property (as such term is defined in subsection (c)(9)); or

"(iii) any residence for which the household occupying the residence was the mortgagor under a mortgage

on such residence and to which the Corporation acquired title pursuant to default on such mortgage.".

(b) FDIC.—Section 11 of the Federal Deposit Insurance Act (12 U.S.C. 1821) is amended by adding at the end the following new subsection:

"(u) PURCHASE RIGHTS OF TENANTS.—

"(1) NOTICE.—Except as provided in paragraph (3), the Corporation may make available for sale a 1- to 4-family residence (including a manufactured home) to which the Corporation acquires title only after the Corporation has provided the household residing in the property notice (in writing and mailed to the property) of the availability of such property and the preference afforded such household under paragraph (2).

"(2) PREFERENCE.—In selling such a property, the Corporation shall give preference to any bona fide offer made by the household residing in the property, if—

"(A) such offer is substantially similar in amount to other offers made within such period (or expected by the Corporation to be made within such period);

"(B) such offer is made during the period beginning upon the Corporation making such property available and of a reasonable duration, as determined by the Corporation based on the normal period for sale of such properties; and

"(C) the household making the offer complies with any other requirements applicable to purchasers of such property, including any downpayment and credit requirements.

"(3) EXCEPTIONS.—Paragraphs (1) and (2) shall not apply to—

"(A) any residence transferred in connection with the transfer of substantially all of the assets of an insured depository institution for which the Corporation has been appointed conservator or receiver;

"(B) any eligible single family property (as such term is defined in subsection (c)(9)); or

"(C) any residence for which the household occupying the residence was the mortgagor under a mortgage on such residence and to which the Corporation acquired title pursuant to default on such mortgage.".

SEC. 16. PREFERENCE FOR SALES OF REAL PROPERTY FOR USE FOR HOMELESS FAMILIES.

(a) RTC.—Section 21A(b) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)) is amended by adding after paragraph (15) (as added by section 15(a) of this Act) the following new paragraph:

"(16) PREFERENCE FOR SALES FOR HOMELESS FAMILIES.—Subject to paragraph (15), in selling any real property (other than eligible residential property and eligible condominium property, as such terms are defined in subsection (c)(9)) to which the Corporation acquires title, the Corporation shall give preference, among offers to purchase the property that will result in the same net present value proceeds, to any offer that would provide for the property to be used, during the remaining useful life of the property, to provide housing or shelter for homeless persons (as such term is defined in

section 103 of the Stewart B. McKinney Homeless Assistance Act) or homeless families.".

(b) FDIC.—Section 11 of the Federal Deposit Insurance Act (12 U.S.C. 1821) is amended by adding after subsection (u) (as added by section 15(b) of this Act) the following new subsection:

"(v) PREFERENCE FOR SALES FOR HOMELESS FAMILIES.—Subject to subsection (u), in selling any real property (other than eligible residential property and eligible condominium property, as such terms are defined in section 40(p)) to which the Corporation acquires title, the Corporation shall give preference among offers to purchase the property that will result in the same net present value proceeds, to any offer that would provide for the property to be used, during the remaining useful life of the property, to provide housing or shelter for homeless persons (as such term is defined in section 103 of the Stewart B. McKinney Homeless Assistance Act) or homeless families.".

SEC. 17. PREFERENCES FOR SALES OF COMMERCIAL PROPERTIES TO PUBLIC AGENCIES AND NONPROFIT ORGANIZATIONS FOR USE IN CARRYING OUT PROGRAMS FOR AFFORDABLE HOUSING.

(a) RTC.—Section 21A(b) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)) is amended by adding after paragraph (16) (as added by section 16(a) of this Act) the following new paragraph:

"(17) PREFERENCES FOR SALES OF CERTAIN COMMERCIAL REAL PROPERTIES.—

"(A) AUTHORITY.—In selling any eligible commercial real properties of the Corporation, the Corporation shall give preference, among offers to purchase the property that will result in the same net present value proceeds, to any offer—

"(i) that is made by a public agency or nonprofit organization; and

"(ii) under which the purchaser agrees that the property shall be used, during the remaining useful life of the property, for offices and administrative purposes of the purchaser to carry out a program to acquire residential properties to provide (I) homeownership and rental housing opportunities for very-low-, low-, and moderate-income families, or (II) housing or shelter for homeless persons (as such term is defined in section 103 of the Stewart B. McKinney Homeless Assistance Act) or homeless families.

"(B) DEFINITIONS.—For purposes of this paragraph, the following definitions shall apply:

"(i) ELIGIBLE COMMERCIAL REAL PROPERTY.—The term 'eligible commercial real property' means any property (I) to which the Corporation acquires title, and (II) that the Corporation, in the discretion of the Corporation, determines is suitable for use for the location of offices or other administrative functions involved with carrying out a program referred to in subparagraph (A)(ii).

"(ii) NONPROFIT ORGANIZATION AND PUBLIC AGENCY.—The terms 'nonprofit organization' and 'public agency' have the same meanings as in subsection (c)(9).".

(b) FDIC.—Section 11 of the Federal Deposit Insurance Act (12 U.S.C. 1821) is amended by adding after subsection (v) (as added by section 16(b) of this Act) the following new subsection:

"(w) PREFERENCES FOR SALES OF CERTAIN COMMERCIAL REAL PROPERTIES.—

"(1) AUTHORITY.—In selling any eligible commercial real properties of the Corporation, the Corporation shall give preference, among offers to purchase the property that will result in the same net present value proceeds, to any offer—

"(A) that is made by a public agency or nonprofit organization; and

"(B) under which the purchaser agrees that the property shall be used, during the remaining useful life of the property, for offices and administrative purposes of the purchaser to carry out a program to acquire residential properties to provide (i) homeownership and rental housing opportunities for very-low-, low-, and moderate-income families, or (ii) housing or shelter for homeless persons (as such term is defined in section 103 of the Stewart B. McKinney Homeless Assistance Act) or homeless families.

"(2) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

"(A) ELIGIBLE COMMERCIAL REAL PROPERTY.—The term 'eligible commercial real property' means any property (i) to which the Corporation acquires title, and (ii) that the Corporation, in the discretion of the Corporation, determines is suitable for use for the location of offices or other administrative functions involved with carrying out a program referred to in paragraph (1)(B).

"(B) NONPROFIT ORGANIZATION AND PUBLIC AGENCY.—The terms 'nonprofit organization' and 'public agency' have the same meanings as in section 40(p).".

SEC. 18. FEDERAL HOME LOAN BANKS HOUSING OPPORTUNITY HOTLINE PROGRAM.

The Federal Home Loan Bank Act (12 U.S.C. 1422 et seq.) is amended by inserting after section 26 the following new section:

"SEC. 27. HOUSING OPPORTUNITY HOTLINE PROGRAM. 12 USC 1447.

"(a) ESTABLISHMENT.—The Federal Home Loan Banks shall, individually or (at the discretion of the Federal Housing Finance Board) on a consolidated basis, establish and provide a service substantially similar (in the determination of the Board) to the 'Housing Opportunity Hotline' program established in October 1992, by the Federal Home Loan Bank of Dallas.

"(b) PURPOSE.—The service or services established under this section shall provide information regarding the availability for purchase of single family properties that are owned or held by Federal agencies and are located in the Federal Home Loan Bank district for such Bank. Such agencies shall provide to the Federal Home Loan Banks the information necessary to provide such service or services.

"(c) REQUIRED INFORMATION.—The service or services established under this section shall use the information obtained from Federal agencies to provide information regarding the size, location, price, and other characteristics of such single family properties, the eligibility requirements for purchasers of such properties, the

terms for such sales, and the terms of any available seller financing, and shall identify properties that are affordable to low- and moderate-income families.

"(d) TOLL-FREE TELEPHONE NUMBER.—The service or services established under this section shall establish and maintain a toll-free telephone line for providing the information made available under the service or services.

"(e) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

"(1) FEDERAL AGENCIES.—The term 'Federal agencies' means—

"(A) the Farmers Home Administration, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the General Services Administration, the Department of Housing and Urban Development, and the Department of Veterans Affairs;

"(B) the Resolution Trust Corporation, subject to the discretion of such Corporation; and

"(C) the Federal Deposit Insurance Corporation, subject to the discretion of such Corporation.

"(2) SINGLE FAMILY PROPERTY.—The term 'single family property' means a 1- to 4-family residence, including a manufactured home.".

SEC. 19. CONFLICT OF INTEREST PROVISIONS APPLICABLE TO THE FDIC.

(a) IN GENERAL.—Section 12 of the Federal Deposit Insurance Act (12 U.S.C. 1822) is amended by adding at the end the following new subsection:

"(f) CONFLICT OF INTEREST.—

"(1) APPLICABILITY OF OTHER PROVISIONS.—

"(A) CLARIFICATION OF STATUS OF CORPORATION.—The Corporation is, and has been since its creation, an agency for purposes of title 18, United States Code.

"(B) TREATMENT OF CONTRACTORS.—Any individual who, pursuant to a contract or any other arrangement, performs functions or activities of the Corporation, under the direct supervision of an officer or employee of the Corporation, shall be deemed to be an employee of the Corporation for purposes of title 18, United States Code and this Act. Any individual who, pursuant to a contract or any other agreement, acts for or on behalf of the Corporation, and who is not otherwise treated as an officer or employee of the United States for purposes of title 18, United States Code, shall be deemed to be a public official for purposes of section 201 of title 18, United States Code.

"(2) REGULATIONS CONCERNING EMPLOYEE CONDUCT.—The officers and employees of the Corporation and those individuals under contract to the Corporation who are deemed, under paragraph (1)(B), to be employees of the Corporation for purposes of title 18, United States Code, shall be subject to the ethics and conflict of interest rules and regulations issued by the Office of Government Ethics, including those concerning employee conduct, financial disclosure, and post-employment activities. The Board of Directors may prescribe regulations that supplement such rules and regulations only with the concurrence of that Office.

"(3) REGULATIONS CONCERNING INDEPENDENT CONTRACTORS.—The Board of Directors, with the concurrence of the Office of Government Ethics, shall prescribe regulations applicable to those independent contractors who are not deemed, under paragraph (1)(B), to be employees of the Corporation for purposes of title 18, United States Code, governing conflicts of interest, ethical responsibilities, and the use of confidential information consistent with the goals and purposes of titles 18 and 41, United States Code. Any such regulations shall be in addition to, and not in lieu of, any other statute or regulation which may apply to the conduct of such independent contractors.

"(4) DISAPPROVAL OF CONTRACTORS.—

"(A) IN GENERAL.—The Board of Directors shall prescribe regulations establishing procedures for ensuring that any individual who is performing, directly or indirectly, any function or service on behalf of the Corporation meets minimum standards of competence, experience, integrity, and fitness. Regulations.

"(B) PROHIBITION FROM SERVICE ON BEHALF OF CORPORATION.—The procedures established under subparagraph (A) shall provide that the Corporation shall prohibit any person who does not meet the minimum standards of competence, experience, integrity, and fitness from—

"(i) entering into any contract with the Corporation; or

"(ii) becoming employed by the Corporation or otherwise performing any service for or on behalf of the Corporation.

"(C) INFORMATION REQUIRED TO BE SUBMITTED.—The procedures established under subparagraph (A) shall require that any offer submitted to the Corporation by any person under this section and any employment application submitted to the Corporation by any person shall include—

"(i) a list and description of any instance during the 5 years preceding the submission of such application in which the person or a company under such person's control defaulted on a material obligation to an insured depository institution; and

"(ii) such other information as the Board may prescribe by regulation.

"(D) SUBSEQUENT SUBMISSIONS.—

"(i) IN GENERAL.—No offer submitted to the Corporation may be accepted unless the offeror agrees that no person will be employed, directly or indirectly, by the offeror under any contract with the Corporation unless—

"(I) all applicable information described in subparagraph (C) with respect to any such person is submitted to the Corporation; and

"(II) the Corporation does not disapprove of the direct or indirect employment of such person.

"(ii) FINALITY OF DETERMINATION.—Any determination made by the Corporation pursuant to this paragraph shall be in the Corporation's sole discretion and shall not be subject to review.

"(E) PROHIBITION REQUIRED IN CERTAIN CASES.—The standards established under subparagraph (A) shall require the Corporation to prohibit any person who has—

"(i) been convicted of any felony;

"(ii) been removed from, or prohibited from participating in the affairs of, any insured depository institution pursuant to any final enforcement action by any appropriate Federal banking agency;

"(iii) demonstrated a pattern or practice of defalcation regarding obligations to insured depository institutions; or

"(iv) caused a substantial loss to Federal deposit insurance funds;

from performing any service on behalf of the Corporation.

"(5) ABROGATION OF CONTRACTS.—The Corporation may rescind any contract with a person who—

"(A) fails to disclose a material fact to the Corporation;

"(B) would be prohibited under paragraph (6) from providing services to, receiving fees from, or contracting with the Corporation; or

"(C) has been subject to a final enforcement action by any Federal banking agency.

Regulations.

"(6) PRIORITY OF FDIC RULES.—To the extent that the regulations under this subsection conflict with rules of other agencies or Government corporations, officers, directors, employees, and independent contractors of the Corporation who are also subject to the conflict of interest or ethical rules of another agency or Government corporation, shall be governed by the regulations prescribed by the Board of Directors under this subsection when acting for or on behalf of the Corporation. Notwithstanding the preceding sentence, the rules of the Corporation shall not take priority over the ethics and conflict of interest rules and regulations promulgated by the Office of Government Ethics unless specifically authorized by that Office.".

(b) AMENDMENTS TO DEFINITIONS.—

(1) FEDERAL BANKING AGENCY.—Section 3(z) of the Federal Deposit Insurance Act (12 U.S.C. 1813(z)) is amended to read as follows:

"(z) FEDERAL BANKING AGENCY.—The term 'Federal banking agency' means the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the Board of Governors of the Federal Reserve System, or the Federal Deposit Insurance Corporation.".

(2) COMPANY.—Section 3(w) of the Federal Deposit Insurance Act (12 U.S.C. 1813(w)) is amended by adding at the end the following new paragraph:

"(7) COMPANY.—The term 'company' has the same meaning as in section 2(b) of the Bank Holding Company Act of 1956.".

12 USC 1822 note.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply after the end of the 6-month period beginning on the date of enactment of this Act.

SEC. 20. RESTRICTIONS ON SALES OF ASSETS TO CERTAIN PERSONS.

(a) IN GENERAL.—Section 11(p) of the Federal Deposit Insurance Act (12 U.S.C. 1821(p)) is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3); and

(2) by inserting before paragraph (2), as redesignated, the following new paragraph:

"(1) PERSONS WHO ENGAGED IN IMPROPER CONDUCT WITH, OR CAUSED LOSSES TO, DEPOSITORY INSTITUTIONS.—The Corporation shall prescribe regulations which, at a minimum, shall prohibit the sale of assets of a failed institution by the Corporation to— Regulations.

"(A) any person who—

"(i) has defaulted, or was a member of a partnership or an officer or director of a corporation that has defaulted, on 1 or more obligations the aggregate amount of which exceed $1,000,000, to such failed institution;

"(ii) has been found to have engaged in fraudulent activity in connection with any obligation referred to in clause (i); and

"(iii) proposes to purchase any such asset in whole or in part through the use of the proceeds of a loan or advance of credit from the Corporation or from any institution for which the Corporation has been appointed as conservator or receiver;

"(B) any person who participated, as an officer or director of such failed institution or of any affiliate of such institution, in a material way in transactions that resulted in a substantial loss to such failed institution;

"(C) any person who has been removed from, or prohibited from participating in the affairs of, such failed institution pursuant to any final enforcement action by an appropriate Federal banking agency; or

"(D) any person who has demonstrated a pattern or practice of defalcation regarding obligations to such failed institution.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 11(p) of the Federal Deposit Insurance Act (12 U.S.C. 1821(p)) is amended—

(1) in paragraph (2) (as redesignated by subsection (a))—

(A) by striking "individual" and inserting "person"; and

(B) by striking "paragraph (2)" and inserting "paragraph (3)";

(2) in paragraph (3) (as redesignated by subsection (a))—

(A) by striking "individual" each place such term appears and inserting "person"; and

(B) by striking "Paragraph (1)" and inserting "Paragraphs (1) and (2)";

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

"(4) DEFINITION OF DEFAULT.—For purposes of this subsection, the term 'default' means a failure to comply with the terms of a loan or other obligation to such an extent that the property securing the obligation is foreclosed upon."; and

(4) by striking the heading and inserting the following new heading:

"(p) CERTAIN SALES OF ASSETS PROHIBITED.—".

SEC. 21. WHISTLE BLOWER PROTECTION.

(a) AMENDMENTS TO THE FEDERAL DEPOSIT INSURANCE ACT.—Section 33(a) of the Federal Deposit Insurance Act (12 U.S.C. 1831j(a)) is amended—

(1) in paragraph (1)—

(A) by striking "regarding" and all that follows through the end of the sentence and inserting the following: "regarding—

"(A) a possible violation of any law or regulation; or

"(B) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety;

by the depository institution or any director, officer, or employee of the institution."; and

(B) by adding at the end the following:

"(f) BURDENS OF PROOF.—The legal burdens of proof that prevail under subchapter III of chapter 12 of title 5, United States Code, shall govern adjudication of protected activities under this section."; and

(2) in paragraph (2)—

(A) by striking "or Federal Reserve bank" and inserting "Federal reserve bank, or any person who is performing, directly or indirectly, any function or service on behalf of the Corporation";

(B) by striking "any possible violation of any law or regulation by" and inserting "any possible violation of any law or regulation, gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety by";

(C) in subparagraph (B), by striking "or" at the end;

(D) in subparagraph (C), by striking the period at the end and inserting "; or"; and

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

"(D) the person, or any officer or employee of the person, who employs such employee.".

(b) AMENDMENTS TO THE FEDERAL HOME LOAN BANK ACT.—Section 21A(q) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(q)) is amended—

(1) in paragraph (1), by striking "regarding" and all that follows through the end of the sentence and inserting the following: "regarding—

"(A) a possible violation of any law or regulation; or

"(B) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety;

by the Corporation, the Thrift Depositor Protection Oversight Board, or such person or any director, officer, or employee of the Corporation, the Thrift Depositor Protection Oversight Board, or the person."; and

(2) by inserting after paragraph (4) the following:

"(5) BURDENS OF PROOF.—The legal burdens of proof that prevail under subchapter III of chapter 12 of title 5, United States Code, shall govern adjudication of protected activities under this subsection.".

SEC. 22. FDIC ASSET DISPOSITION DIVISION.

(a) IN GENERAL.—Section 1 of the Federal Deposit Insurance Act (12 U.S.C. 1811) is amended—

(1) by striking "SEC. 1. There is hereby created" and inserting the following:

"SECTION 1. FEDERAL DEPOSIT INSURANCE CORPORATION.

"(a) ESTABLISHMENT OF CORPORATION.—There is hereby established"; and

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

"(b) ASSET DISPOSITION DIVISION.—

"(1) ESTABLISHMENT.—The Corporation shall have a separate division of asset disposition.

"(2) MANAGEMENT.—The division of asset disposition shall have an administrator who shall be appointed by the Board of Directors.

"(3) RESPONSIBILITIES OF DIVISION.—The division of asset disposition shall carry out all of the responsibilities of the Corporation under this Act relating to the liquidation of insured depository institutions and the disposition of assets of such institutions.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall become effective on July 1, 1995. 12 USC 1811 note.

SEC. 23. PRESIDENTIALLY APPOINTED INSPECTOR GENERAL FOR FDIC.

(a) AMENDMENTS TO THE INSPECTOR GENERAL ACT OF 1978.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in section 11—

(A) in paragraph (1), by striking "the chief executive officer of the Resolution Trust Corporation;" and inserting "the chief executive officer of the Resolution Trust Corporation; and the Chairperson of the Federal Deposit Insurance Corporation;"; and

(B) in paragraph (2), by inserting "the Federal Deposit Insurance Corporation," after "Resolution Trust Corporation,";

(2) by inserting after section 8B the following new section:

"SEC. 8C. SPECIAL PROVISIONS CONCERNING THE FEDERAL DEPOSIT INSURANCE CORPORATION.

"(a) DELEGATION.—The Chairperson of the Federal Deposit Insurance Corporation may delegate the authority specified in the second sentence of section 3(a) to the Vice Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation, but may not delegate such authority to any other officer or employee of the Corporation.

"(b) PERSONNEL.—Notwithstanding paragraphs (7) and (8) of section 6(a), the Inspector General of the Federal Deposit Insurance Corporation may select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the Office of Inspector General and to obtain the temporary or intermittent services of experts or consultants or an organization of experts or consultants, subject to the applicable laws and regulations that govern such selections, appointments, and employment, and the obtaining of such services, within the Federal Deposit Insurance Corporation.";

(3) by redesignating sections 8C through 8F as sections 8D through 8G, respectively; and

(4) in section 8F(a)(2), as redesignated, by striking "the Federal Deposit Insurance Corporation,".

(b) POSITION AT LEVEL IV OF THE EXECUTIVE SCHEDULE.—Section 5315 of title 5, United States Code, is amended by inserting after "Inspector General, Small Business Administration." the following:

"Inspector General, Federal Deposit Insurance Corporation.".

5 USC app. 3 note.

(c) TRANSITION PERIOD.—

(1) CURRENT SERVICE.—Except as otherwise provided by law, the individual serving as the Inspector General of the Federal Deposit Insurance Corporation before the date of enactment of this Act may continue to serve in such position until the earlier of—

(A) the date on which the President appoints a successor under section 3(a) of the Inspector General Act of 1978; or

(B) the date which is 6 months after the date of enactment of this Act.

(2) DEFINITION.—For purposes of paragraph (1), the term "successor" may include the individual holding the position of Inspector General of the Federal Deposit Insurance Corporation on or after the date of enactment of this Act.

SEC. 24. DEPUTY CHIEF EXECUTIVE OFFICER.

Section 21A(b)(8) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)(8)) is amended by adding at the end the following new subparagraphs:

"(E) DEPUTY CHIEF EXECUTIVE OFFICER.—

"(i) IN GENERAL.—There is hereby established the position of deputy chief executive officer of the Corporation.

"(ii) APPOINTMENT.—The deputy chief executive officer of the Corporation shall—

"(I) be appointed by the Chairperson of the Thrift Depositor Protection Oversight Board, with the recommendation of the chief executive officer; and

"(II) be an employee of the Federal Deposit Insurance Corporation in accordance with subparagraph (B)(i).

"(iii) DUTIES.—The deputy chief executive officer shall perform such duties as the chief executive officer may require.

"(F) ACTING CHIEF EXECUTIVE OFFICER.—In the event of a vacancy in the position of chief executive officer or during the absence or disability of the chief executive officer, the deputy chief executive officer shall perform the duties of the position as the acting chief executive officer.".

SEC. 25. DUE PROCESS PROTECTIONS RELATING TO ATTACHMENT OF ASSETS.

Section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818) is amended—

(1) by striking subsection (i)(4)(B) and inserting the following new subparagraph:

"(B) STANDARD.—

"(i) SHOWING.—Rule 65 of the Federal Rules of Civil Procedure shall apply with respect to any proceeding under subparagraph (A) without regard to the requirement of such rule that the applicant show that the injury, loss, or damage is irreparable and immediate.

"(ii) STATE PROCEEDING.—If, in the case of any proceeding in a State court, the court determines that rules of civil procedure available under the laws of such State provide substantially similar protections to a party's right to due process as Rule 65 (as modified with respect to such proceeding by clause (i)), the relief sought under subparagraph (A) may be requested under the laws of such State."; and

(2) in subsection (b), by adding at the end the following new paragraph:

"(10) STANDARD FOR CERTAIN ORDERS.—No authority under this subsection or subsection (c) to prohibit any institution-affiliated party from withdrawing, transferring, removing, dissipating, or disposing of any funds, assets, or other property may be exercised unless the appropriate Federal banking agency meets the standards of Rule 65 of the Federal Rules of Civil Procedure, without regard to the requirement of such rule that the applicant show that the injury, loss, or damage is irreparable and immediate.".

SEC. 26. GAO STUDIES REGARDING FEDERAL REAL PROPERTY DISPOSITION.

(a) RTC AFFORDABLE HOUSING PROGRAM.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study of the program carried out by the Resolution Trust Corporation pursuant to section 21A(c) of the Federal Home Loan Bank Act to determine the effectiveness of such program in providing affordable homeownership and rental housing for very low-, low-, and moderate-income families. The study shall examine the procedures used under the program to sell eligible single family properties, eligible condominium properties, and eligible multifamily housing properties, the characteristics and numbers of purchasers of such properties, and the amount of and reasons for any losses incurred by the Resolution Trust Corporation in selling properties under the program.

(2) REPORT.—Not later than 6 months after the date of enactment of this Act, the Comptroller General shall submit a report to the Congress on the results of the study required under paragraph (1), which shall describe any findings under the study and contain any recommendations of the Comptroller General for improving the effectiveness of such program.

(b) SINGLE AGENCY FOR REAL PROPERTY DISPOSITION.— 12 USC 1821 note.

(1) STUDY.—The Comptroller General of the United States shall conduct a study to determine the feasibility and effectiveness of establishing a single Federal agency responsible for selling and otherwise disposing of real property owned or held by the Department of Housing and Urban Development, the Farmers Home Administration of the Department of Agriculture, the Federal Deposit Insurance Corporation, and the Resolution Trust Corporation. The study shall examine the

real property disposition procedures of such agencies and corporations, analyze the feasibility of consolidating such procedures through such single agency, and determine the characteristics and authority necessary for any such single agency to efficiently carry out such disposition activities.

(2) REPORT.—Not later than 12 months after the date of enactment of this Act, the Comptroller General shall submit a report to the Congress on the study required under paragraph (1), which shall describe any findings under the study and contain any recommendations of the Comptroller General for the establishment of such single agency.

SEC. 27. EXTENSION OF RTC POWER TO BE APPOINTED AS CONSERVATOR OR RECEIVER.

(a) EXTENSION OF DUTY TO BE APPOINTED AS CONSERVATOR OR RECEIVER.—Section 21A(b) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)) is amended—

(1) in paragraph (3)(A)(ii), by striking "October 1, 1993" and inserting "such date as is determined by the Chairperson of the Thrift Depositor Protection Oversight Board, but not earlier than January 1, 1995, and not later than July 1, 1995"; and

(2) in paragraph (6), by striking "October 1, 1993" each place such term appears and inserting "such date as is determined by the Chairperson of the Thrift Depositor Protection Oversight Board under paragraph (3)(A)(ii)".

(b) APPOINTMENT OF A RECEIVER BY THE DIRECTOR OF THE OFFICE OF THRIFT SUPERVISION.—Section 11(c)(6)(B) of the Federal Deposit Insurance Act (12 U.S.C. 1821(c)(6)(B)) is amended—

(1) in clause (i), by striking "October 1, 1993" and inserting "such date as is determined by the Chairperson of the Thrift Depositor Protection Oversight Board under section 21A(b)(3)(A)(ii) of the Federal Home Loan Bank Act";

(2) in clauses (ii) and (iii), by striking "after September 30, 1993" each place such term appears and inserting "on or after the date determined by the Chairperson of the Thrift Depositor Protection Oversight Board under section 21A(b)(3)(A)(ii) of the Federal Home Loan Bank Act"; and

(3) in clause (ii), by striking "on or before" and inserting "before".

12 USC 1827 note.

SEC. 28. FINAL REPORTS ON RTC AND SAIF FUNDING.

(a) IN GENERAL.—

(1) RTC REPORT.—The Chairperson of the Thrift Depositor Protection Oversight Board shall prepare and submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives, a final report containing a detailed description of the purposes for which the funds made available to the Resolution Trust Corporation under this Act were used.

(2) SAIF REPORT.—The Chairperson of the Federal Deposit Insurance Corporation shall prepare and submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives a final report containing a detailed description of the purposes for which the funds made

available to the Savings Association Insurance Fund under this Act were used.

(b) TIME FOR SUBMISSION.—The reports described in subsection (a) shall be transmitted—

(1) not later than 45 days after the final expenditure of funds provided for under this Act by the Resolution Trust Corporation; and

(2) not later than 45 days after the final expenditure of funds authorized to be provided under this Act by the Savings Association Insurance Fund.

SEC. 29. GENERAL COUNSEL OF THE RESOLUTION TRUST CORPORATION.

Section 21A(b)(8) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)(8)) is amended by adding after subparagraph (F) (as added by section 24 of this Act) the following new subparagraph:

"(G) GENERAL COUNSEL.—There is established the Office of General Counsel of the Corporation. The chief executive officer, with the concurrence of the Chairperson of the Thrift Depositor Protection Oversight Board, may appoint the general counsel, who shall be an employee of the Federal Deposit Insurance Corporation, in accordance with subparagraph (B)(i). The general counsel shall perform such duties as the chief executive officer may require.". Establishment.

SEC. 30. AUTHORITY TO EXECUTE CONTRACTS.

Section 21A of the Federal Home Loan Bank Act (12 U.S.C. 1441a) is amended by adding after subsection (x) (as added by section 5 of this Act) the following new subsection:

"(y) AUTHORITY TO EXECUTE CONTRACTS.—

"(1) AUTHORIZED PERSONS.—A person may execute a contract on behalf of the Corporation for the provision of goods or services only if—

"(A) that person—

"(i) is a warranted contracting officer appointed by the Corporation, or is a managing agent of a savings association under the conservatorship of the Corporation; and

"(ii) provides appropriate certification or other identification, as required by the Corporation in accordance with paragraph (2);

"(B) the notice described in paragraph (4) is included in the written contract; and

"(C) that person has appropriate authority to execute the contract on behalf of the Corporation in accordance with the notice published by the Corporation in accordance with paragraph (5).

"(2) PRESENTATION OF IDENTIFICATION.—Prior to executing any contract described in paragraph (1) with any person, a warranted contracting officer or managing agent shall present to that person—

"(A) a valid certificate of appointment (or such other identification as may be required by the Corporation) that is signed by the appropriate officer of the Corporation; or

"(B) a copy of such certificate, authenticated by the Corporation.

"(3) TREATMENT OF UNAUTHORIZED CONTRACTS.—A contract described in paragraph (1) that fails to meet the requirements of this section—

"(A) shall be null and void; and

"(B) shall not be enforced against the Corporation or its agents by any court.

"(4) INCLUSION OF NOTICE IN CONTRACT TERMS.—Each written contract described in paragraph (1) shall contain a clear and conspicuous statement (in boldface type) in immediate proximity to the space reserved for the signatures of the contracting parties as follows:

"'Only warranted contracting officers appointed by the Resolution Trust Corporation or managing agents of associations under the conservatorship of the Resolution Trust Corporation have the authority to execute contracts on behalf of the Resolution Trust Corporation. Such persons have certain limits on their contracting authority. The nature and extent of their contracting authority levels are published in the Federal Register.

Federal Register, publication.

"'A warranted contracting officer or a managing agent must present identification in the form of a signed certificate of appointment (or an authenticated copy of such certificate) or other identification, as required by the Corporation, prior to executing any contract on behalf of the Resolution Trust Corporation.

"'Any contract that is not executed by a warranted contracting officer or the managing agent of a savings association under the conservatorship of the Resolution Trust Corporation, acting in conformity with his or her contracting authority, shall be null and void, and will not be enforceable by any court.'.

"(5) NOTICE OF REQUIREMENTS.—Not later than 30 days after the date of enactment of this subsection, the Corporation shall publish notice in the Federal Register of—

Federal Register, publication.

"(A) the requirements for appointment by the Corporation as a warranted contracting officer; and

"(B) the nature and extent of the contracting authority to be exercised by any warranted contracting officer or managing agent.

"(6) EXCEPTION.—This section does not apply to—

"(A) any contract between the Corporation and any other person governing the purchase or assumption by that person of—

"(i) the ownership of a savings association under the conservatorship of the Corporation; or

"(ii) the assets or liabilities of a savings association under the conservatorship or receivership of the Corporation; or

"(B) any contract executed by the Inspector General of the Corporation (or any designee thereof) for the provision of goods or services to the Office of the Inspector General of the Corporation.

"(7) EXECUTION OF CONTRACTS.—For purposes of this subsection, the execution of a contract includes all modifications to such contract.

"(8) EFFECTIVE DATE.—The requirements of this subsection shall apply to all contracts described in paragraph (1) executed

on or after the date which is 45 days after the date of enactment of this subsection.".

SEC. 31. RTC CONTRACTING.

Section 21A of the Federal Home Loan Bank Act (12 U.S.C. 1441a) is amended by adding after subsection (y) (as added by section 30 of this Act) the following new subsection:

"(z) ADDITIONAL CONTRACTING REQUIREMENTS.—

"(1) IN GENERAL.—No person shall execute, on behalf of the Corporation, any contract, or modification to a contract, for goods or services exceeding $100,000 in value unless the person executing the contract or modification states in writing that—

"(A) the contract or modification is for a fixed price, the person has received a written cost estimate for the contract or modification, or a cost estimate cannot be obtained as a practical matter with an explanation of why such a cost estimate cannot be obtained as a practical matter;

"(B) the person has received the written statement described in paragraph (2); and

"(C) the person is satisfied that the contract or modification to be executed has been approved by a person legally authorized to do so pursuant to a written delegation of authority.

"(2) WRITTEN DELEGATION OF AUTHORITY.—A person who authorizes a contract, or a modification to a contract, involving the Corporation for goods or services exceeding $100,000 in value shall state, in writing, that he or she has been delegated the authority, pursuant to a written delegation of authority, to authorize that contract or modification.

"(3) EFFECT OF FAILURE TO COMPLY.—The failure of any person executing a contract, or a modification of a contract, on behalf of the Corporation, or authorizing such a contract or modification of a contract, to comply with the requirements of this subsection shall not void, or serve as grounds to void or rescind, any otherwise properly executed contract.".

SEC. 32. DEFINITION OF PROPERTY.

(a) Section 9102(e) of the Department of Defense Appropriations Act, 1990 (16 U.S.C. 396f note) is amended by striking "real, personal," and inserting "real, personal (including intangible assets sold or offered by the Federal Deposit Insurance Corporation or the Resolution Trust Corporation, such as financial instruments, notes, loans, and bonds),".

(b) Section 12(b)(7)(vii) of Public Law 94–204 (43 U.S.C. 1611 note) is amended by striking "real, personal," and inserting "real, personal (including intangible assets sold or offered by the Federal Deposit Insurance Corporation or the Resolution Trust Corporation, such as financial instruments, notes, loans, and bonds),".

SEC. 33. SENSE OF THE CONGRESS RELATING TO PARTICIPATION OF DISABLED AMERICANS IN CONTRACTING FOR DELIVERY OF SERVICES TO FINANCIAL INSTITUTION REGULATORY AGENCIES.

(a) FINDINGS.—The Congress finds that Congress, in adopting the Americans with Disabilities Act of 1990, specifically found that—

(1) some 43,000,000 Americans have one or more physical or mental disabilities, and this number is increasing;

(2) discrimination against individuals with disabilities persists in such critical areas as employment, housing, public accommodations, education, transportation, communication, recreation, institutionalization, health services, voting, and access to public services;

(3) individuals with disabilities continually encounter various forms of discrimination, including outright intentional exclusion, the discriminatory effects of architectural, transportation, and communication barriers, overprotective rules and policies, failure to make modifications to existing facilities and practices, exclusionary qualification standards and criteria, segregation, and relegation to lesser services, programs, activities, benefits, jobs, or other opportunities;

(4) census data, national polls, and other studies have documented that people with disabilities, as a group, occupy an inferior status in our society, and are severely disadvantaged socially, vocationally, economically, and educationally;

(5) individuals with disabilities are a discrete and insular minority who have been faced with restrictions and limitations, subjected to a history of purposeful unequal treatment, and relegated to a position of political powerlessness in our society, based on characteristics that are beyond the control of such individuals and resulting from stereotypic assumptions not truly indicative of the individual ability of such individuals to participate in, and contribute to, society;

(6) the Nation's proper goals regarding individuals with disabilities are to assure equality of opportunity, full participation, independent living, and economic self-sufficiency for such individuals; and

(7) the continuing existence of unfair and unnecessary discrimination and prejudice denies people with disabilities the opportunity to compete on an equal basis and to pursue those opportunities for which our free society is justifiably famous, and costs the United States billions of dollars in unnecessary expenses resulting from dependency and nonproductivity.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that the chief executive officer of the Resolution Trust Corporation, the Director of the Office of Thrift Supervision, the Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation, the Comptroller of the Currency, and the Chairperson of the Federal Housing Finance Board should take all necessary steps within each such agency to ensure that individuals with disabilities and entities owned by individuals with disabilities, including financial institutions, investment banking firms, underwriters, asset managers, accountants, and providers of legal services, are availed of all opportunities to compete in a manner which, at a minimum, does not discriminate on the basis of their disability for contracts entered into by the agency to manage the institutions and their assets for which the agency is responsible or to perform such other functions authorized under any law applicable to such agency.

SEC. 34. REPORT TO CONGRESS BY SPECIAL COUNSEL.

(a) REPORT.—Not later than 90 days after the date of enactment of this Act, the Special Counsel appointed under section 2537 of the Crime Control Act of 1990 (28 U.S.C. 509 note) shall submit

to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives a report on the status of its efforts to monitor and improve the collection of fines and restitution in cases involving fraud and other criminal activity in and against the financial services industry.

(b) CONTENTS.—The report required under subsection (a) shall include—

(1) information on the amount of fines and restitution assessed in cases involving fraud and other criminal activity in and against the financial services industry, the amount of such fines and restitution collected, and an explanation of any difference in those amounts;

(2) an explanation of the procedures for collecting and monitoring restitution assessed in cases involving fraud and other criminal activity in and against the financial services industry and any suggested improvements to such procedures;

(3) an explanation of the availability under any provision of law of punitive measures if restitution and fines assessed in such cases are not paid;

(4) information concerning the efforts by the Department of Justice to comply with guidelines for fine and restitution collection and reporting procedures developed by the interagency group established by the Attorney General in accordance with section 2539 of the Crime Control Act of 1990;

(5) any recommendations for additional resources or legislation necessary to improve collection efforts; and

(6) information concerning the status of the National Fine Center of the Administrative Office of the United States Courts.

SEC. 35. REPORTING REQUIREMENTS.

12 USC 1441a note.

The Resolution Trust Corporation shall provide semi-annual reports to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives. Such reports shall—

(1) detail procedures for expediting the registration and contracting for selecting auctioneers for asset sales with anticipated gross proceeds of not more than $1,500,000;

(2) list by name and geographic area the number of auction contractors which have been registered and qualified to perform services for the Resolution Trust Corporation; and

(3) list by name, address of home office, location of assets disposed, and gross proceeds realized, the number of auction contractors which have been awarded contracts.

SEC. 36. CONTINUATION OF CONSERVATORSHIPS OR RECEIVERSHIPS.

Section 21A(b)(6) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)(6)) is amended—

(1) by striking "If the Corporation" and inserting the following:

"(A) IN GENERAL.—If the Corporation"; and

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

"(B) SAIF-INSURED BANKS.—Notwithstanding any other provision of Federal or State law, if the Federal Deposit Insurance Corporation is appointed as conservator or receiver for any Savings Association Insurance Fund member that has converted to a bank charter and otherwise meets the criteria in paragraph (3)(A) or (6)(A), the Federal

Deposit Insurance Corporation may tender such appointment to the Corporation, and the Corporation shall accept such appointment, if the Corporation is authorized to accept such appointment under this section.".

12 USC 1821 note.

SEC. 37. EXCEPTIONS FOR CERTAIN TRANSACTIONS.

(a) TRANSACTIONS INVOLVING CERTAIN INSTITUTIONS.—Section 11(a)(4)(B) of the Federal Deposit Insurance Act shall not prohibit assistance from the Bank Insurance Fund that otherwise meets all the criteria established in section 13(c) of such Act from being provided to an insured depository institution that became wholly-owned, either directly or through a wholly-owned subsidiary, by an entity or instrumentality of a State government during the period beginning on January 1, 1992, and ending on the date of enactment of this Act.

(b) TRANSACTIONS INVOLVING THE FDIC AS RECEIVER.—Notwithstanding the extension, pursuant to section 27, of the Resolution Trust Corporation's jurisdiction to be appointed conservator or receiver of certain savings associations after September 30, 1993, no provision of this Act or any amendment made by this Act shall invalidate or otherwise affect—

(1) any appointment of the Federal Deposit Insurance Corporation as receiver for any savings association that became effective before the date of enactment of this Act; or

(2) any action taken by the Federal Deposit Insurance Corporation as such receiver before, on, or after such date of enactment.

SEC. 38. BANK DEPOSIT FINANCIAL ASSISTANCE PROGRAM.

(a) IN GENERAL.—Effective December 19, 1993, section 7(i) of the Federal Deposit Insurance Act (12 U.S.C. 1817(i)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2), the following new paragraph:

"(3) BANK DEPOSIT FINANCIAL ASSISTANCE PROGRAM.—Notwithstanding paragraph (1), funds deposited by an insured depository institution pursuant to the Bank Deposit Financial Assistance Program of the Department of Energy shall be separately insured in an amount not to exceed $100,000 for each insured depository institution depositing such funds.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 11(a)(1)(C) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(1)(C)) is amended by striking "section 7(i)(1)" and inserting

"paragraph (1) or (2) of section 7(i) or any funds described in section 7(i)(3)".

Approved December 17, 1993.

LEGISLATIVE HISTORY—S. 714: (H.R. 1340):

HOUSE REPORTS: Nos. 103-103, Pt. 1 (Comm. on Banking, Finance and Urban Affairs) and Pt. 2 (Comm. on the Judiciary), both accompanying H.R. 1340 and 103-380 (Comm. of Conference).
SENATE REPORTS: No. 103-36 (Comm. on Banking, Housing, and Urban Affairs).
CONGRESSIONAL RECORD, Vol. 139 (1993):
May 12, 13, considered and passed Senate.
Sept. 14, H.R. 1340 considered and passed House; S. 714, amended, passed in lieu.
Nov. 20, Senate agreed to conference report.
Nov. 22, House agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 29 (1993):
Dec. 17, Presidential statement.

Public Law 103-205
103d Congress

An Act

Dec. 17, 1993
[S. 1777]

To extend the suspended implementation of certain requirements of the food stamp program on Indian reservations, to suspend certain eligibility requirements for the participation of retail food stores in the food stamp program, and for other purposes.

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

SECTION 1. REPORTING AND STAGGERED ISSUANCE FOR HOUSEHOLDS ON RESERVATIONS.

Section 908(a) of the Food, Agriculture, Conservation, and Trade Act Amendments of 1991 (Public Law 102-237; 7 U.S.C. 2015 note and 7 U.S.C. 2016 note) is amended by striking "January 31, 1994" both places it appears and inserting "March 15, 1994".

7 USC 2012 note.

SEC. 2. CONTINUING ELIGIBILITY OF CERTAIN RETAIL FOOD STORES.

Notwithstanding any other provision of law, during the period beginning on the date of enactment of this Act and ending on March 15, 1994, an establishment or house-to-house trade route that is otherwise authorized to accept and redeem coupons under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.) on the date of enactment of this Act may not be disqualified from participation in the food stamp program solely because the establishment or trade route does not meet the definition of "retail food store" under section 3(k)(1) of such Act (7 U.S.C. 2012(k)(1)).

Approved December 17, 1993.

LEGISLATIVE HISTORY—S. 1777:

CONGRESSIONAL RECORD, Vol. 139 (1993):
Nov. 22, considered and passed Senate and House.

Public Law 103-206
103d Congress

An Act

To authorize appropriations for fiscal year 1994 for the United States Coast Guard, and for other purposes.

Dec. 20, 1993
[H.R. 2150]

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

Coast Guard Authorization Act of 1993.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Coast Guard Authorization Act of 1993".

TITLE I—AUTHORIZATIONS

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 1994, as follows:

(1) For the operation and maintenance of the Coast Guard, $2,612,552,200, of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund, and of which $35,000,000 shall be expended from the Boat Safety Account.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $417,996,500, to remain available until expended, of which $23,030,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, and defense readiness, $25,000,000, to remain available until expended, of which $4,457,000 shall be derived from the Oil Spill Liability Trust Fund.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $548,774,000.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation associated with the Bridge Alteration Program, $12,940,000, to remain available until expended.

(6) For environmental compliance and restoration at Coast Guard facilities, $23,057,000, to remain available until expanded.

SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND MILITARY TRAINING.

(a) AUTHORIZED MILITARY STRENGTH LEVEL.—The Coast Guard is authorized an end-of-year strength for active duty personnel of 39,138 as of September 30, 1994. The authorized strength does not include members of the Ready Reserve called to active duty for special or emergency augmentation of regular Coast Guard forces for periods of 180 days or less.

(b) AUTHORIZED LEVEL OF MILITARY TRAINING.—For fiscal year 1994, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 1,986 student years.

(2) For flight training, 114 student years.

(3) For professional training in military and civilian institutions, 338 student years.

(4) For officer acquisition, 955 student years.

TITLE II—PERSONNEL MANAGEMENT IMPROVEMENT

SEC. 201. CEILING ON OFFICER CORPS.

Subsection (a) of section 42 of title 14, United States Code, is amended by striking "6,000" and inserting "6,200".

SEC. 202. VOLUNTEER SERVICES.

Section 93 of title 14, United States Code, is amended by—

(1) striking "and" at the end of paragraph (r);

(2) striking the period at the end of paragraph (s) and inserting a comma; and

(3) adding at the end the following new subsection:

"(t) notwithstanding any other law, enter into cooperative agreements with States, local governments, non-governmental organizations, and individuals, to accept and utilize voluntary services for the maintenance and improvement of natural and historic resources on, or to benefit natural and historic research on, Coast Guard facilities, subject to the requirement that—

"(1) the cooperative agreements shall each provide for the parties to contribute funds or services on a matching basis to defray the costs of such programs, projects, and activities under the agreement; and

"(2) a person providing voluntary services under this subsection shall not be considered a Federal employee except for purposes of chapter 81 of title 5, United States Code, with respect to compensation for work-related injuries, and chapter 171 of title 28, United States Code, with respect to tort claims; and".

SEC. 203. RESERVE RETENTION BOARDS.

Section 741 of title 14, United States Code, is amended—

(1) in subsection (a) in the first sentence by striking "and are not on active duty and not on an approved list of selectees

for promotion to the next higher grade" and inserting the following: ", except those officers who—

"(1) are on extended active duty;

"(2) are on a list of selectees for promotion;

"(3) will complete 30 years total commissioned service by June 30th following the date that the retention board is convened; or

"(4) have reached age 59 by the date on which the retention board is convened";

(2) in subsection (a) by moving the second sentence so as to begin—

(A) immediately below paragraph (4) (as added by paragraph (1) of this section); and

(B) flush with the left margin of the material preceding paragraph (1);

(3) by designating the third sentence of subsection (a) as subsection (b) by—

(A) inserting "(b)" before "This board shall—"; and

(B) moving the third sentence so as to begin immediately below the second sentence of subsection (a); and

(4) by redesignating the last 2 subsections as subsections (c) and (d), respectively.

SEC. 204. CONTINUITY OF GRADE OF ADMIRALS AND VICE ADMIRALS.

(a) Section 46(a) of title 14, United States Code, is amended to read as follows:

"(a) A Commandant who is not reappointed shall be retired with the grade of admiral at the expiration of the appointed term, except as provided in subsection 51(d) of this title.".

(b)(1) Section 47 of title 14, United States Code, is amended—

(A) in the heading by striking "; **retirement**";

(B) in subsection (a) by—

(i) striking "(a)" at the beginning thereof, and

(ii) striking the last sentence and inserting the following: "The appointment and grade of a Vice Commandant shall be effective on the date the officer assumes that duty, and shall terminate on the date the officer is detached from that duty, except as provided in subsection 51(d) of this title."; and

(C) by striking subsections (b), (c), and (d).

(2) The table of sections at the beginning of chapter 3 of title 14, United States Code, is amended by striking the item relating to section 47 and inserting the following:

"47. Vice Commandant; assignment.".

(c) Section 50(b) of title 14, United States Code, is amended by striking the last sentence and inserting "The appointment and grade of an area commander shall be effective on the date the officer assumes that duty, and shall terminate on the date the officer is detached from that duty, except as provided in subsection 51(d) of this title.".

(d) Section 51 of title 14, United States Code, is amended by adding at the end the following new subsection:

"(d) An officer serving in the grade of admiral or vice admiral shall continue to hold that grade—

"(1) while being processed for physical disability retirement, beginning on the day of the processing and ending on the

day that officer is retired, but not for more than 180 days; and

"(2) while awaiting retirement, beginning on the day that officer is relieved from the position of Commandant, Vice Commandant, Area Commander, or Chief of Staff and ending on the day before the officer's retirement, but not for more than 60 days.".

SEC. 205. CHIEF OF STAFF.

(a) Section 41a(b) of title 14, United States Code, is amended by striking ", except that the rear admiral serving as Chief of Staff shall be the senior rear admiral for all purposes other than pay" at the end of the second sentence.

(b)(1) Title 14, United States Code, is amended by inserting after section 50 of the following new section:

"§ 50a. Chief of Staff

"(a) The President may appoint, by and with the advice and consent of the Senate, a Chief of Staff of the Coast Guard who shall rank next after the area commanders and who shall perform duties as prescribed by the Commandant. The Chief of Staff shall be appointed from the officers on the active duty promotion list serving above the grade of captain. The Commandant shall make recommendations for the appointment.

"(b) The Chief of Staff shall have the grade of vice admiral with the pay and allowances of that grade. The appointment and grade of the Chief of Staff shall be effective on the date the officer assumes that duty, and shall terminate on the date the officer is detached from that duty, except as provided in section 51(d) of this title.".

(2) The table of sections at the beginning of chapter 3 of title 14, United States Code, is amended by inserting after the item relating to section 50 the following:

"50a. Chief of Staff.".

(c) Section 51 of title 14, United States Code, is amended—

(1) in subsection (a) by striking "as Commander, Atlantic Area, or Commander, Pacific Area" and inserting "in the grade of vice admiral"; and

(2) in subsection (b) by striking "as Commander, Atlantic Area, or Commander, Pacific Area" and inserting "in the grade of vice admiral".

(d) Section 290 of title 14, United States Code, is amended—

(1) in subsection (a) by striking "or in the position of Chief of Staff" in the second sentence;

(2) in subsection (f)(1) by striking "Chief of Staff or"; and

(3) in subsection (f)(2) by striking "Chief of Staff or".

TITLE III—MISCELLANEOUS COAST GUARD PROVISIONS

SEC. 301. NORTH ATLANTIC ROUTES.

Sections 3 and 5 of the Act of June 25, 1936 (49 Stat. 1922, 46 App. U.S.C. 738b and 738d), are repealed.

SEC. 302. COAST GUARD FAMILY HOUSING.

(a) IN GENERAL.—Chapter 17 of title 14, United States Code, is amended by adding at the end the following new section:

"§ 670. Procurement authority for family housing

"(a) The Secretary is authorized—

"(1) to acquire, subject to the availability of appropriations sufficient to cover its full obligations, real property or interests therein by purchase, lease for a term not to exceed 5 years, or otherwise, for use as Coast Guard family housing units, including the acquisition of condominium units, which may include the obligation to pay maintenance, repair, and other condominium-related fees; and

"(2) to dispose of by sale, lease, or otherwise, any real property or interest therein used for Coast Guard family housing units for adequate consideration.

"(b)(1) For the purposes of this section, a multiyear contract is a contract to lease Coast Guard family housing units for at least one, but not more than 5, fiscal years.

"(2) The Secretary may enter into multiyear contracts under subsection (a) of this section whenever the Coast Guard finds that—

"(A) the use of a contract will promote the efficiency of the Coast Guard family housing program and will result in reduced total costs under the contract; and

"(B) there are realistic estimates of both the cost of the contract and the anticipated cost avoidance through the use of a multiyear contract.

"(3) A multiyear contract authorized under subsection (a) of this section shall contain cancellation and termination provisions to the extent necessary to protect the best interests of the United States, and may include consideration of both recurring and nonrecurring costs. The contract may provide for a cancellation payment to be made. Amounts that were originally obligated for the cost of the contract may be used for cancellation or termination costs.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17, United States Code, is amended by adding at the end the following:

"670. Procurement authority for family housing.".

SEC. 303. AIR STATION CAPE COD IMPROVEMENTS.

(a) IN GENERAL.—Chapter 17 of title 14, United States Code, is amended by adding after section 670 (as added by section 302 of this Act) the following new section:

"§ 671. Air Station Cape Cod Improvements

"The Secretary may expend funds for the repair, improvement, restoration, or replacement of those federally or nonfederally owned support buildings, including appurtenances, which are on leased or permitted real property constituting Coast Guard Air Station Cape Cod, located on Massachusetts Military Reservation, Cape Cod, Massachusetts.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17, United States Code, is amended by adding after the item relating to section 670 (as added by section 302 of this Act) the following:

"671. Air Station Cape Cod Improvements.".

SEC. 304. LONG-TERM LEASE AUTHORITY FOR AIDS TO NAVIGATION.

(a) Chapter 17 of title 14, United States Code, is amended by adding after section 671 (as added by section 303 of this Act) the following new section:

"§ 672. Long-term lease authority for navigation and communications systems sites

"(a) The Secretary is authorized, subject to the availability of appropriations, to enter into lease agreements to acquire real property or interests therein for a term not to exceed 20 years, inclusive of any automatic renewal clauses, for aids to navigation (hereafter in this section referred to as 'ATON') sites, vessel traffic service (hereafter in this section referred to as 'VTS') sensor sites, or National Distress System (hereafter in this section referred to as 'NDS') high level antenna sites. These lease agreements shall include cancellation and termination provisions to the extent necessary to protect the best interests of the United States. Cancellation payment provisions may include consideration of both recurring and nonrecurring costs associated with the real property interests under the contract. These lease agreements may provide for a cancellation payment to be made. Amounts that were originally obligated for the cost of the contract may be used for cancellation or termination costs.

"(b) The Secretary may enter into multiyear lease agreements under subsection (a) of this section whenever the Secretary finds that—

"(1) the use of such a lease agreement will promote the efficiency of the ATON, VTS, or NDS programs and will result in reduced total costs under the agreement;

"(2) the minimum need for the real property or interest therein to be leased is expected to remain substantially unchanged during the contemplated lease period; and

"(3) the estimates of both the cost of the lease and the anticipated cost avoidance through the use of a multiyear lease are realistic.".

(b) The table of sections at the beginning of chapter 17 of title 14, United States Code, is amended by adding after the item relating to section 671 (as added by section 303 of this Act) the following:

"672. Long-term lease authority for navigation and communications systems sites.".

SEC. 305. AUTHORITY FOR EDUCATIONAL RESEARCH GRANTS.

(a) IN GENERAL.—Chapter 9 of title 14, United States Code, is amended by adding at the end the following new section:

"§ 196. Participation in Federal, State, or other educational research grants

"Notwithstanding any other provision of law, the United States Coast Guard Academy may compete for and accept Federal, State, or other educational research grants, subject to the following limitations:

"(1) No award may be accepted for the acquisition or construction of facilities.

"(2) No award may be accepted for the routine functions of the Academy.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 9 of title 14, United States Code, is amended by adding at the end the following:

"196. Participation in Federal, State, or other educational research grants.".

SEC. 306. PREPOSITIONED OIL SPILL CLEANUP EQUIPMENT.

The Secretary of Transportation is authorized to expend out of amounts appropriated for acquisition, construction, and improvement for fiscal year 1994—

(1) $890,000 to acquire and preposition oil spill response equipment at Port Arthur, Texas, and

(2) $890,000 to acquire and preposition oil spill response equipment at Helena, Arkansas, subject to the Secretary determining that adequate storage and maintenance facilities are available.

SEC. 307. SHORE FACILITIES IMPROVEMENTS AT COAST GUARD STATION LITTLE CREEK, VIRGINIA.

(a) The Secretary of Transportation, subject to the availability of appropriations, may at Coast Guard Station Little Creek, Virginia—

(1) construct a 2-story station building with operational, administrative, and living spaces;

(2) construct a 180-foot long pier for Coast Guard patrol boats;

(3) construct a boat ramp; and

(4) strengthen a waterfront bulkhead.

(b) Funds necessary to carry out this section are authorized to be appropriated for fiscal year 1994.

SEC. 308. OIL SPILL TRAINING SIMULATOR.

New York.

The Secretary of Transportation is authorized to expend out of the amounts appropriated for acquisition, construction, and improvement not more than $1,250,000 to the Maritime College of the State of New York to purchase a marine oil spill management simulator.

SEC. 309. TECHNICAL CLARIFICATION.

Section 4283B of the Revised Statutes (46 App. U.S.C. 183c) is amended by striking "any court" in clause (2) and inserting in lieu thereof "court".

SEC. 310. OIL SPILL PREVENTION AND RESPONSE TECHNOLOGY TEST AND EVALUATION PROGRAM.

Environmental protection. 46 USC 3703 note.

(a) Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation shall establish a program to evaluate the technological feasibility and environmental benefits of having tank vessels carry oil spill prevention and response technology. To implement the program the Secretary shall—

(1) publish in the Federal Register an invitation for submission of proposals including plans and procedures for testing; and

Federal Register, publication.

(2) review and evaluate technology using, to the maximum extent possible, existing evaluation and performance standards.

(b) The Secretary shall, to the maximum extent possible, incorporate in the program established in subsection (a), the results of existing studies and evaluations of oil spill prevention and response technology carried on tank vessels.

Reports.

(c) Not later than 2 years after the date of the enactment of this Act, the Secretary shall evaluate the results of the program established in subsection (a) and submit a report to Congress with recommendations on the feasibility and environmental benefits of, and appropriate equipment and utilization standards for, requiring tank vessels to carry oil spill prevention and response equipment.

Reports.

(d) Not later than 6 months after the date of the enactment of this Act, the Secretary shall evaluate and report to the Congress on the feasibility of using segregated ballast tanks for emergency transfer of cargo and storage of recovered oil.

SEC. 311. UNMANNED SEAGOING BARGES.

Section 3302 of title 46, United States Code, is amended by adding at the end the following:

"(m) A seagoing barge is not subject to inspection under section 3301(6) of this title if the vessel is unmanned and does not carry—

"(1) a hazardous material as cargo; or

"(2) a flammable or combustible liquid, including oil, in bulk.".

SEC. 312. PROHIBITION ON DECOMMISSIONING ICE-BREAKER MACKINAW.

(a) The Secretary of Transportation may not decommission the Coast Guard cutter MACKINAW before December 31, 1994.

(b) There is authorized to be appropriated to the Secretary of Transportation $1,600,000 for fiscal year 1994, to remain available until expended, for operations and maintenance of the Coast Guard cutter MACKINAW.

SEC. 313. LOWER COLUMBIA RIVER MARINE FIRE AND SAFETY ACTIVITIES.

The Secretary of Transportation is authorized to expend out of the amounts appropriated for the Coast Guard for fiscal year 1994 not more than $421,700, and for fiscal year 1995 not more than $358,300, for the lower Columbia River marine, fire, oil, and toxic spill response communications, training, equipment, and program administration activities conducted by the Marine Fire and Safety Association.

SEC. 314. CASS RIVER.

Subtitle II of title 46, United States Code, relating only to vessel inspection and manning, shall not apply to a vessel operating on the date of enactment of this Act on the Cass River above the dam at Frankenmuth, Michigan (locally known as the Hubinger Dam) which is inspected and licensed by the State of Michigan to carry passengers.

SEC. 315. SENSE OF THE CONGRESS REGARDING FUNDING FOR COAST GUARD.

It is the sense of the Congress that in appropriating amounts for the Coast Guard, the Congress should appropriate amounts adequate to enable the Coast Guard to carry out all extraordinary functions and duties the Coast Guard is required to undertake in addition to its normal functions established by law.

SEC. 316. COOPERATIVE AGREEMENT AUTHORITY.

Section 93, of title 14, United States Code, as amended by section 202 of this Act, is further amended by adding at the end the following new subsection:

"(u) enter into cooperative agreements with other Government agencies and the National Academy of Sciences.".

SEC. 317. REGIONAL FISHERIES LAW ENFORCEMENT TRAINING CENTERS.

(a) GULF OF MEXICO.—The Coast Guard shall establish a Gulf of Mexico Regional Fisheries Law Enforcement Training Center in the Eighth Coast Guard District in Southeastern Louisiana. Louisiana.

(b) SOUTHEAST ATLANTIC.—The Coast Guard shall establish a Southeast Regional Fisheries Law Enforcement Training Center in the Seventh Coast Guard District in Charleston, South Carolina. South Carolina.

(c) PURPOSE.—The purpose of the regional fisheries law enforcement training centers shall be to increase the skills and training of Coast Guard fisheries law enforcement personnel and to ensure that such training considers and meets the unique and complex needs and demands of the fisheries of the Gulf of Mexico and the Southeast United States.

SEC. 318. NATIONAL SAFE BOATING WEEK.

(a) The Act of June 4, 1958 (36 U.S.C. 161) is amended by striking "week commencing on the first Sunday in June" and inserting "the seven day period ending on the last Friday before Memorial Day".

(b) This section is effective January 1, 1995. Effective date. 36 USC 161 note.

SEC. 319. LOS ANGELES-LONG BEACH VESSEL TRAFFIC SERVICE. California.

The Coast Guard is authorized to provide personnel support for the interim vessel traffic information service in the Ports of Los Angeles and Long Beach operated on behalf of the State of California by the Marine Exchange of Los Angeles-Long Beach Harbors, Inc., a California nonprofit corporation (hereinafter referred to as "Marine Exchange"). The Coast Guard shall be reimbursed for all costs associated with providing such personnel in accordance with a reimbursable agreement between the Coast Guard and the State of California. Amounts received by the Coast Guard as reimbursements for its costs shall be credited to the appropriation for operating expenses of the Coast Guard. The United States Government assumes no liability for any act or omission of any officer, director, employee, or representative of the Marine Exchange or of the State of California, arising out of the operation of the vessel traffic information service by the Marine Exchange, and the Coast Guard shall have the same protections and limitations on such liability as are afforded to the Marine Exchange under California law.

SEC. 320. FINANCIAL RESPONSIBILITY FOR NONPERFORMANCE.

Section 3(b) of Public Law 89–777 (46 App. U.S.C. 817e(b)) is amended by striking "and such bond or other security shall be in an amount paid equal to the estimated total revenue for the particular transportation." and inserting a period.

SEC. 321. FISHING AND FISH TENDER VESSELS. 46 USC 2101 note.

(a) In this section, "fish tender vessel", "fishing vessel", and "tank vessel" have the meanings given those terms under section 2101 of title 46, United States Code.

(b) A fishing vessel or fish tender vessel of not more than 750 gross tons, when engaged only in the fishing industry, shall not be deemed to be a tank vessel for the purposes of any law.

(c)(1) This section does not affect the authority of the Secretary of Transportation under chapter 33 of title 46, United States Code, to regulate the operation of the vessels listed in subsection (b) to ensure the safe carriage of oil and hazardous substances.

(2) This section does not affect the requirement for fish tender vessels engaged in the Aleutian trade to comply with chapters 33, 45, 51, 81, and 87 of title 46, United States Code, as provided in the Aleutian Trade Act of 1990 (Public Law 101–595).

Hazardous substances.

SEC. 322. OIL SPILL RECOVERY OPERATIONS.

(a) Section 8104 of title 46, United States Code, is amended—

(1) in subsection (g), by striking "a vessel used only to respond to a discharge of oil or a hazardous substance,"; and

(2) by adding a new subsection to read as follows:

"(p) On a vessel used only to respond to a discharge of oil or a hazardous substance, the licensed individuals and crewmembers may be divided into at least two watches when the vessel is engaged in an operation less than 12 hours in duration.".

(b) Section 8301 of title 46, United States Code, is amended by adding a new subsection to read as follows:

"(e) A vessel used only to respond to a discharge of oil or a hazardous substance shall have—

"(1) two licensed mates when the vessel is engaged in an operation over 12 hours in duration;

"(2) one licensed mate when the vessel is engaged in an operation less than 12 hours in duration; and

"(3) if the vessel is more than 200 gross tons, a licensed engineer when the vessel is operating.".

SEC. 323. LIMITATIONS ON PERFORMANCE OF LONGSHORE WORK BY ALIEN CREWMEMBERS—ALASKA EXCEPTION.

(a) ALASKA EXCEPTION.—Section 258 of the Immigration and Nationality Act (8 U.S.C. 1288) is amended—

(1) by redesignating subsection (d) as subsection (e); and

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

"(d) STATE OF ALASKA EXCEPTION.—(1) Subsection (a) shall not apply to a particular activity of longshore work at a particular location in the State of Alaska if an employer of alien crewmen has filed an attestation with the Secretary of Labor at least 30 days before the date of the first performance of the activity (or anytime up to 24 hours before the first performance of the activity, upon a showing that the employer could not have reasonably anticipated the need to file an attestation for that location at that time) setting forth facts and evidence to show that—

"(A) the employer will make a bona fide request for United States longshore workers who are qualified and available in sufficient numbers to perform the activity at the particular time and location from the parties to whom notice has been provided under clauses (ii) and (iii) of subparagraph (D), except that—

"(i) wherever two or more contract stevedoring companies have signed a joint collective bargaining agreement with a single labor organization described in subparagraph (D)(i), the employer may request longshore workers from only one of such contract stevedoring companies, and

"(ii) a request for longshore workers to an operator of a private dock may be made only for longshore work

to be performed at that dock and only if the operator meets the requirements of section 32 of the Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 932);

"(B) the employer will employ all those United States longshore workers made available in response to the request made pursuant to subparagraph (A) who are qualified and available in sufficient numbers and who are needed to perform the longshore activity at the particular time and location;

"(C) the use of alien crewmembers for such activity is not intended or designed to influence an election of a bargaining representative for workers in the State of Alaska; and

"(D) notice of the attestation has been provided by the employer to—

"(i) labor organizations which have been recognized as exclusive bargaining representatives of United States longshore workers within the meaning of the National Labor Relations Act and which make available or intend to make available workers to the particular location where the longshore work is to be performed,

"(ii) contract stevedoring companies which employ or intend to employ United States longshore workers at that location, and

"(iii) operators of private docks at which the employer will use longshore workers.

"(2)(A) An employer filing an attestation under paragraph (1) who seeks to use alien crewmen to perform longshore work shall be responsible while at the attestation is valid to make bona fide requests for United States longshore workers under paragraph (1)(A) and to employ United States longshore workers, as provided in paragraph (1)(B), before using alien crewmen to perform the activity or activities specified in the attestation, except that an employer shall not be required to request longshore workers from a party if that party has notified the employer in writing that it does not intend to make available United States longshore workers to the location at which the longshore work is to be performed.

"(B) If a party that has provided such notice subsequently notifies the employer in writing that it is prepared to make available United States longshore workers who are qualified and available in sufficient numbers to perform the longshore activity to the location at which the longshore work is to be performed, then the employer's obligations to that party under subparagraphs (A) and (B) of paragraph (1) shall begin 60 days following the issuance of such notice.

"(3)(A) In no case shall an employer filing an attestation be required—

"(i) to hire less than a full work unit of United States longshore workers needed to perform the longshore activity;

"(ii) to provide overnight accommodations for the longshore workers while employed; or

"(iii) to provide transportation to the place of work, except where—

"(I) surface transportation is available;

"(II) such transportation may be safely accomplished;

"(III) travel time to the vessel does not exceed one-half hour each way; and

"(IV) travel distance to the vessel from the point of embarkation does not exceed 5 miles.

"(B) In the cases of Wide Bay, Alaska, and Klawock/Craig, Alaska, the travel times and travel distances specified in subclauses (III) and (IV) of subparagraph (A) shall be extended to 45 minutes and 7½ miles, respectively, unless the party responding to the request for longshore workers agrees to the lesser time and distance limitations specified in those subclauses.

"(4) Subject to subparagraphs (A) through (D) of subsection (c)(4), attestations filed under paragraph (1) of this subsection shall—

"(A) expire at the end of the 1-year period beginning on the date the employer anticipates the longshore work to begin, as specified in the attestation filed with the Secretary of Labor, and

"(B) apply to aliens arriving in the United States during such 1-year period if the owner, agent, consignee, master, or commanding officer states in each list under section 251 that it continues to comply with the conditions in the attestation.

"(5)(A) Except as otherwise provided by subparagraph (B), subsection (c)(3) and subparagraphs (A) through (E) of subsection (c)(4) shall apply to attestations filed under this subsection.

"(B) The use of alien crewmen to perform longshore work in Alaska consisting of the use of an automated self-unloading conveyor belt or vacuum-actuated system on a vessel shall be governed by the provisions of subsection (c).

"(6) For purposes of this subsection—

"(A) the term 'contract stevedoring companies' means those stevedoring companies licensed to do business in the State of Alaska that meet the requirements of section 32 of the Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 932);

"(B) the term 'employer' includes any agent or representative designated by the employer; and

"(C) the terms 'qualified' and 'available in sufficient numbers' shall be defined by reference to industry standards in the State of Alaska, including safety considerations.".

(b) CONFORMING AMENDMENTS.—

(1) Section 258(a) (8 U.S.C. 1288(a)) is amended by striking "subsection (c) or subsection (d)" and inserting "subsection (c), (d), or (e)".

(2) Section 258(c)(4)(A) (8 U.S.C. 1288(c)(4)(A)) is amended by inserting "or subsection (d)(1)" after "paragraph (1)" each of the two places it appears.

(3) Section 258(c) (8 U.S.C. 1288(c)) is amended by adding at the end the following new paragraph:

"(5) Except as provided in paragraph (5) of subsection (d), this subsection shall not apply to longshore work performed in the State of Alaska.".

Regulations. 8 USC 1288 note.

(c) IMPLEMENTATION.—(1) The Secretary of Labor shall prescribe such regulations as may be necessary to carry out this section.

(2) Attestations filed pursuant to section 258(c) (8 U.S.C. 1288(c)) with the Secretary of Labor before the date of enactment of this Act shall remain valid until 60 days after the date of issuance of final regulations by the Secretary under this section.

Massachusetts.

SEC. 324. CAPE COD LIGHTHOUSE PLANNING AND DESIGN STUDIES.

(a) COMPLETION OF STUDIES.—

(1) PLANNING.—Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation and the Secretary of the Interior shall complete the necessary planning studies, including selection of a relocation site, identified in the Coast Guard's strategy document for relocation of the Cape Cod Lighthouse (popularly known as the "Highland Light Station"), located in North Truro, Massachusetts.

(2) DESIGN.—Not later than 18 months after the date of enactment of this Act, the Secretary of Transportation shall complete the design studies identified in the Coast Guard's strategy document for relocation of the Cape Cod Lighthouse.

(b) USE OF AMOUNTS FOR STUDIES.—Of amounts appropriated under the authority of this Act for acquisition, construction, rebuilding, and improvement, the Secretary of Transportation may use up to $600,000 for conducting the studies required under subsection (a).

SEC. 325. WASHINGTON STATE LIGHTHOUSES.

(a) AUTHORITY TO TRANSFER.—

(1) IN GENERAL.—The Secretary may convey by any appropriate means to the Washington State Parks and Recreation Commission all right, title, and interest of the United States in and to property comprising 1 or more of the Cape Disappointment Lighthouse, North Head Lighthouse, and Point Wilson Lighthouse.

(2) IDENTIFICATION OF PROPERTY.—The Secretary may identify, describe, and determine property conveyed pursuant to this section.

(b) TERMS AND CONDITIONS.—

(1) IN GENERAL.—The conveyance of property pursuant to subsection (a) shall be made—

(A) without the payment of consideration; and

(B) subject to such terms and conditions as the Secretary may consider appropriate.

(2) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to paragraph (1), any conveyance of property comprising Cape Disappointment Lighthouse, North Head Lighthouse, or Point Wilson Lighthouse pursuant to this section shall be subject to the condition that all right, title, and interest in and to the property so conveyed shall immediately revert to the United States if the property, or any part thereof—

(A) ceases to be used as a center for public benefit for the interpretation and preservation of maritime history;

(B) ceases to be maintained in a manner that ensures its present or future use as a Coast Guard aid to navigation; or

(C) ceases to be maintained in a manner consistent with the provisions of the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.).

(3) REQUIRED CONDITIONS.—Any conveyance of property pursuant to this section shall be made subject to such conditions as the Secretary considers to be necessary to assure that—

(A) the lights, antennas, and associated equipment located on the property conveyed, which are active aids to navigation, shall continue to be operated and maintained by the United States;

(B) the Washington State Parks and Recreation Commission may not interfere or allow interference in any manner with such aids to navigation without express written permission from the Secretary of Transportation;

(C) there is reserved to the United States the right to relocate, replace, or add any aids to navigation or make any changes on any portion of such property as may be necessary for navigation purposes;

(D) the United States shall have the right, at any time, to enter such property without notice for the purpose of maintaining aids to navigation;

(E) the United States shall have an easement of access to such property for the purpose of maintaining the aids to navigation in use on the property; and

(F) the property shall be rehabilitated and maintained by the owner in accordance with the provisions of the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.).

(4) MAINTENANCE OF CERTAIN EQUIPMENT NOT REQUIRED.—The Washington State Parks and Recreation Commission shall not have any obligation to maintain any active aid to navigation equipment on property conveyed pursuant to this section.

(c) DEFINITIONS.—For purposes of this section, the term—

(1) "Cape Disappointment Lighthouse" means the Coast Guard lighthouse located at Fort Canby State Park, Washington, including—

(A) the lighthouse, excluding any lantern or lens that is the personal property of the Coast Guard; and

(B) such land as may be necessary to enable the Washington State Parks and Recreation Commission to operate at that lighthouse a center for public benefit for the interpretation and preservation of the maritime history;

(2) "North Head Lighthouse" means the Coast Guard lighthouse located at Fort Canby State Park, Washington, including—

(A) the lighthouse, excluding any lantern or lens that is the personal property of the Coast Guard;

(B) ancillary buildings; and

(C) such land as may be necessary to enable the Washington State Parks and Recreation Commission to operate at that lighthouse a center for public benefit for the interpretation and preservation of maritime history;

(3) "Point Wilson Lighthouse" means the Coast Guard lighthouse located at Fort Worden State Park, Washington, including—

(A) the lighthouse, excluding any lantern or lens that is the personal property of the Coast Guard;

(B) 2 ancillary buildings; and

(C) such land as may be necessary to enable the Washington State Parks and Recreation Commission to operate at that lighthouse a center for public benefit for the interpretation and preservation of maritime history; and

(4) "Secretary" means the Secretary of Transportation.

Maine.

SEC. 326. HERON NECK LIGHTHOUSE.

(a) AUTHORITY TO TRANSFER.—

(1) IN GENERAL.—The Secretary of Transportation shall convey by any appropriate means to the Island Institute, Rockland, Maine, all right, title, and interest of the United States in and to property comprising the Heron Neck Lighthouse.

(2) IDENTIFICATION OF PROPERTY.—The Secretary may identify, describe, and determine property conveyed pursuant to this subsection.

(b) TERMS AND CONDITIONS.—

(1) IN GENERAL.—The conveyance of property pursuant to subsection (a) shall be made—

(A) without payment of consideration; and

(B) subject to such terms and conditions as the Secretary may consider appropriate.

(2) USE OF PROPERTY.—The property conveyed pursuant to subsection (a) may be used for educational, historic, recreational, and cultural programs open to and for the benefit of the general public. Theme displays, museums, gift shops, open exhibits, meeting rooms, and an office and quarters for personnel in connection with security and administration of the property are expressly authorized. Other uses not inconsistent with the foregoing uses are permitted unless the Secretary shall reasonably determine that such uses are incompatible with the historic nature of the property or with other provisions of this section.

(3) REVISIONARY INTEREST.—In addition to any term or condition established pursuant to paragraph (1), any conveyance of property comprising the Heron Neck Lighthouse pursuant to subsection (a) shall be subject to the condition that all right, title, and interest in and to the property so conveyed shall immediately revert to the United States if the property, or any part thereof—

(A) ceases to be used as a nonprofit center for educational, historic, recreational, and cultural programs open to and for the benefit of the general public;

(B) ceases to be maintained in a manner that ensures its present or future use as a Coast Guard aid to navigation; or

(C) ceases to be maintained in a manner consistent with the provisions of the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.).

(4) REQUIRED CONDITIONS.—Any conveyance of property pursuant to this section shall be made subject to such conditions as the Secretary considers to be necessary to assure that—

(A) the light, antennas, sound signal, and associated lighthouse equipment located on the property conveyed, which are active aids to navigation, shall continue to be operated and maintained by the United States Government for as long as they are needed for this purpose;

(B) the Island Institute may not interfere or allow interference in any manner with such aids to navigation without express written permission from the Secretary;

(C) there is reserved to the United States the right to relocate, replace, or add any aids to navigation or make any changes on any property as may be necessary for navigation purposes;

(D) the United States shall have the right, at any time, to enter such property without notice for the purpose of maintaining aids to navigation; and

(E) the United States shall have an assessment of access to such property for the purpose of maintaining the aids to navigation in use on the property.

(5) MAINTENANCE OBLIGATION.—The Island Institute shall not have any obligation to maintain any active aid to navigation equipment on property conveyed pursuant to subsection (a).

(c) PROPERTY TO BE MAINTAINED IN ACCORDANCE WITH CERTAIN LAWS.—The Island Institute shall maintain the Heron Neck Lighthouse in accordance with the Provisions of the National Historic Preservation Act of 1966 (16 U.S.C. et seq.) and other applicable laws.

(d) DEFINITIONS.—For purposes of this section, the term "Heron Neck Lighthouse" means the Coast Guard lighthouse located on Green Island, Vinalhaven, Maine, including—

(1) the attached keeper's dwelling, ancillary buildings, and associated fog signal, and boat ramp; and

(2) such land as may be necessary to enable the Island Institute to operate at that lighthouse a nonprofit center for public benefit.

Maine.

SEC. 327. BURNT COAT HARBOR LIGHTHOUSE.

(a) AUTHORITY TO TRANSFER.—

(1) IN GENERAL.—The Secretary of Transportation shall convey by any appropriate means to the Town of Swan's Island, Swans Island, Maine, all right, title, and interest of the United States in and to property comprising the Burnt Coat Harbor Lighthouse.

(2) IDENTIFICATION OF PROPERTY.—The Secretary may identify, describe, and determine property conveyed pursuant to this subsection.

(b) TERMS AND CONDITIONS.—

(1) IN GENERAL.—The conveyance of property pursuant to subsection (a) shall be made—

(A) without payment of consideration; and

(B) subject to such terms and conditions as the Secretary may consider appropriate.

(2) USE OF PROPERTY.—The property conveyed pursuant to subsection (a) may be used for educational, historic, recreational, and cultural programs open to and for the benefit of the general public. Theme displays, museums, gift shops, open exhibits, meeting rooms, and an office and quarters for personnel in connection with security and administration of the property are expressly authorized. Other uses not inconsistent with the foregoing uses are permitted unless the Secretary shall reasonably determine that such uses are incompatible with the historic nature of the property or with other provisions of this section.

(3) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to paragraph (1), any conveyance of property comprising the Burnt Coat Harbor Lighthouse pursuant to subsection (a) shall be subject to the condition that all right, title, and interest in and to the property so conveyed shall immediately revert to the United States if the property, or any part thereof—

(A) ceases to be used as a nonprofit center for public benefit for the interpretation and preservation of the material culture of the United States Coast Guard and the maritime history of the State of Maine;

(B) ceases to be maintained in a manner that ensures its present or future use as a Coast Guard aid to navigation; or

(C) ceases to be maintained in a manner consistent with the provisions of the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.).

(4) REQUIRED CONDITIONS.—Any conveyance of property pursuant to this section shall be made subject to such conditions as the Secretary considers to be necessary to assure that—

(A) the light, antennas, sound signal, and associated lighthouse equipment located on the property conveyed, which are active aids to navigation, shall continue to be operated and maintained by the United States Government for as long as they are needed for this purpose;

(B) the Town of Swan's Island may not interfere or allow interference in any manner with such aids to navigation without express written permission from the Secretary;

(C) there is reserved to the United States the right to relocate, replace, or add any aids to navigation or make any changes on any property as may be necessary for navigation purposes;

(D) the United States shall have the right, at any time, to enter such property without notice for the purpose of maintaining aids to navigation; and

(E) the United States shall have an easement of access to such property for the purpose of maintaining the aids to navigation in use on the property.

(5) MAINTENANCE OBLIGATION.—The Town of Swan's Island shall not have any obligation to maintain any active aid to navigation equipment on property conveyed pursuant to subsection (a).

(c) PROPERTY TO BE MAINTAINED IN ACCORDANCE WITH CERTAIN LAWS.—The Town of Swan's Island shall maintain the Burnt Coat Harbor Lighthouse in accordance with the provisions of the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.) and other applicable laws.

(d) DEFINITIONS.—For purposes of this section, the term "Burnt Coat Harbor Lighthouse" means the Coast Guard lighthouse located on Swans Island, Maine, including the keeper's dwelling, oil house, bell tower and such lands as may be necessary to enable the Swan's Island Educational Society to operate at the lighthouse a nonprofit center for public benefit.

TITLE IV—EMPLOYMENT AND DISCHARGE

SEC. 401. SHIPPING ARTICLES AGREEMENTS.

Section 10302 of title 46, United States Code, is amended—

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

"(a) The owner, charterer, managing operator, master, or individual in charge shall make a shipping agreement in writing

with each seaman before the seaman commences employment."; and

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

"(c) Each shipping agreement must be signed by the master or individual in charge or a representative of the owner, charterer, or managing operator, and by each seaman employed.

"(d) The owner, charterer, managing operator, master, or individual in charge shall maintain the shipping agreement and make the shipping agreement available to the seaman.".

SEC. 402. FORM OF AGREEMENTS.

Section 10304 of title 46, United States Code, is amended by striking "Shipping commissioner's signature or initials" from the form.

SEC. 403. MANNER OF SIGNING AGREEMENTS.

Section 10305 of title 46, United States Code, is amended—

(1) in subsection (a)(2), by striking "a shipping commissioner" and inserting in lieu thereof "the master or individual in charge";

(2) by striking "(a)"; and

(3) by striking subsections (b) and (c).

SEC. 404. EXHIBITING MERCHANT MARINERS' DOCUMENTS.

Section 10306 of title 46, United States Code, is amended by striking "shipping commissioner" and inserting in lieu thereof "master or individual in charge".

SEC. 405. REPEAL OF PENALTY FOR FAILURE TO POST AGREEMENT.

Section 10307 of title 46, United States Code, is amended by striking the last sentence.

SEC. 406. REPEAL OF PENALTY RELATING TO ENGAGING SEAMEN OUTSIDE UNITED STATES.

Section 10308 of title 46, United States Code, is amended by striking "(a)" and by striking subsection (b).

SEC. 407. REPEAL OF PENALTY RELATING TO ENGAGING REPLACEMENT SEAMEN; APPLICATION OF REQUIREMENTS.

Section 10309 of title 46, United States Code, is amended by striking subsection (b) and redesignating subsection (c) as subsection (b).

SEC. 408. ACCOUNTING OF WAGES AND DEDUCTIONS AT PAYOFF OR DISCHARGE.

Section 10310 of title 46, United States Code, is amended by striking "or a shipping commissioner" in the first sentence and by striking the last sentence.

SEC. 409. CERTIFICATES OF DISCHARGE.

Section 10311 of title 46, United States Code, is amended—

(1) in subsection (a), by striking "shipping commissioner" and inserting in lieu thereof "master or individual in charge";

(2) in subsection (b), by striking the last sentence and inserting in lieu thereof "The certificate shall be signed by the master and the seaman.";

(3) in subsection (d)(1), by striking "Secretary" and inserting in lieu thereof "owner, charterer, managing operator, master, or individual in charge"; and

(4) in subsection (d)(2), by striking "at a cost prescribed by regulation" and inserting in lieu thereof "at the request of the seaman".

SEC. 410. SETTLEMENTS ON DISCHARGE.

Section 10312 of title 46, United States Code, is amended to read as follows:

"§ 10312. Settlements on discharge

"When discharge and settlement are completed, the master, individual in charge, or owner and each seaman shall sign the agreement required by section 10302 of this title.".

SEC. 411. RECORDS OF SEAMEN.

Section 10320 of title 46, United States Code, is amended to read as follows:

"§ 10320. Records of seamen

Regulations.

"The Secretary shall prescribe regulations requiring vessel owners to maintain records of seamen on matters of engagement, discharge, and service. A vessel owner shall make these records available to the seaman and the Coast Guard on request.".

SEC. 412. GENERAL PENALTY.

Section 10321 of title 46, United States Code, is amended to read as follows:

"§ 10321. General penalty

"(a) A person violating any provision of this chapter or a regulation prescribed under this chapter is liable to the United States Government for a civil penalty of not more than $5,000.

"(b) The vessel is liable in rem for any penalty assessed under this section.".

SEC. 413. SHIPPING ARTICLES AGREEMENTS.

Section 10502 of title 46, United States Code, is amended—

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

"(a) The owner, charterer, managing operator, master, or individual in charge shall make a shipping agreement in writing with each seaman before the seaman commences employment."; and

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

"(d) Each shipping agreement must be signed by the master or individual in charge or a representative of the owner, charterer, or managing operator, and by each seaman employed.

"(e) The owner, charterer, managing operator, master, or individual in charge shall maintain the shipping agreement and make the shipping agreement available to the seaman.

"(f) The Secretary shall prescribe regulations requiring shipping companies to maintain records of seamen on matters of engagement, discharge, and service. The shipping companies shall make these records available to the seaman and the Coast Guard on request.".

Regulations. Records.

SEC. 414. ADVANCES.

Section 10505 of title 46, United States Code, is amended—

(1) in subsection (a)(2), by striking "$100" and inserting in lieu thereof "$5,000"; and

(2) in subsection (b), by striking "$500" and inserting in lieu thereof "$5,000".

SEC. 415. DUTIES OF SHIPPING COMMISSIONERS.

(a) REPEAL.—Section 10507 of title 46, United States Code, is repealed.

(b) CONFORMING AMENDMENT.—The analysis at the beginning of chapter 105 of title 46, United States Code, is amended by striking the item relating to section 10507.

SEC. 416. GENERAL PENALTIES.

Section 10508(b) is amended by striking "$20" and inserting in lieu thereof "not more than $5,000".

SEC. 417. GENERAL REPORT REQUIREMENT.

Section 10103(a) of title 46, United States Code, is amended—

(1) by striking "without a shipping commissioner being present"; and

(2) by inserting "to the vessel owner" immediately after "shall submit reports".

SEC. 418. PROCEDURES OF MASTERS REGARDING SEAMAN'S EFFECTS.

Section 10703 of title 46, United States Code, is amended—

(1) in subsection (a), by striking "by regulations prescribed by the Secretary" and inserting in lieu thereof "in section 10706 of this title";

(2) in subsection (b), by striking "as prescribed by regulations" and inserting in lieu thereof "to a district court of the United States"; and

(3) in subsection (c), by striking "subsection (a) of this section" and inserting in lieu thereof "section 10706 of this title".

SEC. 419. SEAMEN DYING IN UNITED STATES.

Section 10706 of title 46, United States Code, is amended by striking at the end "as provided by regulations prescribed by the Secretary." and inserting in lieu thereof "to a district court of the United States within one week of the seaman's death. If the seaman's death occurs at sea, such money, property, or wages shall be delivered to a district court or a consular officer within one week of the vessel's arrival at the first port call after the seaman's death.".

SEC. 420. DELIVERY TO DISTRICT COURT.

(a) REPEAL.—Section 10707 of title 46, United States Code, is repealed.

(b) AMENDMENT TO CHAPTER ANALYSIS.—The analysis at the beginning of chapter 107 of title 46, United States Code, is amended by striking the item relating to section 10707.

SEC. 421. DISPOSAL OF FORFEITURES.

Section 11505 of title 46, United States Code, is amended—

(1) in subsection (a), by striking the last sentence and inserting in lieu thereof "The balance shall be transferred to the appropriate district court of the United States when the voyage is completed."; and

(2) in subsection (b), by striking the first sentence.

SEC. 422. CONFORMING AMENDMENTS.

(a) DUTIES OF MASTERS.—Section 10702(b) of title 46, United States Code, is amended by striking "a shipping commissioner" and inserting in lieu thereof "the consular officer or court clerk".

(b) COMPLAINTS OF UNFITNESS.—Section 10902(b) of title 46, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting "Secretary," immediately after "The complaint may be made to the";

(B) by striking "Coast Guard shipping commissioner,"; and

(2) in paragraphs (2) and (3), by striking "The officer, commissioner," each place it appears and inserting in lieu thereof "The Secretary, officer,".

(c) SHIPPING COMMISSIONER DESIGNATIONS AND DUTIES.—(1) Section 10102 of title 46, United States Code, is repealed.

(2) The analysis at the beginning of chapter 101 is amended by striking the item relating to section 10102.

TITLE V—PASSENGER VESSEL SAFETY

Passenger Vessel Safety Act of 1993. 46 USC 2101 note.

SEC. 501. SHORT TITLE.

This title may be cited as the "Passenger Vessel Safety Act of 1993".

SEC. 502. PASSENGER.

Section 2101(21) of title 46, United States Code, is amended to read as follows:

"(21) 'passenger'—

"(A) means an individual carried on the vessel except—

"(i) the owner or an individual representative of the owner or, in the case of a vessel under charter, an individual charterer or individual representative of the charterer;

"(ii) the master; or

"(iii) a member of the crew engaged in the business of the vessel who has not contributed consideration for carriage and who is paid for on board services;

"(B) on an offshore supply vessel, means an individual carried on the vessel except—

"(i) an individual included in clause (i), (ii), or (iii) of subparagraph (A) of this paragraph;

"(ii) an employee of the owner, or of a subcontractor to the owner, engaged in the business of the owner;

"(iii) an employee of the charterer, or of a subcontractor to the charterer, engaged in the business of the charterer; or

"(iv) an individual employed in a phase of exploration, exploitation, or production of offshore mineral or energy resources served by the vessel;

"(C) on a fishing vessel, fish processing vessel, or fish tender vessel, means an individual carried on the vessel except—

"(i) an individual included in clause (i), (ii), or (iii) of subparagraph (A) of this paragraph;

"(ii) a managing operator;

"(iii) an employee of the owner, or of a subcontractor to the owner, engaged in the business of the owner;

"(iv) an employee of the charterer, or of a subcontractor to the charterer, engaged in the business of the charterer; or

"(v) an observer or sea sampler on board the vessel pursuant to a requirement of State or Federal law; or

"(D) on a sailing school vessel, means an individual carried on the vessel except—

"(i) an individual included in clause (i), (ii), or (iii) of subparagraph (A) of this paragraph;

"(ii) an employee of the owner of the vessel engaged in the business of the owner, except when the vessel is operating under a demise charter;

"(iii) an employee of the demise charterer of the vessel engaged in the business of the demise charterer; or

"(iv) a sailing school instructor or sailing school student.".

SEC. 503. PASSENGER VESSEL.

Section 2101(22) of title 46, United States Code, is amended to read as follows:

"(22) 'passenger vessel' means a vessel of at least 100 gross tons—

"(A) carrying more than 12 passengers, including at least one passenger for hire;

"(B) that is chartered and carrying more than 12 passengers; or

"(C) that is a submersible vessel carrying at least one passenger for hire.".

SEC. 504. SMALL PASSENGER VESSEL.

Section 2101(35) of title 46, United States Code, is amended to read as follows:

"(35) 'small passenger vessel' means a vessel of less than 100 gross tons—

"(A) carrying more than 6 passengers, including at least one passenger for hire;

"(B) that is chartered with the crew provided or specified by the owner or the owner's representative and carrying more than 6 passengers;

"(C) that is chartered with no crew provided or specified by the owner or the owner's representative and carrying more than 12 passengers; or

"(D) that is a submersible vessel carrying at least one passenger for hire.".

SEC. 505. UNINSPECTED PASSENGER VESSEL.

Section 2101(42) of title 46, United States Code, is amended to read as follows:

"(42) 'uninspected passenger vessel' means an uninspected vessel—

"(A) of at least 100 gross tons—

"(i) carrying not more than 12 passengers, including at least one passenger for hire; or

"(ii) that is chartered with the crew provided or specified by the owner or the owner's representative and carrying not more than 12 passengers; and

"(B) of less than 100 gross tons—

"(i) carrying not more than 6 passengers, including at least one passenger for hire; or

"(ii) that is chartered with the crew provided or specified by the owner or the owner's representative and carrying not more than 6 passengers.".

SEC. 506. PASSENGER FOR HIRE.

Section 2101 of title 46, United States Code, is amended by inserting between paragraphs (21) and (22) a new paragraph (21a) to read as follows:

"(21a) 'passenger for hire' means a passenger for whom consideration is contributed as a condition of carriage on the vessel, whether directly or indirectly flowing to the owner, charterer, operator, agent, or any other person having an interest in the vessel.".

SEC. 507. CONSIDERATION.

Section 2101 of title 46, United States Code, is amended by inserting between paragraphs (5) and (6) a new paragraph (5a) to read as follows:

"(5a) 'consideration' means an economic benefit, inducement, right, or profit including pecuniary payment accruing to an individual, person, or entity, but not including a voluntary sharing of the actual expenses of the voyage, by monetary contribution or donation of fuel, food, beverage, or other supplies.".

SEC. 508. OFFSHORE SUPPLY VESSEL.

Section 2101(19) of title 46, United States Code, is amended by inserting "individuals in addition to the crew," immediately after "supplies," and by striking everything after "resources" to the period at the end.

SEC. 509. SAILING SCHOOL VESSEL.

Section 2101(30) of title 46, United States Code, is amended in subparagraph (B) by striking "at least 6" and substituting "more than 6".

SEC. 510. SUBMERSIBLE VESSEL.

Section 2101 of title 46, United States Code, is amended by inserting between paragraphs (37) and (38) a new paragraph (37a) to read as follows:

"(37a) 'submersible vessel' means a vessel that is capable of operating below the surface of the water.".

SEC. 511. GENERAL PROVISION.

(a) Section 2113 of title 46, United States Code, is amended to read as follows:

"§ 2113. Authority to exempt certain vessels

"If the Secretary decides that the application of a provision of part B, C, F, or G of this subtitle is not necessary in performing the mission of the vessel engaged in excursions or an oceanographic research vessel, or not necessary for the safe operation of certain vessels carrying passengers, the Secretary by regulation may—

"(1) for a vessel, issue a special permit specifying the conditions of operation and equipment;

"(2) exempt an oceanographic research vessel from that provision under conditions the Secretary may specify;

"(3) establish different operating and equipment requirements for vessels defined in section 2101(42)(A) of this title;

"(4) establish different structural fire protection, manning, operating, and equipment requirements for vessels of at least 100 gross tons but less than 300 gross tons carrying not more than 150 passengers on domestic voyages if the owner of the vessel—

"(A) makes application for inspection to the Coast Guard within 6 months of the date of enactment of the Passenger Vessel Safety Act of 1993; and

"(B) provides satisfactory documentation that the vessel was chartered at least once within the previous 12 months prior to the date of enactment of that Act; and

"(5) establish different structural fire protection, manning, operating, and equipment requirements for former public vessels of the United States of at least 100 gross tons but less than 500 gross tons, carrying not more than 150 passengers on domestic voyages, if the owner of the vessel—

"(A) makes application for inspection to the Coast Guard within 6 months of the date of enactment of the Passenger Vessel Safety Act of 1993; and

"(B) provides satisfactory documentation that the vessel was chartered at least once within the previous 12 months prior to the date of enactment of that Act.".

(b) Section 4105 of title 46, United States Code, is amended—

(1) by inserting "(a)" before the text; and

(2) by adding a new subsection (b) to read as follows:

Regulations.

"(b) Within twenty-four months of the date of enactment of this subsection, the Secretary shall, by regulation, require certain additional equipment which may include liferafts or other lifesaving equipment, construction standards, or specify additional operating standards for those uninspected passenger vessels defined in section 2101(42)(A) of this title.".

SEC. 512. EQUIPMENT AND STANDARDS FOR CERTAIN PASSENGER VESSELS.

(a) Section 3306 of title 46, United States Code, is amended by adding at the end the following new subsections:

"(h) The Secretary shall establish appropriate structural fire protection, manning, operating, and equipment requirements for vessels of at least 100 gross tons but less than 300 gross tons carrying not more than 150 passengers on domestic voyages, which meet the eligibility criteria of section 2113(4) of this title.

"(i) The Secretary shall establish appropriate structural fire protection, manning, operating, and equipment requirements for former public vessels of the United States of at least 100 gross tons but less that 500 gross tons carrying not more than 150 passengers on domestic voyages, which meet the eligibility criteria of section 2113(5) of this title.".

Regulations.
46 USC 3306 note.

(b) The Secretary of Transportation shall, within twenty-four months of the date of enactment of this Act, prescribe regulations establishing the structural fire protection, manning, operating, and equipment requirements for vessels which meet the requirements of subsections (h) and (i) of section 3306 of title 46, United States Code, as amended by this Act.

(c) Before the Secretary of Transportation prescribes regulations under subsections (h) and (i) of section 3306 of title 46, United States Code, as amended by this Act, the Secretary may prescribe the route, service, manning, and equipment for those vessels based on existing passenger vessel and small passenger vessel regulations.

SEC. 513. APPLICABILITY DATE FOR REVISED REGULATIONS.

42 USC 2101 note.

(a) APPLICABILITY DATE FOR CERTAIN CHARTERED VESSELS.—Revised regulations governing small passenger vessels and passenger vessels (as the definitions of those terms in section 2101 of title 46, United States Code, are amended by this Act) shall not, before the date that is 6 months after the date of enactment of this Act, apply to such vessels when chartered with no crew provided.

(b) EXTENSION OF PERIOD.—The Secretary of the department in which the Coast Guard is operating shall extend for up to 30 additional months or until issuance of a certificate of inspection, whichever occurs first, the period of inapplicability specified in subsection (a) if the owner of the vessel concerned carries out the provisions of subsection (c) to the satisfaction of the Secretary.

(c) CONDITIONS FOR EXTENSION.—To receive an extension authorized by subsection (b), the owner of the vessel shall—

(1) make application for inspection with the Coast Guard within 6 months after the date of enactment of this Act;

(2) make the vessel available for examination by the Coast Guard prior to the carriage of passengers;

(3)(A) correct especially any hazardous conditions involving the vessel's structure, electrical system, and machinery installation, such as (i) grossly inadequate, missing, unsound, or severely deteriorated frames or major structural members; (ii) wiring systems or electrical appliances without proper grounding or overcurrent protection; and (iii) significant fuel or exhaust system leaks;

(B) equip the vessel with lifesaving and fire fighting equipment, or the portable equivalent, required for the route and number of persons carried; and

(C) verify through stability tests, calculations, or other practical means (which may include a history of safe operations) that the vessel's stability is satisfactory for the size, route, and number of passengers; and

(4) develop a work plan approved by the Coast Guard to complete in a good faith effort all requirements necessary for issuance of a certificate of inspection as soon as practicable.

(d) OPERATION OF VESSEL DURING EXTENSION PERIOD.—The owner of a vessel receiving an extension under this section shall operate the vessel under the conditions of route, service, number of passengers, manning, and equipment as may be prescribed by the Coast Guard for the extension period.

TITLE VI—DOCUMENTATION OF VESSELS

SEC. 601. DOCUMENTATION OF VESSELS.

(a) Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1886 (46 App. U.S.C. 289), and section 12106 of title 46, United States Code,

the Secretary of Transportation may issue certificates of documentation with a coastwise endorsement for the following vessels:

(1) ABORIGINAL (United States official number 942118).
(2) AFTERSAIL (United States official number 689427).
(3) ALEXANDRIA (United States official number 586490).
(4) AMANDA (Michigan registration number MC–1125–FR).
(5) ARBITRAGE II (United States official number 962861).
(6) ARIEL (United States official number 954762).
(7) BRANDARIS (former United States official number 263174).
(8) COMPASS ROSE (United States official number 695865).
(9) DIXIE (United States official number 513159).
(10) ELISSA (United States official number 697285).
(11) EMERALD PRINCESS (former United States official number 530095).
(12) ENTERPRISE (United States official number 692956).
(13) EUROPA STAR (former United States official number 588270).
(14) EUROPA SUN (former United States official number 596656).
(15) GAZELA OF PHILADELPHIA (Pennsylvania registration number PA–4339–AF).
(16) GUSTO (United States official number 624951).
(17) GRAY (Connecticut registration number CT–5944–AJ).
(18) GRIZZLY PROCESSOR (Canadian official number 369183).
(19) GYPSY COWBOY (United States official number 550771).
(20) IMPATIENT LADY (United States official number 553952).
(21) INTREPID DRAGON II (United States official number 548109).
(22) ISLAND GIRL (United States official number 674840).
(23) JULIET (Michigan registration number MC–1669–LM).
(24) KALENA (Hawaii registration number HA–1923–E).
(25) LAURISA (United States official number 924052).
(26) LIBBY ROSE (United States official number 236976).
(27) LISERON (United States official number 971339).
(28) MARINE STAR (United States official number 248329).
(29) MARINER (United States official number 285452).
(30) MARY B (Kentucky registration number KY–0098–HX).
(31) MOONSHINE (United States official number 974226).
(32) MYSTIQUE (United States official number 921194).
(33) NORTHERN LIGHT (United States official number 237510).
(34) PAI NUI (Hawaii registration number HA–6949–D).
(35) PANDACEA (United States official number 665892).
(36) PELICAN (United States official number 234959).
(37) PLAY PRETTY (United States official number 975346).
(38) PRINCE OF TIDES II (United States official number 903858).

(39) RANGOON RUBY (Hawaii registration number HA–5636–B).

(40) RBOAT (United States official number 563955).

(41) SABLE (Massachusetts registration number MS–1841–AM).

(42) SERENA (United States official number 965317).

(43) SHILOH (United States official number 902675).

(44) SIDEWINDER (United States official number 991719).

(45) SWELL DANCER (United States official number 622046).

(46) TESSA (United States official number 675130).

(47) TOP DUCK (United States official number 990973).

(48) VIKING (United States official number 286080).

(49) WHIT CON TIKI (United States official number 663823).

(b) Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883) or any other law restricting a foreign-flag vessel from operating in the coastwise trade, the foreign-flag vessel H851 may engage in the coastwise trade to transport an offshore drilling platform jacket from a place near Aransas Pass, Texas, to a site on the Outer Continental Shelf known as Viosca Knoll 989.

(c) Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1886 (46 App. U.S.C. 289), and sections 12106 and 12107 of title 46, United States Code, the Secretary of Transportation may issue certificates of documentation with a coastwise and Great Lakes endorsement for the vessels LADY CHARL II (United States official number 541399) and LINETTE (United States official number 654318).

(d) Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1886 (46 App. U.S.C. 289), and section 12106 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with a coastwise endorsement for the vessel M/V TWIN DRILL (Panama official number 8536–PEXT–2) if—

(1) the vessel undergoes a major conversion (as defined in section 2101 of title 46, United States Code) in a United States shipyard;

(2) the cost of the major conversion is more than three times the purchase value of the vessel before the major conversion;

(3) the major conversion is completed and the vessel is documented under chapter 121 of title 46, United States Code, with a coastwise endorsement before June 30, 1995;

(4) the person documenting the vessel contracts with a United States shipyard to construct an additional vessel of equal or greater capacity within 12 months of the date of enactment of this Act, for delivery within 36 months of the date of such contract; and

(5) the additional vessel is documented under chapter 121 of title 46, United States Code, immediately after it is constructed.

(e) Notwithstanding sections 12106 and 12108 of title 46, United States Code, the Act of June 19, 1886 (46 App. U.S.C. 289), and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Secretary of Transportation may issue a certificate of documentation with a coastwise and fishery endorsement for

the vessel REEL CLASS (Hawaii registration number HA–6566–E).

(f) Notwithstanding section 12108 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with a fishery endorsement for the vessel DA WARRIOR (United States official number 962231).

(g) Notwithstanding any other law or any agreement with the United States Government, the vessels UST ATLANTIC (United States official number 601437) and UST PACIFIC (United States official number 613131) may be sold to a person that is not a citizen of the United States and transferred to or placed under a foreign registry.

(h) Notwithstanding any other law, the vessel AMY CHOUEST (United States official number 995631) is deemed to be less than 500 gross tons, as measured under chapter 145 of title 46, United States Code, for purposes of the maritime laws of the United States.

(i) Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1886 (46 App. U.S.C. 289), and section 12106 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation for the following vessels:

(1) PRINCESS XANADU OF MONACO (United States official number 660847).

(2) INSPIRATION (United States official number 277099).

(3) VENUS (United States official number 547419).

(4) LATER (United States official number 615732).

(5) MATCH MAKER (United States official number 908725).

TITLE VII—MISCELLANEOUS FISHERY PROVISIONS

16 USC 1823 note.

SEC. 701. GOVERNING INTERNATIONAL FISHERIES AGREEMENT.

The Agreement between the Government of the United States of America and the Government of the Russian Federation on Mutual Fisheries Relations which was entered into on May 31, 1988, and which expired by its terms on October 28, 1993, may be brought into force again for the United States through an exchange of notes between the United States of America and the Russian Federation and may remain in force and effect on the part of the United States until May 1, 1994, and may be amended or extended by a subsequent agreement to which section 203 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1823) applies.

SEC. 702. SHRIMP TRAWL FISHERY.

Section 304(g)(6)(B) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1854(g)(6)(B)) is amended by striking "January 1, 1994" and inserting "April 1, 1994".

SEC. 703. INTERNATIONAL FISHERY CONSERVATION IN THE CENTRAL BERING SEA.

It is the sense of the Congress that—

(1) the United States should take appropriate measures to conserve the resources of the Doughnut Hole, a small enclave of international waters in the central Bering Sea, encircled

by the Exclusive Economic Zones of the United States and the Russian Federation;

(2) the United States should continue its pursuit of an international agreement, consistent with its rights as a coastal state, to ensure proper management for future commercial viability of these natural resources;

(3) the United States, working closely with the Russian Federation should, in accordance with international law and through multilateral consultations or through other means, promote effective international programs for the implementation and enforcement of regulations of the fisheries by those nations that fish in the Doughnut Hole;

(4) the United States nonetheless should be mindful of its management responsibility in this regard and of its rights in accordance with international law to fully utilize the stock within its own exclusive economic zone;

(5) the United States should accept as an urgent duty the need to conserve for future generations the Aleutian Basin pollock stock and should carry out that duty by taking all necessary measures, in accordance with international law; and

(6) the United States should foster further multilateral cooperation leading to international consensus on management of the Doughnut Hole resources through the fullest use of diplomatic channels and appropriate domestic and international law and should explore all other available options and means for conservation and management of these living marine resources.

SEC. 704. NOAA FACILITIES IN KODIAK.

(a) Notwithstanding any other provision of law, the Secretary of Commerce may enter into an agreement with the University of Alaska under which the University may contract for the engineering and design specifications of a facility on Near Island in Kodiak, Alaska, that meets the long-term space needs of National Oceanic and Atmospheric Administration personnel currently located in Alaska.

(b) The Secretary may transfer available funds to the University of Alaska to pay for such engineering and design work if additional funds in an equal or greater amount are made available from non-Federal sources for such work.

TITLE VIII—ATLANTIC COASTAL FISHERIES

Atlantic Coastal Fisheries Cooperative Management Act. Conservation. Intergovermental relations. 16 USC 5101 note.

SEC. 801. SHORT TITLE.

This title may be cited as the "Atlantic Coastal Fisheries Cooperative Management Act".

SEC. 802. FINDINGS AND PURPOSE.

16 USC 5101.

(a) FINDINGS.—The Congress finds the following:

(1) Coastal fishery resources that migrate, or are widely distributed, across the jurisdictional boundaries of two or more of the Atlantic States and of the Federal Government are of substantial commercial and recreational importance and economic benefit to the Atlantic coastal region and the Nation.

(2) Increased fishing pressure, environmental pollution, and the loss and alteration of habitat have reduced severely certain Atlantic coastal fishery resources.

(3) Because no single governmental entity has exclusive management authority for Atlantic coastal fishery resources, harvesting of such resources in frequently subject to disparate, inconsistent, and intermittent State and Federal regulation that has been detrimental to the conservation and sustainable use of such resources and to the interests of fishermen and the Nation as a whole.

(4) The responsibility for managing Atlantic coastal fisheries rests with the States, which carry out a cooperative program of fishery oversight and management through the Atlantic States Marine Fisheries Commission. It is the responsibility of the Federal Government to support such cooperative interstate management of coastal fishery resources.

(5) The failure by one or more Atlantic States to fully implement a coastal fishery management plan can affect the status of Atlantic coastal fisheries, and can discourage other States from fully implementing coastal fishery management plans.

(6) It is in the national interest to provide for more effective Atlantic State fishery resource conservation and management.

(b) PURPOSE.—The purpose of this title is to support and encourage the development, implementation, and enforcement of effective interstate conservation and management of Atlantic coastal fishery resources.

16 USC 5102.

SEC. 803. DEFINITIONS.

In this title, the following definitions apply:

(1) The term "coastal fishery management plan" means a plan for managing a coastal fishery resource, or an amendment to such plan, prepared and adopted by the Commission, that—

(A) contains information regarding the status of the resource and related fisheries;

(B) specifies conservation and management actions to be taken by the States; and

(C) recommends actions to be taken by the Secretary in the exclusive economic zone to conserve and manage the fishery.

(2) The term "coastal fishery resource" means any fishery, any species of fish, or any stock of fish that moves among, or is broadly distributed across, waters under the jurisdiction of two or more States or waters under the jurisdiction of one or more States and the exclusive economic zone.

(3) The term "Commission" means the Atlantic States Marine Fisheries Commission established under the interstate compact consented to and approved by the Congress in Public Laws 77–539 and 81–721.

(4) The term "conservation" means the restoring, rebuilding, and maintaining of any coastal fishery resource and the marine environment, in order to assure the availability of coastal fishery resources on a long-term basis.

(5) The term "Councils" means Regional Fishery Management Councils established under section 302 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1852).

(6) The term "exclusive economic zone" means the exclusive economic zone of the United States established by Proclamation Number 5030, dated March 10, 1983. For the purposes of this title, the inner boundary of that zone is a line coterminous with the seaward boundary of each of the coastal States, and the outer boundary of that zone is a line drawn in such a manner that each point on it is 200 nautical miles from the baseline from which the territorial sea is measured.

(7) The term "fish" means finfish, mollusks, crustaceans, and all other forms of marine animal life other than marine mammals and birds.

(8) The term "fishery" means—

(A) one or more stocks of fish that can be treated as a unit for purposes of conservation and management and that are identified on the basis of geographical, scientific, technical, commercial, recreational, or economic characteristics; or

(B) any fishing for such stocks.

(9) The term "fishing" means—

(A) the catching, taking, or harvesting of fish;

(B) the attempted catching, taking, or harvesting of fish;

(C) any other activity that can be reasonably expected to result in the catching, taking, or harvesting of fish; or

(D) any operations at sea in support of, or in preparation for, any activity described in subparagraphs (A) through (C).

Such term does not include any scientific research activity or the catching, taking, or harvesting of fish in an aquaculture operation.

(10) The term "implement and enforce" means to enact and implement laws or regulations as required to conform with the provisions of a coastal fishery management plan and to assure compliance with such laws or regulations by persons participating in a fishery that is subject to such plan.

(11) The term "person" means any individual (whether or not a citizen or national of the United States), any corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State), and any Federal, State, local, or foreign government or any entity of any such government.

(12) The term "Secretary" means the Secretary of Commerce.

(13) The term "State" means Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, the District of Columbia, or the Potomac River Fisheries Commission.

SEC. 804. STATE-FEDERAL COOPERATION IN ATLANTIC COASTAL FISHERY MANAGEMENT. 16 USC 5103.

(a) FEDERAL SUPPORT FOR STATE COASTAL FISHERIES PROGRAMS.—The Secretary in cooperation with the Secretary of the Interior shall develop and implement a program to support the interstate fishery management efforts of the Commission. The program shall include activities to support and enhance State coopera-

tion in collection, management, and analysis of fishery data; law enforcement; habitat conservation; fishery research, including biological and socioeconomic research; and fishery management planning.

(b) FEDERAL REGULATION IN EXCLUSIVE ECONOMIC ZONE.—(1) In the absence of an approved and implemented fishery management plan under the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), and after consultation with the appropriate Councils, the Secretary may implement regulations to govern fishing in the exclusive economic zone that are—

(A) necessary to support the effective implementation of a coastal fishery management plan; and

(B) consistent with the national standards set forth in section 301 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1851).

The regulations may include measures recommended by the Commission to the Secretary that are necessary to support the provisions of the coastal fishery management plan. Regulations issued by the Secretary to implement an approved fishery management plan prepared by the appropriate Councils or the Secretary under the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) shall supersede any conflicting regulations issued by the Secretary under this subsection.

(2) The provisions of sections 307, 308, 309, 310, and 311 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1857, 1858, 1859, 1860, and 1861) regarding prohibited acts, civil penalties, criminal offenses, civil forfeitures, and enforcement shall apply with respect to regulations issued under this subsection as if such regulations were issued under the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

16 USC 5104.

SEC. 805. STATE IMPLEMENTATION OF COASTAL FISHERY MANAGEMENT PLANS.

(a) COASTAL FISHERY MANAGEMENT PLANS.—(1) The Commission shall prepare and adopt coastal fishery management plans to provide for the conservation of coastal fishery resources. In preparing a coastal fishery management plan for a fishery that is located in both State waters and the exclusive economic zone, the Commission shall consult with appropriate Councils to determine areas where such coastal fishery management plan may complement Council fishery management plans. The coastal fishery management plan shall specify the requirements necessary for States to be in compliance with the plan. Upon adoption of a coastal fishery management plan, the Commission shall identify each State that is required to implement and enforce that plan.

(2) Within 1 year after the date of enactment of this Act, the Commission shall establish standards and procedures to govern the preparation of coastal fishery management plans under this title, including standards and procedures to ensure that—

(A) such plans promote the conservation of fish stocks throughout their ranges and are based on the best scientific information available; and

(B) the Commission provides adequate opportunity for public participation in the plan preparation process, including at least four public hearings and procedures for the submission of written comments to the Commission.

(b) STATE IMPLEMENTATION AND ENFORCEMENT.—(1) Each State identified under subsection (a) with respect to a coastal fishery management plan shall implement and enforce the measures of such plan within the timeframe established in the plan.

(2) Within 90 days after the date of enactment of this Act, the Commission shall establish a schedule of timeframes within which States shall implement and enforce the measures of coastal fishery management plans in existence before such date of enactment. No such timeframe shall exceed 12 months after the date on which the schedule is adopted.

(c) COMMISSION MONITORING OF STATE IMPLEMENTATION AND ENFORCEMENT.—The Commission shall, at least annually, review each State's implementation and enforcement of coastal fishery management plans for the purpose of determining whether such State is effectively implementing and enforcing each such plan. Upon completion of such reviews, the Commission shall report the results of the reviews to the Secretaries. Reports.

SEC. 806. STATE NONCOMPLIANCE WITH COASTAL FISHERY MANAGEMENT PLANS. 16 USC 5105.

(a) NONCOMPLIANCE DETERMINATION.—The Commission shall determine that a State is not in compliance with the provisions of a coastal fishery management plan if it finds that the State has not implemented and enforced such plan within the timeframes established under the plan or under section 805.

(b) NOTIFICATION.—Upon making any determination under subsection (a), the Commission shall within 10 working days notify the Secretaries of such determination. Such notification shall include the reasons for making the determination and an explicit list of actions that the affected State must take to comply with the coastal fishery management plan. The Commission shall provide a copy of the notification to the affected State.

(c) WITHDRAWAL OF NONCOMPLIANCE DETERMINATION.—After making a determination under subsection (a), the Commission shall continue to monitor State implementation and enforcement. Upon finding that a State has complied with the actions required under subsection (b), the Commission shall immediately withdraw its determination of noncompliance. The Commission shall promptly notify the Secretaries of such withdrawal.

SEC. 807. SECRETARIAL ACTION. 16 USC 5106.

(a) SECRETARIAL REVIEW OF COMMISSION DETERMINATION OF NONCOMPLIANCE.—Within 30 days after receiving a notification from the Commission under section 806(b) and after review of the Commission's determination of noncompliance, the Secretary shall make a finding on—

(1) whether the State in question has failed to carry out its responsibility under section 805; and

(2) if so, whether the measures that the State has failed to implement and enforce are necessary for the conservation of the fishery in question.

(b) CONSIDERATION OF COMMENTS.—In making a finding under subsection (a), the Secretary shall—

(A) give careful consideration to the comments of the State that the Commission has determined under section 806(a) is not in compliance with a coastal fishery management plan, and provide such State, upon request, with the opportunity

to meet with and present its comments directly to the Secretary; and

(B) solicit and consider the comments of the Commission and the appropriate Councils.

(c) MORATORIUM.—(1) Upon making a finding under subsection (a) that a State has failed to carry out its responsibility under section 805 and that the measures it failed to implement and enforce are necessary for conservation, the Secretary shall declare a moratorium on fishing in the fishery in question within the waters of the noncomplying State. The Secretary shall specify the moratorium's effective date, which shall be any date within 6 months after declaration of the moratorium.

(2) If after a moratorium is declared under paragraph (1) the Secretary is notified by the Commission that the Commission is withdrawing under section 806(c) the determination of noncompliance, the Secretary shall immediately determine whether the State is in compliance with the applicable plan. If so, the moratorium shall be terminated.

(d) IMPLEMENTING REGULATIONS.—The Secretary may issue regulations necessary to implement this section. Such regulations—

(1) may provide for the possession and use of fish which have been produced in an aquaculture operation, subject to applicable State regulations; and

(2) shall allow for retention of fish that are subject to a moratorium declared under this section and unavoidably taken as incidental catch in fisheries directed toward menhaden if—

(A) discarding the retained fish is impracticable;

(B) the retained fish do not constitute a significant portion of the catch of the vessel; and

(C) retention of the fish will not, in the judgment of the Secretary, adversely affect the conservation of the species of fish retained.

(e) PROHIBITED ACTS DURING MORATORIUM.—During the time in which a moratorium under this section is in effect, it is unlawful for any person to—

(1) violate the terms of the moratorium or of any implementing regulation issued under subsection (d);

(2) engage in fishing for any species of fish to which the moratorium applies within the waters of the State subject to the moratorium;

(3) land, attempt to land, or possess fish that are caught, taken, or harvested in violation of the moratorium or of any implementing regulation issued under subsection (d);

(4) fail to return to the water immediately, with a minimum of injury, any fish to which the moratorium applies that are taken incidental to fishing for species other than those to which the moratorium applies, except as provided by regulations issued under subsection (d);

(5) refuse to permit any officer authorized to enforce the provisions of this title to board a fishing vessel subject to such person's control for purposes of conducting any search or inspection in connection with the enforcement of this title;

(6) forcibly assault, resist, oppose, impede, intimidate, or interfere with any such authorized officer in the conduct of any search or inspection under this title;

(7) resist a lawful arrest for any act prohibited by this section;

(8) ship, transport, offer for sale, sell, purchase, import, or have custody, control, or possession of, any fish taken or retained in violation of this title; or

(9) interfere with, delay, or prevent, by any means, the apprehension or arrest of another person, knowing that such other person has committed any act prohibited by this section.

(f) CIVIL AND CRIMINAL PENALTIES.—(1) Any person who commits any act that is unlawful under subsection (e) shall be liable to the United States for a civil penalty as provided by section 308 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1858).

(2) Any person who commits an act prohibited by paragraph (5), (6), (7), or (9) of subsection (e) is guilty of an offense punishable as provided by section 309 (a)(1) and (b) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1859 (a)(1) and (b)).

(g) CIVIL FORFEITURES.—(1) Any vessel (including its gear, equipment, appurtenances, stores, and cargo) used, and any fish (or the fair market value thereof) taken or retained, in any manner, in connection with, or as the result of, the commission of any act that is unlawful under subsection (e), shall be subject to forfeiture to the United States as provided in section 310 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1860).

(2) Any fish seized pursuant to this title may be disposed of pursuant to the order of a court of competent jurisdiction or, if perishable, in a manner prescribed in regulation.

(h) ENFORCEMENT.—A person authorized by the Secretary or the Secretary of the department in which the Coast Guard is operating may take any action to enforce a moratorium declared under subsection (c) of this section that an officer authorized by the Secretary under section 311(b) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1861(b)) may take to enforce that Act. The Secretary may, by agreement, on a reimbursable basis or otherwise, utilize the personnel, services, equipment (including aircraft and vessels), and facilities of any other Federal department or agency and of any agency of a State in carrying out that enforcement.

SEC. 808. FINANCIAL ASSISTANCE. 16 USC 5107.

The Secretary and the Secretary of the Interior may provide financial assistance to the Commission and to the States to carry out their respective responsibilities under this title, including—

(1) the preparation, implementation, and enforcement of coastal fishery management plans; and

(2) State activities that are specifically required within such plans.

SEC. 809. AUTHORIZATION OF APPROPRIATIONS. 16 USC 5108.

To carry out the provisions of this title, there are authorized to be appropriated $3,000,000 for fiscal year 1994, $5,000,000 for fiscal year 1995, and $7,000,000 for fiscal year 1996.

SEC. 810. ATLANTIC STRIPED BASS CONSERVATION ACT.

Section 9 of the Atlantic Striped Bass Conservation Act (16 U.S.C. 1851 note) is repealed.

SEC. 811. INTERJURISDICTIONAL FISHERIES ACT OF 1986.

Section 308(c) of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4107(c)) is amended by inserting ", and $600,000 for each of the fiscal years 1994 and 1995," immediately after "and 1993".

Liberty Memorial Act of 1993.

TITLE IX—LIBERTY MEMORIAL

SEC. 901. SHORT TITLE.

This title may be cited as the "Liberty Memorial Act of 1993".

SEC. 902. CONVEYANCE VESSELS.

(a) AUTHORITY TO CONVEY.—The Secretary of Transportation may convey without consideration all right, title, and interest of the United States in two vessels described in subsection (b) to any nonprofit organization that operates and maintains a Liberty Ship or Victory Ship as a memorial to merchant mariners.

(b) VESSELS DESCRIBED.—Vessels that may be conveyed under subsection (a) are vessels that—

(1) are in the National Defense Reserve Fleet on the date of the enactment of this Act;

(2) are not less than 4,000 displacement tons;

(3) have no usefulness to the Government; and

(4) are scheduled to be scrapped.

(c) CONDITIONS OF CONVEYANCE.—As a condition of conveying any vessel to an organization under subsection (a), the Secretary of Transportation shall require that before the date of the conveyance, the organization shall enter into an agreement under which the organization shall—

(1) sell the vessel for scrap purposes;

(2) use the proceeds of that scrapping for the purpose of refurbishing and making seaworthy a Liberty Ship or Victory Ship that the organization maintains as a memorial to merchant mariners, to enable the vessel to participate in 1994 in commemorative activities in conjunction with the 50th anniversary of the Normandy invasion; and

(3) return to the United States any proceeds of scrapping carried out pursuant to paragraph (1) that are not used in accordance with paragraph (2).

(d) DEPOSIT OF AMOUNTS RETURNED.—Amounts returned to the United States pursuant to subsection (c)(3) shall be deposited in the Vessel Operations Revolving Fund established under the Act of June 2, 1951 (46 App. U.S.C. 1241a).

(e) DELIVERY OF VESSELS.—The Secretary of Transportation shall deliver each vessel conveyed under this section—

(1) at the place where the vessel is located on the date of the approval of the conveyance by the Secretary of Transportation;

(2) in its condition on that date; and

(3) without cost to the Government.

(f) EXPIRATION OF AUTHORITY TO CONVEY.—The authority of the Secretary of Transportation under this section to convey vessels shall expire on the date that is 2 years after the date of enactment of this Act.

Approved December 20, 1993.

LEGISLATIVE HISTORY—H.R. 2150 (S. 1052):

HOUSE REPORTS: No. 103-146 (Comm. on Merchant Marine and Fisheries).
SENATE REPORTS: No. 103-198 accompanying S. 1052 (Comm. on Commerce, Science, and Transportation).
CONGRESSIONAL RECORD, Vol. 139 (1993):
July 30, considered and passed House.
Nov. 22, considered and passed Senate, amended, in lieu of S. 1052. House concurred in Senate amendment.

Public Law 103-207
103d Congress

Joint Resolution

Dec. 20, 1993
[H.J. Res. 300]

Providing for the convening of the Second Session of the One Hundred Third Congress.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the second regular session of the One Hundred Third Congress shall begin at noon on Tuesday, January 25, 1994.

SEC. 2. That prior to the convening of the second regular session of the One Hundred Third Congress on January 25, 1994, as provided in section 1 of this resolution, Congress shall reassemble at noon on the second day after its Members are notified in accordance with section 3 of this resolution.

SEC. 3. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

Approved December 20, 1993.

LEGISLATIVE HISTORY—H.J. Res. 300:

CONGRESSIONAL RECORD, Vol. 139 (1993):
Nov. 22, considered and passed House.
Nov. 24, considered and passed Senate.

Public Law 103-208
103d Congress

An Act

To make certain technical and conforming amendments to the Higher Education Act of 1965.

Dec. 20, 1993
[S. 1507]

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

Higher Education Technical Amendments of 1993.
20 USC 1001 note.

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the "Higher Education Technical Amendments of 1993".

(b) REFERENCES.—References in this Act to "the Act" are references to the Higher Education Act of 1965.

SEC. 2. TECHNICAL AMENDMENTS.

(a) AMENDMENTS TO TITLES I, II, AND III OF THE ACT.—Titles I, II, and III of the Act (20 U.S.C. 1001 et seq., 1021 et seq., 1051 et seq.) are amended—

(1) in section 103(b)(2), by increasing the indentation of subparagraphs (A) through (E) by two em spaces; 20 USC 1003.

(2) in section 104(b)(5)(C), by striking "subpart" and inserting "part"; 20 USC 1004.

(3) in section 241(a)(2)(B), by striking "information service" and inserting "information science"; 20 USC 1047.

(4) in section 301(a)(2), by striking the comma after "planning"; 20 USC 1051.

(5) in section 312(c)(2), by inserting "the" before "second fiscal year" the second place it appears; 20 USC 1058.

(6) in section 313(b), by inserting ", except that for the purpose of this subsection a grant under section 354(a)(1) shall not be considered a grant under this part" before the period. 20 USC 1059.

(7) in section 316(c), by striking "Such programs may include—" and inserting the following: 20 USC 1059c.

"(2) EXAMPLES OF AUTHORIZED ACTIVITIES.—Such programs may include—";

(8) by reducing by two em spaces the indentation of each of the following provisions: sections 323(b)(3), 331(a)(2)(D), and 331(b)(5); 20 USC 1062, 1064.

(9) in section 326(e)(2)— 20 USC 1063b.

(A) by inserting "and" after the semicolon at the end of subparagraph (A);

(B) by striking subparagraph (B); and

(C) by redesignating subparagraph (C) as subparagraph (B);

(10) in section 331(b)(2), by reducing the indentation of subparagraphs (B) and (C) by four em spaces; and

20 USC 1064.

(11) in section 331(b)(5), by striking "an endowment" and inserting "An endowment".

(b) AMENDMENTS TO PART A OF TITLE IV OF THE ACT.—Part A of title IV of the Act (20 U.S.C. 1070 et seq.) is amended—

20 USC 1070.

(1) in section 401(a)(1), by inserting ", except that this sentence shall not be construed to limit the authority of the Secretary to place an institution on a reimbursement system of payment" before the period at the end of the second sentence;

(2) in section 401(b)(6), in the matter preceding subparagraph (A), by striking "single 12-month period" and inserting "single award year";

(3) in section 401(b)(6)(A), by striking "a baccalaureate" and inserting "an associate or baccalaureate";

(4) in section 401(b)(6)(B), by striking "a bachelor's" and inserting "an associate or baccalaureate";

(5) in section 401(i), by striking "part D of title V" and inserting "subtitle D of title V";

20 USC 1070a-11.

(6) in section 402A(b), by striking paragraph (2) and inserting the following:

"(2) DURATION.—Grants or contracts made under this chapter shall be awarded for a period of 4 years, except that—

"(A) the Secretary shall award such grants or contracts for 5 years to applicants whose peer review scores were in the highest 10 percent of scores of all applicants receiving grants or contracts in each program competition for the same award year; and

"(B) grants made under section 402G shall be awarded for a period of 2 years.";

(7) in the second sentence of section 402A(c)(1), by inserting before the period the following ", except that in the case of the programs authorized in sections 402E and 402G, the level of consideration given to prior experience shall be the same as the level of consideration given this factor in the other programs authorized in this chapter";

(8) in section 402A(c)(2)(A), by inserting "with respect to grants made under section 402G, and" after "Except";

(9) in section 402A, by amending subsection (e) to read as follows:

"(e) DOCUMENTATION OF STATUS AS A LOW-INCOME INDIVIDUAL.—(1) Except in the case of an independent student, as defined in section 480(d), documentation of an individual's status pursuant to subsection (g)(2) shall be made by providing the Secretary with—

"(A) a signed statement from the individual's parent or legal guardian;

"(B) verification from another governmental source;

"(C) a signed financial aid application; or

"(D) a signed United States or Puerto Rico income tax return.

"(2) In the case of an independent student, as defined in section 480(d), documentation of an individual's status pursuant to subsection (g)(2) shall be made by providing the Secretary with—

"(A) a signed statement from the individual;

"(B) verification from another governmental source;

"(C) a signed financial aid application; or

"(D) a signed United States or Puerto Rico income tax return.";

(10) in section 402C(c), by striking "and foreign" and inserting "foreign"; 20 USC 1070a-13.

(11) in section 402D(c)(2), by striking "either"; 20 USC 1070a-14.

(12) in section 404A(1), by striking "high-school" and inserting "high school"; 20 USC 1070a-21.

(13) in section 404B(a)(1)— 20 USC 1070a-22.

(A) by striking "section 403C" and inserting "section 404D"; and

(B) by striking "section 403D" and inserting "section 404C";

(14) in section 404B(a)(2), by inserting "shall" after "paragraph (1)";

(15) in section 404C(b)(3)(A), by striking "grades 12" and inserting "grade 12"; 20 USC 1070a-23.

(16) in section 404C(b)(3)(D)(i), by striking "section 401D of this subpart" and inserting "section 402D";

(17) in section 404C(b)(3)(D)(ii), by striking "section 401D of this part" and inserting "section 402D";

(18) in section 404D(d)(3), by striking "program of instruction" and inserting "program of undergraduate instruction"; 20 USC 1070a-24.

(19) in section 404D(d)(4), by striking "the" the first place it appears;

(20) in section 404E(c), by striking "tuition" and inserting "financial"; 20 USC 1070a-25.

(21) in section 404F(a), by striking "under this section shall biannually" and inserting "under this chapter shall biennially"; 20 USC 1070a-26.

(22) in section 404F(c), by striking "biannually" and inserting "biennially";

(23) in section 404G— 20 USC 1070a-27.

(A) by striking "an appropriation" and inserting "to be appropriated"; and

(B) by striking the second sentence and inserting the following: "For any fiscal year for which funds are authorized to be appropriated to carry out subpart 4 of part A of this title, no amount may be expended to carry out the provisions of this chapter unless the amount appropriated for such fiscal year to carry out such subpart 4 exceed $60,000,000.";

(24) in section 409A(1), by striking "private financial" and inserting "private student financial"; 20 USC 1070a-51.

(25) in section 413C(d)— 20 USC 1070b-2.

(A) by striking ", a reasonable proportion of the institution's allocation shall be made available to such students, except that" and inserting "and"; and

(B) by striking "5 percent of the need" and inserting "5 percent of the total financial need";

(26) in section 413D(d)(3)(C), by striking "three-fourths in the Pell Grant family size offset" and inserting "150 percent of the difference between the income protection allowance for a family of five with one in college and the income protection allowance for a family of six with one in college"; 20 USC 1070b-3.

(27) in section 415C(b)(7), by striking the period at the end and inserting a semicolon; 20 USC 1070c-2.

(28) in section 419C(b)— 20 USC 1070d-33.

(A) by striking "for a period of not more than 4 years for the first 4 years of study" and inserting "for a period

of not less than 1 or more than 4 years during the first 4 years of study"; and

(B) by adding at the end the following:

"The State educational agency administering the program in a State shall have discretion to determine the period of the award (within the limits specified in the preceding sentence), except that—

"(1) if the amount appropriated for this subpart for any fiscal year exceeds the amount appropriated for this subpart for fiscal year 1993, the Secretary shall identify to each State educational agency the number of scholarships available to that State under section 419D(b) that are attributable to such excess;

"(2) the State educational agency shall award not less than that number of scholarships for a period of 4 years."; and

20 USC 1070d-34.

(29) in section 419D, by adding at the end the following new subsection:

"(d) CONSOLIDATION BY INSULAR AREAS PROHIBITED.—Notwithstanding section 501 of Public Law 95–1134 (48 U.S.C. 1469a), funds allocated under this part to an Insular Area described in that section shall be deemed to be direct payments to classes of individuals, and the Insular Area may not consolidate such funds with other funds received by the Insular Area from any department or agency of the United States Government."; and

20 USC 1070d-37.

(30) in section 419G(b), by striking "the District of Columbia, the Commonwealth of Puerto Rico," and inserting "the Federated States of Micronesia, the Republic of the Marshall Islands,".

Loans.

(c) AMENDMENTS TO PART B OF TITLE IV OF THE ACT.—Part B of title IV of the Act (20 U.S.C. 1071 et seq.) is amended—

20 USC 1072.

(1) in section 422(c)(7), by striking the semicolon at the end of subparagraph (B) and inserting a period;

20 USC 1075.

(2) in section 425(a)(1)(A)—

(A) by striking clauses (ii) and (iii) and inserting the following:

"(ii) in the case of a student at an eligible institution who has successfully completed such first year but has not successfully completed the remainder of a program of undergraduate education—

"(I) $3,500; or

"(II) if such student is enrolled in a program of undergraduate education, the remainder of which is less than one academic year, the maximum annual loan amount that such student may receive may not exceed the amount that bears the same ratio to the amount specified in subclause (I) as such remainder measured in semester, trimester, quarter, or clock hours bears to one academic year;

"(iii) in the case of a student at an eligible institution who has successfully completed the first and second years of a program of undergraduate education but has not successfully completed the remainder of such program—

"(I) $5,500; or

"(II) if such student is enrolled in a program of undergraduate education, the remainder of which is less than one academic year, the maximum annual loan amount that such student may receive may not

exceed the amount that bears the same ratio to the amount specified in subclause (I) as such remainder measured in semester, trimester, quarter, or clock hours bears to one academic year;" and

(B) by striking the semicolon at the end of clause (iv) and inserting a period;

(3) in section 425(a)(1), by inserting at the end thereof the following: 20 USC 1075.

"(C) For the purpose of subparagraph (A), the number of years that a student has completed in a program of undergraduate education shall include any prior enrollment in an eligible program of undergraduate education for which the student was awarded an associate or baccalaureate degree, if such degree is required by the institution for admission to the program in which the student is enrolled.";

(4) in the matter following subclause (II) of section 427(a)(2)(C)(i), by inserting "section" before "428B or 428C"; 20 USC 1077.

(5) in section 427A(e)(1), by striking "under this part," and inserting "under section 427, 428, or 428H of this part,"; 20 USC 1077a.

(6) in section 427A(i)(1), by amending subparagraph (B) to read as follows:

"(B)(i) during any period in which a student is eligible to have interest payments paid on his or her behalf by the Government pursuant to section 428(a), by crediting the excess interest to the Government; or

"(ii) during any other period, by crediting such excess interest to the reduction of principal to the extent provided in paragraph (5) of this subsection.";

(7) in section 427A(i)(2)(B)—

(A) by striking "outstanding principal balance" and inserting "average daily principal balance"; and

(B) by striking "at the end of" and inserting "during";

(8) in section 427A(i)(4)(B)—

(A) by striking "outstanding principal balance" and inserting "average daily principal balance"; and

(B) by striking "at the end of" and inserting "during";

(9) in section 427A(i)(5)—

(A) in the first sentence—

(i) by striking "paragraph (2)" and inserting "paragraphs (2) and (4)"; and

(ii) by striking "principle" and inserting "principal"; and

(B) in the second sentence by inserting before the period at the end the following: ", but the excess interest shall be calculated and credited to the Secretary";

(10) in section 427A(i), by adding at the end the following new paragraph:

"(7) CONVERSION TO VARIABLE RATE.—(A) Subject to subparagraphs (C) and (D), a lender or holder shall convert the interest rate on a loan that is made pursuant to this part and is subject to the provisions of this subsection to a variable rate. Such conversion shall occur not later than January 1, 1995, and, commencing on the date of conversion, the applicable interest rate for each 12-month period beginning on July 1 and ending on June 30 shall be determined by the Secretary on the June 1 preceding each such 12-month period and be equal to the sum of (i) the bond equivalent rate of the 91-

day Treasury bills auctioned at the final auction prior to such June 1; and (ii) 3.25 percent in the case of loans described in paragraph (1), or 3.10 percent in the case of loans described in paragraph (3).

"(B) In connection with the conversion specified in subparagraph (A) for any period prior to such conversion, and subject to paragraphs (C) and (D), a lender or holder shall convert the interest rate to a variable rate on a loan that is made pursuant to this part and is subject to the provisions of this subsection to a variable rate. The interest rates for such period shall be reset on a quarterly basis and the applicable interest rate for any quarter or portion thereof shall equal the sum of (i) the average of the bond equivalent rates of 91-Treasury bills auctioned for the preceding 3-month period, and (ii) 3.25 percent in the case of loans described in paragraph (1) or 3.10 percent in the case of loans described in paragraph (3). The rebate of excess interest derived through this conversion shall be provided to the borrower as specified in paragraph (5) for loans described in paragraph (1) or to the Government and borrower as specified in paragraph (3).

"(C) A lender or holder of a loan being converted pursuant to this paragraph shall complete such conversion on or before January 1, 1995. The lender or holder shall notify the borrower that the loan shall be converted to a variable interest rate and provide a description of the rate to the borrower not later than 30 days prior to the conversion. The notice shall advise the borrower that such rate shall be calculated in accordance with the procedures set forth in this paragraph and shall provide the borrower with a substantially equivalent benefit as the adjustment otherwise provided for under this subsection. Such notice may be incorporated into the disclosure required under section 433(b) if such disclosure has not been previously made.

"(D) The interest rate on a loan converted to a variable rate pursuant to this paragraph shall not exceed the maximum interest rate applicable to the loan prior to such conversion.

"(E) Loans on which the interest rate is converted in accordance with subparagraph (A) or (B) shall not be subject to any other provisions of this subsection.";

20 USC 1078.

(11) in section 428(a)(2)(C)(i), by striking the period at the end and inserting "; and";

(12) in section 428(a)(2)(E), by inserting "or 428H" after "428A";

(13) in section 428(b)(1)(A)—

(A) by striking clauses (ii) and (iii) and inserting the following:

"(ii) in the case of a student at an eligible institution who has successfully completed such first year but has not successfully completed the remainder of a program of undergraduate education—

"(I) $3,500; or

"(II) if such student is enrolled in a program of undergraduate education, the remainder of which is less than one academic year, the maximum annual loan amount that such student may receive may not exceed the amount that bears the same ratio to the amount specified in subclause

(I) as such remainder measured in semester, trimester, quarter, or clock hours bears to one academic year;

"(iii) in the case of a student at an eligible institution who has successfully completed the first and second years of a program of undergraduate education but has not successfully completed the remainder of such program—

"(I) $5,500; or

"(II) if such student is enrolled in a program of undergraduate education, the remainder of which is less than one academic year, the maximum annual loan amount that such student may receive may not exceed the amount that bears the same ratio to the amount specified in subclause (I) as such remainder measured in semester, trimester, quarter, or clock hours bears to one academic year;";

(B) by redesignating clause (iv) as clause (v); and

(C) by inserting after clause (iii) the following:

"(iv) in the case of a student who has received an associate or baccalaureate degree and is enrolled in an eligible program for which the institution requires such degree for admission, the number of years that a student has completed in a program of undergraduate education shall, for the purposes of clauses (ii) and (iii), include any prior enrollment in the eligible program of undergraduate education for which the student was awarded such degree; and";

(14) in section 428(b)(1)(B), by striking the matter following clause (ii) and inserting the following: 20 USC 1078.

"except that the Secretary may increase the limit applicable to students who are pursuing programs which the Secretary determines are exceptionally expensive;";

(15) in section 428(b)(1), by amending subparagraph (N) to read as follows:

"(N) provides that funds borrowed by a student—

"(i) are disbursed to the institution by check or other means that is payable to, and requires the endorsement or other certification by, such student; or

"(ii) in the case of a student who is studying outside the United States in a program of study abroad that is approved for credit by the home institution at which such student is enrolled or at an eligible foreign institution, are, at the request of the student, disbursed directly to the student by the means described in clause (i), unless such student requests that the check be endorsed, or the funds transfer authorized, pursuant to an authorized power-of-attorney;";

(16) in section 428(b)(1)(U)—

(A) by striking "this clause;" and inserting "this clause"; and

(B) by inserting a comma after "emergency action" each place it appears;

(17) in section 428(b)(1)—

(A) by striking subparagraphs (V) and (W); and

(B) by redesignating subparagraphs (X), (Y), and (Z) as subparagraphs (V), (W), and (X), respectively;

20 USC 1078.

(18) in section 428(b)(2)(F)(i), by striking "each to provide a separate notice" and inserting "either jointly or separately to provide a notice";

(19) in section 428(b)(2)(F)(ii), by striking "transferor" and inserting "transferee";

(20) in section 428(b)(2)(F)(ii)(I), by striking "to another holder";

(21) in section 428(b)(2)(F)(ii)(II), by striking "such other" and inserting "the new";

(22) in section 428(b), by amending paragraph (7) to read as follows:

"(7) REPAYMENT PERIOD.—(A) In the case of a loan made under section 427 or 428, the repayment period shall exclude any period of authorized deferment or forbearance and shall begin—

"(i) the day after 6 months after the date the student ceases to carry at least one-half the normal full-time academic workload (as determined by the institution); or

"(ii) on an earlier date if the borrower requests and is granted a repayment schedule that provides for repayment to commence at an earlier date.

"(B) In the case of a loan made under section 428H, the repayment period shall exclude any period of authorized deferment or forbearance, and shall begin as described in clause (i) or (ii) of subparagraph (A), but interest shall begin to accrue or be paid by the borrower on the day the loan is disbursed.

"(C) In the case of a loan made under section 428A, 428B, or 428C, the repayment period shall begin on the day the loan is disbursed, or, if the loan is disbursed in multiple installments, on the day of the last such disbursement, and shall exclude any period of authorized deferment or forbearance.";

(23) in section 428(b), by adding at the end thereof the following new paragraph:

"(8) MEANS OF DISBURSEMENT OF LOAN PROCEEDS.—Nothing in this title shall be interpreted to prohibit the disbursement of loan proceeds by means other than by check or to allow the Secretary to require checks to be made co-payable to the institution and the borrower.";

(24) in section 428(c)(1)(A), by striking the last sentence and inserting the following: "A guaranty agency shall file a claim for reimbursement with respect to losses under this subsection within 45 days after the guaranty agency discharges its insurance obligation on the loan.";

(25) in section 428(c)(2)(G), by striking "demonstrates" and inserting "certifies";

(26) in section 428(c)(3) by striking subparagraph (A) and inserting the following:

"(A) shall contain provisions providing that—

"(i) upon written request, a lender shall grant a borrower forbearance, renewable at 12-month intervals, on terms agreed to in writing by the parties to the loan with the approval of the insurer, and otherwise consistent with the regulations of the Secretary, if the borrower—

"(I) is serving in a medical or dental internship or residency program, the successful completion of which is required to begin professional practice or service, or is serving in a medical or dental internship or residency program leading to a degree or certificate awarded by an institution of higher education, a hospital, or a health care facility that offers postgraduate training, provided that if the borrower qualifies for a deferment under section 427(a)(2)(C)(vii) or subsection (b)(1)(M)(vii) of this section as in effect prior to the enactment of the Higher Education Amendments of 1992, or section 427(a)(2)(C) or subsection (b)(1)(M) of this section as amended by such amendments, the borrower has exhausted his or her eligibility for such deferment;

"(II) has a debt burden under this title that equals or exceeds 20 percent of income; or

"(III) is serving in a national service position for which the borrower receives a national service educational award under the National and Community Service Trust Act of 1993;

"(ii) the length of the forbearance granted by the lender—

"(I) under clause (i)(I) shall equal the length of time remaining in the borrower's medical or dental internship or residency program, if the borrower is not eligible to receive a deferment described in such clause, or such length of time remaining in the program after the borrower has exhausted the borrower's eligibility for such deferment;

"(II) under clause (i)(II) shall not exceed 3 years; or

"(III) under clause (i)(III) shall not exceed the period for which the borrower is serving in a position described in such clause; and

"(iii) no administrative or other fee may be charged in connection with the granting of a forbearance under clause (i), and no adverse information regarding a borrower may be reported to a credit bureau organization solely because of the granting of such forbearance;";

(27) in section 428(e)(2)(A)— 20 USC 1078.

(A) by striking "(i)";

(B) by striking "(I)" and inserting "(i)"; and

(C) by striking "(II)" and inserting "(ii)";

(28) in section 428(j)(2), in the matter preceding subparagraph (A), by striking "lender of last resort" and inserting "lender-of-last-resort";

(29) in section 428A(b)(1), by striking subparagraph (B) and inserting the following: 20 USC 1078-1.

"(B) In the case of a student at an eligible institution who has successfully completed such first and second years but has not successfully completed the remainder of a program of undergraduate education—

"(i) $5,000; or

"(ii) if such student is enrolled in a program of undergraduate education, the remainder of which is less than one academic year, the maximum annual loan amount that such student may receive may not exceed the amount that bears the same ratio to the amount specified in subclause (I) as such remainder measured in semester, trimester, quarter, or clock hours bears to one academic year.";

20 USC 1078-1. (30) in section 428A(b)(1)—

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

(B) by inserting after subparagraph (B) the following new subparagraph:

"(C) For the purposes of this paragraph, the number of years that a student has completed in a program of undergraduate education shall include any prior enrollment in an eligible program of undergraduate education for which the student was awarded an associate or baccalaureate degree, if such degree is required by the institution for admission to the program in which the student is enrolled.";

(31) in section 428A(b)(3)(B)(i), by striking "section 428" and inserting "sections 428 and 428H";

(32) in section 428A(c)(1), by striking "sections 427 or 428(b)" and inserting "section 427 or 428(b)";

20 USC 1078-3. (33) in section 428C(a)(3)(A), by striking "delinquent or defaulted borrower who will reenter repayment through loan consolidation" and inserting "defaulted borrower who has made arrangements to repay the obligation on the defaulted loans satisfactory to the holders of the defaulted loans";

(34) in section 428C(a)(4)(A), by striking ", except for loans made to parent borrowers under section 428B as in effect prior to the enactment of the Higher Education Amendments of 1986";

(35) in section 428C(a)(4)(C), by striking "part C" and inserting "part A";

(36) in section 428C(c)(2)(A)(vi), by inserting a period after "30 years";

(37) in section 428C(c)(3)(A), by inserting "be an amount" before "equal to";

20 USC 1078-6. (38) in section 428F(a)(2)—

(A) by striking "this paragraph" and inserting "paragraph (1) of this subsection"; and

(B) by striking "this section" and inserting "this subsection";

(39) in section 428F(a)(4), by striking "this paragraph" and inserting "paragraph (1) of this subsection";

(40) in section 428F(b), by adding at the end thereof the following new sentence: "A borrower may only obtain the benefit of this subsection with respect to renewed eligibility once.";

20 USC 1078-7. (41) in section 428G(c)(3), by striking "disbursed" and inserting "disbursed by the lender";

20 USC 1078-8. (42) in section 428H(d)(2), by amending subparagraph (B) to read as follows:

"(B) in the case of a student at an eligible institution who has successfully completed such first and second years

but has not successfully completed the remainder of a program of undergraduate education—

"(i) $5,000; or

"(ii) if such student is enrolled in a program of undergraduate education, the remainder of which is less than one academic year, the maximum annual loan amount that such student may receive may not exceed the amount that bears the same ratio to the amount specified in subclause (I) as such remainder measured in semester, trimester, quarter, or clock hours bears to one academic year;";

(43) in section 428H(e)(1)— 20 USC 1078-8.

(A) by striking "shall commence 6 months after the month in which the student ceases to carry at least one-half the normal full-time workload as determined by the institution." and inserting "shall begin at the beginning of the repayment period described in section 428(b)(7).";

(B) by adding at the end thereof the following new sentence: "Not less than 30 days prior to the anticipated commencement of such repayment period, the holder of such loan shall provide notice to the borrower that interest will accrue before repayment begins and of the borrower's option to begin loan repayment at an earlier date.";

(44) in section 428H(e)(4), by striking "427A(e)" and inserting "427A";

(45) in section 428H, by redesignating subsection (l) as subsection (h);

(46) in section 428I(g), by striking "the Federal False Claims Act" and inserting "section 3729 of title 31, United States Code," 20 USC 1078-9.;

(47) in section 428J(b)(1), by striking "sections 428A, 428B, or 428C" and inserting "section 428A, 428B, or 428C" 20 USC 1078-10.;

(48) in section 428J(b)(1)(B), by striking "agrees in writing to volunteer for service" and inserting "serves as a full-time volunteer";

(49) in section 428J(c)(1), by striking "academic year" each place it appears and inserting "year of service";

(50) in the heading for section 428J(d), by striking "OF ELIGIBILITY" and inserting "TO ELIGIBLE";

(51) in section 428J, by amending subsection (e) to read as follows:

"(e) APPLICATION FOR REPAYMENT.—

"(1) IN GENERAL.—Each eligible individual desiring loan repayment under this section shall submit a complete and accurate application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. Loan repayment under this section shall be on a first-come, first-served basis and subject to the availability of appropriations.

"(2) CONDITIONS.—An eligible individual may apply for repayment after completing each year of qualifying service. The borrower shall receive forbearance while engaged in qualifying service unless the borrower is in deferment while so engaged.";

(52) in section 430A(f)(1), by striking the comma at the end and inserting a semicolon; 20 USC 1080a.

20 USC 1083.

(53) in the matter preceding paragraph (1) of section 433(b), by striking "60 days" and inserting "30 days";

(54) in section 433(e), by striking "section 428A, 428B," and inserting "sections 428A, 428B,";

20 USC 1085.

(55) in section 435(a), by inserting after paragraph (2) the following new paragraph:

"(3) APPEALS BASED UPON ALLEGATIONS OF IMPROPER LOAN SERVICING.—An institution that—

"(A) is subject to loss of eligibility for the Federal Family Education Loan Program pursuant to paragraph (2)(A) of this subsection;

"(B) is subject to loss of eligibility for the Federal Supplemental Loans for Students pursuant to section 428A(a)(2); or

"(C) is an institution whose cohort default rate equals or exceeds 20 percent for the most recent year for which data are available;

may include in its appeal of such loss or rate a defense based on improper loan servicing (in addition to other defenses). In any such appeal, the Secretary shall take whatever steps are necessary to ensure that such institution has access to a representative sample (as determined by the Secretary) of the relevant loan servicing and collection records of the affected guaranty agencies and loan servicers for a reasonable period of time, not to exceed 30 days. The Secretary shall reduce the institution's cohort default rate to reflect the percentage of defaulted loans in the representative sample that are required to be excluded pursuant to subsection (m)(1)(B).";

(56) in section 435(d)(2)(D), by striking "lender; and" and inserting "lender;";

(57) in section 435(d)(2), by increasing the indentation of the matter following subparagraph (F) by two em spaces;

(58) in section 435(d)(3), by striking "435(o)" and inserting "435(m)";

(59) in section 435(m)(1)(A), by striking "428 or 428A" and inserting "428, 428A, or 428H,";

(60) in section 435(m)—

(A) by inserting at the end of paragraph (1)(A) the following new sentence: "The Secretary shall require that each guaranty agency that has insured loans for current or former students of the institution afford such institution a reasonable opportunity (as specified by the Secretary) to review and correct errors in the information required to be provided to the Secretary by the guaranty agency for the purposes of calculating a cohort default rate for such institution, prior to the calculation of such rate.";

(B) in paragraph (1)(B), by striking "and, in calculating" and all that follows through the period at the end thereof and inserting the following: "and, in considering appeals with respect to cohort default rates pursuant to subsection (a)(3), exclude any loans which, due to improper servicing or collection, would, as demonstrated by the evidence submitted in support of the institution's timely appeal to the Secretary, result in an inaccurate or incomplete calculation of such cohort default rate.";

(61) in section 435(m)(2)(D)—

(A) by inserting "(or the portion of a loan made under section 428C that is used to repay a loan made under section 428A)" after "section 428A" the first place it appears; and

(B) by inserting "(or a loan made under section 428C a portion of which is used to repay a loan made under section 428A)" after "section 428A" the second place it appears;

(62) in section 435(m), by adding at the end thereof the following new paragraph:

"(4) COLLECTION AND REPORTING OF COHORT DEFAULT RATES.—(A) The Secretary shall collect data from all insurers under this part and shall publish not less often than once every fiscal year a report showing default data for each category of institution, including (i) 4-year public institutions, (ii) 4-year private institutions, (iii) 2-year public institutions, (iv) 2-year private institutions, (v) 4-year proprietary institutions, (vi) 2-year proprietary institutions, and (vii) less than 2-year proprietary institutions. Publication.

"(B) The Secretary may designate such additional subcategories within the categories specified in subparagraph (A) as the Secretary deems appropriate.

"(C) The Secretary shall publish not less often than once every fiscal year a report showing default data for each institution for which a cohort default rate is calculated under this subsection.";

(63) in section 437, by amending subsection (b) to read as follows: 20 USC 1087.

"(b) PAYMENT OF CLAIMS ON LOANS IN BANKRUPTCY.—The Secretary shall pay to the holder of a loan described in section 428(a)(1)(A) or (B), 428A, 428B, 428C, or 428H, the amount of the unpaid balance of principal and interest owed on such loan—

"(1) when the borrower files for relief under chapter 12 or 13 of title 11, United States Code;

"(2) when the borrower who has filed for relief under chapter 7 or 11 of such title commences an action for a determination of dischargeability under section 523(a)(8)(B) of such title; or

"(3) for loans described in section 523(a)(8)(A) of such title, when the borrower files for relief under chapter 7 or 11 of such title.";

(64) in section 437(c)(1)—

(A) by striking "If a student borrower" and inserting "If a borrower";

(B) by striking "under this part is unable" and inserting "under this part and the student borrower, or the student on whose behalf a parent borrowed, is unable"; and

(C) by striking "in which the borrower is enrolled" and inserting "in which such student is enrolled"; and

(65) in section 437(c)(4), by adding at the end the following new sentence: "The amount discharged under this subsection shall be treated the same as loans under section 465(a)(5) of this title.";

(66) in the matter preceding paragraph (1) of section 437A(a), by striking "under subsection (d)"; 20 USC 1087-0.

(67) in section 437A(c)(2), by inserting a period at the end;

(68) in section 437A, by striking subsection (e); and

20 USC 1087-2.

(69) in section 439(r)(12), by striking "section 522" and inserting "section 552".

(d) AMENDMENT TO PART C OF TITLE IV OF THE ACT.—Part C of title IV of the Act (42 U.S.C. 2751 et seq.) is amended—

42 USC 2752.

(1) in section 442(d)(4)(C), by striking "three-fourths in the Pell Grant family size offset" and inserting "150 percent of the difference between the income protection allowance for a family of five with one in college and the income protection allowance for a family of six with one in college";

(2) in section 442(e)—

(A) by inserting "(1)" before "If"; and

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

"(2) If, under paragraph (1) of this subsection, an institution returns more than 10 percent of its allocation, the institution's allocation for the next fiscal year shall be reduced by the amount returned. The Secretary may waive this paragraph for a specific institution if the Secretary finds that enforcing this paragraph would be contrary to the interest of the program.";

42 USC 2753.

(3) in section 443(b)(2)(A), by striking "institution;" and inserting "institution; and";

(4) in section 443(b), by amending paragraph (5) to read as follows:

"(5) provide that the Federal share of the compensation of students employed in the work-study program in accordance with the agreement shall not exceed 75 percent for academic year 1993–1994 and succeeding academic years, except that the Federal share may exceed such amounts of compensation if the Secretary determines, pursuant to regulations promulgated by the Secretary establishing objective criteria for such determinations, that a Federal share in excess of such amounts is required in furtherance of the purpose of this part;"; and

(5) in section 443(b)(8), by striking subparagraphs (A), (B), and (C) and inserting the following:

"(A) that are only on campus and that—

"(i) to the maximum extent practicable, complement and reinforce the education programs or vocational goals of such students; and

"(ii) furnish student services that are directly related to the student's education, as determined by the Secretary pursuant to regulations, except that no student shall be employed in any position that would involve the solicitation of other potential students to enroll in the school; or

"(B) in community service in accordance with paragraph (2)(A) of this subsection;".

(e) AMENDMENT TO PART D OF TITLE IV OF THE ACT.—Section 453(b)(2)(B) of the Act (20 U.S.C. 1087c(b)(2)(B)) is amended to read as follows:

"(B) if the Secretary determines it necessary in order to carry out the purposes of subparagraph (A) and attain such reasonable representation (as required by subparagraph (A)), selecting additional institutions.".

(f) AMENDMENTS TO PART E OF TITLE IV OF THE ACT.—Part E of title IV of the Act (20 U.S.C. 1087aa et seq.) is amended—

20 USC 1087bb.

(1) in subsections (a)(1) and (a)(2)(D) of section 462, by striking "if the institution which has" each place it appears and inserting "if the institution has";

(2) in section 462(d)(4)(C), by striking "three-fourths in the Pell Grant family size offset" and inserting "150 percent of the difference between the income protection allowance for a family of five with one in college and the income protection allowance for a family of six with one in college"; 20 USC 1087bb.

(3) in section 462(e), by reducing the indentation of paragraph (2) by two em spaces;

(4) in section 462(h)(4), by reducing the indentation of subparagraph (B) by two em spaces;

(5) in section 463(a)(2)(B)(i)(II), by striking "7.5 percent" and inserting "7.5 percent for award year 1993–1994 and has a cohort default rate which does not exceed 15 percent for award year 1994–1995 or for any succeeding award year"; 20 USC 1087cc.

(6) in section 463(c)(4), by striking "shall disclose" and inserting "shall disclose at least annually";

(7) in section 463, by adding at the end the following new subsections:

"(d) LIMITATION ON USE OF INTEREST BEARING ACCOUNTS.—In carrying out the provisions of subsection (a)(10), the Secretary may not require that any collection agency, collection attorney, or loan servicer collecting loans made under this part deposit amounts collected on such loans in interest bearing accounts, unless such agency, attorney, or servicer holds such amounts for more than 45 days.

"(e) SPECIAL DUE DILIGENCE RULE.—In carrying out the provisions of subsection (a)(5) relating to due diligence, the Secretary shall make every effort to ensure that institutions of higher education may use Internal Revenue Service skip-tracing collection procedures on loans made under this part.";

(8) in section 463A, by striking subsections (d) and (e); 20 USC 1087cc-1.

(9) in section 464(c)(2)(B) by striking "repayment or" and inserting "repayment of"; 20 USC 1087dd.

(10) in section 464(c)(6), by striking "Fullbright" and inserting "Fulbright";

(11) in section 464(e), by striking "principle" and inserting "principal";

(12) in section 465(a)(2)(D), by striking "services" and inserting "service"; 20 USC 1087ee.

(13) in section 465(a)(2)(F), by striking "or" after the semicolon;

(14) in section 465(a), by reducing the indentation of paragraph (6) by 2 em spaces; and

(15) in section 466(c), by reducing the indentation of paragraph (2) by two em spaces. 20 USC 1087ff.

(g) AMENDMENTS TO PART F OF TITLE IV OF THE ACT.—Part F of title IV of the Act (20 U.S.C. 1087kk et seq.) is amended—

(1) in section 472— 20 USC 1087*ll*.

(A) in paragraph (10), by striking "and" after the semicolon;

(B) in paragraph (11), by striking the period and inserting "; and"; and

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

"(12) for a student who receives a loan under this or any other Federal law, or, at the option of the institution, a conventional student loan incurred by the student to cover a student's cost of attendance at the institution, an allowance for the actual cost of any loan fee, origination fee, or insurance pre-

mium charged to such student or such parent on such loan, or the average cost of any such fee or premium charged by the Secretary, lender, or guaranty agency making or insuring such loan, as the case may be.";

20 USC 1087oo, 1087qq.

(2) in the table contained in sections 475(c)(4) and 477(b)(4), by inserting "$" before "9,510";

(3) in section 475(f)(3)—

(A) by striking "Income in the case of a parent" and inserting "If a parent";

(B) by striking "(1) of this subsection, or a parent" and inserting "(1) of this subsection, or if a parent"; and

(C) by striking "is determined as follows: The income" and inserting "the income";

(4) in section 475(g)(1)(B), by inserting a close parentheses after "paragraph (2)";

(5) in the table contained in section 475(g)(3), by adding a last row that is identical to the last row of the table contained in section 476(b)(2);

20 USC 1087pp.

(6) in section 476, by adding at the end thereof the following new subsection:

"(d) COMPUTATIONS IN CASE OF SEPARATION, DIVORCE, OR DEATH.—In the case of a student who is divorced or separated, or whose spouse has died, the spouse's income and assets shall not be considered in determining the family's contribution from income or assets.";

(7) in section 477 by adding at the end thereof the following new subsection:

"(e) COMPUTATIONS IN CASE OF SEPARATION, DIVORCE, OR DEATH.—In the case of a student who is divorced or separated, or whose spouse has died, the spouse's income and assets shall not be considered in determining the family's available income or assets.";

20 USC 1087rr.

(8) in section 478—

(A) by striking "1992–1993" each place it appears and inserting "1993–1994"; and

(B) in subsection (c)(1), by inserting "December" before "1992";

(9) in section 478(h), by striking "Bureau of Labor Standards" and inserting "Bureau of Labor Statistics";

20 USC 1087ss.

(10) in section 479(a)(1), by inserting "of" after "(c)";

(11) in section 479(b)(1)(B)(i)—

(A) by inserting "(and the student's spouse, if any)" after "student" each time it appears; and

(B) by striking "such";

(12) in section 479(b)(2), by striking "five elements" and inserting "six elements";

(13) in section 479(b)(2)(E), by striking the semicolon and inserting a comma;

(14) in section 479(b)(3)—

(A) in subparagraph (A), by inserting "(including any prepared or electronic version of such form)" before "required"; and

(B) in subparagraph (B), by inserting "(including any prepared or electronic version of such return)" before "required";

(15) in section 479(c)—

(A) by amending subparagraph (A) of paragraph (1) to read as follows:

"(A) the student's parents were not required to file an income tax return under section 6012(a)(1) of the Internal Revenue Code of 1986; and";

(B) by amending subparagraph (A) of paragraph (2) to read as follows:

"(A) the student (and the student's spouse, if any) was not required to file an income tax return under section 6012(a)(1) of the Internal Revenue Code of 1986; and"; and

(C) in subparagraph (B) of paragraphs (1) and (2), by inserting "in 1992 or the current year, whichever is higher," after "that may be earned"; and

(16) in section 479A, by adding at the end the following new subsection: 20 USC 1087tt.

"(c) ADJUSTMENTS FOR SPECIAL CIRCUMSTANCES.—

"(1) IN GENERAL.—A student financial aid administrator shall be considered to be making an adjustment for special circumstances in accordance with subsection (a) if—

"(A) in the case of a dependent student—

"(i) such student received a Federal Pell Grant as a dependent student in academic year 1992–1993 and the amount of such student's Federal Pell Grant for academic year 1993–1994 is at least $500 less than the amount of such student's Federal Pell Grant for academic year 1992–1993; and

"(ii) the decrease described in clause (i) is the direct result of a change in the determination of such student's need for assistance in accordance with this part that is attributable to the enactment of the Higher Education Amendments of 1992; and

"(B) in the case of a single independent student—

"(i) such student received a Federal Pell Grant as a single independent student in academic year 1992–1993 and qualified as an independent student in accordance with section 480(d) for academic year 1993–1994, and the amount of such student's Federal Pell Grant for academic year 1993–1994 is at least $500 less than the amount of such student's Federal Pell Grant for academic year 1992–1993; and

"(ii) the decrease described in clause (i) is the direct result of a change in the determination of such student's need for assistance in accordance with this part that is attributable to the enactment of the Higher Education Amendments of 1992.

"(2) AMOUNT.—A financial aid administrator shall not make an adjustment for special circumstances pursuant to this subsection in an amount that exceeds one-half of the difference between the amount of a student's Federal Pell Grant for academic year 1992–1993 and the amount of such student's Federal Pell Grant for academic year 1993–1994.

"(3) ACADEMIC YEAR LIMITATION.—A financial aid administrator shall make adjustments under this subsection only for Federal Pell Grants awarded for academic years 1993–1994, 1994–1995, and 1995–1996.

"(4) SPECIAL RULE.—Adjustments under this subsection shall be made in any fiscal year only if an Act that contains an appropriation for such fiscal year to carry out this subsection is enacted on or after the date of enactment of the Higher Education Technical Amendments of 1993.

"(5) LIMITATION.—Adjustments under this subsection shall not be available for any academic year to any student who, on the basis of the financial circumstances of the student for the current academic year, would not have been eligible for a grant under this section in academic year 1992–1993.";

20 USC 1087vv.

(17) in section 480(c)(2), by striking "Title" each place it appears and inserting "United States Code, title";

(18) in section 480(d)(2), by inserting "or was a ward of the court until the individual reached the age of 18" before the semicolon;

(19) in section 480(j), by reducing the indentation of paragraph (3) by 2 em spaces; and

(20) in section 480, by adding at the end the following new subsections:

"(k) DEPENDENTS.—(1) Except as otherwise provided, the term 'dependent of the parent' means the student, dependent children of the student's parents, including those children who are deemed to be dependent students when applying for aid under this title, and other persons who live with and receive more than one-half of their support from the parent and will continue to receive more than half of their support from the parent during the award year.

"(2) Except as otherwise provided, the term 'dependent of the student' means the student's dependent children and other persons (except the student's spouse) who live with and receive more than one-half of their support from the student and will continue to receive more than half of their support from the student during the award year.

"(l) FAMILY SIZE.—(1) In determining family size in the case of a dependent student—

"(A) if the parents are not divorced or separated, family members include the student's parents, and the dependents of the student's parents including the student;

"(B) if the parents are divorced or separated, family members include the parent whose income is included in computing available income and that parent's dependents, including the student; and

"(C) if the parents are divorced and the parent whose income is so included is remarried, or if the parent was a widow or widower who has remarried, family members also include, in addition to those individuals referred to in subparagraph (B), the new spouse and any dependents of the new spouse if that spouse's income is included in determining the parents' adjusted available income.

"(2) In determining family size in the case of an independent student—

"(A) family members include the student, the student's spouse, and the dependents of the student; and

"(B) if the student is divorced or separated, family members do not include the spouse (or ex-spouse), but do include the student and the student's dependents.

"(m) BUSINESS ASSETS.—The term 'business assets' means property that is used in the operation of a trade or business, including

real estate, inventories, buildings, machinery, and other equipment, patents, franchise rights, and copyrights.".

(h) AMENDMENTS TO PART G OF TITLE IV OF THE ACT.—Part G of title IV of the Act (20 U.S.C. 1088 et seq.) is amended— 20 USC 1088.

(1) in section 481(a)(3)(B), by inserting before the semicolon the following: ", except that the Secretary, at the request of such institution, may waive the applicability of this subparagraph to such institution for good cause, as determined by the Secretary in the case of an institution of higher education that provides a 2-year or 4-year program of instruction for which the institution awards an associate or baccalaureate degree";

(2) in section 481(a)(3)(D)—

(A) by striking "are admitted pursuant to section 484(d)" and inserting "do not have a high school diploma or its recognized equivalent"; and

(B) by inserting before the period the following: ", except that the Secretary may waive the limitation contained in this subparagraph if a nonprofit institution demonstrates to the satisfaction of the Secretary that it exceeds such limitation because it serves, through contracts with Federal, State, or local government agencies, significant numbers of students who do not have a high school diploma or its recognized equivalent";

(3) in section 481(a)(4), by amending subparagraph (A) to read as follows:

"(A) the institution, or an affiliate of the institution that has the power, by contract or ownership interest, to direct or cause the direction of the management or policies of the institution, has filed for bankruptcy; or";

(4) in section 481(d), by amending paragraph (2) to read as follows:

"(2) For the purpose of any program under this title, the term 'academic year' shall require a minimum of 30 weeks of instructional time, and, with respect to an undergraduate course of study, shall require that during such minimum period of instructional time a full-time student is expected to complete at least 24 semester or trimester hours or 36 quarter hours at an institution that measures program length in credit hours, or at least 900 clock hours at an institution that measures program length in clock hours. The Secretary may reduce such minimum of 30 weeks to not less than 26 weeks for good cause, as determined by the Secretary on a case-by-case basis, in the case of an institution of higher education that provides a 2-year or 4-year program of instruction for which the institution awards an associate or baccalaureate degree.";

(5) in section 481(e) by striking paragraph (2) and inserting the following:

"(2)(A) A program is an eligible program for purposes of part B of this title if it is a program of at least 300 clock hours of instruction, but less than 600 clock hours of instruction, offered during a minimum of 10 weeks, that—

"(i) has a verified completion rate of at least 70 percent, as determined in accordance with the regulations of the Secretary;

"(ii) has a verified placement rate of at least 70 percent, as determined in accordance with the regulations of the Secretary; and

"(iii) satisfies such further criteria as the Secretary may prescribe by regulation.

"(B) In the case of a program being determined eligible for the first time under this paragraph, such determination shall be made by the Secretary before such program is considered to have satisfied the requirements of this paragraph.";

20 USC 1088. (6) in section 481(f), by striking "State" and inserting "individual, or any State,";

20 USC 1089. (7) in section 482(c), by adding at the end the following new sentence: "For award year 1994–95, this subsection shall not require a delay in the effectiveness of regulatory changes affecting parts B, G, and H of this title that are published in final form by May 1, 1994.";

20 USC 1090. (8) in section 483(a)(1), by striking "section 411(d)" and inserting "section 401(d)";

(9) in section 483(a)(2), by inserting at the end the following new sentence: "No data collected on a form for which a fee is charged shall be used to complete the form prescribed under paragraph (1).";

(10) in section 483(a)(3), by inserting at the end the following sentence: "Entities designated by institutions of higher education or States to receive such data shall be subject to all requirements of this section, unless such requirements are waived by the Secretary.";

(11) in section 483(f), by striking "address, social security number," and inserting "address or employer's address, social security number or employer identification number,";

(12) in section 483, by redesignating subsections (e), (f), and (g) as subsections (d), (e), and (f), respectively;

20 USC 1091. (13) in section 484(a)(4)(B), by inserting after "number" the following: ", except that the provisions of this subparagraph shall not apply to a student from the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau";

(14) in section 484(a)(5), by striking "in the United States for other than a temporary purpose and able to provide evidence from the Immigration and Naturalization Service of his or her intent to become a permanent resident" and inserting "able to provide evidence from the Immigration and Naturalization Service that he or she is in the United States for other than a temporary purpose with the intention of becoming a citizen or permanent resident";

(15) in section 484(b)(2)—

(A) in subparagraph (A), by striking "and" after the semicolon;

(B) in subparagraph (B), by striking the period and inserting "; and"; and

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

"(C) has applied for a loan under section 428H, if such student is eligible to apply for such a loan.";

(16) in the matter following subparagraph (B) of section 484(b)(3), by striking "part B" and inserting "part B or D";

(17) in section 484, by striking subsection (f);

(18) in section 484(g), by inserting a comma after "Part D" each place it appears; 20 USC 1091.

(19) in the matter preceding clause (i) of section 484(h)(4)(B), by striking "constitutes" and inserting "constitute";

(20) in section 484(i)(2)—

(A) by striking "(h)(4)(A)(ii)" and inserting "(h)(4)(A)(i)"; and

(B) by striking "documentation," and inserting "documentation, or";

(21) in section 484(i)(3)—

(A) by striking "(h)(4)(B)(ii)" and inserting "(h)(4)(B)(i)"; and

(B) by striking ", or" and inserting a period;

(22) in section 484(i), by striking paragraph (4);

(23) in section 484(n), by striking "part B, C," and inserting "parts B, C,";

(24) in section 484(q)(2), by striking "a correct social security number" and inserting "documented evidence of a social security number that is determined by the institution to be correct";

(25) in section 484, by redesignating subsections (g) through (q) as subsections (f) through (p), respectively;

(26) in section 484B(a), by striking "grant, loan, or work assistance" and inserting "grant or loan assistance"; 20 USC 1091b.

(27) in section 484B(b)(3), by striking "subsection (d)" and inserting "subsection (c)";

(28) in clauses (i), (ii), and (iii) of section 485(a)(1)(F), by inserting before the comma at the end of each such clause the following: "for the period of enrollment for which a refund is required"; 20 USC 1092.

(29) in section 485(a)(1)(F)(iv), by inserting "under" after "awards";

(30) in section 485(a)(1)(F)(vii), by striking "provided under this title";

(31) in section 485(a)(1)(F)(viii), by striking the period;

(32) in section 485(a)(1)(F), by striking clause (vi) and redesignating clauses (vii) and (viii) as clauses (vi) and (vii), respectively;

(33) in section 485(a)(1)(L), by inserting a comma after "full-time";

(34) in section 485(a)(3), by amending subparagraph (A) to read as follows:

"(A) shall, for any academic year beginning more than 270 days after the Secretary first prescribes final regulations pursuant to such subparagraph (L), be made available to current and prospective students prior to enrolling or entering into any financial obligation; and";

(35) in paragraphs (1)(A) and (2)(A) of section 485(b), by striking "under parts" and inserting "under part";

(36) in section 485(d), by inserting a period at the end of the penultimate sentence;

(37) in section 485(e), by adding at the end the following new paragraph:

"(9) This subsection shall not be effective until the first July 1 that follows, by more than 270 days, the date on which the Secretary first prescribes final regulations pursuant to this subsection. The reports required by this subsection shall be due on Effective date. Regulations.

that July 1 and each succeeding July 1 and shall cover the 1-year period ending June 30 of the preceding year.";

20 USC 1092b.

(38) in section 485B(a)—

(A) by striking "part E" and inserting "parts D and E"; and

(B) by striking the second period at the end of the third sentence;

(39) in section 485B(a)(4), by striking "part E" and inserting "parts D and E";

(40) in section 485B(c), by striking "part B or part E" and inserting "part B, D, or E";

(41) in section 485B(e), by striking "under this part" each place it appears and inserting "under this title";

20 USC 1094.

(42) in section 487(a)(2), by striking ", or for completing or handling the Federal Student Assistance Report";

(43) in section 487(c)(1)(F), by striking "eligibility for any program under this title of any otherwise eligible institution," and inserting "participation in any program under this title of an eligible institution,";

20 USC 1096.

(44) in section 489(a), by striking "484(c)" and inserting "484(h)";

20 USC 1098.

(45) in section 491(d)(1), by striking "sections 411A through 411E and"; and

(46) in section 491(h)(1), by striking "subtitle III" and inserting "subchapter III".

(i) AMENDMENTS TO PART H OF TITLE IV OF THE ACT.—Part H of title IV of the Act (20 U.S.C. 1099a et seq.) is amended—

20 USC 1099a-3.

(1) in section 494C(a), by striking the first and second sentences and inserting the following: "The Secretary shall review all eligible institutions of higher education in a State to determine if any such institution meets any of the criteria in subsection (b). If any such institution meets one or more of such criteria, the Secretary shall inform the State in which such institution is located that the institution has met such criteria, and the State shall review the institution pursuant to the standards in subsection (d). The Secretary may determine that a State need not review an institution if such institution meets the criterion in subsection (b)(10) only, such institution was previously reviewed by the State under subsection (d), and the State determined in such previous review that the institution did not violate any of the standards in subsection (d).";

(2) in section 494C(i), by striking "sections 428 or 487" and inserting "section 428 or 487";

20 USC 1099b.

(3) in section 496(a)(2)(A)(i), by inserting "of institutions of higher education" after "membership";

(4) in section 496(a)(3)(A), by striking "subparagraph (A)" and inserting "subparagraph (A)(i)";

(5) in section 496(a)(5)—

(A) by striking the period at the end of subparagraph (L) and inserting a semicolon; and

(B) by inserting after subparagraph (L) the following: "except that subparagraphs (G), (H), (I), (J), and (L) shall not apply to agencies or associations described in paragraph (2)(A)(ii) of this subsection;";

(6) in the matter preceding paragraph (1) of section 496(c), by striking "for the purpose of this title" and inserting "as

a reliable authority as to the quality of education or training offered by an institution seeking to participate in the programs authorized under this title";

(7) in section 496(l)(2)— 20 USC 1099b.

(A) by striking "institututution" and inserting "institution"; and

(B) by striking "association leading to the suspension" and inserting "association, described in paragraph (2)(A)(i), (2)(B), or (2)(C) of subsection (a) of this section, leading to the suspension";

(8) in section 496(n)(1), by amending subparagraph (B) to read as follows:

"(B) site visits, including unannounced site visits as appropriate, at accrediting agencies and associations, and, at the Secretary's discretion, at representative member institutions.";

(9) in section 498(c)— 20 USC 1099c.

(A) in paragraph (2), by adding at the end the following new sentences: "Such criteria shall take into account any differences in generally accepted accounting principles, and the financial statements required thereunder, that are applicable to for profit and nonprofit institutions. The Secretary shall take into account an institution's total financial circumstances in making a determination of its ability to meet the standards herein required.";

(B) in the matter preceding subparagraph (A) of paragraph (3), by striking "may determine" and inserting "shall determine";

(C) by amending subparagraph (C) of paragraph (3) to read as follows:

"(C) such institution establishes to the satisfaction of the Secretary, with the support of a financial statement audited by an independent certified public accountant in accordance with generally accepted auditing standards, that the institution has sufficient resources to ensure against the precipitous closure of the institution, including the ability to meet all of its financial obligations (including refunds of institutional charges and repayments to the Secretary for liabilities and debts incurred in programs administered by the Secretary); or";

(D) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(E) by inserting after paragraph (3) the following new paragraph:

"(4) If an institution of higher education that provides a 2-year or 4-year program of instruction for which the institution awards an associate or baccalaureate degree fails to meet the ratio of current assets to current liabilities imposed by the Secretary pursuant to paragraph (2), the Secretary shall waive that particular requirement for that institution if the institution demonstrates to the satisfaction of the Secretary that—

"(A) there is no reasonable doubt as to its continued solvency and ability to deliver quality educational services;

"(B) it is current in its payment of all current liabilities, including student refunds, repayments to the Secretary, payroll, and payment of trade creditors and withholding taxes; and

"(C) it has substantial equity in school-occupied facilities, the acquisition of which was the direct cause of its failure to meet the current operating ratio requirement.";

20 USC 1099c. (10) in section 498(f), by inserting after the second sentence the following: "The Secretary may establish priorities by which institutions are to receive site visits, and may coordinate such visits with site visits by States, guaranty agencies, and accrediting bodies in order to eliminate duplication, and reduce administrative burden.";

(11) in section 498(h)(1)(B), by amending clause (iii) to read as follows:

"(iii) the Secretary determines that an institution that seeks to renew its certification is, in the judgment of the Secretary, in an administrative or financial condition that may jeopardize its ability to perform its financial responsibilities under a program participation agreement.";

(12) in section 498, by amending subsection (i)(1) to read as follows:

"(i) TREATMENT OF CHANGES OF OWNERSHIP.—(1) An eligible institution of higher education that has had a change in ownership resulting in a change of control shall not qualify to participate in programs under this title after the change in control (except as provided in paragraph (3)) unless it establishes that it meets the requirements of section 481 (other than the requirements in subsections (b)(5) and (c)(3)) and this section after such change in control.";

(13) in section 498(i)(3), by amending subparagraph (A) to read as follows:

"(A) the sale or transfer, upon the death of an owner of an institution, of the ownership interest of the deceased in that institution to a family member or to a person holding an ownership interest in that institution; or";

(14) in section 498, by amending subsection (j)(1) to read as follows:

"(j) TREATMENT OF BRANCHES.—(1) A branch of an eligible institution of higher education, as defined pursuant to regulations of the Secretary, shall be certified under this subpart before it may participate as part of such institution in a program under this title, except that such branch shall not be required to meet the requirements of sections 481(b)(5) and 481(c)(3) prior to seeking such certification. Such branch is required to be in existence at least 2 years prior to seeking certification as a main campus or free-standing institution."; and

20 USC 1099c-1. (15) in section 498A(e), by striking "Act," and inserting "Act".

(j) AMENDMENTS TO TITLES V THROUGH XII OF THE ACT.—Titles V through XII of the Act (20 U.S.C. 1101 et seq.) are amended—

20 USC 1102d. (1) in section 505(b)(2)(D)(iii), by striking the period and inserting a semicolon;

20 USC 1105d. (2) in section 525, by amending subsection (c) to read as follows:

"(c) WAIVERS.—For purposes of giving special consideration under section 523(d), a State may waive the criteria contained in the first sentence of subsection (b) for not more than 25 percent of individuals receiving Paul Douglas Teacher Scholarships on or after July 1, 1993.";

(3) in the first sentence of section 530A by striking "elementary and secondary school teachers" each place it appears and inserting "preschool, elementary, and secondary school teachers"; 20 USC 1104j.

(4) in section 535(b)(1)(C), by striking the semicolon and inserting a period; 20 USC 1105d.

(5) in section 537(a), by inserting "IN" before "GENERAL"; 20 USC 1105f.

(6) in section 545(d), by striking "parts B, D," and inserting "part B, D,"; 20 USC 1106d.

(7) in section 580B, by striking "(a) AUTHORIZATION.—"; 20 USC 1112e.

(8) in section 581(b)(2), by striking "402A(g)(2)" and inserting "402A(g)"; 20 USC 1113.

(9) in section 597(d)(1), by striking "Development and" and inserting "and Development"; 20 USC 1117a.

(10) in section 602(a)(3), by striking "(1)(A)" and inserting "(1)"; 20 USC 1122.

(11) in section 602(a)(4), by striking "(1)(A)" and inserting "(1)";

(12) in the heading of subsection (a) of section 603, by striking "RESOURCES" and inserting "RESOURCE"; 20 USC 1123.

(13) in section 607(c), by redesignating the second paragraph (2) as paragraph (3); 20 USC 1125a.

(14) in section 714, by striking "(a) IN GENERAL.—"; 20 USC 1132b-3.

(15) in section 715(b)— 20 USC 1132b-4.

(A) by striking "(1) STATE GRANTS.—";

(B) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2);

(C) in paragraph (2) (as so redesignated) by redesignating clauses (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively; and

(D) by reducing the indentation of such paragraphs (1) and (2) (as so redesignated) by two em spaces;

(16) in section 725— 20 USC 1132c-4.

(A) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively; and

(B) by inserting after paragraph (1) the following new paragraph:

"(2) shall require that the first loans for capital projects authorized under section 723 be made no later than March 31, 1994;";

(17) in section 726, by inserting a period after "title" the first time it appears and striking the remainder of the sentence; 20 USC 1132c-5.

(18) in section 731(a), by striking "faculties," and inserting "faculty,"; 20 USC 1132d.

(19) in section 731(c), by striking "enactment of";

(20) in section 734(e)— 20 USC 1132d-3.

(A) by striking "FACULTIES" and inserting "FACULTY"; and

(B) by striking "faculties" and inserting "faculty";

(21) in section 781(b), by striking "Education Amendments of 1992," and inserting "Education Amendments of 1992"; 20 USC 1132i.

(22) in section 782(1)(A), by striking "outpatient care of student" and inserting "outpatient care of students"; 20 USC 1132i-1.

(23) in section 783— 20 USC 1132i-2.

(A) in subsection (a)(2), by inserting "on all such loans owed by such institution" after "outstanding indebtedness"; and

(B) by adding at the end thereof the following new subsection:

"(d) REDUCTION OF AMOUNTS OWED TO TREASURER.—If the Secretary forgives all or part of a loan described in subsection (a), the outstanding balance remaining on the notes of the Secretary that were issued to the Secretary of the Treasury under section 761(d) as in effect prior to the enactment of the Higher Education Amendments of 1992, or under any provision of this title as in effect at the time such note was issued, shall be reduced by such amount forgiven.";

20 USC 1133a. (24) in the matter preceding paragraph (1) of section 802(b), by inserting after "fiscal year" the following: "the Secretary shall reserve such amount as is necessary to make continuing awards to institutions of higher education that were, on the date of enactment of the Higher Education Amendments of 1992, operating an existing cooperative education program under a multiyear project award and to continue to pay to such institutions the Federal share in effect on the day before such date of enactment. Of the remainder of the amount appropriated in such fiscal year";

20 USC 1133b. (25) in section 803(b)(6)(A), by striking "data";

(26) in section 803(e)(2)—

(A) by striking "Mexican American" and inserting "Mexican-American"; and

(B) by striking "Mariana" and inserting "Marianian";

20 USC 1134. (27) in section 901(b)(2), by striking "such part" and inserting "such title";

20 USC 1134e. (28) in section 922, by amending subsection (f) to read as follows:

"(f) INSTITUTIONAL PAYMENTS.—(1) The Secretary shall pay to the institution of higher education, for each individual awarded a fellowship under this part at such institution, an institutional allowance. Except as provided in paragraph (2), such allowance shall be—

"(A) $6,000 annually with respect to individuals who first received fellowships under this part prior to academic year 1993–1994; and

"(B) with respect to individuals who first receive fellowships during or after academic year 1993–1994—

"(i) $9,000 for the academic year 1993–1994; and

"(ii) for succeeding academic years, $9,000 adjusted annually thereafter in accordance with inflation as determined by the Department of Labor's Consumer Price Index for the previous calendar year.

"(2) The institutional allowance paid under paragraph (1) shall be reduced by the amount the institution charges and collects from a fellowship recipient for tuition and other expenses as part of the recipient's instructional program.";

20 USC 1134f. (29) in the second sentence of section 923(b)(1), by striking "granting of such fellowships" and all that follows through "set forth in this section," and inserting "granting of such fellowships for an additional period of study not to exceed one 12-month period,";

(30) in section 923(b)(2), by striking out the second and third sentences and inserting the following: "Such period shall not exceed a total of 3 years, consisting of not more than 2 years of support for study or research, and not more than

1 year of support for dissertation work, provided that the student has attained satisfactory progress prior to the dissertation stage, except that the Secretary may provide by regulation for the granting of such fellowships for an additional period of study not to exceed one 12-month period, under special circumstances which the Secretary determines would most effectively serve the purposes of this part. The Secretary shall make a determination to provide such 12-month extension of an award to an individual fellowship recipient for study or research upon review of an application for such extension by the recipient. The institution shall provide 2 years of support for each student following the years of Federal predissertation support under this part. Any student receiving an award for graduate study leading to a doctoral degree shall receive at least 1 year of supervised training in instruction during such student's doctoral program.";

(31) in section 923(b), by adding at the end the following new paragraph: 20 USC 1134f.

"(3) CONTINUATION OF AWARDS UNDER PRIOR LAW.—Notwithstanding any other provision of law, in the case of an individual who was awarded a multiyear fellowship under this part before the date of enactment of the Higher Education Amendments of 1992, awards to such individual for the remainder of such fellowship may, at the discretion of the institution of higher education attended by such individual, be subject to the requirements of this subsection as in effect prior to such date of enactment. The institution shall be required to exercise such discretion at the time that its application to the Secretary for a grant under this part, and the amount of any such grant, are being considered by the Secretary.";

(32) in section 924, by adding at the end thereof the following new sentence: "Notwithstanding any other provision of law, the Secretary may use funds appropriated pursuant to this section for fiscal year 1994 to make continuation awards under section 923(b)(3) to individuals who would have been eligible for such awards in fiscal year 1993 if such section had been in effect."; 20 USC 1134g.

(33) in section 931(a), by inserting after the first sentence the following new sentence: "These fellowships shall be awarded to students intending to pursue a doctoral degree, except that fellowships may be granted to students pursuing a master's degree in those fields in which the master's degree is commonly accepted as the appropriate degree for a tenured-track faculty position in a baccalaureate degree-granting institution."; 20 USC 1134h.

(34) in the third sentence of section 932(a)(1), by striking "doctoral" and inserting "graduate"; 20 USC 1134i.

(35) in section 932(c), by striking "doctoral" and inserting "graduate";

(36) in section 933(b), by amending paragraph (1) to read as follows: 20 USC 1134j.

"(1) IN GENERAL.—(A) The Secretary shall (in addition to stipends paid to individuals under this part) pay to the institution of higher education, for each individual awarded a fellowship under this part at such institution, an institutional allowance. Except as provided in subparagraph (B), such allowance shall be—

"(i) $6,000 annually with respect to individuals who first received fellowships under this part prior to academic year 1993–1994; and

"(ii) with respect to individuals who first receive fellowships during or after academic year 1993–1994—

"(I) $9,000 for the academic year 1993–1994; and

"(II) for succeeding academic years, $9,000 adjusted annually thereafter in accordance with inflation as determined by the Department of Labor's Consumer Price Index for the previous calendar year.

"(B) The institutional allowance paid under subparagraph (A) shall be reduced by the amount the institution charges and collects from a fellowship recipient for tuition and other expenses as part of the recipient's instructional program.";

20 USC 1134*l*. (37) in section 941, by striking "the part" and inserting "this part";

20 USC 1134n. (38) in section 943(b), by striking "foreign languages or area studies" and inserting "foreign languages and area studies";

20 USC 1134p. (39) in section 945, by amending subsection (c) to read as follows:

"(c) TREATMENT OF INSTITUTIONAL PAYMENTS.—An institution of higher education that makes institutional payments for tuition and fees on behalf of individuals supported by fellowships under this part in amounts that exceed the institutional payments made by the Secretary pursuant to section 946(a) may count such payments toward the amounts the institution is required to provide pursuant to section 944(b)(2).";

20 USC 1134q. (40) in section 946, by amending subsection (a) to read as follows:

"(a) INSTITUTIONAL PAYMENTS.—(1) The Secretary shall (in addition to stipends paid to individuals under this part) pay to the institution of higher education, for each individual awarded a fellowship under this part at such institution, an institutional allowance. Except as provided in paragraph (2), such allowance shall be—

"(A) $6,000 annually with respect to individuals who first received fellowships under this part prior to academic year 1993–1994; and

"(B) with respect to individuals who first receive fellowships during or after academic year 1993–1994—

"(i) $9,000 for the academic year 1993–1994; and

"(ii) for succeeding academic years, $9,000 adjusted annually thereafter in accordance with inflation as determined by the Department of Labor's Consumer Price Index for the previous calendar year.

"(2) The institutional allowance paid under paragraph (1) shall be reduced by the amount the institution charges and collects from a fellowship recipient for tuition and other expenses as part of the recipient's instructional program.";

20 USC 1134r. (41) in the matter preceding paragraph (1) of section 951(a), by inserting "Pacific Islanders," after "Native Americans,";

20 USC 1135a–2. (42) in section 1004(a), by striking "part" and inserting "subpart";

20 USC 1135a–11. (43) in section 1011(d), by striking "part" and inserting "subpart";

(44) in part D of title X, by redesignating section 1181 as section 1081; 20 USC 1135f.

(45) in section 1081(d) (as so redesignated) by inserting a comma after "this title)" and after "such institutions";

(46) in section 1106(a), by striking "may receive a grant" and inserting "may receive such a grant"; 20 USC 1136e.

(47) in section 1142(d)(2), by inserting "program" after "literacy corps"; 20 USC 1138a.

(48) in the last sentence of section 1201(a), by striking "subpart 3 of part H," and inserting "subpart 2 of part H of title IV of this Act,"; 20 USC 1141.

(49) by amending section 1204 to read as follows: 20 USC 1144.

"TREATMENT OF TERRITORIES AND TERRITORIAL STUDENT ASSISTANCE

"SEC. 1204. (a) The Secretary is required to waive the eligibility criteria of any postsecondary education program administered by the Department where such criteria do not take into account the unique circumstances in Guam, the Virgin Islands, American Samoa, Palau, the Commonwealth of the Northern Mariana Islands, and the freely associated states. 20 USC 1144a.

"(b) Notwithstanding any other provision of law, an institution of higher education that is located in any of the freely associated states, rather than a State, shall be eligible, if otherwise qualified, for assistance under chapter 1 of subpart 2 of part A of title IV of this Act.";

(50) in section 1205, in the section heading, by inserting "NATIONAL ADVISORY" before "COMMITTEE"; 20 USC 1145.

(51) in section 1205(a), by inserting "National Advisory" before "Committee" the first place it appears;

(52) in paragraphs (1) and (6) of section 1205(c), by inserting "of title IV of this Act" after "part H";

(53) in section 1205(f), by striking "Accreditation and Institutional Eligibility" and inserting "Institutional Quality and Integrity";

(54) in section 1209(f)(1), by striking "the Act" and inserting "this Act"; 20 USC 1145d.

(55) in title XII, by redesignating section 1211 (as added by section 6231 of the Omnibus Trade and Competitiveness Act of 1988) as section 1212; and 20 USC 1145f, 1145d-1.

(56) in section 1212(e)(2) (as so redesignated), by inserting close quotation marks after "facilities" the first place it appears.

(k) AMENDMENTS TO THE 1992 AMENDMENTS.—The Higher Education Amendments of 1992 (Public Law 102-325; 106 Stat. 459) is amended—

(1) in section 401(d)(2)(A), by inserting "the first place it appears" before "the following:"; 20 USC 1070a.

(2) in section 425(d)(1)— 20 USC 1082.

(A) by inserting "the second sentence of" after "(1) in"; and

(B) by striking "in the second sentence";

(3) in section 425(d)(4)—

(A) by inserting "the second sentence of" after "(4) in"; and

(B) by striking "in the second sentence";

(4) in section 426(c), by striking "new subsections" and inserting "new subsection"; 20 USC 1083.

20 USC 1078 note.

(5) in section 432(a)(3), by striking "427(a)(2)(C) and 428(b)(1)(M)" and inserting "427(a)(2)(C), 428(b)(1)(M), and 428B(d)(1)";

20 USC 1096.

(6) in section 446, by striking subsection (c);

20 USC 1087ee.

(7) in section 465(a), by amending paragraph (1) to read as follows:

"(1) in subparagraph (A), by striking 'and such determination' and all that follows through 'such chapter 1';";

20 USC 1091 note.

(8) in section 484, by inserting after subsection (h) the following new subsection:

"(i) EFFECTIVE DATE.—The amendments made by subsection (g) with respect to the addition of subsection (n) shall be effective on and after December 1, 1987.";

20 USC 1092.

(9) in section 486(a)(3), by striking "section 1" and inserting "section 103";

20 USC 1132a note.

(10) in section 1409(b)(1), by striking "the Asbestos Hazard Emergency Response Act" and inserting "section 202 of the Toxic Substances Control Act (15 U.S.C. 2642)";

20 USC 1221-1 note.

(11) in section 1422(9), by striking "has placed" and inserting "have placed";

20 USC 1221-1 note.

(12) in section 1442(c), by striking "Chairman" and inserting "Chairperson";

20 USC 1145h.

(13) in section 1541(g), by striking "educational" and inserting "education"; and

22 USC 4609.

(14) in the subsection (a)(1) amended by section 1554(a), by striking "4" and inserting "6".

(l) AMENDMENT TO THE 1986 AMENDMENT.—Section 1507(a)(12) of the Higher Education Amendments of 1986 (20 U.S.C. 4414(a)(12)) is amended by striking the period and inserting a semicolon.

20 USC 1001 note.

(m) STYLISTIC CONSISTENCY.—The Act is amended so that the section designation and section heading of each section of the Act shall be in the form and typeface of the section designation and heading of this section.

20 USC 1141 note.

(n) ACCREDITATION THROUGH TRANSFER OF CREDIT.—(1) An institution of higher education which satisfied the requirements of section 1201(a)(5)(B) of the Act prior to the enactment of the Higher Education Amendments of 1992, shall be considered to meet the requirements of section 1201(a)(5) of the Act if—

(A) within 60 days after the date of enactment of the Higher Education Technical Amendments of 1993, such institution has applied for accreditation by a nationally recognized accrediting agency or association which the Secretary determines, pursuant to subpart 2 of part H of title IV of the Act, to be a reliable authority as to the quality of education or training offered;

(B) within 2 years of the date of enactment of the Higher Education Technical Amendments of 1993, such institution is accredited by such an accrediting agency or association or, if not so accredited, has been granted preaccreditation status by such an agency or association that has been recognized by the Secretary for the granting of preaccreditation status, and the Secretary has determined that there is satisfactory assurance that the institution will meet the accreditation standards of such an agency or association within a reasonable time; and

(C) such institution is legally authorized within a State to provide education beyond secondary education.

(2) The Secretary shall determine whether to recertify any institution that meets the requirements of paragraph (1) within 2 years after the date of enactment of this Act.

(3) Paragraph (1) of this subsection shall be effective on and after July 23, 1992. Effective date.

SEC. 3. PACIFIC REGIONAL EDUCATIONAL LABORATORY.

Section 101A of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2311a) is amended—

(1) in the matter preceding paragraph (1) of subsection (b)—

(A) by striking "Center for the Advancement of Pacific Education, Honolulu, Hawaii, or its successor entity as the Pacific regional educational laboratory" and inserting "Pacific Regional Educational Laboratory, Honolulu, Hawaii"; and

(B) by inserting "or provide direct services regarding" after "grants for"; and

(2) in subsection (c), by striking "Center for the Advancement of Pacific Education" and inserting "Pacific Regional Educational Laboratory, Honolulu, Hawaii,".

SEC. 4. DISTRIBUTION OF FUNDS TO POSTSECONDARY AND ADULT PROGRAMS.

Section 232 of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2341a) is amended—

(1) in subsection (a)—

(A) in the first sentence—

(i) by inserting "(1)" before "Except"; and

(ii) by inserting "or consortia thereof" before "within"; and

(B) in the second sentence—

(i) by inserting "or consortium" before "shall"; and

(ii) by inserting "or consortium" before "in the preceding";

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

"(2) In order for a consortium of eligible institutions described in paragraph (1) to receive assistance pursuant to such paragraph such consortium shall operate joint projects that—

"(A) provide services to all postsecondary institutions participating in the consortium; and

"(B) are of sufficient size, scope and quality as to be effective.";

(2) in subsection (b)—

(A) in paragraph (1), by inserting "or consortia" after "institutions"; and

(B) in the matter preceding subparagraph (A) of paragraph (2), by inserting "or consortia" after "institutions"; and

(3) in subsection (c)—

(A) in paragraph (1), by inserting "or consortium" after "institution"; and

(B) in paragraph (2), by inserting "or consortia" after "institutions".

20 USC 1003 note.

SEC. 5. EFFECTIVE DATES.

(a) IN GENERAL.—Except as otherwise provided therein or in subsection (b) of this section, the amendments made by section 2 of this Act shall be effective as if such amendments were included in the Higher Education Amendments of 1992 (Public Law 102–325), except that section 492 of the Act shall not apply to the amendments made by this Act.

(b) EXCEPTIONS.—

(1) EFFECTIVE ON OCTOBER 1, 1993.—The amendments made by the following subsections of section 2 of this Act shall be effective on and after October 1, 1993: (b)(29), (j)(28), (j)(36), and (j)(40).

(2) EFFECTIVE ON DATE OF ENACTMENT.—The amendments made by the following subsections of section 2 of this Act shall be effective on and after the date of enactment of this Act: (b)(2), (b)(7), (b)(28), (c)(3), (c)(5), (c)(13)(B), (c)(13)(C), (c)(18), (c)(30), (c)(62).

(3) EFFECTIVE 30 DAYS AFTER ENACTMENT.—The amendments made by the following subsections of section 2 of this Act shall be effective on and after 30 days after the date of enactment of this Act: (c)(19), (c)(20), (c)(21), (c)(59).

(4) EFFECTIVE 60 DAYS AFTER ENACTMENT.—The amendments made by the following subsections of section 2 of this Act shall be effective on and after 60 days after the date of enactment of this Act: (c)(31) and (c)(53).

(5) EFFECTIVE ON APRIL 1, 1994.—The amendments made by section 2(c)(43)(B) of this Act shall be effective on and after April 1, 1994.

(6) EFFECTIVE ON JULY 1, 1994.—The amendments made by the following subsection of section 2 of this Act shall be effective on and after July 1, 1994: (b)(25), (c)(2), (c)(13)(A), (c)(29).

(7) COHORT DEFAULT DATA EXAMINATIONS.—The amendment made by section 2(c)(60)(A) shall be effective on and after October 1, 1994.

(8) COHORT DEFAULT RATE DETERMINATIONS.—The amendments made to subsection (a)(3) and (m)(1)(B) of section 435 of this Act shall apply with respect to the determination (and

appeals from determinations) of cohort default rates for fiscal year 1989 and any succeeding fiscal year.

Approved December 20, 1993.

LEGISLATIVE HISTORY—S. 1507 (H.R. 3376):

CONGRESSIONAL RECORD, Vol. 139 (1993):
Oct. 7, considered and passed Senate.
Nov. 2, H.R. 3376 considered and passed House; S. 1507, amended, passed in lieu.
Nov. 19, Senate concurred in House amendment with an amendment.
Nov. 20, House concurred in Senate amendment.

Public Law 103-209
103d Congress

An Act

Dec. 20, 1993
[H.R. 1237]

To establish procedures for national criminal background checks for child care providers.

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

National Child Protection Act of 1993.
Intergovernmental relations.
42 USC 5101 note.
42 USC 5119.

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Child Protection Act of 1993".

SEC. 2. REPORTING CHILD ABUSE CRIME INFORMATION.

(a) IN GENERAL.—In each State, an authorized criminal justice agency of the State shall report child abuse crime information to, or index child abuse crime information in, the national criminal history background check system.

(b) PROVISION OF STATE CHILD ABUSE CRIME RECORDS THROUGH THE NATIONAL CRIMINAL HISTORY BACKGROUND CHECK SYSTEM.—(1) Not later than 180 days after the date of enactment of this Act, the Attorney General shall, subject to availability of appropriations—

(A) investigate the criminal history records system of each State and determine for each State a timetable by which the State should be able to provide child abuse crime records on an on-line basis through the national criminal history background check system;

(B) in consultation with State officials, establish guidelines for the reporting or indexing of child abuse crime information, including guidelines relating to the format, content, and accuracy of criminal history records and other procedures for carrying out this Act; and

(C) notify each State of the determinations made pursuant to subparagraphs (A) and (B).

(2) The Attorney General shall require as a part of each State timetable that the State—

(A) by not later than the date that is 3 years after the date of enactment of this Act, have in a computerized criminal history file at least 80 percent of the final dispositions that have been rendered in all identifiable child abuse crime cases in which there has been an event of activity within the last 5 years;

(B) continue to maintain a reporting rate of at least 80 percent for final dispositions in all identifiable child abuse crime cases in which there has been an event of activity within the preceding 5 years; and

(C) take steps to achieve 100 percent disposition reporting, including data quality audits and periodic notices to criminal justice agencies identifying records that lack final dispositions and requesting those dispositions.

(c) LIAISON.—An authorized agency of a State shall maintain close liaison with the National Center on Child Abuse and Neglect, the National Center for Missing and Exploited Children, and the National Center for the Prosecution of Child Abuse for the exchange of technical assistance in cases of child abuse.

(d) ANNUAL SUMMARY.—(1) The Attorney General shall publish an annual statistical summary of child abuse crimes.

(2) The annual statistical summary described in paragraph (1) shall not contain any information that may reveal the identity of any particular victim or alleged violator.

(e) ANNUAL REPORT.—The Attorney General shall, subject to the availability of appropriations, publish an annual summary of each State's progress in reporting child abuse crime information to the national criminal history background check system.

(f) STUDY OF CHILD ABUSE OFFENDERS.—(1) Not later than 180 days after the date of enactment of this Act, the Administrator of the Office of Juvenile Justice and Delinquency Prevention shall begin a study based on a statistically significant sample of convicted child abuse offenders and other relevant information to determine—

(A) the percentage of convicted child abuse offenders who have more than 1 conviction for an offense involving child abuse;

(B) the percentage of convicted child abuse offenders who have been convicted of an offense involving child abuse in more than 1 State; and

(C) the extent to which and the manner in which instances of child abuse form a basis for convictions for crimes other than child abuse crimes.

(2) Not later than 1 year after the date of enactment of this Act, the Administrator shall submit a report to the Chairman of the Committee on the Judiciary of the Senate and the Chairman of the Committee on the Judiciary of the House of Representatives containing a description of and a summary of the results of the study conducted pursuant to paragraph (1). Reports.

SEC. 3. BACKGROUND CHECKS. 42 USC 5119a.

(a) IN GENERAL.—(1) A State may have in effect procedures (established by State statute or regulation) that require qualified entities designated by the State to contact an authorized agency of the State to request a nationwide background check for the purpose of determining whether a provider has been convicted of a crime that bears upon an individual's fitness to have responsibility for the safety and well-being of children.

(2) The authorized agency shall access and review State and Federal criminal history records through the national criminal history background check system and shall make reasonable efforts to respond to the inquiry within 15 business days.

(b) GUIDELINES.—The procedures established under subsection (a) shall require—

(1) that no qualified entity may request a background check of a provider under subsection (a) unless the provider first provides a set of fingerprints and completes and signs a statement that—

(A) contains the name, address, and date of birth appearing on a valid identification document (as defined in section 1028 of title 18, United States Code) of the provider;

(B) the provider has not been convicted of a crime and, if the provider has been convicted of a crime, contains a description of the crime and the particulars of the conviction;

(C) notifies the provider that the entity may request a background check under subsection (a);

(D) notifies the provider of the provider's rights under paragraph (2); and

(E) notifies the provider that prior to the completion of the background check the qualified entity may choose to deny the provider unsupervised access to a child to whom the qualified entity provides child care;

(2) that each provider who is the subject of a background check is entitled—

(A) to obtain a copy of any background check report; and

(B) to challenge the accuracy and completeness of any information contained in any such report and obtain a prompt determination as to the validity of such challenge before a final determination is made by the authorized agency;

(3) that an authorized agency, upon receipt of a background check report lacking disposition data, shall conduct research in whatever State and local recordkeeping systems are available in order to obtain complete data;

(4) that the authorized agency shall make a determination whether the provider has been convicted of, or is under pending indictment for, a crime that bears upon an individual's fitness to have responsibility for the safety and well-being of children and shall convey that determination to the qualified entity; and

(5) that any background check under subsection (a) and the results thereof shall be handled in accordance with the requirements of Public Law 92–544.

(c) REGULATIONS.—(1) The Attorney General may by regulation prescribe such other measures as may be required to carry out the purposes of this Act, including measures relating to the security, confidentiality, accuracy, use, misuse, and dissemination of information, and audits and recordkeeping.

(2) The Attorney General shall, to the maximum extent possible, encourage the use of the best technology available in conducting background checks.

(d) LIABILITY.—A qualified entity shall not be liable in an action for damages solely for failure to conduct a criminal background check on a provider, nor shall a State or political subdivision thereof nor any agency, officer or employee thereof, be liable in an action for damages for the failure of a qualified entity to take action adverse to a provider who was the subject of a background check.

(e) FEES.—In the case of a background check pursuant to a State requirement adopted after the date of the enactment of this Act conducted with fingerprints on a person who volunteers with a qualified entity, the fees collected by authorized State agencies

and the Federal Bureau of Investigation may not exceed the actual cost of the background check conducted with fingerprints. The States shall establish fee systems that insure that fees to nonprofit entities for background checks do not discourage volunteers from participating in child care programs.

SEC. 4. FUNDING FOR IMPROVEMENT OF CHILD ABUSE CRIME INFORMATION. 42 USC 5119b.

(a) USE OF FORMULA GRANTS FOR IMPROVEMENTS IN STATE RECORDS AND SYSTEMS.—Section 509(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3759(b)) is amended—

(1) in paragraph (2) by striking "and" after the semicolon;

(2) in paragraph (3) by striking the period and inserting "; and"; and

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

"(4) the improvement of State record systems and the sharing of all of the records described in paragraphs (1), (2), and (3) and the child abuse crime records required under the National Child Protection Act of 1993 with the Attorney General for the purpose of implementing the National Child Protection Act of 1993.".

(b) ADDITIONAL FUNDING GRANTS FOR THE IMPROVEMENT OF CHILD ABUSE CRIME INFORMATION.—(1) The Attorney General shall, subject to appropriations and with preference to States that, as of the date of enactment of this Act, have in computerized criminal history files the lowest percentages of charges and dispositions of identifiable child abuse cases, make a grant to each State to be used—

(A) for the computerization of criminal history files for the purposes of this Act;

(B) for the improvement of existing computerized criminal history files for the purposes of this Act;

(C) to improve accessibility to the national criminal history background check system for the purposes of this Act; and

(D) to assist the State in the transmittal of criminal records to, or the indexing of criminal history record in, the national criminal history background check system for the purposes of this Act.

(2) There are authorized to be appropriated for grants under paragraph (1) a total of $20,000,000 for fiscal years 1994, 1995, 1996, and 1997. Appropriation authorization.

(c) WITHHOLDING STATE FUNDS.—Effective 1 year after the date of enactment of this Act, the Attorney General may reduce, by up to 10 percent, the allocation to a State for a fiscal year under title I of the Omnibus Crime Control and Safe Streets Act of 1968 that is not in compliance with the requirements of this Act.

SEC. 5. DEFINITIONS. 42 USC 5119c.

For the purposes of this Act—

(1) the term "authorized agency" means a division or office of a State designated by a State to report, receive, or disseminate information under this Act;

(2) the term "child" means a person who is a child for purposes of the criminal child abuse law of a State;

(3) the term "child abuse crime" means a crime committed under any law of a State that involves the physical or mental

injury, sexual abuse or exploitation, negligent treatment, or maltreatment of a child by any person;

(4) the term "child abuse crime information" means the following facts concerning a person who has been arrested for, or has been convicted of, a child abuse crime: full name, race, sex, date of birth, height, weight, fingerprints, a brief description of the child abuse crime or offenses for which the person has been arrested or has been convicted, the disposition of the charge, and any other information that the Attorney General determines may be useful in identifying persons arrested for, or convicted of, a child abuse crime;

(5) the term "child care" means the provision of care, treatment, education, training, instruction, supervision, or recreation to children by persons having unsupervised access to a child;

(6) the term "national criminal history background check system" means the criminal history record system maintained by the Federal Bureau of Investigation based on fingerprint identification or any other method of positive identification;

(7) the term "provider" means—

(A) a person who—

(i) is employed by or volunteers with a qualified entity;

(ii) who owns or operates a qualified entity; or

(iii) who has or may have unsupervised access to a child to whom the qualified entity provides child care; and

(B) a person who—

(i) seeks to be employed by or volunteer with a qualified entity;

(ii) seeks to own or operate a qualified entity; or

(iii) seeks to have or may have unsupervised access to a child to whom the qualified entity provides child care;

(8) the term "qualified entity" means a business or organization, whether public, private, for-profit, not-for-profit, or voluntary, that provides child care or child care placement services, including a business or organization that licenses or certifies others to provide child care or child care placement services; and

(9) the term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, and the Trust Territories of the Pacific.

Approved December 20, 1993.

LEGISLATIVE HISTORY—H.R. 1237:

HOUSE REPORTS: No. 103-393 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 139 (1993):
Nov. 20, considered and passed House and Senate.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 29 (1993):
Dec. 20, Presidential remarks.

Public Law 103-210
103d Congress

An Act

Dec. 20, 1993
[H.R. 2535]

To amend title 38, United States Code, to provide additional authority for the Secretary of Veterans Affairs to provide health care for veterans of the Persian Gulf War.

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

SECTION 1. AUTHORITY TO PROVIDE PRIORITY HEALTH CARE TO VETERANS OF THE PERSIAN GULF WAR.

(a) INPATIENT CARE.—(1) Section 1710(a)(1)(G) of title 38, United States Code, is amended by striking out "or radiation" and inserting in lieu thereof ", radiation, or environmental hazard".

(2) Section 1710(e) of such title is amended—

(A) by inserting at the end of paragraph (1) the following new subparagraph:

"(C) Subject to paragraphs (2) and (3) of this subsection, a veteran who the Secretary finds may have been exposed while serving on active duty in the Southwest Asia theater of operations during the Persian Gulf War to a toxic substance or environmental hazard is eligible for hospital care and nursing home care under subsection (a)(1)(G) of this section for any disability, notwithstanding that there is insufficient medical evidence to conclude that such disability may be associated with such exposure.";

(B) in paragraph (2), by striking out "subparagraph (A) or (B)" and inserting in lieu thereof "subparagraph (A), (B), or (C)"; and

(C) in paragraph (3), by striking out the period at the end and inserting in lieu thereof ", or, in the case of care for a veteran described in paragraph (1)(C), after December 31, 1994.".

(b) OUTPATIENT CARE.—Section 1712(a) of such title is amended—

(1) in paragraph (1)—

(A) by striking out "and" at the end of subparagraph (B);

(B) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof "; and"; and

(C) by adding at the end the following:

"(D) during the period before December 31, 1994, for any disability in the case of a veteran who served on active duty in the Southwest Asia theater of operations during the Persian Gulf War and who the Secretary finds may have been exposed to a toxic substance or environmental hazard during such service, notwithstanding that there is insufficient medical evidence

to conclude that the disability may be associated with such exposure."; and

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

"(7) Medical services may not be furnished under paragraph (1)(D) with respect to a disability that is found, in accordance with guidelines issued by the Under Secretary for Health, to have resulted from a cause other than an exposure described in that paragraph.".

(c) EFFECTIVE DATE.—(1) The amendments made by subsections (a) and (b) shall take effect as of August 2, 1990. 38 USC 1710 note.

(2) The Secretary of Veterans Affairs shall, upon request, reimburse any veteran who paid the United States an amount under section 1710(f) or 1712(f) of title 38, United States Code, as the case may be, for hospital care, nursing home care, or outpatient services furnished by the Secretary to the veteran before the date of the enactment of this Act on the basis of a finding that the veteran may have been exposed to a toxic substance or environmental hazard during the Persian Gulf War. The amount of the reimbursement shall be the amount that was paid by the veteran for such care or services under such section 1710(f) or 1712(f).

SEC. 2. EXTENSION OF CERTAIN HEALTH CARE AND OTHER AUTHORITIES.

(a) ELIGIBILITY FOR CARE FOR EXPOSURE TO DIOXIN OR IONIZING RADIATION.—Section 1710(e)(3) of title 38, United States Code, as amended by section 1(a)(2)(C), is further amended by striking out "December 31, 1993" and inserting in lieu thereof "June 30, 1994".

(b) ELIGIBILITY FOR SEXUAL TRAUMA COUNSELING.—Section 102(b) of the Women Veterans Health Programs Act of 1992 (Public Law 102–585; 38 U.S.C. 1720D note) is amended—

(1) by striking out "December 31, 1991," and inserting in lieu thereof "December 31, 1992,"; and

(2) by striking out "December 31, 1993" and inserting in lieu thereof "December 31, 1994".

(c) AUTHORITY TO MAINTAIN REGIONAL OFFICE IN THE PHILIPPINES.—Section 315(b) of title 38, United States Code, is amended by striking out "March 31, 1994" and inserting in lieu thereof "December 31, 1994".

(d) AUTHORITY FOR ADVISORY COMMITTEE ON EDUCATION.—Section 3692(c) of title 38, United States Code, is amended by striking out "December 31, 1993" and inserting in lieu thereof "December 31, 1994".

SEC. 3. SHARING OF RESOURCES WITH STATE HOMES.

(a) PURPOSE.—Section 8151 of title 38, United States Code, is amended by adding at the end the following: "It is further the purpose of this subchapter to improve the provision of care to veterans under this title by authorizing the Secretary to enter into agreements with State veterans facilities for the sharing of health-care resources.".

(b) DEFINITION.—Section 8152 of such title is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph (3):

"(3) The term 'health-care resource' includes hospital care, medical services, and rehabilitative services, as those terms are defined in paragraphs (5), (6), and (8), respectively, of

section 1701 of this title, any other health-care service, and any health-care support or administrative resource.".

(c) SHARING OF HEALTH-CARE RESOURCES.—Section 8153(a) of such title is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by striking out "other form of agreement," and all that follows and inserting in lieu thereof the following: "other form of agreement for the mutual use, or exchange of use, of—

"(A) specialized medical resources between Department health-care facilities and other health-care facilities (including organ banks, blood banks, or similar institutions), research centers, or medical schools; and

"(B) health-care resources between Department health-care facilities and State home facilities recognized under section 1742(a) of this title.

"(2) The Secretary may enter into a contract or other agreement under paragraph (1) only if (A) such an agreement will obviate the need for a similar resource to be provided in a Department health care facility, or (B) the Department resources which are the subject of the agreement and which have been justified on the basis of veterans' care are not used to their maximum effective capacity.".

Approved December 20, 1993.

LEGISLATIVE HISTORY—H.R. 2535:

HOUSE REPORTS: No. 103-198 (Comm. on Veterans' Affairs).
CONGRESSIONAL RECORD, Vol. 139 (1993):
Aug. 2, considered and passed House.
Nov. 19, considered and passed Senate, amended.
Nov. 22, House concurred in Senate amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 29 (1993):
Dec. 20, Presidential statement.

PRIVATE LAWS

FIRST SESSION, ONE HUNDRED THIRD CONGRESS

Private Law 103-1
103d Congress

An Act

Aug. 3, 1993
[S. 1311]

For the relief of Olga D. Zhondetskaya.

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

SEC. 1. WAIVER OF CERTAIN NATURALIZATION REQUIREMENTS FOR OLGA D. ZHONDETSKAYA.

(a) IN GENERAL.—Notwithstanding the inability of Olga D. Zhondetskaya to meet the requirements of section 312 of the Immigration and Nationality Act or the requirements of section 316 of such Act that relate to residence and physical presence in the United States, if otherwise qualified, she shall be considered eligible for naturalization and, upon filing an application for naturalization and being administered the oath of renunciation and allegiance pursuant to section 337 of such Act, shall be naturalized as a citizen of the United States.

(b) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsection (a) shall apply only if the application for naturalization is filed with appropriate fees within 1 year after the date of the enactment of this Act.

Approved August 3, 1993.

CONCURRENT RESOLUTIONS

FIRST SESSION, ONE HUNDRED THIRD CONGRESS

JOINT SESSION

Jan. 5, 1993
[S. Con. Res. 1]

Resolved by the Senate (the House of Representatives concurring), That the two Houses of Congress shall meet in the Hall of the House of Representatives on Wednesday, the 6th day of January 1993, at 1 o'clock post meridian, pursuant to the requirements of the Constitution and laws relating to the election of President and Vice President of the United States, and the President of the Senate shall be their Presiding Officer; that two tellers shall be previously appointed by the President of the Senate on the part of the Senate and two by the Speaker on the part of the House of Representatives, to whom shall be handed, as they are opened by the President of the Senate, all the certificates and papers purporting to be certificates of the electoral votes, which certificates and papers shall be opened, presented, and acted upon in the alphabetical order of the States, beginning with the letter "A"; and said tellers, having then read the same in the presence and hearing of the two Houses, shall make a list of the votes as they shall appear from the said certificates; and the votes having been ascertained and counted in the manner and according to the rules by law provided, the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote, which announcement shall be deemed a sufficient declaration of the persons, if any, elected President and Vice President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses.

Agreed to January 5, 1993.

PRESIDENTIAL INAUGURATION—CAPITOL ROTUNDA CEREMONIES

Jan. 5, 1993
[S. Con. Res. 2]

Resolved by the Senate (the House of Representatives concurring), That effective January 5, 1993, the joint committee created by S. Con. Res. 102 of the One Hundred Second Congress, to make the necessary arrangements for the inauguration, is hereby continued with the same power and authority. The joint committee may accept gifts and donations of goods and services to carry out its responsibilities.

SEC. 2. That effective from January 5, 1993, the provisions of S. Con. Res. 103 of the One Hundred Second Congress, to authorize the rotunda of the United States Capitol to be used in connection with the proceedings and ceremonies for the inauguration of the President-elect and the Vice President-elect of the United States, are hereby continued with the same power and authority.

Agreed to January 5, 1993.

Jan. 5, 1993
[S. Con. Res. 3]

ADJOURNMENT—SENATE AND HOUSE OF REPRESENTATIVES

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns on Wednesday, January 6, or Thursday, January 7, 1993, pursuant to a motion made by the Majority Leader or his designee, in accordance with the provisions of this resolution, it stand recessed or adjourned until 3:00 o'clock p.m. on Wednesday, January 20, 1993, and that when the House of Representatives adjourns on Wednesday, January 6, 1993, pursuant to a motion made by the Majority Leader or his designee, in accordance with the provisions of this resolution, it stand adjourned until 10:00 o'clock a.m. on Wednesday, January 20, 1993, or until 12 o'clock noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and the House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

Agreed to January 5, 1993.

Jan. 26, 1993
[H. Con. Res. 23]

THURGOOD MARSHALL—CATAFALQUE AUTHORIZATION FOR FUNERAL SERVICES

Resolved by the House of Representatives (the Senate concurring), That the Architect of the Capitol is authorized and directed to transfer to the custody of the Chief Justice of the United States the catafalque which is presently situated in the crypt beneath the rotunda of the Capitol so that the said catafalque may be used in the Supreme Court Building in connection with services to be conducted there for the late Honorable Thurgood Marshall, former Associate Justice of the Supreme Court of the United States.

Agreed to January 26, 1993.

Jan. 27, 1993
[H. Con. Res. 27]

ADJOURNMENT—HOUSE OF REPRESENTATIVES

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Wednesday, January 27, 1993, it stand adjourned until noon on Tuesday, February 2, 1993.

Agreed to January 27, 1993.

ADJOURNMENT—SENATE AND HOUSE OF REPRESENTATIVES

Feb. 4, 1993
[S. Con. Res. 10]

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Thursday, February 4, 1993, or Friday, February 5, 1993, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this resolution, it stand recessed or adjourned until 12:00 noon, or until such time as may be specified by the Majority Leader, or his designee, in the motion to adjourn or recess, on Tuesday, February 16, 1993, or until 12:00 noon on the second day after Members are notified to reassemble pursuant to section 2 of this resolution, whichever occurs first; and that when the House of Representatives adjourns at the close of business on Thursday, February 4, 1993, or Friday, February 5, 1993, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this resolution, it stand adjourned until 12:00 noon on Tuesday, February 16, 1993, or until 12:00 noon on the second day after Members are notified to reassemble pursuant to section 2 of this resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and the House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

Agreed to February 4, 1993.

JOINT SESSION

Feb. 17, 1993
[H. Con. Res. 39]

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives today, Wednesday, February 17, 1993, at 9 o'clock post meridiem, for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

Agreed to February 17, 1993.

DEATH OF BUREAU OF ALCOHOL, TOBACCO AND FIREARMS AGENTS

Mar. 4, 1993
[S. Con. Res. 12]

Whereas Special Agents Steve Willis, Robert J. Williams, Conway LeBleu and Todd McKeehan, of the Bureau of Alcohol, Tobacco and Firearms, were killed by hostile gunfire in the performance of a heroic effort to disarm a hostile cult and to protect the lives of innocent persons, including children, living in its compound;

Whereas these men, along with 15 other special agents who were wounded during this confrontation, were members of the Bureau

of Alcohol, Tobacco and Firearms elite Special Response Teams, whose members are highly-trained and experienced in the execution of high-risk operations;

Whereas such Special Response Teams have been deployed over 230 times in the past year with no injury to any agent, including during a highly-publicized siege involving a fugitive white supremacist and during the Los Angeles civil disturbances in 1992;

Whereas 182 special agents of the Bureau of Alcohol, Tobacco and Firearms have been killed in the line of duty since Prohibition; and

Whereas the men and women of the Bureau of Alcohol, Tobacco and Firearms mourn the loss of their brother officers, but maintain discipline and a commitment to the protection of our citizens at the risk of their own lives on a daily basis: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the sacrifice and dedication of the agents of the Bureau of Alcohol, Tobacco and Firearms is a cornerstone of our system of justice and cause for both sorrow and pride.

Agreed to March 4, 1993.

Mar. 29, 1993
[S. Con. Res. 13]

DAYS OF REMEMBRANCE OF VICTIMS OF THE HOLOCAUST—CAPITOL ROTUNDA CEREMONIES

Whereas the United States Holocaust Memorial Council has designated April 18 through April 25, 1993, and April 3 through April 10, 1994, as "Days of Remembrance of Victims of the Holocaust": Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the rotunda of the Capitol is authorized to be used from 8 o'clock ante meridiem until 3 o'clock post meridiem on April 20, 1993, and from 8 o'clock ante meridiem until 3 o'clock post meridiem on April 6, 1994, for ceremonies as part of the commemoration of the days of remembrance of victims of the Holocaust. Physical preparations for the ceremonies shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

Agreed to March 29, 1993.

Apr. 1, 1993
[H. Con. Res. 64]

FEDERAL BUDGET—FISCAL YEARS 1994–1998

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1994.

(a) DECLARATION.—The Congress determines and declares that this resolution is the concurrent resolution on the budget for fiscal year 1994, including the appropriate budgetary levels for fiscal

years 1995, 1996, 1997, and 1998, as required by section 301 of the Congressional Budget Act of 1974 (as amended by the Budget Enforcement Act of 1990).

(b) TABLE OF CONTENTS.—The table of contents for this concurrent resolution is as follows:

Sec. 1. Concurrent resolution on the budget for fiscal year 1994.
Sec. 2. Recommended levels and amounts.
Sec. 3. Debt increase as a measure of deficit.
Sec. 4. Display of Federal retirement trust fund balances.
Sec. 5. Social security.
Sec. 6. Major functional categories.
Sec. 7. Reconciliation.
Sec. 8. Sale of Government assets.
Sec. 9. Deficit-neutral reserve fund in the Senate.
Sec. 10. Social security fire wall point of order in the Senate.
Sec. 11. Sense of the House regarding tax revenues and deficit reduction.
Sec. 12. Enforcement procedures.
Sec. 13. Sense of the Senate provisions.

SEC. 2. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for the fiscal years 1994, 1995, 1996, 1997, and 1998:

(1) FEDERAL REVENUES.—(A) For purposes of comparison with the maximum deficit amount under sections 601(a)(1) and 606 of the Congressional Budget Act of 1974 and for purposes of the enforcement of this resolution—

(i) The recommended levels of Federal revenues are as follows:

Fiscal year 1994: $905,500,000,000.
Fiscal year 1995: $973,800,000,000.
Fiscal year 1996: $1,037,600,000,000.
Fiscal year 1997: $1,093,300,000,000.
Fiscal year 1998: $1,143,200,000,000.

(ii) The amounts by which the aggregate levels of Federal revenues should be increased are as follows:

Fiscal year 1994: $27,400,000,000.
Fiscal year 1995: $40,400,000,000.
Fiscal year 1996: $58,000,000,000.
Fiscal year 1997: $73,600,000,000.
Fiscal year 1998: $73,200,000,000.

(iii) The amounts for Federal Insurance Contributions Act revenues for hospital insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1994: $90,200,000,000.
Fiscal year 1995: $98,800,000,000.
Fiscal year 1996: $104,200,000,000.
Fiscal year 1997: $109,100,000,000.
Fiscal year 1998: $114,000,000,000.

(B) For purposes of section 710 of the Social Security Act (excluding the receipts and disbursements of the Hospital Insurance Trust Fund)—

(i) The recommended levels of Federal revenues are as follows:

Fiscal year 1994: $812,400,000,000.
Fiscal year 1995: $858,900,000,000.
Fiscal year 1996: $926,500,000,000.
Fiscal year 1997: $976,500,000,000.
Fiscal year 1998: $1,020,700,000,000.

(ii) The amounts by which the aggregate levels of Federal revenues should be increased are as follows:

Fiscal year 1994: $21,800,000,000.
Fiscal year 1995: $28,300,000,000.
Fiscal year 1996: $44,700,000,000.
Fiscal year 1997: $59,100,000,000.
Fiscal year 1998: $57,600,000,000.

(2) NEW BUDGET AUTHORITY.—(A) For purposes of comparison with the maximum deficit amount under sections 601(a)(1) and 606 of the Congressional Budget Act of 1974 and for purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 1994: $1,223,400,000,000.
Fiscal year 1995: $1,289,600,000,000.
Fiscal year 1996: $1,347,500,000,000.
Fiscal year 1997: $1,409,900,000,000.
Fiscal year 1998: $1,474,500,000,000.

(B) For purposes of section 710 of the Social Security Act (excluding the receipts and disbursements of the Hospital Insurance Trust Fund), the appropriate levels of total new budget authority are as follows:

Fiscal year 1994: $1,136,400,000,000.
Fiscal year 1995: $1,192,100,000,000.
Fiscal year 1996: $1,239,100,000,000.
Fiscal year 1997: $1,290,300,000,000.
Fiscal year 1998: $1,341,800,000,000.

(3) BUDGET OUTLAYS.—(A) For purposes of comparison with the maximum deficit amount under sections 601(a)(1) and 606 of the Congressional Budget Act of 1974 and for purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 1994: $1,218,300,000,000.
Fiscal year 1995: $1,280,600,000,000.
Fiscal year 1996: $1,323,200,000,000.
Fiscal year 1997: $1,371,300,000,000.
Fiscal year 1998: $1,435,900,000,000.

(B) For purposes of section 710 of the Social Security Act (excluding the receipts and disbursements of the Hospital Insurance Trust Fund), the appropriate levels of total budget outlays are as follows:

Fiscal year 1994: $1,133,000,000,000.
Fiscal year 1995: $1,184,500,000,000.
Fiscal year 1996: $1,216,100,000,000.
Fiscal year 1997: $1,252,300,000,000.
Fiscal year 1998: $1,303,600,000,000.

(4) DEFICITS.—(A) For purposes of comparison with the maximum deficit amount under sections 601(a)(1) and 606 of the Congressional Budget Act of 1974 and for purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 1994: $312,800,000,000.
Fiscal year 1995: $306,800,000,000.
Fiscal year 1996: $285,600,000,000.
Fiscal year 1997: $278,000,000,000.
Fiscal year 1998: $292,700,000,000.

(B) For purposes of section 710 of the Social Security Act (excluding the receipts and disbursements of the Hospital Insurance Trust Fund), the amounts of the deficits are as follows:

Fiscal year 1994: $320,600,000,000.
Fiscal year 1995: $315,600,000,000.
Fiscal year 1996: $299,600,000,000.
Fiscal year 1997: $275,800,000,000.
Fiscal year 1998: $282,900,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 1994: $4,731,900,000,000.
Fiscal year 1995: $5,097,900,000,000.
Fiscal year 1996: $5,453,700,000,000.
Fiscal year 1997: $5,812,700,000,000.
Fiscal year 1998: $6,182,400,000,000.

(6) DIRECT LOAN OBLIGATIONS.—The appropriate levels of total new direct loan obligations are as follows:

Fiscal year 1994: $11,600,000,000.
Fiscal year 1995: $14,500,000,000.
Fiscal year 1996: $21,600,000,000.
Fiscal year 1997: $31,900,000,000.
Fiscal year 1998: $38,100,000,000.

(7) PRIMARY LOAN GUARANTEE COMMITMENTS.—The appropriate levels of new primary loan guarantee commitments are as follows:

Fiscal year 1994: $149,700,000,000.
Fiscal year 1995: $146,900,000,000.
Fiscal year 1996: $144,200,000,000.
Fiscal year 1997: $138,800,000,000.
Fiscal year 1998: $136,100,000,000.

SEC. 3. DEBT INCREASE AS A MEASURE OF DEFICIT.

The amounts of the increase in the public debt subject to limitation are as follows:

Fiscal year 1994: $372,300,000,000.
Fiscal year 1995: $366,000,000,000.
Fiscal year 1996: $355,800,000,000.
Fiscal year 1997: $359,100,000,000.
Fiscal year 1998: $369,700,000,000.

SEC. 4. DISPLAY OF FEDERAL RETIREMENT TRUST FUND BALANCES.

The balances of the Federal retirement trust funds are as follows:

Fiscal year 1994: $1,056,500,000,000.
Fiscal year 1995: $1,171,600,000,000.
Fiscal year 1996: $1,294,700,000,000.
Fiscal year 1997: $1,420,200,000,000.
Fiscal year 1998: $1,544,600,000,000.

SEC. 5. SOCIAL SECURITY.

(a) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 1994: $336,289,000,000.
Fiscal year 1995: $356,423,000,000.

Fiscal year 1996: $375,708,000,000.
Fiscal year 1997: $393,038,000,000.
Fiscal year 1998: $410,528,000,000.

(b) SOCIAL SECURITY OUTLAYS.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 1994: $274,813,000,000.
Fiscal year 1995: $286,457,000,000.
Fiscal year 1996: $297,401,000,000.
Fiscal year 1997: $308,456,000,000.
Fiscal year 1998: $319,408,000,000.

SEC. 6. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority, budget outlays, new direct loan obligations, new primary loan guarantee commitments, and new secondary loan guarantee commitments for fiscal years 1994 through 1998 for each major functional category are:

(1) National Defense (050):

Fiscal year 1994:
(A) New budget authority, $263,400,000,000.
(B) Outlays, $277,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $500,000,000.

Fiscal year 1995:
(A) New budget authority, $262,400,000,000.
(B) Outlays, $272,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $500,000,000.

Fiscal year 1996:
(A) New budget authority, $253,600,000,000.
(B) Outlays, $264,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $500,000,000.

Fiscal year 1997:
(A) New budget authority, $248,100,000,000.
(B) Outlays, $248,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $500,000,000.

Fiscal year 1998:
(A) New budget authority, $253,900,000,000.
(B) Outlays, $252,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $500,000,000.

(2) International Affairs (150):

Fiscal year 1994:
(A) New budget authority, $19,700,000,000.
(B) Outlays, $18,900,000,000.
(C) New direct loan obligations, $2,700,000,000.
(D) New primary loan guarantee commitments, $16,900,000,000.

Fiscal year 1995:
(A) New budget authority, $18,900,000,000.
(B) Outlays, $18,300,000,000.
(C) New direct loan obligations, $2,800,000,000.
(D) New primary loan guarantee commitments, $17,300,000,000.
Fiscal year 1996:
(A) New budget authority, $17,900,000,000.
(B) Outlays, $17,500,000,000.
(C) New direct loan obligations, $2,800,000,000.
(D) New primary loan guarantee commitments, $17,800,000,000.
Fiscal year 1997:
(A) New budget authority, $17,700,000,000.
(B) Outlays, $17,100,000,000.
(C) New direct loan obligations, $2,800,000,000.
(D) New primary loan guarantee commitments, $18,200,000,000.
Fiscal year 1998:
(A) New budget authority, $17,500,000,000.
(B) Outlays, $17,000,000,000.
(C) New direct loan obligations, $2,900,000,000.
(D) New primary loan guarantee commitments, $18,700,000,000.

(3) General Science, Space, and Technology (250):
Fiscal year 1994:
(A) New budget authority, $18,100,000,000.
(B) Outlays, $17,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $19,300,000,000.
(B) Outlays, $18,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, $20,100,000,000.
(B) Outlays, $19,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, $20,800,000,000.
(B) Outlays, $20,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1998:
(A) New budget authority, $21,300,000,000.
(B) Outlays, $21,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

(4) Energy (270):
Fiscal year 1994:
(A) New budget authority, $4,800,000,000.

(B) Outlays, $3,800,000,000.
(C) New direct loan obligations, $1,800,000,000.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $5,900,000,000.
(B) Outlays, $4,100,000,000.
(C) New direct loan obligations, $1,800,000,000.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, $5,100,000,000.
(B) Outlays, $4,000,000,000.
(C) New direct loan obligations, $1,800,000,000.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, $5,200,000,000.
(B) Outlays, $4,200,000,000.
(C) New direct loan obligations, $1,800,000,000.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1998:
(A) New budget authority, $5,400,000,000.
(B) Outlays, $4,100,000,000.
(C) New direct loan obligations, $1,800,000,000.
(D) New primary loan guarantee commitments, $0.

(5) Natural Resources and Environment (300):
Fiscal year 1994:
(A) New budget authority, $20,600,000,000.
(B) Outlays, $20,800,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $22,600,000,000.
(B) Outlays, $20,800,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, $22,300,000,000.
(B) Outlays, $21,500,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, $22,500,000,000.
(B) Outlays, $21,900,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1998:
(A) New budget authority, $22,500,000,000.
(B) Outlays, $21,900,000,000.
(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

(6) Agriculture (350):

Fiscal year 1994:

(A) New budget authority, $15,200,000,000.

(B) Outlays, $14,400,000,000.

(C) New direct loan obligations, $600,000,000.

(D) New primary loan guarantee commitments, $7,000,000,000.

Fiscal year 1995:

(A) New budget authority, $13,800,000,000.

(B) Outlays, $12,400,000,000.

(C) New direct loan obligations, $600,000,000.

(D) New primary loan guarantee commitments, $7,000,000,000.

Fiscal year 1996:

(A) New budget authority, $12,900,000,000.

(B) Outlays, $10,900,000,000.

(C) New direct loan obligations, $600,000,000.

(D) New primary loan guarantee commitments, $7,000,000,000.

Fiscal year 1997:

(A) New budget authority, $12,600,000,000.

(B) Outlays, $10,700,000,000.

(C) New direct loan obligations, $700,000,000.

(D) New primary loan guarantee commitments, $7,100,000,000.

Fiscal year 1998:

(A) New budget authority, $12,600,000,000.

(B) Outlays, $10,900,000,000.

(C) New direct loan obligations, $700,000,000.

(D) New primary loan guarantee commitments, $7,100,000,000.

(7) Commerce and Housing Credit (370):

Fiscal year 1994:

(A) New budget authority, $16,900,000,000.

(B) Outlays, $8,600,000,000.

(C) New direct loan obligations, $2,700,000,000.

(D) New primary loan guarantee commitments, $78,100,000,000.

Fiscal year 1995:

(A) New budget authority, $16,900,000,000.

(B) Outlays, $13,100,000,000.

(C) New direct loan obligations, $2,700,000,000.

(D) New primary loan guarantee commitments, $80,100,000,000.

Fiscal year 1996:

(A) New budget authority, $13,700,000,000.

(B) Outlays, $3,400,000,000.

(C) New direct loan obligations, $2,800,000,000.

(D) New primary loan guarantee commitments, $82,100,000,000.

Fiscal year 1997:

(A) New budget authority, $9,600,000,000.

(B) Outlays, −$10,500,000,000.

(C) New direct loan obligations, $2,900,000,000.

(D) New primary loan guarantee commitments, $84,100,000,000.

Fiscal year 1998:
(A) New budget authority, $10,400,000,000.
(B) Outlays, −$7,100,000,000.
(C) New direct loan obligations, $2,900,000,000.
(D) New primary loan guarantee commitments, $86,300,000,000.

(8) Transportation (400):
Fiscal year 1994:
(A) New budget authority, $40,600,000,000.
(B) Outlays, $36,500,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $41,000,000,000.
(B) Outlays, $37,500,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, $42,200,000,000.
(B) Outlays, $39,200,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, $43,700,000,000.
(B) Outlays, $40,700,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1998:
(A) New budget authority, $44,900,000,000.
(B) Outlays, $42,000,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $0.

(9) Community and Regional Development (450):
Fiscal year 1994:
(A) New budget authority, $9,000,000,000.
(B) Outlays, $8,800,000,000.
(C) New direct loan obligations, $2,100,000,000.
(D) New primary loan guarantee commitments, $2,400,000,000.
Fiscal year 1995:
(A) New budget authority, $8,600,000,000.
(B) Outlays, $8,300,000,000.
(C) New direct loan obligations, $2,100,000,000.
(D) New primary loan guarantee commitments, $2,500,000,000.
Fiscal year 1996:
(A) New budget authority, $8,800,000,000.
(B) Outlays, $8,100,000,000.
(C) New direct loan obligations, $2,200,000,000.
(D) New primary loan guarantee commitments, $2,500,000,000.
Fiscal year 1997:
(A) New budget authority, $8,900,000,000.

(B) Outlays, $8,300,000,000.
(C) New direct loan obligations, $2,300,000,000.
(D) New primary loan guarantee commitments, $2,600,000,000.
Fiscal year 1998:
(A) New budget authority, $9,200,000,000.
(B) Outlays, $8,600,000,000.
(C) New direct loan obligations, $2,300,000,000.
(D) New primary loan guarantee commitments, $2,600,000,000.

(10) Education, Training, Employment, and Social Services (500):
Fiscal year 1994:
(A) New budget authority, $55,800,000,000.
(B) Outlays, $52,100,000,000.
(C) New direct loan obligations, $400,000,000.
(D) New primary loan guarantee commitments, $20,700,000,000.
Fiscal year 1995:
(A) New budget authority, $59,200,000,000.
(B) Outlays, $54,800,000,000.
(C) New direct loan obligations, $3,300,000,000.
(D) New primary loan guarantee commitments, $19,600,000,000.
Fiscal year 1996:
(A) New budget authority, $62,800,000,000.
(B) Outlays, $54,900,000,000.
(C) New direct loan obligations, $10,100,000,000.
(D) New primary loan guarantee commitments, $13,700,000,000.
Fiscal year 1997:
(A) New budget authority, $65,100,000,000.
(B) Outlays, $62,100,000,000.
(C) New direct loan obligations, $20,100,000,000.
(D) New primary loan guarantee commitments, $5,000,000,000.
Fiscal year 1998:
(A) New budget authority, $67,400,000,000.
(B) Outlays, $64,800,000,000.
(C) New direct loan obligations, $26,200,000,000.
(D) New primary loan guarantee commitments, $0.

(11) Health (550):
Fiscal year 1994:
(A) New budget authority, $119,000,000,000.
(B) Outlays, $118,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $400,000,000.
Fiscal year 1995:
(A) New budget authority, $133,100,000,000.
(B) Outlays, $131,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $400,000,000.
Fiscal year 1996:
(A) New budget authority, $148,200,000,000.
(B) Outlays, $146,800,000,000.

(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $500,000,000.
Fiscal year 1997:
(A) New budget authority, $163,700,000,000.
(B) Outlays, $162,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $500,000,000.
Fiscal year 1998:
(A) New budget authority, $180,600,000,000.
(B) Outlays, $178,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $500,000,000.

(12) Medicare (570):
Fiscal year 1994:
(A) New budget authority, $151,200,000,000.
(B) Outlays, $149,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $171,600,000,000.
(B) Outlays, $167,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, $184,200,000,000.
(B) Outlays, $183,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, $201,600,000,000.
(B) Outlays, $201,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1998:
(A) New budget authority, $221,500,000,000.
(B) Outlays, $221,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

(13) For purposes of section 710 of the Social Security Act, Federal Supplementary Medical Insurance Trust Fund:
Fiscal year 1994:
(A) New budget authority, $51,200,000,000.
(B) Outlays, $51,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $61,300,000,000.
(B) Outlays, $58,400,000,000.
(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, $63,700,000,000.
(B) Outlays, $63,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, $71,200,000,000.
(B) Outlays, $71,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1998:
(A) New budget authority, $80,000,000,000.
(B) Outlays, $80,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(14) Income Security (600):
Fiscal year 1994:
(A) New budget authority, $211,100,000,000.
(B) Outlays, $210,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $222,800,000,000.
(B) Outlays, $223,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, $237,800,000,000.
(B) Outlays, $232,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, $252,200,000,000.
(B) Outlays, $243,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1998:
(A) New budget authority, $253,400,000,000.
(B) Outlays, $252,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(15) Social Security (650):
Fiscal year 1994:
(A) New budget authority, $6,100,000,000.
(B) Outlays, $8,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:
(A) New budget authority, $6,700,000,000.
(B) Outlays, $9,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, $7,300,000,000.
(B) Outlays, $10,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, $7,900,000,000.
(B) Outlays, $11,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1998:
(A) New budget authority, $8,600,000,000.
(B) Outlays, $11,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

(16) Veterans Benefits and Services (700):
Fiscal year 1994:
(A) New budget authority, $34,700,000,000.
(B) Outlays, $36,300,000,000.
(C) New direct loan obligations, $1,100,000,000.
(D) New primary loan guarantee commitments, $23,700,000,000.
Fiscal year 1995:
(A) New budget authority, $35,400,000,000.
(B) Outlays, $35,500,000,000.
(C) New direct loan obligations, $1,000,000,000.
(D) New primary loan guarantee commitments, $19,500,000,000.
Fiscal year 1996:
(A) New budget authority, $36,000,000,000.
(B) Outlays, $34,600,000,000.
(C) New direct loan obligations, $1,100,000,000.
(D) New primary loan guarantee commitments, $20,100,000,000.
Fiscal year 1997:
(A) New budget authority, $36,200,000,000.
(B) Outlays, $36,400,000,000.
(C) New direct loan obligations, $1,100,000,000.
(D) New primary loan guarantee commitments, $20,800,000,000.
Fiscal year 1998:
(A) New budget authority, $36,800,000,000.
(B) Outlays, $36,900,000,000.
(C) New direct loan obligations, $1,100,000,000.
(D) New primary loan guarantee commitments, $20,400,000,000.

(17) Administration of Justice (750):
Fiscal year 1994:
(A) New budget authority, $15,000,000,000.

(B) Outlays, $15,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $15,300,000,000.
(B) Outlays, $15,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, $15,700,000,000.
(B) Outlays, $15,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, $16,100,000,000.
(B) Outlays, $16,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1998:
(A) New budget authority, $16,700,000,000.
(B) Outlays, $16,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(18) General Government (800):
Fiscal year 1994:
(A) New budget authority, $13,000,000,000.
(B) Outlays, $13,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $12,800,000,000.
(B) Outlays, $14,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, $13,200,000,000.
(B) Outlays, $13,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, $13,800,000,000.
(B) Outlays, $13,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1998:
(A) New budget authority, $13,500,000,000.
(B) Outlays, $13,900,000,000.
(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(19) Net Interest (900):

Fiscal year 1994:

(A) New budget authority, $239,900,000,000.

(B) Outlays, $239,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $260,800,000,000.

(B) Outlays, $260,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $280,100,000,000.

(B) Outlays, $280,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $297,700,000,000.

(B) Outlays, $297,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $315,300,000,000.

(B) Outlays, $315,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(20) For purposes of section 710 of the Social Security Act, Net Interest (900):

Fiscal year 1994:

(A) New budget authority, $250,400,000,000.

(B) Outlays, $250,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $271,100,000,000.

(B) Outlays, $271,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $289,700,000,000.

(B) Outlays, $289,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $305,900,000,000.

(B) Outlays, $305,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $321,400,000,000.

(B) Outlays, $321,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(21) The corresponding levels of gross interest on the public debt are as follows:

Fiscal year 1994: $307,443,000,000.

Fiscal year 1995: $327,744,000,000.

Fiscal year 1996: $347,046,000,000.

Fiscal year 1997: $364,334,000,000.

Fiscal year 1998: $381,401,000,000.

(22) Allowances (920):

Fiscal year 1994:

(A) New budget authority, −$0.

(B) Outlays, −$0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, −$6,000,000,000.

(B) Outlays, −$4,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, −$2,700,000,000.

(B) Outlays, −$4,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, −$0,700,000,000.

(B) Outlays, −$0,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, −$9,900,000,000.

(B) Outlays, −$13,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(23) Undistributed Offsetting Receipts (950):

Fiscal year 1994:

(A) New budget authority, −$30,700,000,000.

(B) Outlays, −$32,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, −$31,500,000,000.

(B) Outlays, −$33,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, −$31,700,000,000.

(B) Outlays, −$33,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, −$32,300,000,000.

(B) Outlays, −$33,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, −$32,100,000,000.

(B) Outlays, −$33,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(24) For purposes of section 710 of the Social Security Act, Undistributed Offsetting Receipts (950):

Fiscal year 1994:

(A) New budget authority, −$28,200,000,000.

(B) Outlays, −$29,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, −$29,000,000,000.

(B) Outlays, −$30,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, −$29,200,000,000.

(B) Outlays, −$30,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, −$29,700,000,000.

(B) Outlays, −$30,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, −$29,400,000,000.

(B) Outlays, −$30,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

SEC. 7. RECONCILIATION.

(a) COMMITTEES ON WAYS AND MEANS AND FINANCE.—Not later than April 2, 1993, the House Committee on Ways and Means and the Senate Committee on Finance shall submit to their respective Houses reconciliation legislation containing recommendations

to change laws to increase the statutory limit on the public debt to not more than $4,370,000,000,000.

(b) SENATE COMMITTEES.—Not later than June 18, 1993, the committees named in this subsection shall submit their recommendations to the Committee on the Budget of the Senate. After receiving those recommendations, the Committee on the Budget shall report to the Senate a reconciliation bill carrying out all such recommendations without any substantive revision.

(1) COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY.—The Senate Committee on Agriculture, Nutrition, and Forestry shall report changes in laws within its jurisdiction to reduce the deficit $118,000,000 in fiscal year 1994 and $3,170,000,000 for the period of fiscal years 1994 through 1998.

(2) COMMITTEE ON ARMED SERVICES.—The Senate Committee on Armed Services shall report changes in laws within its jurisdiction to reduce the deficit $128,000,000 in fiscal year 1994 and $2,361,000,000 for the period of fiscal years 1994 through 1998.

(3) COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS.—The Senate Committee on Banking, Housing, and Urban Affairs shall report changes in laws within its jurisdiction to reduce the deficit $401,000,000 in fiscal year 1994 and $3,131,000,000 for the period of fiscal years 1994 through 1998.

(4) COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION.—The Senate Committee on Commerce, Science, and Transportation shall report changes in laws within its jurisdiction to reduce the deficit $1,700,000,000 in fiscal year 1994 and $7,405,000,000 for the period of fiscal years 1994 through 1998.

(5) COMMITTEE ON ENERGY AND NATURAL RESOURCES.—The Senate Committee on Energy and Natural Resources shall report changes in laws within its jurisdiction to reduce the deficit $118,000,000 in fiscal year 1994 and $737,000,000 for the period of fiscal years 1994 through 1998.

(6) COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS.—The Senate Committee on Environment and Public Works shall report changes in laws within its jurisdiction to reduce the deficit $13,000,000 in fiscal year 1994 and $1,254,000,000 for the period of fiscal years 1994 through 1998.

(7) COMMITTEE ON FINANCE.—(A) The Senate Committee on Finance shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) to reduce outlays $2,346,000,000 in fiscal year 1994 and $35,157,000,000 for the period of fiscal years 1994 through 1998.

(B) The Senate Committee on Finance shall report changes in laws within its jurisdiction to increase revenues $27,293,000,000 in fiscal year 1994 and $272,105,000,000 for the period of fiscal years 1994 through 1998.

(C) The Senate Committee on Finance shall report changes in laws to increase the statutory limit on the public debt to not more than $4,900,000,000,000.

(8) COMMITTEE ON FOREIGN RELATIONS.—The Senate Committee on Foreign Relations shall report changes in laws within its jurisidction to reduce the deficit $5,000,000 for the period of fiscal years 1994 through 1998.

(9) COMMITTEE ON GOVERNMENTAL AFFAIRS.—The Senate Committee on Governmental Affairs shall report changes in laws within its jurisdiction to reduce the deficit $77,000,000 in fiscal year 1994 and $10,638,000,000 for the period of fiscal years 1994 through 1998.

(10) COMMITTEE ON THE JUDICIARY.—The Senate Committee on the Judiciary shall report changes in laws within its jurisdiction to reduce the deficit $345,000,000 for the period of fiscal years 1994 through 1998.

(11) COMMITTEE ON LABOR AND HUMAN RESOURCES.—The Senate Committee on Labor and Human Resources shall report changes in laws within its jurisdiction to reduce the deficit $4,571,000,000 for the period of fiscal years 1994 through 1998.

(12) COMMITTEE ON VETERANS' AFFAIRS.—The Senate Committee on Veterans' Affairs shall report changes in laws within its jurisdiction to reduce the deficit $266,000,000 in fiscal year 1994 and $2,580,000,000 for the period of fiscal years 1994 through 1998.

(c) HOUSE COMMITTEES.—Not later than May 14, 1993, the committees named in this subsection shall submit their recommendations to the Committee on the Budget of the House of Representatives. After receiving those recommendations, the Committee on the Budget shall report to the House of Representatives a reconciliation bill carrying out all such recommendations without any substantive revision.

(1) COMMITTEE ON AGRICULTURE.—The Committee on Agriculture shall report changes in laws within its jurisdiction sufficient to reduce the deficit, as follows: $98,000,000 in fiscal year 1994, $119,000,000 in fiscal year 1995, $515,000,000 in fiscal year 1996, $1,041,000,000 in fiscal year 1997, and $1,177,000,000 in fiscal year 1998, and program changes in laws within its jurisdiction, sufficient to result in an increase of outlays as follows: $523,000,000 in fiscal year 1994, $1,524,000,000 in fiscal year 1995, $1,527,000,000 in fiscal year 1996, $1,533,000,000 in fiscal year 1997, and $1,551,000,000 in fiscal year 1998.

(2) COMMITTEE ON ARMED SERVICES.—The House Committee on Armed Services shall report changes in laws within its jurisdiction that provide direct spending sufficient to reduce outlays, as follows: $128,000,000 in fiscal year 1994, $292,000,000 in fiscal year 1995, $457,000,000 in fiscal year 1996, $643,000,000 in fiscal year 1997, and $841,000,000 in fiscal year 1998, and program changes in laws within its jurisdiction, sufficient to result in a reduction of outlays as follows: $2,012,000,000 in fiscal year 1994, $3,231,000,000 in fiscal year 1995, $4,117,000,000 in fiscal year 1996, $5,103,000,000 in fiscal year 1997, and $5,800,000,000 in fiscal year 1998.

(3) COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS.—The House Committee on Banking, Finance and Urban Affairs shall report changes in laws within its jurisdiction that provide direct spending, sufficient to reduce outlays, as follows: $338,000,000 in fiscal year 1994, $346,000,000 in fiscal year 1995, $550,000,000 in fiscal year 1996, $769,000,000 in fiscal year 1997, and $789,000,000 in fiscal year 1998, program changes in laws within its jurisdiction, sufficient to result in an increase of outlays as follows: $5,000,000 in fiscal year 1994; and result in a reduction of outlays as follows: $18,000,000 in fiscal year 1995, $127,000,000 in fiscal year

1996, $227,000,000 in fiscal year 1997, and $260,000,000 in fiscal year 1998, and changes in laws within its jurisdiction to increase revenues, as follows: $63,000,000 in fiscal year 1994, $65,000,000 in fiscal year 1995, $68,000,000 in fiscal year 1996, $70,000,000 in fiscal year 1997, and $73,000,000 in fiscal year 1998.

(4) COMMITTEE ON EDUCATION AND LABOR.—The House Committee on Education and Labor shall report changes in laws within its jurisdiction that provide direct spending sufficient to increase outlays by $118,000,000 in fiscal year 1994, and to reduce outlays as follows: $72,000,000 in fiscal year 1995, $792,000,000 in fiscal year 1996, $2,173,000,000 in fiscal year 1997, and $2,898,000,000 in fiscal year 1998.

(5) COMMITTEE ON ENERGY AND COMMERCE.—The House Committee on Energy and Commerce shall report changes in laws within its jurisdiction that provide direct spending sufficient to reduce outlays, as follows: $4,342,000,000 in fiscal year 1994, $7,491,000,000 in fiscal year 1995, $13,422,000,000 in fiscal year 1996, $17,518,000,000 in fiscal year 1997, and $21,744,000,000 in fiscal year 1998.

(6) COMMITTEE ON FOREIGN AFFAIRS.—The House Committee on Foreign Affairs shall report changes in laws within its jurisdiction that provide direct spending sufficient to reduce outlays, as follows: $0 in fiscal year 1994, $1,000,000 in fiscal year 1995, $1,000,000 in fiscal year 1996, $1,000,000 in fiscal year 1997, and $2,000,000 in fiscal year 1998.

(7) COMMITTEE ON THE JUDICIARY.—The House Committee on the Judiciary shall report changes in laws within its jurisdiction that provide direct spending sufficient to reduce outlays, as follows: $0 in fiscal year 1994, $0 in fiscal year 1995, $111,000,000 in fiscal year 1996, $115,000,000 in fiscal year 1997, and $119,000,000 in fiscal year 1998.

(8) COMMITTEE ON MERCHANT MARINE AND FISHERIES.—The House Committee on Merchant Marine and Fisheries shall report changes in laws within its jurisdiction that provide direct spending sufficient to reduce outlays, as follows: $0 in fiscal year 1994, $0 in fiscal year 1995, $67,000,000 in fiscal year 1996, $68,000,000 in fiscal year 1997, and $70,000,000 in fiscal year 1998.

(9) COMMITTEE ON NATURAL RESOURCES.—The House Committee on Natural Resources shall report changes in laws within its jurisdiction that provide direct spending sufficient to reduce outlays, as follows: $131,000,000 in fiscal year 1994, $157,000,000 in fiscal year 1995, $543,000,000 in fiscal year 1996, $569,000,000 in fiscal year 1997, and $591,000,000 in fiscal year 1998.

(10) COMMITTEE ON POST OFFICE AND CIVIL SERVICE.—The House Committee on Post Office and Civil Service shall report changes in laws within its jurisdiction that provide direct spending sufficient to reduce outlays, as follows: $77,000,000 in fiscal year 1994, $491,000,000 in fiscal year 1995, $2,669,000,000 in fiscal year 1996, $3,709,000,000 in fiscal year 1997, and $3,697,000,000 in fiscal year 1998, and program changes in laws within its jurisdiction, sufficient to result in a reduction of outlays as follows: $2,903,000,000 in fiscal year 1994, $4,660,000,000 in fiscal year 1995, $5,825,000,000 in fiscal year 1996, $7,169,000,000 in fiscal year 1997, and $8,164,000,000 in fiscal year 1998.

(11) COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION.—The House Committee on Public Works and Transportation shall report changes in laws within its jurisdiction sufficient to reduce the deficit, as follows: $31,000,000 in fiscal year 1994, $49,000,000 in fiscal year 1995, $62,000,000 in fiscal year 1996, $76,000,000 in fiscal year 1997, and $78,000,000 in fiscal year 1998.

(12) COMMITTEE ON VETERANS' AFFAIRS.—The House Committee on Veterans' Affairs shall report changes in laws within its jurisdiction that provide direct spending sufficient to reduce outlays, as follows: $266,000,000 in fiscal year 1994, $364,000,000 in fiscal year 1995, $382,000,000 in fiscal year 1996, $405,000,000 in fiscal year 1997, and $1,163,000,000 in fiscal year 1998.

(13) COMMITTEE ON WAYS AND MEANS.—The House Committee on Ways and Means shall report changes in laws within its jurisdiction sufficient to reduce the deficit, as follows: by $29,441,000,000 in fiscal year 1994, by $41,415,000,000 in fiscal year 1995, by $61,912,000,000 in fiscal year 1996, by $81,794,000,000 in fiscal year 1997, and by $85,209,000,000 in fiscal year 1998, and changes in laws to increase the statutory limit on the public debt to not more than $4,900,000,000,000.

(14) DIRECT SPENDING.—For purposes of this subsection, the term "direct spending" means spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974 and new budget authority as defined in section 3(2) of the Congressional Budget Act of 1974.

SEC. 8. SALE OF GOVERNMENT ASSETS.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) from time to time the United States Government should sell assets; and

(2) the amounts realized from such asset sales will not recur on an annual basis and do not reduce the demand for credit.

(b) BUDGETARY TREATMENT.—For purposes of points of order under this concurrent resolution and the Congressional Budget and Impoundment Control Act of 1974, the amounts realized from sales of assets (other than loan assets) shall not be scored with respect to the level of budget authority, outlays, or revenues.

(c) DEFINITIONS.—For purposes of this section—

(1) the term "sale of an asset" shall have the same meaning as under section 250(c)(21) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as amended by the Budget Enforcement Act of 1990); and

(2) the term shall not include asset sales mandated by law before September 18, 1987, and routine, ongoing asset sales at levels consistent with agency operations in fiscal year 1986.

SEC. 9. DEFICIT-NEUTRAL RESERVE FUND IN THE SENATE.

(a) INITIATIVES TO IMPROVE THE HEALTH AND NUTRITION OF CHILDREN AND TO PROVIDE FOR SERVICES TO SUPPORT AND PROTECT CHILDREN, AND TO IMPROVE THE WELL-BEING OF FAMILIES.—

(1) IN GENERAL.—Budget authority and outlays may be allocated to a committee or committees for legislation that

increases funding to improve the health and nutrition of children and to provide for services to support and protect children, and to improve the well-being and self-sufficiency of families and reduce dependency, including initiatives to expand childhood immunization and family preservation and support services, within such a committee's jurisdiction if such a committee or the committee of conference on such legislation reports such legislation, if, to the extent that the costs of such legislation are not included in this concurrent resolution on the budget, the enactment of such legislation will not increase (by virtue of either contemporaneous or previously passed deficit reduction) the deficit in this resolution for—

(A) fiscal year 1994; and

(B) the period of fiscal years 1994 through 1998.

(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this subsection. Such revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(b) ECONOMIC GROWTH INITIATIVES.—

(1) IN GENERAL.—Budget authority and outlays may be allocated to a committee or committees for legislation that increases funding for economic recovery or growth initiatives, including unemployment compensation, a dislocated worker program, job training, or other related programs within such a committee's jurisdiction if such a committee or the committee of conference on such legislation reports such legislation, if, to the extent that the costs of such legislation are not included in this concurrent resolution on the budget, the enactment of such legislation will not increase (by virtue of either contemporaneous or previously passed deficit reduction) the deficit in this resolution for—

(A) fiscal year 1994; and

(B) the period of fiscal years 1994 through 1998.

(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this subsection. Such revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to section 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(c) CONTINUING IMPROVEMENTS IN ONGOING HEALTH CARE PROGRAMS AND COMPREHENSIVE HEALTH CARE REFORM.—

(1) IN GENERAL.—Budget authority and outlays may be allocated to a committee or committees for legislation that increases funding to make continuing improvements in ongoing health care programs, to provide for comprehensive health care reform, or to control health care costs within such a committee's jurisdiction if such a committee or the committee of conference on such legislation reports such legislation, if, to the extent that the costs of such legislation are not included in this concurrent resolution on the budget, the enactment of such legislation will not increase (by virtue of either contemporaneous or previously passed deficit reduction) the deficit in this resolution for—

(A) fiscal year 1994; and

(B) the period of fiscal years 1994 through 1998.

(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this subsection. Such revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(d) INITIATIVES TO IMPROVE EDUCATIONAL OPPORTUNITIES FOR INDIVIDUALS AT THE EARLY CHILDHOOD, ELEMENTARY, SECONDARY, OR HIGHER EDUCATION LEVELS, OR TO INVEST IN THE HEALTH OR EDUCATION OF AMERICA'S CHILDREN.—

(1) IN GENERAL.—Budget authority and outlays may be allocated to a committee or committees for direct spending legislation that increases funding to improve educational opportunities for individuals at the early childhood, elementary, secondary, or higher education levels, or to invest in the health or education of America's children within such a committee's jurisdiction if such a committee or the committee of conference on such legislation reports such legislation, if, to the extent that the costs of such legislation are not included in this concurrent resolution on the budget, the enactment of such legislation will not increase (by virtue of either contemporaneous or previously passed deficit reduction) the deficit in this resolution for—

(A) fiscal year 1994; and

(B) the period of fiscal years 1994 through 1998.

(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission

of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this subsection. Such revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(e) INITIATIVES TO PRESERVE AND REBUILD THE UNITED STATES MARITIME INDUSTRY.—

(1) IN GENERAL.—Budget authority and outlays may be allocated to a committee or committees for direct spending legislation that increases funding to preserve and rebuild the United States maritime industry within such a committee's jurisdiction if such a committee or the committee of conference on such legislation reports such legislation, if, to the extent that the costs of such legislation are not included in this concurrent resolution on the budget, the enactment of such legislation will not increase (by virtue of either contemporaneous or previously passed deficit reduction) the deficit in this resolution for—

(A) fiscal year 1994; and

(B) the period of fiscal years 1994 through 1998.

(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this subsection. Such revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(f) INITIATIVES TO REFORM THE FINANCING OF FEDERAL ELECTIONS.—

(1) IN GENERAL.—Budget authority and outlays may be allocated to a committee or committees for direct spending legislation that increases funding to reform the financing of Federal elections within such a committee's jurisdiction if such a committee or the committee of conference on such legislation reports such legislation, if, to the extent that the costs of such legislation are not included in this concurrent resolution on the budget, the enactment of such legislation will not increase (by virtue of either contemporaneous or previously passed deficit reduction) the deficit in this resolution for—

(A) fiscal year 1994; and

(B) the period of fiscal years 1994 through 1998.

(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this subsection. Such revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(g) TRADE-RELATED LEGISLATION.—

(1) IN GENERAL.—Budget authority and outlays may be allocated to a committee or committees and the revenue aggregates may be reduced for legislation to implement the North American Free Trade Agreement and any other trade-related legislation within such a committee's jurisdiction if such a committee or the committee of conference on such legislation reports such legislation, if, to the extent that the costs of such legislation are not included in this concurrent resolution on the budget, the enactment of such legislation will not increase (by virtue of either contemporaneous or previously passed deficit reduction) the deficit in this resolution for—

(A) fiscal year 1994; and

(B) the period of fiscal years 1994 through 1998.

(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this subsection. Such revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to section 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this subsection.

SEC. 10. SOCIAL SECURITY FIRE WALL POINT OF ORDER IN THE SENATE.

(a) ACCOUNTING TREATMENT.—Notwithstanding any other provision of this resolution, for the purpose of allocations and points of order under sections 302 and 311 of the Congressional Budget Act of 1974, the levels of social security outlays and revenues for this resolution shall be the current services levels.

(b) APPLICATION OF SECTION 301(i).—Notwithstanding any other rule of the Senate, in the Senate, the point of order established

under section 301(i) of the Congressional Budget Act of 1974 shall apply to any concurrent resolution on the budget for any fiscal year (as reported and as amended), amendments thereto, or any conference report thereon.

SEC. 11. SENSE OF THE HOUSE REGARDING TAX REVENUES AND DEFICIT REDUCTION.

It is the sense of the House of Representatives that any legislation enacting tax increases called for in this budget resolution contain language providing that the net revenues generated by the legislation shall not be counted for the purpose of calculating the amount of any deficit increase called for in section 252(b) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended by the Omnibus Budget Reconciliation Act of 1990.

SEC. 12. ENFORCEMENT PROCEDURES.

(a) PURPOSE.—The Senate declares that it is essential to—

(1) ensure compliance with the deficit reduction goals embodied in this resolution;

(2) extend the system of discretionary spending limits set forth in section 601 of the Congressional Budget Act of 1974;

(3) extend the pay-as-you-go enforcement system;

(4) prohibit the consideration of direct spending or receipts legislation that would decrease the pay-as-you-go surplus that the reconciliation bill pursuant to section 7 of this resolution will create under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985;

(5) adopt as part of this concurrent resolution such of the enforcement procedures set forth in this subsection as this concurrent resolution may constitutionally include; and

(6) enact, during this session of Congress, such of the enforcement procedures set forth in this subsection as only statute may constitutionally include.

(b) DISCRETIONARY SPENDING LIMITS.—

(1) DEFINITION.—As used in this section, for the discretionary category, the term "discretionary spending limit" means—

(A) with respect to fiscal year 1996:

$519,142,000,000 in new budget authority and $547,263,000,000 in outlays;

(B) with respect to fiscal year 1997:

$528,079,000,000 in new budget authority and $547,346,000,000 in outlays; and

(C) with respect to fiscal year 1998:

$530,639,000,000 in new budget authority and $547,870,000,000 in outlays;

as adjusted for changes in concepts and definitions, changes in inflation, and emergency appropriations.

(2) POINT OF ORDER IN THE SENATE.—

(A) Except as provided in subparagraph (B), it shall not be in order in the Senate to consider any concurrent resolution on the budget for fiscal year 1995, 1996, 1997, or 1998 (or amendment, motion, or conference report on such a resolution) that would exceed any of the discretionary spending limits in this section.

(B) This subsection shall not apply if a declaration of war by the Congress is in effect or if a joint resolution

pursuant to section 258 of the Balanced Budget and Emergency Deficit Control Act of 1985 has been enacted.

(c) ENFORCING PAY-AS-YOU-GO.—At any time after the enactment of the reconciliation bill pursuant to section 7 of this resolution, it shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report, that would increase the deficit in this resolution for any fiscal year through fiscal year 1998 or would increase the deficit for any other fiscal year through fiscal year 2003, as measured by the sum of—

(1) all applicable estimates of direct spending and receipts legislation applicable to that fiscal year, other than any amounts resulting from—

(A) full funding of, and continuation of, the deposit insurance guarantee commitment in effect on the date of enactment of the Budget Enforcement Act of 1990; and

(B) emergency provisions as designated under section 252(e) of that Act; and

(2) the estimated amount of savings in direct spending programs applicable to that fiscal year resulting from the prior year's sequestration under that Act, if any (except for any amounts sequestered as a result of a net deficit increase in the fiscal year immediately preceding the prior fiscal year).

(d) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(e) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the concurrent resolution, bill, or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(f) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, and receipts for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

(g) EXERCISE OF RULEMAKING POWERS.—The Senate adopts the provisions of this section—

(1) as an exercise of the rulemaking power of the Senate, and as such they shall be considered as part of the rules of the Senate, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of the Senate to change those rules (so far as they relate to the Senate) at any time, in the same manner, and to the same extent as in the case of any other rule of the Senate.

SEC. 13. SENSE OF THE SENATE PROVISIONS.

The following subsections are set forth as the sense of the Senate:

(a) ASSUMPTIONS.—The levels and amounts set forth in this resolution are based on the following assumptions:

(1) REVENUES.—(A) There shall not be an increase in inland barge fuel taxes beyond those increases already scheduled in current law.

(B) The Finance Committee will make every effort to find alternative sources of revenues before imposing new taxes on the benefits of Social Security beneficiaries with threshold incomes (for purposes of the taxation of Social Security benefits) of less than $32,000 for individuals and $40,000 for married couples filing joint returns.

(C) Consistent with the position of the Administration, the BTU tax will be imposed at the same rate on all fuels purchased by households for home heating purposes, and therefore the supplemental tax on oil will not be imposed on such fuels.

(D) Any energy tax enacted during the One Hundred Third Congress should provide such relief to the agriculture industry as is necessary to ensure that the industry does not absorb a disproportionate impact of that tax.

(2) NATIONAL DEFENSE (FUNCTION 050).—(A) If the estimates for inflation for fiscal years 1994 through 1998 used in the President's fiscal year 1994 budget request and this concurrent resolution are too low, the amounts for budget authority and outlays for the National Defense (050) and other budget functions should be increased to offset the adverse effects of the higher inflation.

(B) If Congress does not enact legislation freezing Federal pay levels for fiscal year 1994 and reducing the rates of increase in Federal pay levels for fiscal years 1995 through 1997, as assumed for the President's fiscal year 1994 budget request and this concurrent resolution, there should be appropriate increases in the amounts of budget authority and outlays for the National Defense (050) and other budget functions in this concurrent resolution to allow the departments and agencies of the Federal Government to meet the resulting increases in costs for pay.

(C) Appropriations for fiscal year 1994 for the programs, projects, activities, and authorities under budget functional category 050 (National Defense) should be made at the levels of budget authority and outlays that are provided for in this concurrent resolution for such functional category for such fiscal year.

(D) If the appropriations for fiscal year 1994 for such programs, projects, activities, and authorities are less than the levels of budget authority and outlays that are provided for in this concurrent resolution for such functional category for such fiscal year, the savings resulting from the lesser levels of appropriations should be used only for reducing the deficit in the budget of the United States.

(E) The Congress should promptly reconsider the amounts determined and declared by the Congress in this resolution to be the appropriate levels of new budget authority, outlays, new direct loan obligations, and new primary loan guarantee commitments for fiscal years 1994 through 1998 for the National Defense (050) functional category, in the event of material change in situations affecting the security interests of the United States.

(3) GENERAL SCIENCE, SPACE, AND TECHNOLOGY (FUNCTION 250).—The budget authority and outlay figures for function 250 in this resolution do not assume any amounts

for the National Aeronautics and Space Administration for any fiscal year from 1994 through 1998 in excess of the amounts proposed by the President for such fiscal year.

(4) NATURAL RESOURCES AND ENVIRONMENT (FUNCTION 300).—(A) Fees charged for domestic livestock grazing on lands under the jurisdiction of the Secretary of Agriculture and the Secretary of the Interior in western States should be set at an amount that permits the ranching industry to remain viable and reflects the economic realities of the industry, rather than at an amount that meets arbitrary revenue targets.

(B) Royalty fees charged for hardrock mining should be set at an amount that permits the mining industry to remain viable in the United States and reflects the economic realities of the industry, rather than at an amount that meets arbitrary revenue targets.

(5) EDUCATION, TRAINING, EMPLOYMENT, AND SOCIAL SERVICES (FUNCTION 500).—(A) The Head Start program will be funded at the level requested by the President for fiscal year 1998.

(B) The education reform and initiatives will be funded at the level requested by the President for fiscal year 1998.

(C) The defense conversion programs will be funded at the level requested by the President for fiscal year 1998.

(6) HEALTH (FUNCTION 550).—(A) The Committee on Labor and Human Resources will make every effort to embark upon a sustained investment strategy in health research and development over the next 5 years and support for the continuum of medical research should be a central feature in any plan to reform the United States health care system.

(B) The vast majority of rising mandatory program costs is due to increasing Federal health care costs, and these costs are assumed in the levels set forth in this resolution.

(C) Health care reform is essential to curb the escalating costs of health entitlement programs to reduce the deficit.

(D) The reduction in health costs in this budget resolution should be augmented by further savings in Federal health outlays as a part of comprehensive health care reform which will be reflected in future budget resolutions.

(E) Comprehensive health reform will result in long term savings both for the public and private sectors of the American economy, and reduce the deficit levels set forth in this resolution at an ever increasing pace.

(F) Health care reform legislation should receive priority attention by the United States Congress with a target date of enactment of such legislation being no later then September 30, 1993.

(7) INCOME SECURITY (FUNCTION 600).—The Women, Infants, and Children (WIC) program will be funded at the level requested by the President for fiscal year 1998.

(8) ADMINISTRATION OF JUSTICE (FUNCTION 750).—(A) The Community Policing ("Cops on the Beat") program will be funded at the level requested by the President for fiscal year 1998.

(B) Funds to reduce the availability and use of illegal drugs will be shifted over the next 5 years so that the allocation shall be equally distributed between the so-called "supply side" (interdiction, law enforcement, and international supply reduction efforts) and the so-called "demand side" (education, rehabilitation, treatment, and research programs).

(b) DEBT LIMIT IN RECONCILIATION.—(1) Any concurrent resolution on the budget that contains reconciliation directives shall include a directive with respect to the statutory limit on the public debt.

(2) Any change in the statutory limit on the public debt that is recommended pursuant to a reconciliation directive shall be included in the reconciliation legislation reported pursuant to section 310 of the Congressional Budget Act of 1974 for that fiscal year.

(3) Except as provided in paragraph (4), the Senate shall not consider any bill or joint resolution (or any amendment thereto or conference report thereon) that increases the statutory limit on the public debt during a fiscal year above the level set forth as appropriate for that fiscal year in the concurrent resolution on the budget for that fiscal year agreed to under section 301 of the Congressional Budget Act of 1974.

(4) The prohibition of paragraph (3) shall not apply to a reconciliation bill or reconciliation resolution reported pursuant to section 310(b) of the Congressional Budget Act of 1974 during any fiscal year (or any conference report thereon) that contains a provision that—

(A) increases the statutory limit on the public debt pursuant to a directive of the type described in section 310(a)(3) of that Act; and

(B) becomes effective on or after the first day of the following fiscal year.

(c) DEFICIT REDUCTION ACCOUNT.—It is assumed that the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives should report legislation to—

(1) establish a separate account in the Treasury into which all of the amounts by which the aggregate levels of Federal revenue should be increased would be deposited;

(2) ensure that any revenues deposited in such account would not be available for appropriation; and

(3) provide that any such revenues deposited in such account would be used to retire outstanding debt obligations of the United States Government.

(d) LINE-ITEM VETO AUTHORITY INCLUDING APPROPRIATIONS AND TAX EXPENDITURES.—The President should be granted line-item veto authority over items of appropriation and tax expenditures and that line-item veto authority should expire at the conclusion of the One Hundred Third Congress.

(e) USE OF SAVINGS FROM GOVERNMENT STREAMLINING.—Any amounts saved through the efforts of the National Performance Review Task Force headed by the Vice President and as a result of any other reorganization and streamlining of

the Federal Government should be applied to offset the cost of any economic stimulus package enacted in fiscal year 1993, and any amounts saved in excess of those necessary to offset the cost of any such economic stimulus should be applied to reduce the Federal budget deficit and for no other purpose.

Agreed to April 1, 1993.

Apr. 7, 1993
[S. Con. Res. 23]

ADJOURNMENT—SENATE AND HOUSE OF REPRESENTATIVES

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns on Wednesday, April 7, 1993, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this resolution, it stand recessed or adjourned until 2:00 p.m. on Monday, April 19, 1993, or until 12:00 noon on the second day after Members are notified to reassemble pursuant to section 2 of this resolution, whichever occurs first; and that when the House of Representatives adjourns on Wednesday, April 7, 1993, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this resolution, it stand adjourned until 12:00 noon on Monday, April 19, 1993, or until 12:00 noon on the second day after Members are notified to reassemble pursuant to section 2 of this resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and the House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

Agreed to April 7, 1993.

May 4, 1993
[H. Con. Res. 34]

MARINE MAMMALS—CONSERVATION AND PROTECTION

Whereas there is significant widespread support in the international community for the view that for scientific, ecological, and educational reasons, whales should no longer be hunted for profit;

Whereas there is concern that efforts will be made at the 1993 Annual Meeting of the International Whaling Commission to overturn the Commission's existing moratorium on commercial whaling of large whales;

Whereas there are species of small cetaceans that are currently subject to direct commercial harvest;

Whereas there are unique regions of the world's seas which serve as important feeding grounds for many species of whales, and where the impacts of environmental threats are unknown: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), **That it is the sense of the Congress that—**

(1) the United States policy should promote the conservation and protection of whale, dolphin, and porpoise populations;

(2) the United States should remain opposed to any resumption of commercial whaling, and should work toward a moratorium on the direct commercial harvest of dolphins and porpoises;

(3) the United States should work to strengthen the International Whaling Commission by reaffirming its competence to regulate direct commercial harvest of small cetaceans and should encourage the Commission to consider the expertise of its Scientific Committee;

(4) the United States should support the establishment of appropriate international sanctuaries where whaling is prohibited; and

(5) in promoting the conservation and protection of the world's whale populations, the United States should make the fullest use of diplomatic channels, appropriate domestic and international law, and all other available means.

Agreed to May 4, 1993.

NATIONAL PEACE OFFICERS' MEMORIAL SERVICE—CAPITOL GROUNDS AUTHORIZATION

May 7, 1993
[H. Con. Res. 71]

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF CAPITOL GROUNDS FOR NATIONAL PEACE OFFICERS' MEMORIAL SERVICE.

The National Fraternal Order of Police and its auxiliary shall be permitted to sponsor a public event, the twelfth annual National Peace Officers' Memorial Service, on the Capitol grounds on May 15, 1993, or on such other date as the Speaker of the House of Representatives and the President pro tempore of the Senate may jointly designate, in order to honor the 137 law enforcement officers who died in the line of duty during 1992.

SEC. 2. TERMS AND CONDITIONS.

(a) IN GENERAL.—The event authorized to be conducted on the Capitol grounds under section 1 shall be free of admission charge to the public and arranged not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board.

(b) EXPENSES AND LIABILITIES.—The National Fraternal Order of Police and its auxiliary shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. EVENT PREPARATIONS.

(a) STRUCTURES AND EQUIPMENT.—Subject to the approval of the Architect of the Capitol, the National Fraternal Order of Police and its auxiliary are authorized to erect upon the Capitol grounds such stage, sound amplification devices, and other related structures

and equipment, as may be required for the event authorized to be conducted on the Capitol grounds under section 1.

(b) ADDITIONAL ARRANGEMENTS.—The Architect of the Capitol and the Capitol Police Board are authorized to make any such additional arrangements as may be required to carry out the event.

Agreed to May 7, 1993.

May 7, 1993
[H. Con. Res. 81]

SPECIAL OLYMPICS TORCH RELAY—CAPITOL GROUNDS AUTHORIZATION

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. AUTHORIZATION OF RUNNING OF SPECIAL OLYMPICS TORCH RELAY THROUGH CAPITOL GROUNDS.

On May 27, 1993, or on such other date as the Speaker of the House of Representatives and the President pro tempore of the Senate may designate jointly, the 1993 Special Olympics Torch Relay may be run through the Capitol Grounds, as part of the journey of the Special Olympics torch to the District of Columbia Special Olympics summer games at Gallaudet University in the District of Columbia.

SEC. 2. RESPONSIBILITY OF CAPITOL POLICE BOARD.

The Capitol Police Board shall take such action as may be necessary to carry out section 1.

SEC. 3. CONDITIONS RELATING TO PHYSICAL PREPARATIONS.

The Architect of the Capitol may prescribe conditions for physical preparations for the event authorized by section 1.

Agreed to May 7, 1993.

May 7, 1993
[H. Con. Res. 82]

SOAP BOX DERBY RACES—CAPITOL GROUNDS AUTHORIZATION

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. AUTHORIZATION OF SOAP BOX DERBY RACES ON CAPITOL GROUNDS.

The Greater Washington Soap Box Derby Association (hereinafter in this resolution referred to as the "Association") shall be permitted to sponsor a public event, soap box derby races, on the Capitol grounds on July 17, 1993, or on such other date as the Speaker of the House of Representatives and the President pro tempore of the Senate may jointly designate.

SEC. 2. CONDITIONS.

The event to be carried out under this resolution shall be free of admission charge to the public and arranged not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board; except that the Association shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. STRUCTURES AND EQUIPMENT.

For the purposes of this resolution, the Association is authorized to erect upon the Capitol grounds, subject to the approval of the Architect of the Capitol, such stage, sound amplification devices, and other related structures and equipment as may be required for the event to be carried out under this resolution.

SEC. 4. ADDITIONAL ARRANGEMENTS.

The Architect of the Capitol and the Capitol Police Board are authorized to make any such additional arrangements that may be required to carry out the event under this resolution.

Agreed to May 7, 1993.

ADJOURNMENT—HOUSE OF REPRESENTATIVES AND SENATE

May 27, 1993
[H. Con. Res. 105]

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, May 27, 1993, it stand adjourned until noon on Tuesday, June 8, 1993, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns at the close of business on Friday, May 28, 1993, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this resolution, it stand recessed or adjourned until noon, or until such time as may be specified by the Majority Leader or his designee in the motion to adjourn or recess, on Monday, June 7, 1993, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

Agreed to May 27, 1993.

July 1, 1993
[H. Con. Res. 115]

ADJOURNMENT—HOUSE OF REPRESENTATIVES AND SENATE

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, July 1, 1993, it stand adjourned until noon on Tuesday, July 13, 1993, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns at the close of business on Thursday, July 1, 1993 or Friday, July 2, 1993, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this resolution, it stand recessed or adjourned until noon, or until such time as may be specified by the Majority Leader or his designee in the motion to recess or adjourn, on Tuesday, July 13, 1993, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

Agreed to July 1, 1993.

July 30, 1993
[S. Con. Res. 33]

ADJOURNMENT—HOUSE OF REPRESENTATIVES AND SENATE

Resolved by the Senate (the House of Representatives concurring), That notwithstanding the provisions of section 132(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 198), as amended by section 461 of the Legislative Reorganization Act of 1970 (Public Law 91–510; 84 Stat. 1193), the Senate and the House of Representatives shall not adjourn for a period in excess of three days, or adjourn sine die, until both Houses of Congress have adopted a concurrent resolution providing either for an adjournment (in excess of three days) to a day certain, or for adjournment sine die.

Agreed to July 30, 1993.

Aug. 6, 1993
[H. Con. Res. 136]

ADJOURNMENT—HOUSE OF REPRESENTATIVES AND SENATE

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Friday, August 6, 1993, Saturday, August 7, 1993, Monday, August 9, 1993, or Tuesday, August 10, 1993, pursuant to a motion made by the Majority Leader, or his designee, it stand adjourned until noon on Wednesday, September 8, 1993, or until noon on the second day after

Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns at the close of business on Friday, August 6, 1993, Saturday, August 7, 1993, or Sunday, August 8, 1993, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this resolution, it stand recessed or adjourned until Tuesday, September 7, 1993, at such time as may be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

Agreed to August 6, 1993.

JOINT SESSION

Sept. 14, 1993
[H. Con. Res. 144]

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Wednesday, September 22, 1993, at 9 o'clock post meridiem, for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

Agreed to September 14, 1993.

ADJOURNMENT—HOUSE OF REPRESENTATIVES

Sept. 14, 1993
[H. Con. Res. 145]

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Wednesday, September 15, 1993, it stand adjourned until noon on Tuesday, September 21, 1993.

Agreed to September 14, 1993.

"SENATORS OF THE UNITED STATES: A HISTORICAL BIBLIOGRAPHY"—SENATE PRINT

Sept. 28, 1993
[S. Con. Res. 4]

Whereas informed research on the history and operations of the United States Congress depends on full access to existing scholarly studies of its former members, as well as to their published papers and other writings; and

Whereas no recent compilation of these significant research resources presently exists: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That there shall be printed as a Senate document, the book entitled "Senators of the United States: A Historical Bibliography" prepared by the Senate Historical Office under the supervision of the Secretary of the Senate.

SEC. 2. Such document shall include illustrations, and shall be in such style, form, manner, and binding as directed by the Joint Committee on Printing after consultation with the Secretary of the Senate.

SEC. 3. In addition to the usual number, there shall be printed for the use of the Office of the Secretary of the Senate the lesser of—

(1) 5,000 copies of the document; or

(2) such number of copies of the document as does not exceed a total production and printing cost of $85,180.

Agreed to September 28, 1993.

Sept. 28, 1993
[S. Con. Res. 5]

"GUIDE TO RESEARCH COLLECTIONS OF FORMER UNITED STATES SENATORS"—SENATE PRINT

Whereas informed research on the United States Congress depends heavily on access to the office files, personal papers, oral history interview transcripts, and associated memorabilia of its former members;

Whereas the Senate in 1983 and the House of Representatives in 1988 have published well-received guides to these materials; and

Whereas thousands of new entries have been added to the Senate's 1983 edition and supplies of this award-winning reference guide have been exhausted: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That there shall be printed as a Senate document, the book entitled "Guide to Research Collections of Former United States Senators" prepared by the Senate Historical Office under the supervision of the Secretary of the Senate.

SEC. 2. Such document shall include illustrations, and shall be in such style, form, manner, and binding as directed by the Joint Committee on Printing after consultation with the Secretary of the Senate.

SEC. 3. In addition to the usual number, there shall be printed for the use of the Office of the Secretary of the Senate the lesser of—

(1) 5,000 copies of the document; or

(2) such number of copies of the document as does not exceed a total production and printing cost of $83,425.

Agreed to September 28, 1993.

"SENATE ELECTION, EXPULSION, AND CENSURE CASES"—SENATE PRINT

Sept. 28, 1993
[S. Con. Res. 6]

Whereas the United States Constitution, in Article I, section 5, provides that "Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members" and that "Each House may . . . punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member";

Whereas the Senate has sought faithfully to exercise these constitutional requirements of self-discipline through its more than two-hundred-year history;

Whereas the Senate, beginning in 1885, has periodically published compilations of its election, expulsion, and censure cases for the guidance of members and the American people; and

Whereas the most recent edition is now twenty years out of date: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That there shall be printed as a Senate document, the book entitled "Senate Election, Expulsion, and Censure Cases" prepared by the Senate Historical Office under the supervision of the Secretary of the Senate.

SEC. 2. Such document shall include illustrations, and shall be in such style, form, manner, and binding as directed by the Joint Committee on Printing after consultation with the Secretary of the Senate.

SEC. 3. In addition to the usual number, there shall be printed for the use of the Senate, to be allocated as determined by the Secretary of the Senate, the lesser of—

(1) 3,000 copies of the document; or

(2) such number of copies of the document as does not exceed a total production and printing cost of $28,657.

Agreed to September 28, 1993.

JUSTICE THURGOOD MARSHALL TRIBUTE STATEMENTS—HOUSE PRINT

Sept. 30, 1993
[H. Con. Res. 133]

Resolved by the House of Representatives (the Senate concurring), That a collection of statements made in tribute to the late Justice Thurgood Marshall, together with related materials, shall be printed as a House document, with illustrations and suitable binding. The collection shall be prepared under the direction of the Joint Committee on Printing.

SEC. 2. In addition to the usual number, there shall be printed the lesser of—

(1) 50,000 copies (including 1,000 casebound copies) of the document, of which 33,440 copies (including 440 casebound copies) shall be for the use of the House of Representatives, 7,600 copies (including 100 casebound copies) shall be for the use of the Senate, and 8,960 copies (including 460 casebound copies) shall be for the use of the Joint Committee on Printing; or

(2) such number of copies of the document as does not exceed a total production and printing cost of $66,988, with

distribution to be allocated in the same proportion as described in paragraph (1), except that in no case shall the number of casebound copies be less than one per Member of Congress.

Agreed to September 30, 1993.

Oct 7, 1993
[H. Con. Res. 161]

ADJOURNMENT—HOUSE OF REPRESENTATIVES AND SENATE

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Thursday, October 7, 1993 or Friday, October 8, 1993, pursuant to a motion made by the Majority Leader or his designee, it stand adjourned until noon on Tuesday, October 12, 1993, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns at the close of business on Thursday, October 7, 1993, pursuant to a motion made by the Majority Leader or his designee, in accordance with this resolution, it stand recessed or adjourned until noon on Wednesday, October 13, 1993, or at such time as may be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

Agreed to October 7, 1993.

Oct. 18, 1993
[H. Con. Res. 160]

ENROLLMENT CORRECTION—H.R. 3123

Resolved by the House of Representatives (the Senate concurring), That, in the enrollment of the bill H.R. 3123, to improve the electric and telephone loan programs carried out under the Rural Electrification Act of 1936, and for other purposes, the Clerk of the House shall make the following correction:

On page 4, line 16, of the House engrossed bill, strike "urban" and insert "urbanized".

Agreed to October 18, 1993.

INTERNATIONAL RESCUE COMMITTEE—SIXTIETH ANNIVERSARY

Oct. 18, 1993
[S. Con. Res. 47]

Whereas the International Rescue Committee, which this year is marking the sixtieth anniversary of its founding, is a beacon of hope for the world's refugees, displaced by war, civil insurrection, ethnic conflict, political and religious persecution and famine;

Whereas in crisis after crisis—in Europe, Central America, Africa, and Asia—the field staff of the International Rescue Committee is often the first relief support on site to ease the suffering of refugees by stabilizing health conditions with critically needed sanitation, health care, and medical assistance;

Whereas the programs of the International Rescue Committee are also concerned with improving the quality of life for refugees by preparing them for a productive future through educating children and building new skills among adults;

Whereas often and whenever possible, programs implemented by the International Rescue Committee are ultimately turned over to the refugees themselves after they have been well trained by International Rescue Committee staff and volunteers;

Whereas the International Rescue Committee was founded in 1933 as a nonsectarian response to the increasing horrors of Nazi Germany;

Whereas as the need for humanitarian assistance expanded, so has the International Rescue Committee's commitment to refugees;

Whereas throughout the world, from Bosnia to Somalia, from Cambodia to El Salvador, the International Rescue Committee continues to aid refugees with medical assistance, shelter, food, and skills-training;

Whereas the International Rescue Committee also helps in repatriation or resettlement to assist refugees in starting their life anew;

Whereas in its sixty years of service, the International Rescue Committee has not only provided for victims of brutality and for those suffering from natural disasters with services essential for survival and the means to rebuild their lives, but also has given them reason to have renewed optimism in the compassion and goodwill of their fellow human beings; and

Whereas October 15, 1993, the sixtieth anniversary of the founding of the International Rescue Committee, is an appropriate day on which to give recognition to the International Rescue Committee for its great humanitarian endeavors: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That on the occasion of the sixtieth anniversary of the founding of the International Rescue Committee, the Congress hereby recognizes the International Rescue Committee for its great humanitarian endeavors.

Agreed to October 18, 1993.

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Oct. 19, 1993
[H. Con. Res. 146]

COMMISSION ON THE BICENTENNIAL OF THE UNITED STATES CAPITOL—CAPITOL BUILDING AND GROUNDS AUTHORIZATION

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF CAPITOL BUILDING AND GROUNDS.

The Commission on the Bicentennial of the United States Capitol (hereinafter in this resolution referred to as the "Commission") may use the Capitol building and grounds on October 23, 1993, or on such other date as the Speaker of the House of Representatives and the President pro tempore of the Senate may jointly designate, for events to commemorate the 200th anniversary of the laying of the cornerstone of the Capitol.

SEC. 2. TERMS AND CONDITIONS.

The events referred to in section 1 shall be free of admission charge to the public and arranged under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board.

SEC. 3. EVENT PREPARATIONS.

(a) STRUCTURES AND EQUIPMENT.—Subject to the approval of the Architect of the Capitol, the Commission is authorized to erect upon the Capitol grounds such stages, sound amplification devices, and other related structures and equipment as may be required for the events referred to in section 1.

(b) ADDITIONAL ARRANGEMENTS.—The Architect of the Capitol and the Capitol Police Board are authorized to make any such additional arrangements, including the use of voluntary and uncompensated staff and services, as may be required to carry out the events referred to in section 1.

(c) REPRESENTATIONS.—The Architect of the Capitol shall take such actions as may be necessary to ensure that sponsors of the events referred to in section 1 do not make representations that such sponsorship in any way constitutes an endorsement by the Federal Government.

Agreed to October 19, 1993.

Oct. 26, 1993
[S. Con. Res. 48]

ENROLLMENT CORRECTION—H.R. 2403

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill (H.R. 2403), entitled "An Act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1994, and for other purposes" the Clerk of the House of Representatives is requested to make the following correction:

In the matter under the heading:

"GENERAL SERVICES ADMINISTRATION FEDERAL BUILDINGS FUND

"LIMITATIONS ON AVAILABILITY OF REVENUE"

under title IV under the heading "INDEPENDENT AGENCIES" strike out the following proviso: ": *Provided further,* That subject to the exceptions contained in the preceding proviso, in no case shall such funds be made available for any lease, line-item construction, repair, or alterations project referred to in the preceding proviso if prior to February 1, 1994, the lease, line-item construction, repair, or alterations project has been disapproved by the House Committee on Public Works and Transportation and the Senate Committee on Environment and Public Works" and insert in lieu thereof ": *Provided further,* That subject to the exceptions contained in the preceding proviso, in no case shall such funds be made available for any lease, line-item construction, repair, or alterations project referred to in the preceding proviso if prior to February 1, 1994, the lease, line-item construction, repair, or alterations project has been disapproved by the House Committee on Public Works and Transportation or the Senate Committee on Environment and Public Works".

Agreed to October 26, 1993.

ADJOURNMENT—HOUSE OF REPRESENTATIVES AND SENATE

Nov. 10, 1993
[H. Con. Res. 178]

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Wednesday, November 10, 1993, it stand adjourned until noon on Monday, November 15, 1993, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns at the close of business on Wednesday, November 10, 1993, pursuant to a motion made by the majority leader or his designee, in accordance with this resolution, it stand recessed or adjourned until noon on Tuesday, November 16, 1993, or at such time as may be specified by the majority leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the majority leader of the Senate, acting jointly after consultation with the minority leader of the House and the minority leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

Agreed to November 10, 1993.

Nov. 16, 1993
[H. Con. Res. 169]

ATLANTIC BLUEFIN TUNA—CONSERVATION AND MANAGEMENT

Whereas Atlantic bluefin tuna are a valuable commercial and recreational fishery of the United States;

Whereas many countries, including the United States, fish for Atlantic bluefin tuna and other highly migratory species in the Atlantic Ocean and the Mediterranean Sea;

Whereas the International Commission for the Conservation of Atlantic Tunas (hereinafter referred to as the "Commission"), is the international entity established to adopt recommendations and develop international agreements for the conservation and management of Atlantic bluefin tuna and other highly migratory species in the Atlantic Ocean and the Mediterranean Sea;

Whereas in the last 25 years Atlantic bluefin tuna stocks have declined from historic levels;

Whereas, for management purposes, the Commission has adopted a working hypothesis of 2 stocks of Atlantic bluefin tuna: a western stock found in the Atlantic Ocean west of 45 degrees west longitude (hereinafter referred to as the "45 degree line"), and an eastern stock found in the Atlantic Ocean east of the 45 degree line and in the Mediterranean Sea;

Whereas the existing scientific evidence is inconclusive with respect to the working hypothesis of 2 stocks, the extent to which each of the hypothesized stocks migrates across the 45 degree line is unknown, and the 45 degree line is considered to be arbitrary;

Whereas the Commission adopted conservation and management recommendations in 1974 to ensure the recovery and sustainability of all Atlantic bluefin tuna throughout the Atlantic Ocean and the Mediterranean Sea;

Whereas, in recent years, the Commission has adopted additional, more restrictive conservation and management recommendations for Atlantic bluefin tuna, for countries that fish for Atlantic bluefin tuna west of the 45 degree line;

Whereas the United States and other countries that are members of the Commission and that fish west of the 45 degree line have implemented all conservation and management recommendations for Atlantic bluefin tuna adopted by the Commission that apply west of the 45 degree line;

Whereas many other countries that are members of the Commission do not comply with conservation and management recommendations for Atlantic bluefin tuna adopted by the Commission that apply east of the 45 degree line and in the Mediterranean Sea;

Whereas this continuing failure to comply east of the 45 degree line and in the Mediterranean Sea by countries that are members of the Commission will undermine the recovery of Atlantic bluefin tuna stocks;

Whereas recent large increases in the catch of Atlantic bluefin tuna within 100 miles east of the 45 degree line by countries that are members of the Commission could be having a negative impact on the recovery of Atlantic bluefin tuna and probably do not comply with recommendations of the Commission; and

Whereas countries that are not members of the Commission are having a negative impact on the recovery of Atlantic bluefin tuna stocks by fishing throughout the Atlantic Ocean and the Mediterranean Sea without regard for conservation and manage-

ment recommendations adopted by the Commission: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) the United States and the International Commission for the Conservation of Atlantic Tunas (hereinafter referred to as the "Commission") should continue to promote the conservation and management of highly migratory species, including Atlantic bluefin tuna, throughout the Atlantic Ocean and the Mediterranean Sea;

(2) the United States should obtain commitments through the Commission, from all countries that are signatories to the International Convention for the Conservation of Atlantic Tunas and that are not in compliance with all of the conservation and management recommendations and agreements for Atlantic bluefin tuna and other highly migratory species that have been adopted by the Commission, that those countries will immediately comply with those recommendations and agreements;

(3) the United States should continue to encourage all other countries that fish for Atlantic bluefin tuna or other highly migratory species in the Atlantic Ocean or the Mediterranean Sea to comply with the conservation and management recommendations and agreements adopted for those species by the Commission;

(4) if a country fishes in the Atlantic Ocean or the Mediterranean Sea for Atlantic bluefin tuna or another highly migratory species without complying with the conservation and management recommendations and agreements adopted by the Commission for that species, such fishing will be considered by the Congress to diminish the effectiveness of an international fishery conservation program, and as such will be considered by the Congress to be certifiable under section 8(a)(1) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1978(a)(1));

(5) the United States should encourage countries that have significant markets for Atlantic bluefin tuna to prohibit the importation of that species from other countries that fish for that species without regard for the conservation and management recommendations and agreements adopted by the Commission;

(6) the United States should continue to explore, through the Commission, the appropriateness of working hypotheses of the Commission that stocks of highly migratory species in the Atlantic Ocean can be delineated by lines of latitude or longitude, including specifically that there are 2 stocks of Atlantic bluefin tuna delineated by the line 45 degrees west longitude; and

(7) the United States should seek, through the Commission, an agreement to ensure that if the Commission uses any line to divide the stock of Atlantic bluefin tuna for management purposes and adopts for that stock any conservation and management recommendation or agreement for one side of the line that is more restrictive than the conservation and management recommendations and agreements adopted by the Commission for that stock for the other side of the line, then any fishing for Atlantic bluefin tuna within 10 degrees of the

line shall be conducted in compliance with that more restrictive recommendation or agreement.

Agreed to November 16, 1993.

Nov. 21, 1993
[S. Con. Res. 50]

ANTI-BOYCOTT RESOLUTION OF 1993

Whereas the signing on September 13, 1993, of the Declaration of Principles between the Palestine Liberation Organization and the Government of Israel signals a new era of cooperation in the Middle East;

Whereas a true peace in the Middle East can only be established and remain in effect if there is economic stability and cooperation in the region;

Whereas adherence to the Arab League boycott of Israel is a source of economic instability in the Middle East;

Whereas the members of the Arab League instituted a primary boycott against Israel in 1948;

Whereas in the early 1950's the Arab states instituted a secondary and tertiary boycott against United States and other firms because of their commercial ties to Israel;

Whereas the boycott attempts to use economic blackmail to force United States firms to comply with boycott regulation;

Whereas the boycott was cited by the United States Trade Representative in the 1992 National Trade Estimate Report on Foreign Trade Barriers as an "additional legal restraint to United States trade in the region";

Whereas hundreds of United States firms have been blacklisted and barred from doing business with members of the Arab League under the secondary and tertiary boycott;

Whereas the total damage caused by the boycott is unknown because the number of United States firms that conduct business with Israel have not attempted commercial transactions with members of the Arab League; due to the boycott is uncertain; and

Whereas the United States has a policy of prohibiting United States firms from providing Arab states with the requested information about compliance to boycott regulation: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. SHORT TITLE.

This resolution may be cited as the "Anti-Boycott Resolution of 1993".

SEC. 2. EXPRESSION OF CONGRESSIONAL VIEWS.

The Congress—

(1) believes the continuation of the Arab League boycott of Israel will be a severe impediment to the economic prosperity of all participating nations and to the establishment of a lasting peace and prosperity in the Middle East;

(2) believes the secondary and tertiary boycott cause substantial economic losses to United States firms;

(3) welcomes the actions by those members of the Arab League that have begun dismantling the secondary and tertiary boycott, and urges them to continue their efforts until a complete dissolution of the primary, secondary, and tertiary boycott is achieved;

(4) hopes that the indefinite postponement of the October 24, 1993, meeting of the Central Boycott Committee signals an end to the placement of more United States firms on the boycott list and a willingness to dismantle the boycott in its entirety;

(5) urges those states that have begun to or are considering dismantling all forms of the boycott to proceed promptly with such dismantlement;

(6) urges those states that are still enforcing the boycott to dismantle the boycott in all its forms and to issue the necessary laws, rules, and regulations to ensure that United States firms have free and open access to Arab markets regardless of their business relationships with Israel;

(7) urges those states, in addition, to cease enforcing and requiring participation in the boycott in its primary, secondary, and tertiary forms;

(8) urges the United States Government to continue to raise the boycott as an unfair trade practice in every appropriate international trade forum; and

(9) expresses the sense of the Congress that the end of the Arab League boycott of Israel is of great urgency to the United States Government and will continue to be a priority issue in all bilateral relations with participating states until its complete dissolution.

Agreed to November 21, 1993.

INTERNATIONAL YEAR OF THE WORLD'S INDIGENOUS PEOPLES—UNITED STATES COOPERATION

Nov. 23, 1993
[S. Con. Res. 44]

Whereas United Nations Resolution 45/164 of December 18, 1990, proclaimed the year 1993 as the International Year of the World's Indigenous Peoples, in order to strengthen international cooperation for a solution to the problems faced by indigenous communities in areas such as human rights, the environment, development, education, and health;

Whereas indigenous peoples are descendants of the original inhabitants of many countries with diverse cultures, religions, languages, and social and economic customs;

Whereas an estimated 300 million indigenous peoples live in more than 70 countries, including the United States;

Whereas indigenous peoples are often disadvantaged and face common difficulties in their homelands, including issues such as self-determination, the preservation of land and natural resources, the preservation of culture, arts, and language, and dismal social and economic conditions;

Whereas many indigenous peoples continue to face discrimination and exploitation in their homelands;

Whereas the rights and social and economic conditions of indigenous peoples have often been overlooked by individual nations and the international community; and

Whereas the United Nations Working Group on Indigenous Populations has drafted a Declaration on the Rights of Indigenous Peoples: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) the United States should cooperate with the United Nations in its efforts to raise the level of public interest in and consciousness of the problems of indigenous peoples;

(2) the United States should address the rights and improve the social and economic conditions of its own indigenous peoples, including Native American Indians, Alaska Natives, Native Hawaiians, Chamorros, American Samoans, and Palauans;

(3) the United States should support the United Nations in its efforts to establish international standards on the rights of indigenous peoples; and

(4) the United States recognizes that the year 1993 is an insufficient time period for promoting public awareness of the plight of indigenous peoples and urges the United Nations to proclaim an International Decade of the World's Indigenous Peoples.

Agreed to November 23, 1993.

Nov. 23, 1993
[S. Con. Res. 56]

ENROLLMENT CORRECTIONS—S. 1766

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the text of the bill (S. 1766) to amend the Lime Research, Promotion, and Consumer Information Act of 1990 to cover seedless and not seeded limes, to increase the exemption level, to delay the initial referendum date, and to alter the composition of the Lime Board, and for other purposes, the Secretary of the Senate shall make the following corrections:

In section 4(b)(1)—

(1) strike "'The Secretary'" and insert "'Members'"; and

(2) strike "'shall—'" and insert "'appointed—'".

Agreed to November 23, 1993.

Nov. 26, 1993
[H. Con. Res. 190]

ADJOURNMENT—HOUSE OF REPRESENTATIVES AND SENATE

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Friday, November 26, or the legislative day of Tuesday, November 30, or the legislative day of Wednesday December 1, 1993, pursuant to a motion by the majority leader, or his designee, in accordance

with this resolution, it stand adjourned sine die, and that when the Senate adjourns on any day beginning on Monday, November 22, 1993 through 11:55 a.m. on Monday, January 3, 1994, pursuant to a motion made by the majority leader, or his designee, in accordance with this resolution, it stand adjourned sine die or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this resolution: *Provided,* That the Senate may recess or adjourn for any period in excess of three days pursuant to a motion made by the majority leader, or his designee, for the duration of the first session of the One Hundred Third Congress, subject to section 2 of this resolution.

SEC. 2. The Speaker of the House and the majority leader of the Senate, acting jointly after consultation with the minority leader of the House and the minority leader of the Senate, shall notify the Members of the House and Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

Agreed to November 26, 1993.

PROCLAMATIONS

Proclamation 6491 of October 14, 1992

To Suspend the Davis-Bacon Act of March 3, 1931, Within a Limited Geographic Area in Response to the National Emergency Caused by Hurricanes Andrew and Iniki

By the President of the United States of America

A Proclamation

1. Section 1 of the Davis-Bacon Act of March 3, 1931 (46 Stat. 1494, as amended, 40 U.S.C. 276a(a)), provides:

> . . . every contract in excess of $2,000 to which the United States or the District of Columbia is a party, for construction, alteration, and/or repair, including painting and decorating, of public buildings or public works of the United States or the District of Columbia within the geographical limits of the States of the Union or the District of Columbia, and which requires or involves the employment of mechanics and/or laborers shall contain a provision stating the minimum wages to be paid various classes of laborers and mechanics which shall be based upon the wages that will be determined by the Secretary of Labor to be prevailing for the corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work in the city, town, village, or other civil subdivision of the State in which the work is to be performed, or in the District of Columbia if the work is to be performed there. . . .

2. Under various other related acts, the payment of wages is made dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act.

3. Section 6 of the Davis-Bacon Act, 40 U.S.C. 276a–5, provides that "In the event of a national emergency the President is authorized to suspend the provisions of sections 276a to 276a–5 of this title."

4. Within less than the period of a month, three vital areas of the Nation have been devastated by hurricanes. In late August, South Florida and sections of Louisiana experienced the full force of Hurricane Andrew, one of the severest hurricanes ever to strike the United States. The devastation that ensued resulted in the largest amount of property damage from a natural disaster in the history of the Nation. Tens of thousands of homes were destroyed, thousands of business establishments were badly damaged, and the public infrastructure of much of Dade County was severely damaged. On September 12, an equally ferocious hurricane struck the Hawaiian Islands. As a result of Hurricane Iniki, hundreds of homes were destroyed, the tourist industry on the island of Kauai was devastated, and much of the island's infrastructure was severely damaged. The combined impact of these hurricanes has resulted in an unprecedented level of devastation.

The economic effects of the hurricanes have been equally devastating. Many businesses have been either destroyed or significantly damaged. Thousands of individuals have lost their jobs and livelihood. In addition, a record amount of Federal assistance will be needed to restore

the communities that have been ravaged by these hurricanes. Accordingly, I find the conditions caused by Hurricanes Andrew and Iniki to constitute a "national emergency" within the meaning of section 6 of the Davis-Bacon Act.

(a) The devastation caused by both hurricanes has resulted in more than $20 billion in property damage.

(b) The Federal Government has provided over $10 billion in budgetary resources for disaster and related assistance to the people and the communities that were victimized by these hurricanes.

(c) The wage rates imposed by the Davis-Bacon Act increase the cost to the Federal Government of providing Federal assistance to these areas.

(d) Suspension of the Davis-Bacon Act, and the operation of related acts to the extent they depend upon the Secretary of Labor's determinations under the Davis-Bacon Act, will result in greater assistance to these devastated communities and will permit the employment of thousands of additional individuals.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do by this proclamation suspend, as to all contracts entered into on or after the date of this proclamation and until otherwise provided, the provisions of the Davis-Bacon Act of March 3, 1931, as amended, and the provisions of all other acts providing for the payment of wages, which provisions are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act, as they apply to contracts to be performed in the following jurisdictions: the counties of Broward, Collier, Dade, and Monroe in the State of Florida; the parishes of Terrebonne, Lafourche, St. Martin, Assumption, Iberia, St. John the Baptist, Iberville, St. Mary, Ascension, East Baton Rouge, Lafayette, St. Charles, St. Tammany, West Baton Rouge, West Feliciana, East Feliciana, Point Coupee, Jefferson, Acadia, Avoyelles, Cameron, Jefferson Davis, Orleans, Plaquemines, St. James, St. Bernard, Vermillion, Allen, Calcasieu, Evangeline, Livingston, Rapides, St. Helena, St. Landry, Tangipahoa, and Washington in the State of Louisiana; and the islands of Oahu, Maui, Hawaii, Kauai, Lanai, and Kahoolawe in the State of Hawaii;

And, as to such contracts to be performed in such jurisdictions, I do hereby suspend, until otherwise provided, the provisions of any Executive order, proclamation, rule, regulation, or other directive providing for the payment of wages, which provisions are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act;

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of October, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and seventeenth.

GEORGE BUSH

Proclamation 6492 of October 14, 1992

National Occupational Therapy Day, 1992

By the President of the United States of America
A Proclamation

Thanks to the nearly 46,000 occupational therapists and their assistants in the United States, millions of Americans with potentially disabling conditions are able to lead productive, fulfilling lives. On this occasion, we salute this dedicated group of health care professionals and acknowledge the importance of their work.

According to the Department of Health and Human Services, each year practitioners of occupational therapy treat more than 7,500,000 children and adults whose lives have been disrupted by physical injury or illness, developmental problems, the aging process, or psychosocial difficulties such as substance abuse. Occupational therapists work in a variety of settings, including hospitals, schools, nursing facilities, rehabilitation and mental health centers, and community and migrant health clinics, as well as through independent practices and home health agencies. After Operation Desert Storm, occupational therapy practitioners joined in providing a wide range of rehabilitation services and programs for our veterans. Whatever the setting or individual need, occupational therapy practitioners are united by their commitment to high quality patient care.

Tracing its roots as far back as the 15th century, when physicians observed that patients who performed daily chores recovered much more quickly than their idle counterparts, occupational therapy has evolved into a multifaceted health care discipline. Today we salute the men and women who have chosen to serve their fellowman through this profession.

The Congress, by House Joint Resolution 471, has designated October 14, 1992, as "National Occupational Therapy Day" and has requested the President to issue a proclamation in observance of this day.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim October 14, 1992, as National Occupational Therapy Day. I invite all Americans to observe this day with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of October, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and seventeenth.

GEORGE BUSH

Proclamation 6493 of October 15, 1992

Polish-American Heritage Month, 1992

By the President of the United States of America
A Proclamation

The peoples of the United States and Poland enjoy a deep and abiding friendship that is rooted in centuries-old ties of kinship and culture—and in our common devotion to liberty and democratic government. Therefore, our entire Nation gladly joins with Americans of Polish descent in observing Polish-American Heritage Month.

For descendants of America's first Polish settlers and for the many sons and daughters of Poland who have emigrated to the United States in this century, Polish-American Heritage Month is a time of rightful celebration and pride. It is a time to celebrate the magnificent land of which Adam Mickiewicz and other poets wrote, its "fields rich in varied flowers, silvered with wheat and gilded with rye." It is also a time to celebrate Poland's many contributions to the world, from the scientific genius of Copernicus to the consummate artistry of Paderewski and Chopin. Through individuals such as Maximilian Mary Kolbe and countless other martyrs who died in the name of freedom and of the Creator who has granted it to each of us, Poland has also given the world powerful examples of courage and faith.

It is such faith, courage, and devotion to liberty that have long fortified the cultural and familial ties that exist between the Polish and American peoples. Like colonists from other countries, the first Polish settlers in the United States braved a treacherous ocean journey in order to obtain freedom and opportunity in a new land. Recognizing the universal importance of our Nation's struggle for independence, courageous Poles such as Tadeusz Kosciuszko and Casimir Pulaski later became heroes of our Revolutionary War. This month, we also remember the brave resistance to tyranny that Poles have demonstrated in this century, from the small garrison at Westerplatte to the Jewish ghettoes of Warsaw, from quiet places of prayer and worship to the busy docks of the Gdansk shipyards.

Despite generations of foreign domination and repressive rule, including invasion by Nazi Germany and the Soviet Union in 1939 and the declaration of martial law in 1981, Poles never surrendered their hopes of freedom and self-determination. Those hopes were expressed clearly in the Polish Constitution of May 3, 1791, the second written national constitution in history after our own and one that has remained a prized symbol of Polish patriotism and resolve.

Today the people of Poland are forging a bright future under a new constitution and government, and we Americans are proud to support their efforts to establish enduring democratic institutions and a thriving, market-oriented economy. Beginning in 1989, the United States worked with Poland and other nations to establish a $1 billion program for the stabilization of Polish currency. We have also been working together through the Polish-American Enterprise Fund to encourage private sector development in Poland through investment, loans, technical assistance, and other means. In addition, it is my goal to establish stronger commercial ties with Poland by proposing a free trade agreement that would be part of a strategic network of free trade agreements

throughout the world. These ties will promote economic growth and jobs in both of our countries.

The special relationship that exists between the United States and Poland promises to be one of continued cooperation and friendship, and as we once again observe Polish-American Heritage Month, we look forward to many more occasions for celebration in the future.

The Congress, by Senate Joint Resolution 305, has designated October 1992 as "Polish-American Heritage Month" and requested the President to issue a proclamation in observance of this month.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim October 1992 as Polish-American Heritage Month. I encourage all Americans to join in observance of this month.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of October, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and seventeenth.

GEORGE BUSH

Proclamation 6494 of October 16, 1992

Country Music Month, 1992

By the President of the United States of America

A Proclamation

While our flag is the greatest tangible symbol of the United States—one recognized and admired around the world—country and western music might well be described as America's signature in song.

With nothing fancy, yet with every bit of pride befitting a great land such as ours, country and western music celebrates the things that our Nation has always valued most: faith, family, and freedom. It is the sound of hardworking, God-fearing men and women who cherish home and country and who would never turn their backs on a true friend. It is also the sound of a people who know how to kick up their feet and enjoy some good-natured fun and relaxation at the end of an honest day's labor.

While country music celebrates all the good things in life, it does not overlook life's various disappointments and struggles. A frequent listener is just as likely to be reminded of broken hearts and heroes lost in battle as the beauty of clear blue sky or the laughter of friends and loved ones. From the sad strains of a traditional ballad to the stirring sound of bluegrass and honky-tonk, country music is honest, straightforward music that recalls the full range of human experience. Such sincerity and scope may well be the reason why "America's music" is so very popular among millions of people around the globe.

This month we tip our hats to the many talented composers, lyricists, and performers who bring country and western music to our ears. These artists carry on a great tradition of musical achievement, and we are very proud of their outstanding work. Like countless other prod-

ucts "Made in the U.S.A," country music reflects the best in American creativity and craftsmanship.

The Congress, by House Joint Resolution 520, has designated October 1992 as "Country Music Month" and has requested the President to issue a proclamation in observance of this month.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim October 1992 as Country Music Month. I invite all Americans to observe this month with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of October, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and seventeenth.

GEORGE BUSH

Proclamation 6495 of October 18, 1992

National Neurofibromatosis Awareness Month, 1992

By the President of the United States of America
A Proclamation

This week we pause to reaffirm our Nation's commitment to the fight against neurofibromatosis, a common genetic disorder that affects the nervous systems of more than 100,000 Americans.

Neurofibromatosis appears in two forms. In the more prevalent form, NF1, masses of tissue grow along nerve pathways beneath the skin or deeper in the body. While most individuals with NF1 experience mild symptoms and few adverse effects on their ability to lead normal lives, some persons with the disorder can be severely disfigured by facial or bodily tumors that may also press against vital organs, causing serious complications such as blindness or loss of limbs. In the disorder's other form, NF2, tumors grow along the nerves responsible for hearing and balance. These tumors, although they are nonmalignant, often result in hearing loss. Both forms of neurofibromatosis are complex and unpredictable, and there is no way to foretell the eventual severity of individual cases.

While many questions about neurofibromatosis remain unanswered, scientists do know that the disorder is caused by a defective gene that changes the way in which normal cells develop and function. Children of a parent who has the defective gene have a 50 percent chance of being born with neurofibromatosis. Spontaneous genetic mutations can also cause NF to appear in a person who has no family history of the disorder. Neurofibromatosis can strike any American, regardless of gender, race, or ethnic background.

Although no cure or means of preventing neurofibromatosis currently exists, recent advances in biomedical research offer encouragement to many people with the disorder. The refinement of diagnostic technologies such as magnetic resonance imaging have enabled physicians to isolate tiny tumors that might otherwise go undetected, thereby helping doctors to identify and track progression of the disease. In July

1990, scientists located the gene associated with NF1 and have been working since to decipher its faulty message—a task that is crucial to finding a cure. Similarly, scientists are drawing closer to locating the gene associated with NF2 and, with each step, hope to design better detection and treatment strategies. Investigators are also exploring the possibility that the genes responsible for neurofibromatosis may play an important role in several common forms of cancer, and scientists hope to study the anatomical and biological characteristics of the disease in a newly identified animal model.

The biomedical research community has taken significant strides toward solving the mystery of neurofibromatosis, and the 1990s, which I have proclaimed as the "Decade of the Brain," hold the promise of even greater advances in the near future. Achieving them is a goal shared by private voluntary health organizations such as the National Neurofibromatosis Foundation and Neurofibromatosis, Incorporated, and by the Federal Government's National Institute of Neurological Disorders and Stroke, as well as other components of the National Institutes of Health, including the National Cancer Institute and the National Institute on Deafness and Other Communication Disorders.

In order to enhance public awareness of neurofibromatosis, the Congress, by House Joint Resolution 422, has designated the month of November 1992 as "National Neurofibromatosis Awareness Month" and has requested the President to issue a proclamation in observance of this month.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim November 1992 as National Neurofibromatosis Awareness Month. I invite all Americans to observe this month with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of October, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and seventeenth.

GEORGE BUSH

Proclamation 6496 of October 20, 1992

National Forest Products Week, 1992

By the President of the United States of America
A Proclamation

From our magnificent National Forests, which cover some 212 million acres of land in the United States, to our thriving State and local parks, industrial timberlands, and privately owned woodlots, America's forests constitute one of this country's greatest treasures. All Americans share a responsibility to protect our Nation's forests, and during National Forest Products Week, we renew our commitment to responsible management of these precious tracts of land.

As a vital part of our planet's ecosystem, our forests provide food and habitat for a wide range of plants and animals. These rich tracts of land also provide essential raw materials for building and other uses, and

hundreds of thousands of Americans depend on them for their livelihood. Countless other citizens enjoy our forests as a beautiful setting for family camp-outs and other forms of recreation, which encourage children and adults alike to appreciate more fully the importance of conservation.

Today the United States boasts a strong and growing tradition of forest conservation. Annual forest growth now exceeds timber harvests by more than 35 percent, and the total national volume of wood is 25 percent larger than it was in 1952. Yet, recognizing continued challenges to forest preservation—from disease and drought to wildfires, which destroyed almost 2 million acres of forest and rangeland this summer alone—we are working hard to promote environmental stewardship in both the public and private sectors.

The major Federal forest management agencies have adopted an "ecosystem approach" to conservation, and by law our National Forests must now be managed on a sustained yield basis. As part of our Forests for the Future Initiative, the United States Government is also helping to lead the way toward a twofold increase in worldwide forest conservation assistance, as a first step toward halting the net loss of forests over the next decade. Here at home, millions of volunteers are working together with private organizations and with State and local agencies in support of our America the Beautiful Initiative, our ambitious program to plant 1 billion new trees in urban and rural areas each year.

The benefits that we derive from our forests are as varied as the species of trees and wildlife that they contain. As demand for traditional forest commodities continues, and as we continue to develop new products and uses each year, it is imperative that we join together in promoting sustainable use and conservation of our forests and timberlands.

The Congress, by Public Law 86–753 (36 U.S.C. 162), designated the week beginning on the third Sunday in October of each year as "National Forest Products Week" and requested the President to issue a proclamation in observance of that week.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the week beginning October 18, 1992, as National Forest Products Week. I encourage all Americans to observe that week with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of October, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and seventeenth.

GEORGE BUSH

Proclamation 6497 of October 23, 1992

National Red Ribbon Week for a Drug-Free America, 1992

By the President of the United States of America
A Proclamation

Through the comprehensive National Drug Control Strategy that we launched in 1989 and through the outstanding cooperation of Americans from all walks of life, the United States has made encouraging progress in the fight against illicit drugs. Nearly 9 out of 10 major American corporations have developed drug prevention programs for the workplace, and hundreds of communities have formed strong, grass-roots coalitions that are helping to get drug dealers off the streets while educating young people about the importance of leading healthy, drug-free life-styles. Together, Americans of all ages are saying an emphatic "No!" to drugs and to their devastating consequences—crime, violence, unemployment, poverty, broken homes, and abandoned dreams.

Further progress in the fight against drugs is essential, and it will continue to require the strong personal commitment of each and every American. By working together, we can eliminate the "drug culture" that has infested too many of our communities, breeding a climate of fear and intimidation that is depriving millions of Americans of their freedom to live in peace and security.

National Red Ribbon Week for a Drug-Free America provides an opportunity for all Americans to express their commitment to the fight against drugs by wearing or displaying a red ribbon. This simple yet highly visible symbol identifies the wearer as part of a nationwide movement that is determined to uphold the right of every American to live and work in a drug-free community, to learn in a drug-free school, and to travel on drug-free streets and highways.

The National Federation of Parents for Drug-Free Youth, along with many other parents' associations, educators, law enforcement officials, and other concerned Americans, is leading this campaign to rally our communities and to protect our children from the deadly trap of dependency on drugs and alcohol. In keeping with its goal of enhancing public awareness, the Federation has selected the theme, "Neighbors—Drug Free and Proud." Barbara and I are pleased to serve as Honorary Chairmen of the National Red Ribbon Campaign and urge our fellow Americans to join in cooperating with the many courageous law enforcement officers, parents, educators, and other dedicated individuals who are working so hard to stop the scourge of drugs.

The Congress, by House Joint Resolution 467, has designated the week beginning October 24, 1992, as "National Red Ribbon Week for a Drug-Free America" and has requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the week beginning October 24, 1992, as National Red Ribbon Week for a Drug-Free America. I urge every American to observe this week by wearing or displaying the red ribbon as a sign of his or her commitment to a healthy, drug-free life-style.

I also encourage all Americans to support community substance abuse prevention programs and other lifesaving anti-drug efforts throughout the year.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of October, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and seventeenth.

GEORGE BUSH

Proclamation 6498 of October 24, 1992

United Nations Day, 1992

By the President of the United States of America
A Proclamation

As stated in its Charter, the purposes of the United Nations are "to maintain international peace and security . . . to develop friendly relations among nations based on respect for the principles of equal rights and self-determination of peoples . . . [and] to achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character." Signatories to the U.N. Charter also agreed to work together "in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion." During the past year, the United Nations has taken strides in promoting all of these goals.

In the post-Cold War era, former rivals are working together under the U.N. Charter toward a better future for all mankind. The U.N. Security Council has demonstrated increasing effectiveness in matters of peace and security, and U.N. peacekeepers serve proudly in every part of the world to bring about transitions to peace. Following up on the report of U.N. Secretary General Boutros-Ghali, "An Agenda for Peace," the United States has proposed ways in which we and others can enhance U.N. peacekeeping and humanitarian relief capabilities, beginning with conflict prevention.

While we celebrate recent democratic reforms around the world, we deplore the violent resurgence of ethnic hatred and aggressive nationalism in some regions. Through the U.N. Security Council and U.N. agencies such as the Office of the United Nations High Commissioner for Refugees, the United States and other nations are working hard to bring desperately needed aid to victims of the tragic strife in Bosnia and the horrifying situation in Somalia. We salute the courageous U.N. personnel who have put themselves in harm's way in these and other troubled regions, and we honor the memory of those who have died in the line of duty.

In addition to humanitarian and peacekeeping efforts, the United Nations will continue to play a vital role in stemming the proliferation of weapons of mass destruction. Since the successful international effort to liberate Kuwait, the U.N. Security Council has continued to promote stability in the Middle East by working to dismantle Iraq's weapons of mass destruction through the unprecedented work of the U.N. Special Commission (UNSCOM). The United States also notes the im-

pressive efforts of the International Atomic Energy Agency toward nonproliferation enforcement.

The United Nations was created not only "to save succeeding generations from the scourge of war" but also "to promote social progress and better standards of life in larger freedom." The International Monetary Fund and the World Bank, which are an integral part of the U.N. family of organizations, are playing an instrumental role in efforts to raise standards of living through development, investment, and the adoption of market-oriented economic and financial policies. Other specialized agencies of the United Nations are working to promote better standards of life by promoting development, helping children, fighting the spread of AIDS and other devastating diseases, coordinating efforts to stop drug trafficking, and encouraging international cooperation on the environment. Recently the United States was proud to become the first industrialized nation to ratify the United Nations Framework Convention on Global Climate Change, which was signed in Rio de Janeiro in June.

As we continue to seek the goals set forth in the U.N. Charter, we must keep in mind that member nations are the United Nations. Our continued cooperation is vital, because as members of this body affirmed when they adopted the Universal Declaration of Human Rights in 1948, "recognition of the inherent dignity and of the equal and unalienable rights of all members of the human family is the foundation of freedom, justice, and peace in the world."

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim October 24, 1992, as United Nations Day. I invite all Americans to observe this day with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of October, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and seventeenth.

GEORGE BUSH

Proclamation 6499 of October 29, 1992

Refugee Day, 1992

By the President of the United States of America

A Proclamation

The United States has long welcomed to its shores refugees from oppression and persecution—generations of whom have built new lives for themselves in this country and, in so doing, contributed to its cultural and economic development. Early immigrants to America sought sanctuary from tyranny and persecution, and our first President, George Washington, exhorted that the United States should ever be "an asylum to the oppressed and needy of the earth." The origins of this great land as a place of refuge and our rich heritage as a nation of immigrants give Americans a special understanding of, and sympathy for, the plight of some 17 million refugees worldwide today.

In addition to opening its doors to tens of thousands of refugees each year, the United States is working to overcome the conditions that force large numbers of people to flee their homelands. Through a wide range of public and private organizations, we have been promoting education, disease prevention, and sustainable economic development in countries beset by illiteracy and poverty. Because millions of refugees have been driven from their homes by the scourge of political repression and war, we have placed a high priority on working to promote freedom and democracy, which are the only sure foundation for lasting peace and progress.

With the collapse of imperial communism and with the emergence of democratic nations around the globe, more of our fellow human beings are living in freedom than at any other time in history. This trend has had a positive impact on a number of serious, long-standing refugee situations throughout the world, such as those in Central America, Cambodia, and Afghanistan.

However, while these developments are encouraging, we know that in some regions of the world, the plight of refugees continues to demand our urgent attention. Nowhere are conditions more deplorable today than in the Horn of Africa and the former Yugoslavia.

The United States serves as an international leader in efforts to meet the challenges of current refugee crises. We will continue to fulfill our fundamental responsibilities to help refugees, and we will continue to urge our allies and all governments to remain firmly committed to protecting refugees and to contributing toward international relief efforts. The United States remains steadfast in its support of the efforts of the United Nations to develop effective worldwide programs to alleviate human suffering. Because the suffering of refugees is most often the result of systematic government repression and violent unrest in some regions of the world, we will also continue to champion respect for human rights, the peaceful resolution of conflicts, and the principles of national sovereignty and liberty under law.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim October 30, 1992, as Refugee Day. I urge all Americans to observe this day with appropriate programs and activities, including efforts to provide humanitarian assistance to refugees and to promote freedom and peace among all peoples.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of October, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and seventeenth.

GEORGE BUSH

Proclamation 6500 of October 29, 1992

National Medical Staff Services Awareness Week, 1992

By the President of the United States of America
A Proclamation

The professionals who direct or manage medical staff services, from hospital communications to the accreditation of physicians and nurses, play an important role in our Nation's health care system. In addition to serving in hospitals and other primary care facilities, these professionals also work in health maintenance organizations, medical societies, State licensing boards, and consulting firms. By administering rules and regulations, by ensuring accreditation compliance, and by providing a wide range of support to physicians, medical staff coordinators help to promote the quality and efficiency of health care.

Today many medical staff services professionals are striving to promote efficiency and professionalism in health care by working through the legal, financial, and regulatory requirements that have increased along with new challenges and opportunities in the health care industry. This week, we acknowledge the value of such efforts.

The Congress, by House Joint Resolution 399, has designated the week of November 1 through November 7, 1992, as "National Medical Staff Services Awareness Week" and has requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the week of November 1 through November 7, 1992, as National Medical Staff Services Awareness Week. I invite all Americans to observe this week with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of October, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and seventeenth.

GEORGE BUSH

Proclamation 6501 of October 31, 1992

World Population Awareness Week, 1992

By the President of the United States of America
A Proclamation

In the post-Cold War world, one of the key issues that must be addressed is population growth and its impact on resources, environment, and development. Recognizing that population goals and policies should be part of more comprehensive efforts to improve the standards of living of all peoples, to promote social and economic development, human rights, and individual freedom, we focus this week on the links between economic development, environmental degradation, and demographic trends among the world's population.

As the G–7 leaders stated during the 1990 Houston Economic Summit, "sustainable development requires that population growth remain in some reasonable balance with expanding resources." Supporting the efforts of developing countries to maintain this balance is a priority.

As part of a comprehensive economic development assistance program, the United States continues to take a strong position in the global community to address, cooperatively and effectively, issues of poverty, illiteracy, population pressures, environmental degradation, and human health. Recognizing the sovereign right of each nation to respond to its specific needs, and respecting the fundamental rights and cultural and religious beliefs of parents, the United States supplies nearly half of all international assistance provided to support safe, effective, and voluntary family planning programs. In light of worldwide demand for such assistance, we now look to each nation to do its fair share in aiding voluntary population programs, not as ends in themselves, but as measures in support of sustainable development.

Massive urban migration poses a special challenge to the international community today, as urbanization leads to increased demands for infrastructure and services while exacerbating problems such as crime, inadequate health care and pollution. Ensuring environmental sustainability and slowing population growth where it threatens the economic progress that all of us seek are among the commitments that the United States has made together with other members of the international community.

Sustainability is impossible, however, without a healthy, well-educated population—hence the United States supports programs to improve maternal and child health; to expand education, skills training, and disease prevention; to integrate women more fully into the political and economic life of nations; and to target the specific health problems of the poor, which are often aggravated by conditions such as poor sanitation and lack of safe drinking water.

By promoting literacy and good health among individuals, by fostering the strength and stability of families, and by affirming the right of all human beings to live and work in freedom and security, we will continue to promote the health, stability, and progress of their communities and nations.

The Congress, by House Joint Resolution 458, has designated the week beginning October 25, 1992, as "World Population Awareness Week" and has requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the week beginning October 25, 1992, as World Population Awareness Week. I invite all Americans to observe this week with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of October, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and seventeenth.

GEORGE BUSH

Proclamation 6502 of November 1, 1992

Hire a Veteran Week, 1992

By the President of the United States of America
A Proclamation

Less than 2 years ago, Americans watched proudly as our Nation's military personnel led the international effort to liberate Kuwait from brutal occupation by Iraqi forces under the command of Saddam Hussein. From the deployment of nearly half a million active-duty personnel and reservists to the precise aerial bombing and final ground assault against entrenched enemy forces, our Nation's service men and women demonstrated the tremendous courage, professionalism, and skill that we have come to expect of our United States Armed Forces. Now, as we prepare to celebrate Veterans Day, our annual tribute to all those who have served our country in uniform, it is fitting that we recognize the valuable knowledge, experience, and training that our soldiers, sailors, airmen, marines, and Coast Guardsmen have to offer when they reenter civilian life.

Through their outstanding achievements in the Persian Gulf region and elsewhere, America's veterans have helped to change the world. In the past few years, we have seen the collapse of the Berlin Wall, the disintegration of the Warsaw Pact, and the dissolution of the Soviet Union itself—each a resounding vindication of democratic ideals and a clear victory for the Americans who defended the cause of freedom around the globe.

Now that they have helped to change the world, America's veterans can play an important role in achieving continued prosperity and progress here at home. As we restructure our national defense forces in light of new international security requirements, we can ensure that the United States continues to benefit from the knowledge and expertise of its veterans by encouraging their full participation in the civilian work force.

Like every nation, the United States is challenged today by a global economic transition. Because Americans who have served in the military have the discipline, motivation, and skills—including the highly technical skills—that are essential to keeping American business and industry competitive, we do well to recognize the importance of recruiting and hiring veterans.

The Congress, by House Joint Resolution 542, has designated the week of November 8 through November 14, 1992, as "Hire a Veteran Week" and has requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the week of November 8 through November 14, 1992, as Hire a Veteran Week. I encourage all Americans—in particular, employers, labor leaders, and public officials—to support the campaign to employ men and women who served our country in the Armed Forces.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of November, in the year of our Lord nineteen hundred and ninety-

two, and of the Independence of the United States of America the two hundred and seventeenth.

GEORGE BUSH

Proclamation 6503 of November 4, 1992

National Women Veterans Recognition Week, 1992

By the President of the United States of America
A Proclamation

More than one million American women are veterans of our Armed Forces, and as we celebrate the end of the Cold War and the promise of increasing cooperation and peace in the world, it is fitting that we offer a special salute to each of them. In peacetime and in time of peril, and in a variety of demanding roles, women service members have demonstrated great skill, sacrifice, and devotion to freedom.

Although World War II marked the first, large-scale entry of women into the Armed Forces, it was not the first conflict to test the courage and patriotism of American women. As early as our Nation's War for Independence, the contributions of women proved to be essential to the preservation of liberty. Women served as suppliers, scouts, and nurses for the Continental Army, and later, when our Nation faced a bitter war between the States, women again answered the call to duty. The extraordinary efforts of hundreds of women nurses during the Spanish-American War led to the establishment of the Army Nurse Corps in the early years of this century, and by World War I, the Navy and Coast Guard were also enlisting women.

Women achieved full military status during World War II, and tens of thousands served with distinction as members of the Women's Army Auxiliary Corps (WACS), Women Accepted for Voluntary Emergency Service (WAVES), and the Women Airforce Service Pilots. This week we remember, especially, those who made the ultimate sacrifice in the line of duty.

Shortly after World War II, the Women's Armed Services Integration Act authorized permanent status for women in the military, and since that time, women have continued to amass an impressive record of service and sacrifice. In Korea, Vietnam, Panama, and the Persian Gulf, America's service women have excelled as active duty and Reserve members of our Army, Navy, Air Force, Marine Corps, and Coast Guard.

As we salute women veterans for their contributions to our national security and to the defense of freedom around the globe, we also recognize their continuing contributions in civilian life. In keeping with the highest traditions of generations of former military personnel, many women veterans are actively engaged in efforts to improve their communities and to promote a strong America.

The Congress, by Public Law 102–517, has designated the week of November 8 through November 14, 1992, as "National Women Veterans Recognition Week" and has requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the week of November 8 through November 14, 1992, as National Women Veterans Recognition Week. I urge all Americans to observe this week with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of November, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and seventeenth.

GEORGE BUSH

Proclamation 6504 of November 6, 1992

SPAR Anniversary Week, 1992

By the President of the United States of America
A Proclamation

During World War II, recognizing the military's urgent need for personnel and both the ability and the desire of women to contribute to the total Allied effort, the United States Congress passed legislation establishing the Coast Guard Women's Reserve. The Coast Guard Women's Reserve was created as a sister service to the Women's Army Auxiliary Corps (WACS), Women Accepted for Voluntary Emergency Service (WAVES) in the Naval Reserve, and Women Marines.

The first director of the Coast Guard Women's Reserve, Captain Dorothy C. Stratton, coined its acronym, SPAR, from the Latin and English translations of the Coast Guard motto, *Semper Paratus! (Always Ready!)*. Women from throughout the United States and from all walks of life were recruited as SPARS, becoming the first women to be trained at a United States service academy, the United States Coast Guard Academy. Throughout the course of the war, they performed admirably as executive officers, division heads, watch officers, coxswains, gunner's mates, and machinist's mates—to name but a few of their important roles.

Following World War II, SPARS were integrated into the Organized Reserve Training Program. Many served with distinction in highly specialized jobs during the Korean and Vietnam conflicts, and today, a half-century after the founding of the Women's Reserve, Coast Guard women serve in all phases of Coast Guard operations. We note with special admiration and pride the contributions of Coast Guard women during Operations Desert Shield/Desert Storm.

In honor of the dedicated service of women in the United States Coast Guard, the Congress, by H.R. 5617, has designated the week of November 17 through November 23, 1992, as "SPAR Anniversary Week" and has requested the President to issue a proclamation in observance of that week.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the week of November 17 through November 23, 1992, as SPAR Anniversary Week. I encourage the Governors of the States and the Commonwealth of Puerto Rico and officials

of other areas subject to the jurisdiction of the United States to provide for the observance of this week. I also invite all Americans to utilize this opportunity to learn more about the history and continuing contributions of women in the United States Coast Guard.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of November, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and seventeenth.

GEORGE BUSH

Proclamation 6505 of November 9, 1992

National Military Families Recognition Day, 1992

By the President of the United States of America
A Proclamation

The strength of the American family is the strength of America itself, for the family is the primary institution to shape our citizens and leaders and to ensure that our most cherished ideals are passed from one generation to the next. On this occasion we offer a special salute to America's military families, who provide so much love and support to our courageous men and women in uniform. The patriotism and sacrifices of these families have uniquely fortified our Nation's military and, in so doing, helped the United States to remain the freest, strongest, and most prosperous country in the world.

While America's military families trace their roots to a variety of cultural, ethnic, and religious backgrounds, they share a profound sense of duty and an equally strong love of country. These families are also united by the singular challenges of military life, from frequent relocations to long periods of separation and worry. By standing steadfast in support of their members in uniform and of each other, military families provide inspiring examples of generosity, courage, and pride. Who can forget the tremendous public show of support for our troops as they fought to liberate Kuwait and to turn back aggression in the Persian Gulf—support led by the spouses, children, parents, grandparents, and siblings of our active duty and Reserve forces.

This year has seen new challenges for our service members and their families as many American military personnel have deployed around the globe in support of urgent humanitarian missions and long-standing defense interests. The end of the Cold War has also presented challenges as we work to restructure our defense forces and to maintain an efficient, mobile, and effective military capacity. Yet, just as they have met every challenge in the past, America's military families continue to face these and other developments with resourcefulness, resilience, and pride. Each of them deserves our admiration and support.

The Congress, by House Joint Resolution 503, has designated November 23, 1992, as "National Military Families Recognition Day" and has authorized and requested the President to issue a proclamation in observance of this day.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim November 23, 1992, as National Military Families Recognition Day. I urge all Americans to join in honoring United States military families around the world, who do so much in support of the men and women who defend our freedom and security. I also call on Federal, State, and local government officials and private organizations to observe this day with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of November, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and seventeenth.

GEORGE BUSH

Proclamation 6506 of November 10, 1992

Vietnam Veterans Memorial 10th Anniversary Day, 1992

By the President of the United States of America
A Proclamation

The more than 3,000,000 Americans who served our country during the war in Southeast Asia between 1960 and 1975 deserve, like all of our veterans, the lasting respect and gratitude of the Nation. From hundreds of nameless rice paddies and jungles to places such as Dak To, A Shau Valley, and Khe Sanh, these individuals and their fallen comrades endured extraordinary hardships and sacrifices in the effort to thwart communist expansionism in Laos, Cambodia, and Vietnam. Theirs was a long, grueling struggle for freedom and international security, and however history may judge its execution and outcome, these individuals deserve a hero's recognition and thanks. Hence, we pause on this 10th anniversary of the Nation's Vietnam Veterans Memorial to offer a heartfelt salute to each of them.

While we usually think of walls as forms of division—"something there is that doesn't love a wall," wrote Robert Frost—the Vietnam Veterans Memorial is one such structure that has fostered unity and healing among millions of Americans. In the decade since its construction and dedication, which were made possible entirely by private contributions, our Nation has come to peace with itself; and today we join together in honoring the more than 58,000 Americans whose names are inscribed on "the Wall." We remember their names because we cherished them as individuals—as sons and daughters, brothers and sisters, spouses, neighbors, and friends. We remember their names because each of them taught us important lessons about duty, courage, and love of country.

The lessons of the Vietnam War have, I believe, made the United States a better Nation, a stronger Nation. Just 2 years ago, when United States forces were called on to help liberate a small, defenseless country from the occupation of a ruthless dictator, the American people rallied behind our troops in a display of unity and resolve not seen since the days of World War II. The triumphant homecoming of our Persian Gulf veterans was, in many ways, a second homecoming for our Vietnam

veterans, as hundreds of communities also offered a special salute to those who were all too often denied a hero's welcome some 25 years ago.

Today, as they commemorate the 10th anniversary of our Nation's memorial to their fallen comrades, Vietnam veterans stand proud—and rightfully so. Let all of us join them in remembering those of their comrades who never made it home—those who fell in the line of duty and those who are still missing. The United States has never forgotten our POWs/MIAs, and we remain fully committed to obtaining the fullest possible accounting for each of them. On this occasion we offer a special salute to their brave families, who have kept faith with America's missing service members and civilians and, in so doing, reminded us of the tremendous debt that we owe to our Vietnam veterans.

In honor of the Americans who served in Indochina and in grateful tribute to those who made the ultimate sacrifice in the defense of liberty, the Congress, by Senate Joint Resolution 318, has designated November 13, 1992, as "Vietnam Veterans Memorial 10th Anniversary Day" and has requested the President to issue a proclamation in observance of this day.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby urge all Americans to join in observing November 13, 1992, as a special day in honor of our Nation's Vietnam veterans and their fallen comrades.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of November, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and seventeenth.

GEORGE BUSH

Proclamation 6507 of November 10, 1992

National Adoption Week, 1992

By the President of the United States of America
A Proclamation

During this week that includes our traditional observance of Thanksgiving, Americans will pause in prayer to thank Almighty God for their many blessings—in particular, for the gifts of life, home, and family. At a time when many of us enjoy being reunited with relatives and friends, it is fitting that we also remember the more than 40,000 children in the United States who long for loving, permanent homes and families of their own. These are children who wait to be adopted.

More than 50,000 children in the United States are adopted each year, and as any adult who has been blessed with an adopted child or grandchild well knows, these youngsters are as eager to give love and affection as they are to receive them. Yet, while adoption benefits everyone involved—including the biological mother who, for whatever reason, cannot care for her child and offers him a chance at life in a secure, loving environment—thousands of other children continue to wait. Among those who wait are children with special needs: older children,

children with disabilities, members of minority groups, and children with siblings who must be adopted by the same family.

Early on in the Administration, I was pleased to propose legislation designed to encourage "special needs" adoption. Since that time, the Federal Government has continued to play a leading role in overcoming legal, financial, and attitudinal barriers to adoption. This week we salute the many dedicated men and women across America who make adoption work: concerned parents, social services professionals and counselors, State officials, attorneys, members of the clergy, and others. Recognizing that adoption is a tremendous act of courage and generosity under any circumstances, we salute especially each of the brave women who, when faced with a crisis pregnancy, chooses life for her unborn child and offers that child a chance to grow up in a stable, loving home.

As an unselfish, life-affirming, and lifelong commitment, adoption is rooted in the virtues that define and strengthen a family and that, in turn, enrich the lives of individuals and the communities in which they live. This week, let us acknowledge the importance of stable, loving families to children and to our Nation, and let us renew our support for adoption.

The Congress, by Public Law 102–174, has designated the week of November 22 through November 28, 1992, as "National Adoption Week" and has requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the week of November 22 through November 28, 1992, as National Adoption Week. I urge all Americans to observe this week with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of November, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and seventeenth.

GEORGE BUSH

Proclamation 6508 of November 20, 1992

Thanksgiving Day, 1992

By the President of the United States of America
A Proclamation

At no time of year are Americans more mindful of our heritage as one Nation under God than at Thanksgiving—a day when people of every race, creed, and walk of life join in celebrating the many blessings that we have received as individuals and as a Nation. Thanksgiving is among the happiest of days because it fills our hearts with appreciation for the things that matter most: the goodness of our Creator, the love of family and friends, and, of course, the gift of life itself. In addition to giving thanks for our individual blessings, we Americans also join on this occasion in celebrating our shared legacy of freedom.

Since the earliest days of our Republic, Americans have been deeply aware of our indebtedness to the Almighty and our obligations as a people He has blessed. Even in the course of long, difficult journeys to these shores, our ancestors gratefully acknowledged the sustaining power of God—and the faithfulness they owed in return. Recognizing their quest for freedom as an enterprise no less historic than the ancient Israelites' exodus from Egypt, John Winthrop reminded his fellow pilgrims in 1630:

> Now if the Lord shall please to hear us, and bring us in peace to the place that we desire, then hath He ratified this covenant and sealed our commission, [and] will expect a strict performance of the articles contained in it . . . to do justly, to love mercy, to walk humbly with our God.

By remaining grateful for, and faithful to, that divine commission, America has become a model of freedom and justice to the world—as our pilgrim ancestors envisioned, a shining "city upon a hill."

Ever grateful for our freedom and security, we Americans have worked to share these blessings with others, and today we rejoice in the fact that the seeds of democratic thought sown on these shores more than 300 years ago continue to blossom around the globe. Yet, even as we give thanks for the demise of imperial communism and for the current harvest of liberty throughout the world, like our ancestors we also recall our duties as stewards of this great and blessed land. As General Dwight Eisenhower said during World War II:

> The winning of freedom is not to be compared to the winning of a game, with the victory recorded forever in history. Freedom has its life in the hearts, the actions, the spirits of men, and so it must be daily earned and refreshed—else like a flower cut from its life-giving roots, it will wither and die.

The liberty that we enjoy today is clearly rooted in our Nation's Judeo-Christian moral heritage and in the timeless values that have united Americans of all religions and all walks of life: love of God and family, personal responsibility and virtue, respect for the law, and concern for others. If the American Experiment is to continue to bear fruit in generations to come, we must cultivate those values in our children and teach them, by word and example, the difference between liberty and license, between the grateful exercise of freedom and the misuse of our precious rights.

This Thanksgiving, as we reflect on our Nation's heritage and give thanks to God for our many blessings, let us renew the solemn commitment that John Winthrop and his fellow pilgrims made more than 300 years ago. At a time when so many of the world's peoples look to America's example, let us stand for a liberty "to that only which is good, just, and honest." Mindful, too, that "he that gives to the poor lends to the Lord," let us reach out with generosity to persons in need—strangers who are hungry and homeless, neighbors who are sick or lonely, and loved ones who are eager for our time, attention, and encouragement.

I am both confident and grateful that—in the future, as in the past—this Thanksgiving tradition will continue to bind us in appreciation of life's greatest blessings: our families and friends, our rich heritage of freedom, and, most of all, the unchanging wisdom and presence of Almighty God.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim Thursday, November 26, 1992, as a National Day of Thanksgiving. I urge all Americans to gather in their homes and in places of worship on that day to offer thanks to the Almighty for the many blessings that He has granted us as individuals and as a Nation. May we always strive to remain worthy of them.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of November, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and seventeenth.

GEORGE BUSH

Proclamation 6509 of November 20, 1992

National Education First Week, 1992

By the President of the United States of America
A Proclamation

Three years ago, beginning with our historic Education Summit with the Nation's Governors, we launched America 2000—an ambitious campaign to achieve excellence in our schools. Today more than 2,000 cities and towns throughout the United States and territories proudly count themselves as America 2000 communities, thanks to the shared commitment of parents, teachers, students, local public officials, and concerned business leaders. Recognizing the importance of education, not only as a treasure in itself, but also as the key to advancement for individuals and nations, these Americans are working to meet high standards in the classroom and to make their homes and neighborhoods places where learning can happen. As a result of this outpouring of support for our America 2000 strategy, we have begun to chart promising gains—7 years before our target date.

Since we launched America 2000, concerned individuals from all walks of life have responded enthusiastically to the challenge of building a new generation of American schools. Last year, when private sector leaders formed the New American Schools Development Corporation and announced a nationwide competition for the best school designs imaginable, nearly 700 teams submitted proposals. The Administration also pursued, and this July I was pleased to sign, the Higher Education Amendments of 1992, which will promote lifelong learning and achievement by expanding eligibility for student loans, by improving the accountability of student loan programs, and by providing for an alternative certification program through which States can devise ways to enlist the knowledge, experience, and skills of qualified men and women who want to teach yet lack traditional teaching degrees. In keeping with America 2000 and with our calls for increased competition and accountability in our Nation's schools, at least 10 States

have expanded parental choice in education, and this year's report of the National Education Goals Panel shows that we have begun to increase the high school completion rate while, at the same time, significantly reducing drug use in and around our schools.

These developments are encouraging, and they are powerful testimony to the principles that guide our America 2000 strategy: greater parental choice and involvement in education; increased flexibility for teachers; high standards of student performance, verified by testing; competition and accountability in schools; and, of course, sustained cooperation among all Americans. However, even as we take justifiable pride in our progress, we know there is still much work to be done. In a world that demands excellence in science, technology, and commerce, America's economic competitiveness will remain at risk as long as our students are not among the best in the world. We must continue to reach out to the nearly 2,000 students who drop out of school each day, abandoning their best hope for a bright future, and we must continue to expand educational opportunities for the estimated 26 million Americans who are functionally illiterate. Toward these ends, concerned Americans in education, business, private voluntary organizations, and the media are joining together in observance of National Education First Week.

This week we renew our commitment to achieving excellence in education—school by school, community by community. Millions of parents, educators, business owners, and volunteers are participating in this effort in support of our America 2000 strategy, and I salute them.

In recognition of the importance of learning to each American and to our Nation, the Congress, by House Joint Resolution 543, has designated the week of November 30 through December 6, 1992, as "National Education First Week" and has requested the President to issue a proclamation in observance of that week.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the week of November 30 through December 6, 1992, as National Education First Week. I urge all Americans to observe this week with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of November, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and seventeenth.

GEORGE BUSH

Proclamation 6510 of November 23, 1992

To Modify Duty-Free Treatment Under the Generalized System of Preferences

By the President of the United States of America
A Proclamation

1. Pursuant to section 504(a)(1) of the Trade Act of 1974, Public Law 93–618, as amended (19 U.S.C. 2464(a)(1)) ("Trade Act"), the President may withdraw, suspend, or limit the application of duty-free treatment

accorded under the Generalized System of Preferences ("GSP") with respect to any article or any country after considering the factors set forth in sections 501 and 502(c) of the Trade Act (19 U.S.C. 2461 and 2462(c)). Accordingly, after taking into account the factors set forth in sections 501 and 502(c) of the Trade Act, I have determined that it is appropriate to withdraw the duty-free treatment accorded under the GSP to imports from Mexico of polypropylene provided for in heading 3902.10.00 of the Harmonized Tariff Schedule of the United States ("HTS").

2. Section 604 of the Trade Act (19 U.S.C. 2483) authorizes the President to embody in the HTS the substance of the provisions of that Act, and of other acts affecting import treatment, and actions thereunder.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States of America, including but not limited to sections 501, 502(c), 504(a)(1), and 604 of the Trade Act, do proclaim that:

(1) In order to provide that Mexico will no longer be treated as a beneficiary developing country with respect to HTS subheading 3902.10.00 for purposes of the GSP, the Rates of Duty 1-Special subcolumn for HTS subheading 3902.10.00 is modified by: (i) deleting the symbol "A" in parentheses, and (ii) inserting the symbol "A*" in lieu thereof.

(2) In order to provide that Mexico will no longer be treated as a beneficiary developing country with respect to HTS subheading 3902.10.00 for purposes of the GSP, general note 3(c)(ii)(D) to the HTS is modified by inserting, in numerical sequence, the following:

"3902.10.00 Mexico"

(3) Any provisions of previous proclamations and Executive orders inconsistent with the provisions of this proclamation are hereby superseded to the extent of such inconsistency.

(4) The amendment made by this proclamation shall be effective with respect to articles that are: (i) imported on or after January 1, 1976, and (ii) entered, or withdrawn from warehouse for consumption, on or after 15 days after the date of publication of this proclamation in the **Federal Register.**

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of November, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and seventeenth.

GEORGE BUSH

Proclamation 6511 of November 25, 1992

National American Indian Heritage Month, 1992

By the President of the United States of America
A Proclamation

Since January, millions of Americans have been observing 1992 as the Year of the American Indian. Individuals of all ages and all walks of life have been taking part in cultural events, educational programs, and other activities that are designed to celebrate the unique art, history, and folklore of America's earliest inhabitants and their descendants. The observance of November as National American Indian Heritage Month provides an opportunity for all citizens to join in honoring America's native peoples.

The American Indian heritage is a rich array of many different cultural legacies—each as unique as the tribes themselves. From the skilled horsemen whose families and tribes roamed the Great West to the hardy peoples who hunted and fished in the forests and waters of Alaska, each tribe of Native Americans has enjoyed its own history, customs, and beliefs. Yet all have shared a deep reverence for the land itself and for the traditions of their forebears. That sense of environmental stewardship and tribal pride has inspired generation after generation, and today all Americans continue to learn a great deal from individuals of Indian ancestry.

As we celebrate the many contributions that Native Americans and their descendants have made to the United States, we also reaffirm the unique government-to-government relationship that exists between Indian tribes and the Federal Government. This long-standing relationship has developed over the years into a vibrant, mutually beneficial partnership—one made ever stronger as past inequities and conflicts have been resolved. In recent years, the Federal Government has worked together with tribal leaders toward our shared goals of equal opportunity and socioeconomic advancement for American Indians, as well as toward the preservation of their ancient cultural identities. The "Native American Languages Act of 1992," which I signed into law last month, is but one example of joint efforts to enhance the well-being of America's native peoples.

In honor of the unique cultural legacy of each of America's native peoples, the Congress, by Senate Joint Resolution 172, has designated November 1992 as "National American Indian Heritage Month" and has authorized and requested the President to issue a proclamation in observance of this month.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim November 1992 as National American Indian Heritage Month. I urge all Americans, as well as their elected representatives at the Federal, State, and local levels, to observe this month with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of November, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and seventeenth.

GEORGE BUSH

Proclamation 6512 of December 2, 1992

Wright Brothers Day, 1992

By the President of the United States of America
A Proclamation

In this last decade of the 20th century, as we assess the great scientific and technological achievements of the past 100 years, one event continues to shine forth as a triumph of human ingenuity and labor: Orville and Wilbur Wright's first successful flight above the windswept dunes of Kitty Hawk, North Carolina. Although their handcrafted aircraft bucked and dipped through its low, brief flight of some 120 feet, the potential for human progress—in aviation, engineering, and countless other fields—at that moment soared. In many ways, we have never looked back.

With the world's first, controlled manned flight in a mechanically propelled, heavier-than-air aircraft, Orville and Wilbur Wright launched the age of aviation and, in so doing, changed forever the world in which we live. Today millions of people travel throughout the world by air—often in planes that boast wingspans longer than the distance covered by the Wrights' first flight. From cargo jets used in private commerce to military aircraft employed in our Nation's defense and vital humanitarian missions, present-day aircraft play an indispensable role in ensuring America's economic growth and national security. In addition, the continuing success of our Space Shuttle Program points toward an exciting future of exploration above Earth's atmosphere and throughout the solar system. Clearly, the uses of aviation have developed far beyond the original expectations of Wilbur Wright, who, in a classic example of understatement, predicted that the airplane would "always be limited to special purposes," serving as "a factor" in war and possibly "[having] a future as a carrier of mail."

By commemorating the historic events of December 17, 1903, the day that Orville and Wilbur Wright triumphed over the force of gravity and the skepticism of friends, we not only celebrate the many uses of aviation but also recall the infinite value of labor and learning, courage and perseverance. Known to many as the owners of a modest bicycle shop in Dayton, Ohio, the Wrights were, in fact, gifted, painstaking, and keenly perceptive engineers. In addition to experimenting time and again with airplane models and wind tunnels, the Wrights also sifted carefully through data that had been collected by other scientists and engineers, dismissing that which proved unreliable and developing much of the existing handbook on fundamental aerodynamics. Yet it was Nature herself that inspired these pioneers, who achieved three-axis control in flight by closely observing the motion of birds.

Eager to learn at every trial and opportunity, the Wrights realized their dreams of manned flight and provided succeeding generations with a timeless example of the rewards of education and hard work. We do well to honor their memory, and as a result of legislation signed into law last October, future Americans will have an opportunity to learn more about the Wrights through the Dayton Aviation National Historic Park.

The Congress, by a joint resolution approved December 17, 1963 (77 Stat. 402; 36 U.S.C. 169), has designated the 17th day of December of

each year as "Wright Brothers Day" and requested the President to issue annually a proclamation commemorating that day.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim December 17, 1992, as Wright Brothers Day. I invite all Americans to observe that day with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this second day of December, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and seventeenth.

GEORGE BUSH

Proclamation 6513 of December 8, 1992

Human Rights Day, Bill of Rights Day, and Human Rights Week, 1992

By the President of the United States of America
A Proclamation

This week, as we commemorate the ratification of our Bill of Rights on December 15, 1791, we not only give thanks for our Nation's enduring legacy of liberty under law but also celebrate its role in promoting human rights around the world.

Our Bill of Rights guarantees, among other basic liberties, freedom of religion, speech, and the press. It affirms the right of the people to keep and bear arms; ensures that no person shall be deprived of life, liberty, or property without due process of law; and guarantees the right of citizens to be secure against unreasonable searches and seizure of their persons, houses, papers, and effects. The Bill of Rights also establishes fundamental rules of fairness in our Nation's judicial system, including the right to trial by jury, assistance of counsel, and freedom from cruel and unusual punishment. Finally, the Bill of Rights reserves to the States respectively, or to the people, those powers that are not delegated to the Federal Government by the Constitution.

Seventeen additional amendments have been added to our Constitution over the past 200 years, but the Bill of Rights has remained a shining symbol of our liberty—a standard against which we measure the legitimacy of American laws and institutions.

Over time, the Bill of Rights has proved to be a cornerstone as well: today we recognize that great document as the foundation of more recent charters of liberty, including the Universal Declaration of Human Rights, which was adopted by the General Assembly of the United Nations on December 10, 1948. Recognizing that respect for "the inherent dignity and . . . the equal and inalienable rights of all members of the human family is the foundation of freedom, justice, and peace in the world," signers of the Declaration affirmed that "everyone has the right to life, liberty, and the security of person." Signers likewise stated that "all are equal before the law and are entitled without any discrimination to equal protection of the law." They agreed to respect freedom of thought, conscience, and religion for all, without regard to race, na-

tionality, gender, or belief, and declared that "everyone has the right to take part in the government of his country, directly or through freely chosen representatives." These principles were affirmed again in 1975, when the United States, Canada, and 33 European nations joined together in signing the Helsinki Final Act of the Conference on Security and Cooperation in Europe.

While we have made great progress toward the goals set forth at Helsinki and reaffirmed at subsequent CSCE meetings in Copenhagen, Geneva, and Moscow, we know that there is still much work to do in promoting the peaceful resolution of conflicts, the establishment of stable, democratic institutions of government, and universal compliance with international human rights agreements. When he proposed a Bill of Rights to our Constitution in 1789, James Madison sagely noted that such a document would strengthen democracy by preventing a tyranny of the majority, in which the will of a larger number of citizens might be levelled against the rights of the few. The resurgence of ethnic violence and bitter nationalist rivalries has underscored the urgency of protecting the rights of minorities. As it has done consistently in the past, the United States calls on all signatories to the Helsinki Final Act and the Universal Declaration of Human Rights to fulfill their solemn commitment to protect the rights of individuals, without regard to race, nationality, or creed.

Recognizing that egregious human rights violations continue not only in regions encompassed within the CSCE but also in other regions of the world, the United States also denounces any attempts to dilute or distort human rights agreements through the claim of particular socioeconomic circumstances or religious and cultural traditions. Having fought so long for recognition of an international human rights standard, one rooted in fundamental standards of morality and justice, we will not condone that consensus being undermined by those who claim that their particular economic, social, or political contexts relieve them of their obligation to protect the rights of individuals. The upcoming World Conference on Human Rights, which is to be held in June 1993, will provide the United States with another opportunity to reaffirm the universality of human rights and the common duty of all governments to uphold them.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim December 10, 1992, as Human Rights Day and December 15, 1992, as Bill of Rights Day, and call on all Americans to observe the week beginning December 10, 1992, as Human Rights Week. I urge all Americans to observe this week with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of December, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and seventeenth.

GEORGE BUSH

Proclamation 6514 of December 9, 1992

Religious Freedom Day, 1993

By the President of the United States of America
A Proclamation

We Americans have long cherished our identity as one Nation under God. To this day American law and institutions have been shaped by a view of man that recognizes the inherent rights and dignity of individuals. The Framers of our Government shared this view, and they never forgot the political and religious persecution that had forced their ancestors to flee Europe. Thus, it is not surprising that the first of all freedoms enumerated in our Bill of Rights is freedom of religion. The first amendment to our Constitution states that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

As we reflect on our Constitution and Bill of Rights, we do well to acknowledge our debt to Thomas Jefferson and James Madison. These two men were instrumental in establishing the American tradition of religious liberty and tolerance. Thomas Jefferson articulated the idea of religious liberty in his 1777 draft Bill for Establishing Religious Freedom in Virginia. In that bill, he wrote:

> . . . all men shall be free to profess, and by argument to maintain, their opinion in matters of religion, and that the same shall in no wise
> . . . affect their civil capacities.

James Madison later introduced and championed this bill in the Virginia House of Delegates, where it passed in 1786. Following the Federal Constitutional Convention of 1787, James Madison led the way in drafting our Bill of Rights.

The religious freedom that James Madison and Thomas Jefferson helped to secure for us has been integral to the preservation and development of the United States. Over the years the exercise of our religious freedom has been instrumental in preserving the faith and the traditional values that are this Nation's greatest strengths. Moreover, the free exercise of religion goes hand in hand with the preservation of our other rights. As Thomas Jefferson noted, the first amendment "guard[s] in the same sentence, and under the same words, the freedom of religion, of speech, and of the press; insomuch as that whatever violates either throws down the sanctuary which covers the others." That sanctuary is the spirit of life, liberty, truth, and justice.

In that spirit, the United States has continued to champion religious liberty and tolerance around the world. We decry as reprehensible the persecution of ethnic and religious minorities, and we likewise condemn the resurgence of anti-Semitism and other forms of religious bigotry. The United States calls on all nations to respect the fundamental rights of individuals, in accordance with international human rights agreements and in recognition of the direct and inexorable relationship between freedom and justice and the achievement of lasting peace in the world.

The Congress, by House Joint Resolution 457, has designated January 16, 1993, as "Religious Freedom Day" and has requested the President to issue a proclamation in observance of this day.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim January 16, 1993, as Religious Freedom Day. I urge all Americans to observe this day with appropriate ceremonies and activities in their homes, schools, and places of worship as an expression of our gratitude for the blessings of liberty and as a sign of our resolve to protect and preserve them.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of December, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and seventeenth.

GEORGE BUSH

Proclamation 6515 of December 16, 1992

To Modify the Harmonized Tariff Schedule of the United States, To Extend Tariff Reductions on Certain Tropical Products, To Reduce Duties on Peach, Apricot, Raspberry, or Cherry Jams, and for Other Purposes

By the President of the United States of America
A Proclamation

1. Section 1205(a) of the Omnibus Trade and Competitiveness Act of 1988 ("1988 Act") (19 U.S.C. 3005(a)) directs the United States International Trade Commission ("Commission") to keep the Harmonized Tariff Schedule of the United States ("HTS") under continuous review and periodically to recommend to the President such modifications to the HTS as the Commission considers necessary or appropriate. Section 1205(a) sets forth five categories of such potential modifications to the HTS, including changes to conform the HTS with amendments made to the International Convention on the Harmonized Commodity Description and Coding System ("Convention"), to promote the uniform application of the Convention and its Annex, to ensure that the HTS is kept up-to-date in light of changes in technology or in patterns of international trade, to alleviate unnecessary administrative burdens, and to make technical rectifications.

2. Section 1205(d) of the 1988 Act (19 U.S.C. 3005(d)) provides that the Commission may not recommend any modification unless it is consistent with the Convention and that any amendment thereto recommended for adoption is consistent with sound nomenclature principles, ensures substantial rate neutrality, and does not alter existing conditions of competition for the affected United States industry, labor, or trade. Section 1205(d) further provides that any change to a rate of duty must be consequent to, or necessitated by, nomenclature modifications that are recommended under this section.

3. Pursuant to section 1205(b) of the 1988 Act (19 U.S.C. 3005(b)), the Commission instituted Investigations Nos. 1205–1 and 1205–2. The Commission included in its notices of investigation the proposed

changes to the HTS. Pursuant to section 1205(c) of the 1988 Act (19 U.S.C. 3005(c)), taking into account the views and submissions of Federal Government agencies and other interested parties, the Commission submitted to the President two reports, one in March 1991 (with a June addendum and revision in May 1992) and the second in November 1991, recommending changes to the HTS in accordance with the provisions of section 1205. The Commission included in its reports copies or summaries of the submissions received in the investigations, together with a statement of the probable economic effect of each recommended change on any industry in the United States.

4. Pursuant to section 1206(a) of the 1988 Act (19 U.S.C. 3006(a)), I have determined that the recommended modifications are in conformity with United States obligations under the Convention and do not run counter to the national economic interest of the United States. The report and lay-over requirements of section 1206(b) of the 1988 Act (19 U.S.C. 3006(b)) have been met.

5. Pursuant to section 1102(a) of the 1988 Act (19 U.S.C. 2902(a)), on December 5, 1988, the United States entered into a trade agreement providing for the reduction of rates of duty applicable to imports of certain tropical products. This trade agreement with other contracting parties to the General Agreement on Tariffs and Trade ("GATT") (61 Stat. (pts. 5 and 6)), as amended, committed the United States to make, on a provisional basis, tariff reductions on enumerated tropical products.

6. Pursuant to section 1102(a) of the 1988 Act, by Proclamation 6030 of September 28, 1989, and specifically Annex II thereto, I proclaimed temporary reductions of existing duties on imports of such enumerated tropical products, to be effective through December 31, 1992.

7. Pursuant to the 1988 Act, I have determined that the modification or continuance of existing duties is required or appropriate to carry out the trade agreement on tropical products. Accordingly, I have decided to extend the effective period of the temporary duty reductions on such enumerated tropical products, as set forth in headings 9903.10.01 through 9903.10.42, inclusive, of the HTS, through December 31, 1993.

8. Pursuant to subtitle B of title I of the 1988 Act (19 U.S.C. 3001–3012), by Proclamation 5911 of November 19, 1988, the United States adopted and implemented the HTS, comprising the Tariff Schedules of the United States ("TSUS") (19 U.S.C. 1202) converted into the format of the International Convention on the Harmonized Commodity Description and Coding System ("Harmonized System"). Included in the HTS, effective January 1, 1989, were new provisions covering jams of peaches, apricots, raspberries, or cherries, falling under Harmonized System subheading 2007.99. The Rates of Duty 1-General subcolumn on such products under these new HTS provisions were higher than the corresponding column 1 duty rates under the pertinent former TSUS items, because of procedures generally applied during the tariff conversion and definitional differences between the two nomenclature systems.

9. Section 312 of the Customs and Trade Act of 1990 ("1990 Act") (Public Law 101–382; 104 Stat. 666) temporarily reduced the most-favored-nation (MFN) duty rates (reflected in the column 1 rates of duty) on such imported products to the levels applicable under the former TSUS, effective through December 31, 1992. Section 312(b) of the 1990

Act authorizes the President to proclaim permanent modifications in column 1 rates of duty to restore the tariff treatment applicable under the former TSUS, upon a determination that appropriate trade concessions, including the correction of errors and oversights in foreign tariff schedules, have been obtained.

10. Accordingly, following negotiations, I have determined that appropriate trade concessions (specifically, a restoration by the European Economic Community ("EEC") of the duty rates on inedible mixtures of animal and vegetable fats and oils that applied before the EEC's implementation of a Harmonized System-based tariff in 1988) have been obtained, and that it is necessary and appropriate to restore the tariff treatment applicable under the TSUS to jams of peaches, apricots, raspberries, or cherries, falling under Harmonized System subheading 2007.99.

11. Finally, in order to effect in the HTS certain conforming changes omitted in Proclamation 6282 of April 25, 1991, Proclamation 6343 of September 28, 1991, Proclamation 6446 of June 15, 1992, and Proclamation 6455 of July 2, 1992, I have determined that it is necessary and appropriate to modify the HTS.

12. Section 604 of the Trade Act of 1974 ("Trade Act") (19 U.S.C. 2483) authorizes the President to embody in the HTS the substance of the provisions of that Act, and of other Acts affecting import treatment, and actions thereunder, including removal, modification, continuance, or imposition of any rate of duty or other import restriction. Section 1206(c) of the 1988 Act (19 U.S.C. 3006(c)) provides that any modifications proclaimed by the President under section 1206(a) of that Act may not take effect before the 15th day after the date on which the text of the proclamation is published in the **Federal Register**.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States of America, including but not limited to sections 1102 and 1206 of the 1988 Act, section 312 of the 1990 Act, and section 604 of the Trade Act, do proclaim that:

(1) The HTS is modified as set forth in Annex I to this proclamation.

(2) In order to provide for the continuation of previously proclaimed staged duty reductions on Canadian goods in the HTS provisions modified in Annex I to this proclamation, effective with respect to goods originating in the territory of Canada that are entered, or withdrawn from warehouse for consumption, on or after the dates specified in Annex II to this proclamation, the rate of duty in the HTS set forth in the Rates of Duty 1–Special subcolumn followed by the symbol "CA" in parentheses for each of the HTS subheadings enumerated in such Annex shall be deleted and the rate of duty provided in such Annex inserted in lieu thereof effective with respect to such goods on the dates specified.

(3) In order to provide for the continuation of previously proclaimed duty reductions for goods in the HTS provisions modified in Annex I to this proclamation that are the products of countries designated as beneficiary countries for purposes of the Caribbean Basin Economic Recovery Act, as amended ("CBERA") (19 U.S.C. 2701 *et seq.*), or the Andean Trade Preference Act ("ATPA") (19 U.S.C. 3201 *et seq.*), effective with respect to goods that are the products of countries designated

as beneficiary countries for purposes of the CBERA or the ATPA that are entered, or withdrawn from warehouse for consumption, on or after the dates specified in Annex III to this proclamation, the rate of duty in the HTS set forth in the Rates of Duty 1-Special subcolumn followed by the symbol "E,J" in parentheses for each of the HTS subheadings enumerated in such Annex shall be deleted and the rate of duty provided in such Annex inserted in lieu thereof effective with respect to such goods on the dates specified.

(4) The duty reductions set forth in HTS headings 9903.10.01 through 9903.10.42 shall be effective with respect to goods entered, or withdrawn from warehouse for consumption, through December 31, 1993.

(5) Heading 2007 of the HTS is modified as provided in Annex IV to this proclamation.

(6) In order to provide for certain conforming changes omitted in aforementioned proclamations, the HTS is modified as set forth in Annex V to this proclamation.

(7) Any provisions of previous proclamations inconsistent with the provisions of this proclamation are hereby superseded to the extent of such inconsistency.

(8)(a) The modifications made by paragraph (1) of this proclamation shall be effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after January 1, 1993, or on or after the 15th day after the date of publication of this proclamation in the **Federal Register**, whichever is later.

(b) The modifications made by paragraphs (2), (3), and (6) of this proclamation shall be effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after the dates set forth in Annexes II, III, and V to this proclamation.

(c) The modifications made by paragraphs (4) and (5) of this proclamation shall be effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after January 1, 1993.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of December, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and seventeenth.

GEORGE BUSH

ANNEX I

MODIFICATIONS TO THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES (HTS)

The HTS is modified as provided below, with bracketed matter included to assist in the understanding of the proclaimed modifications. The following supersedes matter now in the HTS. The subheadings and superior text are set forth in columnar format, and material in such columns is inserted in the columns of the HTS designated "Heading/Subheading", "Article Description", "Rates of Duty 1-General", "Rates of Duty 1-Special", and "Rates of Duty 2", respectively.

Effective with respect to articles that are entered, or withdrawn from warehouse for consumption, on or after January 1, 1993, or on or after the fifteenth day after the date of publication of this proclamation in the Federal Register, whichever is later.

1. Subparagraph (b) of rule 5 of the General Rules of Interpretation is modified by deleting the expression "does not apply" and by inserting the expression "is not binding" in lieu thereof.

2. The following new note 2 to chapter 3 is inserted:

"2. In this chapter the term "*pellets*" means products which have been agglomerated either directly by compression or by the addition of a small quantity of binder."

3. The article description for heading 0305 is modified by deleting the expression "fish meal" and by inserting the expression "flours, meals and pellets of fish," in lieu thereof.

4. The article description for subheading 0305.10 is modified by deleting the expression "Fish meal" and by inserting the expression "Flours, meals and pellets of fish," in lieu thereof.

5. The article description for heading 0306 is modified by inserting after the word "brine" and before the colon the expression "; flours, meals and pellets of crustaceans, fit for human consumption".

6. The article description for subheadings 0306.19.00 and 0306.29.000 is deleted and the following is inserted for each subheading in lieu thereof:

"Other, including flours, meals and pellets of crustaceans, fit for human consumption"

7. The article description for heading 0307 is modified by inserting after the word "brine" and before the colon the expression "; flours, meals and pellets of aquatic invertebrates other than crustaceans, fit for human consumption".

8. The superior text, "Other:", immediately preceding subheading 0307.91.00 is deleted and the following is inserted in lieu thereof:

"Other, including flours, meals and pellets of aquatic invertebrates other than crustaceans, fit for human consumption:"

9. The following new note 3 to chapter 4 is inserted:

"3. This chapter does not cover:

(a) Products obtained from whey, containing by weight more than 95 percent lactose, expressed as anhydrous lactose calculated on the dry matter (heading 1702); or

(b) Albumins (including concentrates of two or more whey proteins, containing by weight more than 80 percent whey proteins, calculated on the dry matter) (heading 3502) or globulins (heading 3504)."

10. The following new subheading note 1 to chapter 4 is inserted:

"*Subheading Note*

1. For the purpose of subheading 0404.10, the expression "*modified whey*" means products consisting of whey constituents, i.e., whey from which all or part of the lactose, proteins or minerals have been removed, whey to which natural whey constituents have been added, and products obtained by mixing natural whey constituents."

11.(a) Subheading 0404.10 is deleted and subheading 0404.10 and new subheadings 0404.10.05, 0404.10.07, and 0404.10.09 and new superior texts thereto are inserted, as follows:

	[Whey, whether or not...:]			
"0404.10	Whey and modified whey, whether or not concentrated or containing added sugar or other sweetening matter:			
	Modified whey:			
0404.10.05	Whey protein concentrates	10%	Free (A, E, IL, J) 5% (CA)	20%
	Other:			
0404.10.07	Containing over 5.5 percent by weight of butterfat and not packaged for retail sale	16%	Free (E, IL, J) 8% (CA)	20%
0404.10.09	Other	10%	Free (E, IL, J) 5% (CA)	20%
	Other:"			

(b) The article description for subheadings 0404.10.20 and 0404.10.40 shall have the same degree of indentation as that of subheading 0404.10.05.

(c) Subheading 0404.90.05 is deleted.

(d) Subheadings 0404.90.40 and 0404.90.60 are renumbered as 0404.90.45 and 0404.90.65, respectively.

(e) The article description for subheading 9904.10.75 is modified by deleting the expression "0404.90.60," and inserting the expression "0404.10.09, 0404.90.65," in lieu thereof.

(f) The article description for subheading 9904.10.81 is modified by inserting a comma after the expression "by weight of butterfat" and by deleting the expression "0404.90.40, 0404.90.60," and inserting the expression "0404.10.07, 0404.10.09, 0404.90.45, 0404.90.65" in lieu thereof.

12. The article description for subheading 0406.10 is deleted and the following is inserted in lieu thereof:

"Fresh (unripened or uncured) cheese, including whey cheese, and curd:"

13. Note 3(c) to chapter 7 is deleted and the following is inserted in lieu thereof:

"(c) Flour, meal, flakes, granules and pellets of potatoes (heading 1105);"

14. The following new note 3 to chapter 8 is inserted:

"3. Dried fruit or dried nuts of this chapter may be partially rehydrated, or treated for the following purposes:

(a) For additional preservation or stabilization (e.g., by moderate heat treatment, sulfuring, the addition of sorbic acid or potassium sorbate),

(b) To improve or maintain their appearance (e.g., by the addition of vegetable oil or small quantities of glucose syrup), provided that they retain the character of dried fruit or dried nuts."

15.(a) Heading 0902 and subheadings 0902.10.00 and 0902.20.00 are deleted and the following is inserted in lieu thereof:

"0902	Tea, whether or not flavored:			
0902.10	Green tea (not fermented) in immediate packings of a content not exceeding 3 kg:			
0902.10.10	Flavored	10%	Free (A, E, IL, J) 5% (CA)	20%
0902.10.90	Other	Free		Free
0902.20	Other green tea (not fermented):			
0902.20.10	Flavored	10%	Free (A, E, IL, J) 5% (CA)	20%
0902.20.90	Other	Free		Free"

(b) Subheading 2106.90.60 is renumbered as 2106.90.65.

16. The article description for heading 0909 is deleted and the following is inserted in lieu thereof:

"Seeds of anise, badian, fennel, coriander, cumin or caraway; juniper berries:"

17. The article description for subheading 0909.50.00 is deleted and the following is inserted in lieu thereof:

"Seeds of fennel; juniper berries"

18. The article description for heading 1105 is deleted and the following is inserted in lieu thereof:

"Flour, meal, flakes, granules and pellets of potatoes:"

19. The article description for subheading 1105.20.00 is deleted and the following is inserted in lieu thereof:

"Flakes, granules and pellets"

20.(a) The superior text, "Industrial monocarboxylic fatty acids:", immediately preceding subheading 1519.11.00 is deleted and the following is inserted in lieu thereof:

"Industrial monocarboxylic fatty acids; acid oils from refining:"

(b) Subheading 1519.20.00 is deleted.

(c) Subheadings 1519.30, 1519.30.20, 1519.30.40 and 1519.30.60 are renumbered as 1519.20, 1519.20.20, 1519.20.40 and 1519.20.60, respectively.

21. The article description for subheading 1604.14 is deleted and the following is inserted in lieu thereof:

"Tunas, skipjack and bonito (*Sarda* spp.):"

22. The article description for the superior text immediately preceding subheading 1604.14.70 is modified by deleting the expression "Atlantic bonito:" and by inserting "Bonito (*Sarda* spp.):" in lieu thereof.

23. The article description for subheading 1806.20 is modified by deleting the expression "blocks or slabs" and by inserting the expression "blocks, slabs or bars" in lieu thereof.

24. Note 2 to chapter 19 is deleted and the following is inserted in lieu thereof:

"2. For the purposes of heading 1901, the terms "*flour*" and "*meal*" mean:

(a) Cereal flour and meal of chapter 11, and

(b) Flour, meal and powder of vegetable origin of any chapter, other than flour, meal or powder of dried vegetables (heading 0712), of potatoes (heading 1105) or of dried leguminous vegetables (heading 1106)."

25. The article description for heading 2009 is modified by inserting the expressions "not fortified with vitamins or minerals," after the expression "Fruit juices (including grape must) and vegetable juices,".

26. Notes 1(c) through 1(g), inclusive, to chapter 21 are redesignated as 1(d) through 1(h), respectively, and the following new note 1(c) is inserted:

"(c) Flavored tea (heading 0902);"

27. Chapter 21 is modified by inserting new additional U.S. notes 1 and 2, as follows:

"*Additional U.S. Notes*

1. Subheadings 2106.90.16 and 2106.90.19 cover vitamin or mineral fortified fruit or vegetable juices that are imported only in concentrated form. Such juices imported in non-concentrated form are classifiable in subheadings 2202.90.30, 2202.90.35 or 2202.90.39, as appropriate.

2. For the purposes of subheadings 2106.90.16 and 2106.90.19:

(a) The term "*liter*" in the "Rates of Duty" column of the provisions applicable to fruit juices means liter of reconstituted fruit juice;

(b) The term "*reconstituted fruit juice*" means the product which can be obtained by mixing the imported concentrate with water in such proportion that the product will have a Brix value equal to that found by the Secretary of the Treasury from time to time to be the average Brix value of like natural unconcentrated juice in the trade and commerce of the United States;

(c) The term "*Brix value*" means the refractometric sucrose value of the juice, adjusted to compensate for the effect of any added sweetening materials, and thereafter corrected for acid;

(d) In determining the number of liters of reconstituted fruit juice which can be obtained from a concentrate, the degree of concentration shall be calculated on a volume basis to the nearest 0.5 degree, as determined by the ratio of the Brix value of the imported concentrated juice to that of the reconstituted juice, corrected for differences of specific gravity of the juices. Any juice having a degree of concentration of less than 1.5 (as determined before correction to the nearest 0.5 degree) shall be regarded as a natural unconcentrated juice; and

(e) In determining the degree of concentration of mixed fruit juices, the mixture shall be considered as being wholly of the component juice having the lowest Brix value."

28. Subheading 2106.90 is modified by inserting the following new subheadings, with superior text, in numerical sequence:

[Food preparations...:]				
[Other:]				
	"Fruit or vegetable juices, fortified with vitamins or minerals:			
2106.90.16	Orange juice	9.25¢/liter	Free (E, J) 4.6¢/liter (CA)	18¢/liter
2106.90.19	Other	The rate applicable to the natural juice in heading 2009	Free (E, J) The rate applicable to the natural juice in heading 2009 (A, CA, IL)	The rate applicable to the natural juice in heading 2009"

29. Notes 1(a) through 1(e), inclusive, to chapter 22 are redesignated as 1(b) through 1(f), respectively, and the following new note 1(a) is inserted:

"(a) Products of this chapter (other than those of heading 2209) prepared for culinary purposes and thereby rendered unsuitable for consumption as beverages (generally heading 2103);"

30. Additional U.S. notes 2 through 8, inclusive, to chapter 22 are redesignated as 3 through 9, respectively, and the following new additional U.S. note 2 is inserted:

"2. Subheadings 2202.90.30, 2202.90.35 and 2202.90.39 cover vitamin or mineral fortified fruit or vegetable juices that are imported only in non-concentrated form. Such juices imported in concentrated form are classifiable in subheadings 2106.90.16 or 2106.90.19, as appropriate."

31.(a) Subheading 2202.90 is modified by inserting the following new subheadings, with superior text, in numerical sequence:

	[Waters, including mineral ...:]			
	[Other:]			
	"Fruit or vegetable juices, fortified with vitamins or minerals:			
	Orange juice:			
2202.90.30	Not made from a juice having a degree of concentration of 1.5 or more (as determined before correction to the nearest 0.5 degree)	5.3¢/liter	Free (E, J) 2.6¢/liter (CA)	18¢/liter
2202.90.35	Other	9.25¢/liter	Free (E, J) 4.6¢/liter (CA)	18¢/liter
2202.90.39	Other	The rate applicable to the natural juice in heading 2009	Free (E, J) The rate applicable to the natural juice in heading 2009 (A, CA, IL)	The rate applicable to the natural juice in heading 2009"

(b) Subheadings 2009.19.20 and 2009.19.40 are renumbered as 2009.19.25 and 2009.19.45, respectively.

32. The article description for heading 2206.00 is deleted and the following is inserted in lieu thereof:

"Other fermented beverages (for example, cider, perry, mead); mixtures of fermented beverages and mixtures of fermented beverages and non-alcoholic beverages not elsewhere specified or included:"

33. The article description for heading 2501.00.00 is modified by deleting the expression "whether or not in aqueous solution" and by inserting the expression "whether or not in aqueous solution or containing added anticaking or free-flowing agents" in lieu thereof.

34. The article description for subheading 2528.10.00 is deleted and the following is inserted in lieu thereof:

"Natural sodium borates and concentrates thereof (whether or not calcined)"

35. Note 6(d) to chapter 28 is modified by deleting the expression "0.002 microcurie per gram;" and by inserting the expression "74 becquerels per gram (0.002 microcurie per gram);"

36. The article description for heading 2818 is deleted and the following is inserted in lieu thereof:

"Artificial corundum, whether or not chemically defined; aluminum oxide; aluminum hydroxide:"

37. The article description for subheading 2818.10 is deleted and the following is inserted in lieu thereof:

"Artificial corundum, whether or not chemically defined:"

38. The article description for subheading 2818.20.00 is deleted and the following is inserted in lieu thereof:

"Aluminum oxide, other than artificial corundum"

39. The article description for heading 2850.00 is deleted and the following is inserted in lieu thereof:

"Hydrides, nitrides, azides, silicides and borides, whether or not chemically defined, other than compounds which are also carbides of heading 2849:"

40.(a) Subheadings 3301.30, 3301.30.10, 3301.30.50 and 3301.90.00 are superseded by:

	[Essential oils ...:]			
"3301.30.00	Resinoids	Free		Free
3301.90	Other:			
3301.90.10	Extracted oleoresins	6%	Free (A*, CA, E, IL, J)	25%
3301.90.50	Other	Free		20%"

(b) General note 3(c)(ii)(D) to the HTS is modified by deleting "3301.30.10 India" and inserting, in numerical sequence, "3301.90.10 India" in lieu thereof.

41. Note 5 to chapter 34 is modified by inserting in (b) of the second paragraph the expression "refined or" between the words "not" and "colored".

42. The article description for heading 3502 is deleted and the following is inserted in lieu thereof:

"Albumins (including concentrates of two or more whey proteins, containing by weight more than 80 percent whey proteins, calculated on the dry matter), albuminates and other albumin derivatives:"

43. The article description for subheading 3707.10.00 is deleted and the following is inserted in lieu thereof:

"Sensitizing emulsions"

44. The article description for subheading 3806.10.00 is deleted and the following is inserted in lieu thereof:

"Rosin and resin acids"

45. The articles description for subheading 3809.91.00 is deleted and the following is inserted in lieu thereof:

"Of a kind used in the textile or like industries"

46. The article description for subheading 3809.92 is deleted and the following is inserted in lieu thereof:

"Of a kind used in the paper or like industries:"

47. The article description for subheading 3809.99 is deleted and the following is inserted in lieu thereof:

"Of a kind used in the leather or like industries:"

48.(a) The article description for heading 4202, for subheadings 4202.22, 4202.22.15, 4202.32, and 4202.92, and for the superior text to subheading 4202.32.10 is modified by deleting the expression "of plastic sheeting" and by inserting the expression "of sheeting of plastics" in lieu thereof. The article description for heading 4202 is modified by deleting the expression "with such materials" and by inserting the expression "with such materials or with paper" in lieu thereof.

(b) Subheading 4202.29.00 is superseded by:

	[Trunks, suitcases,...:]			
	[Handbags,...:			
"4202.29	Other:			
	Of materials (other than leather, composition leather, sheeting of plastics, textile materials, vulcanized fiber or paperboard) wholly or mainly covered with paper:			
4202.29.10	Of plastics	5.3%	Free (A, E, IL, J) 2.6% (CA)	80%
4202.29.20	Of wood	5.1%	Free (A, E, IL, J) 2.5% (CA)	33⅓%
4202.29.50	Other	7.8%	Free (E, IL, J) 3.9% (CA)	110%
4202.29.90	Other	20%	Free (CA, IL) 19% (E, J)	45%"

(c) Subheading 4202.39.00 is superseded by:

	[Trunks, suitcases,...:]			
	[Articles...:]			
"4202.39	Other:			
	Of materials (other than leather, composition leather, sheeting of plastics, textile materials, vulcanized fiber or paperboard) wholly or mainly covered with paper:			
4202.39.10	Of plastics	5.3%	Free (A, E, IL, J) 2.6% (CA)	80%
4202.39.20	Of wood	5.1%	Free (A, E, IL, J) 2.5% (CA)	33⅓%
4202.39.50	Other	7.8%	Free (E, IL, J) 3.9% (CA)	110%
4202.39.90	Other	20%	Free (A, CA, E, IL, J)	45%"

(d) Subheading 4202.99.00 is superseded by:

	[Trunks, suitcases,...:]			
	[Other:]			
"4202.99	Other:			
	Of materials (other than leather, composition leather, sheeting of plastics, textile materials, vulcanized fiber or paperboard) wholly or mainly covered with paper:			
4202.99.10	Of plastics	3.4%	Free (A, E, IL, J) 1.7% (CA)	80%
	Of wood:			
4202.99.20	Not lined with textile fabrics	6.7%	Free (A, E, IL, J) 3.3% (CA)	33⅓%
4202.99.30	Lined with textile fabrics	2.2¢/kg+2.9%	Free (E, IL, J) 1.1¢/kg+1.4% (CA)	11¢/kg+20%
4202.99.50	Other	7.8%	Free (E, IL, J) 3.9% (CA)	110%
4202.99.90	Other	20%	Free (CA, IL) 19% (E, J)	45%"

(e) Subheadings 3924.90.50, 3926.90.90, 4420.90.40, 4420.90.60, 4421.90.90 and 7326.90.30 are renumbered as 3924.90.55, 3926.90.95, 4420.90.45, 4420.90.65, 4421.90.95 and 7326.90.35, respectively.

(f) The article descriptions for headings 9902.44.21 and 9902.44.22 and subheading 9905.44.15 are modified by deleting the expression "4421.90.90" and inserting the expression "4421.90.95" in lieu thereof.

49. The article description for subheading 4820.30.00 is deleted and the following is inserted in lieu thereof:

"Binders (other than book covers), folders and file covers"

50. The following new second paragraph is inserted in note 2(A) to section XI:

"When no one textile material predominates by weight, the goods are to be classified as if consisting wholly of that one textile material which is covered by the heading which occurs last in numerical order among those which equally merit consideration."

51. Note 7(a)(iv) to chapter 59 is modified by deleting the word "fabric" and by inserting the word "fabrics" in lieu thereof.

52. The article description for subheading 5911.10 is deleted and the following is inserted in lieu thereof:

"Textile fabrics, felt and felt-lined woven fabrics, coated, covered or laminated with rubber, leather or other material, of a kind used for card clothing, and similar fabrics of a kind used for other technical purposes:"

53. Note 8 to chapter 61 is deleted and the following is inserted in lieu thereof:

"8. Garments of this chapter designed for left over right closure at the front shall be regarded as men's or boys' garments, and those designed for right over left closure at the front as women's or girls' garments. These provisions do not apply where the cut of the garment clearly indicates that it is designed for one or other of the sexes.

Garments which cannot be identified as either men's or boys' garments or as women's or girls' garments are to be classified in the headings covering women's or girls' garments."

54.(a) New subheading 6115.93.15 is inserted, as follows, in numerical sequence:

	[Panty hose, tights,...:]			
	[Other:]			
	[Of synthetic fibers:]			
"6115.93.15	Surgical compression stockings for orthopedic purposes, other than stockings merely for the treatment of varicose veins	5.8%	Free (A, E, IL, J) 2.9% (CA)	40%"

(b) Subheading 9021.19.80 is renumbered as 9021.19.85.

55. Note 8 to chapter 62 is deleted and the following is inserted in lieu thereof:

"8. Garments of this chapter designed for left over right closure at the front shall be regarded as men's or boys' garments, and those designed for right over left closure at the front as women's or girls' garments. These provisions do not apply where the cut of the garment clearly indicates that it is designed for one or other of the sexes.

Garments which cannot be identified as either men's or boys' garments or as women's or girls' garments are to be classified in the headings covering women's or girls' garments."

56. (a) Additional U.S. note 4 to chapter 64 is modified by deleting the first sentence thereof, and by inserting the expression "of subheading 6406.10" after the expression "Provisions" in the second sentence thereof.

(b) The article description for heading 6406 is deleted and the following is inserted in lieu thereof:

"Parts of footwear (including uppers whether or not attached to soles other than outer soles); removable insoles, heel cushions and similar articles; gaiters, leggings and similar articles, and parts thereof:"

57. Notes 3(c) and 3(n) to chapter 71 are deleted and the following is inserted, in alphabetical order, in lieu thereof:

"(c) Goods of chapter 32 (for example, lustres);"

"(n) Articles classified in chapter 96 by virtue of note 4 to that chapter; or"

58. The article description for subheading 7308.40.00 is deleted and the following is inserted in lieu thereof:

"Equipment for scaffolding, shuttering, propping or pit-propping"

59. The article description for heading 8416 is deleted and the following is inserted in lieu thereof:

"Furnace burners for liquid fuel, for pulverized solid fuel or for gas; mechanical stokers, including their mechanical grates, mechanical ash dischargers and similar appliances; parts thereof:"

60. The article description for subheading 8416.30.00 is deleted and the following is inserted in lieu thereof:

"Mechanical stokers, including their mechanical grates, mechanical ash dischargers and similar appliances"

61. The article description for heading 8426 is modified by deleting the word "Derricks" and by inserting the expression "Ships' derricks" in lieu thereof.

62. The article description for heading 8470 is deleted and the following is inserted in lieu thereof:

"Calculating machines; accounting machines, postage-franking machines, ticket-issuing machines and similar machines, incorporating a calculating device; cash registers:"

63. The article description for heading 8521 is deleted and the following is inserted in lieu thereof:

"Video recording or reproducing apparatus, whether or not incorporating a video tuner:"

64. Heading 8528 and subheadings 8528.10, 8528.10.40 and 8528.10.80 are deleted and the following is inserted in lieu thereof:

"8528	Television receivers (including video monitors and video projectors), whether or not incorporating radiobroadcast receivers or sound or video recording or reproducing apparatus:			
8528.10	Color:			
8528.10.30	Incorporating video recording or reproducing apparatus	3.9%	Free (A, E, IL, J) 1.9% (CA)	25%
8528.10.60	Other	5%	Free (B, E, IL, J) 2.5% (CA)	35%"

65. Note 3 to chapter 87 is deleted, and notes 4 and 5 to chapter 87 are redesignated as 3 and 4, respectively.

66. The article description for heading 8702 is deleted and the following is inserted in lieu thereof:

"Motor vehicles for the transport of ten or more persons, including the driver:"

67. Notes 1(b) through 1(l), inclusive, to chapter 90 are redesignated as 1(c) through 1(m), respectively, and the following new note 1(b) is inserted:

"(b) Supporting belts or other support articles of textile material, whose intended effect on the organ to be supported or held derives solely from their elasticity (for example, maternity belts, thoraic support bandages, abdominal support bandages, supports for joints or muscles) (section XI);"

68. The superior text, "Thermometers, not combined with other instruments:", immediately preceding subheading 9025.11, is deleted and the following is inserted in lieu thereof:

"Thermometers and pyrometers, not combined with other instruments:"

69.(a) Subheading 9025.19.00 is superseded by:

	[Hydrometers and similar ...:]			
	[Thermometers ...:]			
"9025.19	Other:			
9025.19.40	Pyrometers	3.9%	Free (A, C, E, IL, J) 1.9%(CA)	45%
9025.19.80	Other	5%	Free (A, B, C, E, IL, J) 2.5% (CA)	40%"

(b) Subheading 9025.80.30 is renumbered as 9025.80.35 and the article description for renumbered subheading 9025.80.35 is modified by deleting ", psychrometers and pyrometers" and by inserting "and psychrometers" in lieu thereof.

70. The article description for heading 9029 is modified by deleting the expression "of heading 9015;" and by inserting the expression "of heading 9014 or 9015;" in lieu thereof.

71. In note 1 to chapter 92—

(a) subparagraph (d) is modified by inserting the word "or" immediately following the semicolon.

(b) subparagraph (e) is modified by deleting the expression "9706); or" and by inserting the expression "9706)." in lieu thereof.

(c) subparagraph (f) is deleted.

72. The article description for heading 9506 is modified by deleting the expression "for gymnastics," and by inserting the expression "for general physical exercise, gymnastics," in lieu thereof.

73. The article description for subheading 9506.91.00 is deleted and the following is inserted in lieu thereof:

"Articles and equipment for general physical exercise, gymnastics or athletics; parts and accessories thereof"

74. The article description for subheading 9603.21.00 is deleted and the following is inserted in lieu thereof:

"Toothbrushes, including dental-plate brushes"

75. In note 5 to chapter 97—

(a) the expression "are to be treated as forming part of" is deleted and the expression "are to be classified with" is inserted in lieu thereof; and

(b) the following new second sentence is inserted:

"Frames which are not of a kind or of a value normal to the articles referred to in this note are to be classified separately."

ANNEX II

Effective with respect to goods originating in the territory of Canada that are entered, or withdrawn from warehouse for consumption, on or after the dates set forth in the following tabulation.

For each of the following subheadings created by Annex I of this proclamation, on or after January 1 of each of the following years, the rate of duty in the Rates of Duty 1-Special subcolumn in the HTS that is followed by the symbol "CA" in parentheses is deleted and the following rates of duty inserted in lieu thereof.

HTS Subheading	1994	1995	1996	1997	1998
0404.10.05	4%	3%	2%	1%	Free
0404.10.07	6.4%	4.8%	3.2%	1.6%	Free
0404.10.09	4%	3%	2%	1%	Free
0404.90.45	6.4%	4.8%	3.2%	1.6%	Free
0404.90.65	4%	3%	2%	1%	Free
0902.10.10	4%	3%	2%	1%	Free
0902.20.10	4%	3%	2%	1%	Free
1519.20.20	3.1%	2.3%	1.5%	0.7%	Free
1519.20.40	2%	1.5%	1%	0.5%	Free
1519.20.60	1.4%	1.1%	0.7%	0.3%	Free
2009.19.25	2.1¢/liter	1.5¢/liter	1¢/liter	0.5¢/liter	Free
2009.19.45	3.7¢/liter	2.7¢/liter	1.8¢/liter	0.9¢/liter	Free
2106.90.16	3.7¢/liter	2.7¢/liter	1.8¢/liter	0.9¢/liter	Free
2106.90.65	4%	3%	2%	1%	Free
2202.90.30	2.1¢/liter	1.5¢/liter	1¢/liter	0.5¢/liter	Free
2202.90.35	3.7¢/liter	2.7¢/liter	1.8¢/liter	0.9¢/liter	Free
3924.90.55	1.3%	1%	0.6%	0.3%	Free
3926.90.95	2.1%	1.5%	1%	0.5%	Free
4202.29.10	2.1%	1.5%	1%	0.5%	Free
4202.29.20	2%	1.5%	1%	0.5%	Free
4202.29.50	3.1%	2.3%	1.5%	0.7%	Free
4202.39.10	2.1%	1.5%	1%	0.5%	Free
4202.39.20	2%	1.5%	1%	0.5%	Free
4202.39.50	3.1%	2.3%	1.5%	0.7%	Free
4202.99.10	1.3%	1%	0.6%	0.3%	Free
4202.99.20	2.6%	2%	1.3%	0.6%	Free
4202.99.30	0.8¢/kg+1.1%	0.6¢/kg+0.8%	0.4¢/kg+0.5%	0.2¢/kg+0.2%	Free
4202.99.50	3.1%	2.3%	1.5%	0.7%	Free
4420.90.45	2.6%	2%	1.3%	0.6%	Free
4420.90.65	0.8¢/kg+1.1%	0.6¢/kg+0.8%	0.4¢/kg+0.5%	0.2¢/kg+0.2%	Free
4421.90.95	3.1%	2.3%	1.5%	0.7%	Free
6115.93.15	2.3%	1.7%	1.1%	0.5%	Free
7326.90.35	3.1%	2.3%	1.5%	0.7%	Free
8528.10.30	1.5%	1.1%	0.7%	0.3%	Free
8528.10.60	2%	1.5%	1%	0.5%	Free
9021.19.85	2.3%	1.7%	1.1%	0.5%	Free
9025.19.40	1.5%	1.1%	0.7%	0.3%	Free
9025.19.80	2%	1.5%	1%	0.5%	Free
9025.80.35	1.5%	1.1%	0.7%	0.3%	Free

ANNEX III

Effective with respect to articles that are the product of any designated beneficiary country under the CBERA or the ATPA that are entered, or withdrawn from warehouse for consumption, on or after the dates set forth in the following tabulation.

For each of the following subheadings created by Annex I of this proclamation, on or after January 1 of each of the following years, the rate of duty in the Rates of Duty 1-Special subcolumn in the HTS that is followed by the symbol "E,J" in parentheses is deleted and the following rates of duty inserted in lieu thereof.

HTS Provision	1994	1995	1996
4202.29.90	18.5%	18%	17.5%
4202.99.90	18.5%	18%	17.5%

ANNEX IV

Effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after January 1, 1993:

The following supersedes matter in the HTS.

1. Subheading 2007.99.05 is modified by deleting "7%" from the Rates of Duty 1-General subcolumn and by inserting "3%" in lieu thereof.

2. Subheading 2007.99.20 is modified by deleting "35%" from the Rates of Duty 1-General subcolumn and by inserting "7%" in lieu thereof.

3. Subheading 2007.99.25 is modified by deleting "15.4¢/kg+10%" from the Rates of Duty 1-General subcolumn and by inserting "7%" in lieu thereof.

4. Subheading 2007.99.35 is modified by deleting "20%" from the Rates of Duty 1-General subcolumn and by inserting "7%" in lieu thereof.

ANNEX V

Section (a). Effective with respect to articles both: (i) imported on or after January 1, 1976, and (ii) entered, or withdrawn from warehouse for consumption, on or after May 1, 1991:

HTS heading 9902.30.33 is modified by deleting "2921.43.60" and inserting "2921.43.18" in lieu thereof.

Section (b). Effective with respect to articles both: (i) imported on or after January 1, 1976, and (ii) entered, or withdrawn from warehouse for consumption, on or after July 2, 1992:

General note 3(c)(ii)(D) is modified:

(1) by deleting the following HTS subheadings and the country set opposite such subheading:

2933.59.30	India	2933.90.40	India
2933.59.50	India	2933.90.48	India
2933.90.31	India	2933.90.50	India

(2) by adding in numerical sequence, the following HTS subheadings and country set opposite them:

2933.59.59	India	2933.90.85	India
2933.59.90	India	2933.90.90	India
2933.90.55	India	2933.90.95	India

Section (c). Effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after July 22, 1992:

General note 3(c)(ix)(D)(5) to the HTS is modified by deleting the expression "material which the product" and inserting the expression "material which is the product" in lieu thereof.

Section (d). Effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after January 1, 1993:

(1) General note 3(c)(v)(A) to the HTS is modified by deleting from the list of countries "Saint Christopher and Nevis" and inserting "St. Kitts and Nevis", in lieu thereof.

(2) HTS subheading 9902.81.05 is modified by deleting the "Free (CA) rate from the Rates of Duty 1-Special subcolumn for such subheading.

(3) HTS subheading 9905.00.00 is modified by deleting from the article description for such subheading "6813.10", "6813.90", "7312.90".

(4) HTS subheading 9905.00.30 is modified by deleting from the article description for such subheading "5801.32".

(5) HTS subheading 9905.29.37 is modified by deleting from the article description for such subheading "2935.00.33 or".

(6) HTS subheading 9905.42.10 is modified by deleting from the article description for such subheading "4202.91.00 or".

(7) HTS subheading 9905.85.05 is modified by deleting from the article description for such subheading the expression "subheadings 8501.33.30, 8501.33.40, 8501.34.30, 8501.51, 8501.53.60 or 8501.53.80" and inserting "subheading 8501.51" in lieu thereof.

(8) Subchapter V of chapter 99 to the HTS is modified by deleting the following subheadings:

9905.00.10	9905.29.32	9905.68.20	9905.84.57
9905.25.10	9905.29.33	9905.68.30	9905.84.58
9905.28.01	9905.29.34	9905.70.05	9905.84.60
9905.28.02	9905.29.35	9905.76.10	9905.84.65
9905.28.03	9905.29.36	9905.84.05	9905.84.67
9905.28.04	9905.29.38	9905.84.06	9905.84.70
9905.28.05	9905.29.40	9905.84.07	9905.84.71
9905.28.10	9905.29.50	9905.84.09	9905.84.75
9905.28.15	9905.29.60	9905.84.11	9905.85.06
9905.29.05	9905.29.70	9905.84.12	9905.85.20
9905.29.06	9905.32.10	9905.84.13	9905.85.40
9905.29.07	9905.32.20	9905.84.14	9905.85.42
9905.29.08	9905.32.30	9905.84.15	9905.85.43
9905.29.10	9905.34.10	9905.84.17	9905.85.45
9905.29.11	9905.35.10	9905.84.18	9905.85.46
9905.29.12	9905.35.20	9905.84.19	9905.85.47
9905.29.13	9905.38.05	9905.84.20	9905.85.49
9905.29.14	9905.38.06	9905.84.23	9905.85.50
9905.29.16	9905.38.07	9905.84.24	9905.85.52
9905.29.17	9905.38.08	9905.84.25	9905.85.60
9905.29.20	9905.38.09	9905.84.27	9905.85.65
9905.29.21	9905.38.10	9905.84.28	9905.85.69
9905.29.22	9905.38.11	9905.84.29	9905.85.70
9905.29.23	9905.38.12	9905.84.30	9905.85.72
9905.29.24	9905.39.01	9905.84.35	9905.86.15
9905.29.25	9905.39.03	9905.84.40	9905.86.20
9905.29.26	9905.39.04	9905.84.42	9905.86.30
9905.29.27	9905.39.06	9905.84.45	9905.94.02
9905.29.29	9905.44.05	9905.84.50	9905.94.04
9905.29.30	9905.48.20	9905.84.55	9905.94.06
9905.29.31	9905.68.10	9905.84.56	9905.94.08

Proclamation 6516 of December 21, 1992

Year of American Craft: A Celebration of the Creative Work of the Hand, 1993

By the President of the United States of America

A Proclamation

While the United States leads the world in the development and use of sophisticated technology and materials, Americans continue to share a special appreciation of works made by hand. Our ancestors were skilled artisans and craftsmen, as well as accomplished hunters, farmers, and fishermen, and today we still marvel at their skill in carpentry, weaving, stonecutting, smithery, and so forth. Over the years, Americans have maintained a magnificent tradition of craftsmanship and folk art, in keeping with the spirit of our forebears, and it is fitting that we celebrate this rich portion of our national heritage.

Using their hands as the tools of their imaginations, American artisans have designed and developed a tangible record of our national experience. By plying trades that have been passed on through the centuries, from generation to generation, quilters, carvers, and other craftspeople of our day are helping to preserve America's history. These tradespeople and artists have produced objects of practical application, as well as lasting beauty, and many of our art galleries and museums display outstanding samples of their work.

We are rightly proud of American craft and folk art because, in many ways, these works of the hand embody traditional American values:

pride in quality and service, diligence in pursuit of a goal, attention to detail, and respect for learning and achievement. By celebrating traditional American craft and by saluting the men and women who have mastered fine trades, we reaffirm the importance of those timeless values.

Crafts are inspired by the best in American tradition, yet they also reflect the informed creativity and vision of the present. Having learned from the past, today's artisans and craftspeople are adding their own unique touches to American culture. As we celebrate traditional craft and folk art in the United States, we also recognize each of the masters and apprentices who, through their works of the hand, continue to preserve and shape this living legacy of beauty.

The Congress, by Senate Joint Resolution 218, has designated 1993 as a "Year of American Craft: A Celebration of the Creative Work of the Hand" and has authorized and requested the President to issue a proclamation in observance of this year.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim 1993 as a Year of American Craft: A Celebration of the Creative Work of the Hand. I invite all Americans to observe this year with appropriate programs and activities in celebrating the traditional arts in the United States.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-first day of December, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and seventeenth.

GEORGE BUSH

Proclamation 6517 of December 23, 1992

To Amend the Generalized System of Preferences

By the President of the United States of America
A Proclamation

1. Pursuant to sections 501 and 502 of the Trade Act of 1974, Public Law 93–618, as amended (19 U.S.C. 2461 and 2462) ("Trade Act"), and having due regard for the eligibility criteria set forth therein, I have determined that it is appropriate to designate Ethiopia as a beneficiary developing country for purposes of the Generalized System of Preferences ("GSP").

2. Pursuant to section 504(a)(1) of the Trade Act (19 U.S.C. 2464(a)(1)), the President may withdraw, suspend, or limit the application of the duty-free treatment accorded under the GSP with respect to any article or any country after considering the factors set forth in sections 501 and 502(c) of the Trade Act (19 U.S.C. 2461 and 2462(c)). Accordingly, after taking into account the factors set forth in sections 501 and 502(c) of the Trade Act, I have determined that it is appropriate to withdraw the duty-free treatment accorded under the GSP to imports of sulfanilic acid provided for in subheading 2921.42.24 of the Harmonized Tariff Schedule of the United States ("HTS").

3. Section 604 of the Trade Act (19 U.S.C. 2483) authorizes the President to embody in the HTS the substance of the provisions of that Act, and of other acts affecting import treatment, and actions thereunder.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States of America, including but not limited to sections 501, 502(c), 504(a)(1), and 604 of the Trade Act, do proclaim that:

(1) General note 3(c)(ii)(A) to the HTS, listing those countries whose products are eligible for benefits of the GSP, is modified by inserting "Ethiopia" in alphabetical order in the enumeration of independent countries.

(2) In order to withdraw the duty-free treatment accorded under the GSP to sulfanilic acid, the HTS is modified as provided in the Annex to this proclamation.

(3) For HTS subheadings 2921.42.26 and 2921.42.28, effective with respect to goods originating in the territory of Canada which are entered, or withdrawn from warehouse for consumption, on or after January 1, 1993, in the Rates of Duty 1-Special subcolumn of the HTS, the HTS is modified by deleting the symbol "(CA)" and the duty rate preceding it, and inserting in the parentheses following the "Free" rate the symbol "CA," in alphabetical order.

(4) Any provisions of previous proclamations and Executive orders inconsistent with the provisions of this proclamation are hereby superseded to the extent of such inconsistency.

(5) The modifications to the HTS made by paragraphs (1) and (2) of this proclamation shall be effective with respect to articles that are: (i) imported on or after January 1, 1976, and (ii) entered, or withdrawn from warehouse for consumption, on or after 15 days after the date of publication of this proclamation in the **Federal Register**.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of December, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and seventeenth.

GEORGE BUSH

ANNEX

The Harmonized Tariff Schedule ("HTS") is modified as provided below, with bracketed matter included to assist in the understanding of proclaimed modifications. The following supersedes matter in the HTS. The subheadings and superior text are set forth in columnar format, and material in such columns is inserted in the columns of the HTS designated "Heading/Subheading", "Article Description", "Rates of Duty 1-General", "Rates of Duty 1-Special", and "Rates of Duty 2", respectively.

Subheading 2921.42.24 is superseded by:

	[Amine-function compounds:]			
	[Aromatic monoamines...:]			
	[Aniline derivatives...:]			
"2921.42.26	Metanilic acid	2.4¢/kg+ 18.8%	Free (A*,E,IL,J) 0.4¢/kg+ 3.7% (CA)	15.4¢/kg+ 60%
2921.42.28	Sulfanilic acid	2.4¢/kg+ 18.8%	Free (E,IL,J) 0.4¢/kg+ 3.7% (CA)	15.4¢/kg+ 60%"

Conforming change: General note 3(c)(ii)(D) to the HTS is modified by deleting "2921.42.24 India" and inserting, in numerical sequence, "2921.42.26 India" in lieu thereof.

Proclamation 6518 of December 24, 1992

Grant of Executive Clemency

By the President of the United States of America
A Proclamation

Today I am exercising my power under the Constitution to pardon former Secretary of Defense Caspar Weinberger and others for their conduct related to the Iran-Contra affair.

For more than 6 years now, the American people have invested enormous resources into what has become the most thoroughly investigated matter of its kind in our history. During that time, the last American hostage has come home to freedom, worldwide terrorism has declined, the people of Nicaragua have elected a democratic government, and the Cold War has ended in victory for the American people and the cause of freedom we championed.

In the mid 1980's, however, the outcome of these struggles was far from clear. Some of the best and most dedicated of our countrymen were called upon to step forward. Secretary Weinberger was among the foremost.

Caspar Weinberger is a true American patriot. He has rendered long and extraordinary service to our country. He served for 4 years in the Army during World War II where his bravery earned him a Bronze Star. He gave up a lucrative career in private life to accept a series of public positions in the late 1960's and 1970's, including Chairman of the Federal Trade Commission, Director of the Office of Management and Budget, and Secretary of Health, Education, and Welfare. Caspar Weinberger served in all these positions with distinction and was admired as a public servant above reproach.

He saved his best for last. As Secretary of Defense throughout most of the Reagan Presidency, Caspar Weinberger was one of the principal architects of the downfall of the Berlin Wall and the Soviet Union. He directed the military renaissance in this country that led to the breakup of the communist bloc and a new birth of freedom and democracy. Upon his resignation in 1987, Caspar Weinberger was awarded the highest civilian medal our Nation can bestow on one of its citizens, the Presidential Medal of Freedom.

Secretary Weinberger's legacy will endure beyond the ending of the Cold War. The military readiness of this Nation that he in large measure created could not have been better displayed than it was 2 years ago in the Persian Gulf and today in Somalia.

As Secretary Weinberger's pardon request noted, it is a bitter irony that on the day the first charges against Secretary Weinberger were filed, Russian President Boris Yeltsin arrived in the United States to celebrate the end of the Cold War. I am pardoning him not just out of compassion or to spare a 75-year-old patriot the torment of lengthy and costly legal proceedings, but to make it possible for him to receive the honor he deserves for his extraordinary service to our country.

Moreover, on a somewhat more personal note, I cannot ignore the debilitating illnesses faced by Caspar Weinberger and his wife. When he resigned as Secretary of Defense, it was because of his wife's cancer.

In the years since he left public service, her condition has not improved. In addition, since that time, he also has become ill. Nevertheless, Caspar Weinberger has been a pillar of strength for his wife; this pardon will enable him to be by her side undistracted by the ordeal of a costly and arduous trial.

I have also decided to pardon five other individuals for their conduct related to the Iran-Contra affair: Elliott Abrams, Duane Clarridge, Alan Fiers, Clair George, and Robert McFarlane. First, the common denominator of their motivation—whether their actions were right or wrong—was patriotism. Second, they did not profit or seek to profit from their conduct. Third, each has a record of long and distinguished service to this country. And finally, all five have already paid a price—in depleted savings, lost careers, anguished families—grossly disproportionate to any misdeeds or errors of judgment they may have committed.

The prosecutions of the individuals I am pardoning represent what I believe is a profoundly troubling development in the political and legal climate of our country: the criminalization of policy differences. These differences should be addressed in the political arena, without the Damocles sword of criminality hanging over the heads of some of the combatants. The proper target is the President, not his subordinates; the proper forum is the voting booth, not the courtroom.

In recent years, the use of criminal processes in policy disputes has become all too common. It is my hope that the action I am taking today will begin to restore these disputes to the battleground where they properly belong.

In addition, the actions of the men I am pardoning took place within the larger Cold War struggle. At home, we had a long, sometimes heated debate about how that struggle should be waged. Now the Cold War is over. When earlier wars have ended, Presidents have historically used their power to pardon to put bitterness behind us and look to the future. This healing tradition reaches at least from James Madison's pardon of Lafitte's pirates after the War of 1812, to Andrew Johnson's pardon of soldiers who had fought for the Confederacy, to Harry Truman's and Jimmy Carter's pardons of those who violated the Selective Service laws in World War II and Vietnam.

In many cases, the offenses pardoned by these Presidents were at least as serious as those I am pardoning today. The actions of those pardoned and the decisions to pardon them raised important issues of conscience, the rule of law, and the relationship under our Constitution between the government and the governed. Notwithstanding the seriousness of these issues and the passions they aroused, my predecessors acted because it was time for the country to move on. Today I do the same.

Some may argue that this decision will prevent full disclosure of some new key fact to the American people. That is not true. This matter has been investigated exhaustively. The Tower Board, the Joint Congressional Committee charged with investigating the Iran-Contra affair, and the Independent Counsel have looked into every aspect of this matter. The Tower Board interviewed more than 80 people and reviewed thousands of documents. The Joint Congressional Committee interviewed more than 500 people and reviewed more than 300,000 pages of material. Lengthy committee hearings were held and broadcast on national television to millions of Americans. And as I have noted, the Inde-

pendent Counsel investigation has gone on for more than 6 years, and it has cost more than $31 million.

Moreover, the Independent Counsel stated last September that he had completed the active phase of his investigation. He will have the opportunity to place his full assessment of the facts in the public record when he submits his final report. While no impartial person has seriously suggested that my own role in this matter is legally questionable, I have further requested that the Independent Counsel provide me with a copy of my sworn testimony to his office, which I am prepared to release immediately. And I understand Secretary Weinberger has requested the release of all of his notes pertaining to the Iran-Contra matter.

For more than 30 years in public service, I have tried to follow three precepts: honor, decency, and fairness. I know, from all those years of service, that the American people believe in fairness and fair play. In granting these pardons today, I am doing what I believe honor, decency, and fairness require.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, pursuant to my powers under Article II, Section 2, of the Constitution, do hereby grant a full, complete, and unconditional pardon to Elliott Abrams, Duane R. Clarridge, Alan Fiers, Clair George, Robert C. McFarlane, and Caspar W. Weinberger for all offenses charged or prosecuted by Independent Counsel Lawrence E. Walsh or other member of his office, or committed by these individuals and within the jurisdiction of that office.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of December, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and seventeenth.

GEORGE BUSH

Proclamation 6519 of December 30, 1992

To Implement Tariff Modifications on Certain Plywood Originating in the Territory of Canada and for Other Purposes

By the President of the United States of America

A Proclamation

1. Pursuant to section 201(c) of the United States-Canada Free-Trade Agreement Implementation Act of 1988 (Public Law 100–449) (the "CFTA Act"), the President is authorized to implement the tariff concessions described in article 2008 of the United States-Canada Free-Trade Agreement (the "CFTA") when he determines that common performance standards for the use of softwood plywood and other structural panels in construction applications have been incorporated into building codes in the United States and Canada. Article 2008 of the CFTA allowed the United States and Canada to delay implementation of tariff concessions on softwood plywood and on waferboard, oriented strand board, and particle-board of all species because a panel of ex-

perts from the two countries failed to resolve issues regarding the use of a particular grade of plywood by the date of entry into force of the CFTA.

2. Pursuant to section 201(c)(2) of the CFTA Act, the President reports to the Congress on the incorporation of common plywood performance standards into building codes in the two countries. Pursuant to section 201(c)(3) of the CFTA Act, any tariff reduction undertaken by the United States and commencing after January 1, 1991, need not be in equal annual increments.

3. Pursuant to section 201(c) of the CFTA Act, I have determined that common plywood performance standards have been incorporated into building codes in the United States and Canada and that the necessary conditions for implementing the tariff concessions under article 2008 of the CFTA have been met. Accordingly, I have reported to the Congress on such incorporation, and I have decided that the implementation by the United States of previously agreed staged reductions in duties on certain plywood originating in the territory of Canada should begin on January 1, 1993, and end on January 1, 1998.

4. Section 1204(b)(1)(C) of the Omnibus Trade and Competitiveness Act of 1988 (19 U.S.C. 3004(b)(1)(C)) (the "1988 Act") authorizes the President to proclaim modifications to the Harmonized Tariff Schedule of the United States ("HTS") as are necessary or appropriate to implement such technical rectifications as the President considers necessary. Pursuant to section 1204(b)(1)(C), I have determined that certain technical rectifications to the HTS are necessary to provide the proper tariff treatment to certain chemicals.

5. Section 604 of the Trade Act of 1974, as amended (19 U.S.C. 2483) (the "Trade Act"), authorizes the President to embody in the HTS the substance of the provisions of that Act, and of other acts affecting import treatment, and action thereunder, including the removal, modification, continuance, or imposition of any rate of duty or other import restriction.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States of America, including but not limited to section 201(c) of the CFTA Act, section 1204(b)(1)(C) of the 1988 Act, and section 604 of the Trade Act, do proclaim that:

(1) In order to implement, consistent with the provisions of article 2008 of the CFTA, the tariff concessions on certain plywood and on waferboard, oriented strand board, and particle-board of all species, the HTS is modified as set forth in Annex I to this proclamation.

(2) In order to make technical rectifications in the tariff treatment afforded to certain chemicals, the HTS is further modified as set forth in Annex II to this proclamation.

(3) Any provisions of previous proclamations inconsistent with the provisions of this proclamation are hereby superseded to the extent of such inconsistency.

(4)(a) The modifications made by Annex I to this proclamation shall be effective with respect to goods originating in the territory of Canada entered, or withdrawn from warehouse for consumption, on or after the dates set forth in Annex I.

(b) The modifications made by Annex II to this proclamation shall be effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after January 1, 1993.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of December, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and seventeenth.

GEORGE BUSH

ANNEX I

IMPLEMENTATION OF STAGED TARIFF REDUCTIONS ON CERTAIN PLYWOOD

(a) Effective with respect to goods originating in the territory of Canada entered, or withdrawn from warehouse for consumption, on or after January 1, 1993, HTS subheading 4410.10.00 is modified by inserting, in the parentheses following the "Free" duty rate in the Rates of Duty 1-Special subcolumn, the symbol "CA" in alphabetical order.

(b) Effective with respect to goods originating in the territory of Canada entered, or withdrawn from warehouse for consumption, on or after January 1 of each of the following years, for each of the enumerated HTS subheadings in the following table, the Rates of Duty 1-Special subcolumn in the HTS is modified (i) by inserting in such subcolumn for each such subheading the rate of duty specified for such subheading in the 1993 column followed by the symbol "CA" in parentheses, and (ii) for each of the subsequent dated columns by deleting the rates of duty that are followed by the symbol "CA" in parentheses and by inserting the following rates of duty in such subheadings in lieu thereof.

HTS subheading	1993	1994	995	1996	1997	1998
4412.19.40	10%	8%	6%	4%	2%	Free
4412.99.40	10%	8%	6%	4%	2%	Free

ANNEX II

TECHNICAL RECTIFICATIONS TO THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES

Bracketed matter is included to assist in the understanding of the proclaimed modifications. The following supersedes matter now in the HTS. The subheadings and superior text are set forth in columnar format, and material in such columns is inserted in the columns of the HTS designated "Heading/Subheading", "Article Description", "Rates of Duty 1-General", "Rates of Duty 1-Special", and "Rates of Duty 2", respectively.

Effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after January 1, 1993:

(a) HTS subheading 2922.29.23 is deleted.

(b) Subheading 2922.50 of the HTS is modified by inserting the following new subheading, in numerical sequence:

	[Oxygen-function amino-compounds:]			
	[Amino-alcohol-phenols,...:]			
	[Aromatic:]			
"2922.50.11	*d*(-)-p-Hydroxyphenylglycine and its salts	3.7¢/kg+ 15.6%	Free (A*,CA,E,IL,J)	15.4¢/kg+ 50%"

(c) General note 3(c)(ii)(D) to the HTS is modified by deleting "2922.29.23 India" and inserting, in numerical sequence, "2922.50.11 India" in lieu thereof.

Proclamation 6520 of December 23, 1992

National Good Teen Day, 1993

By the President of the United States of America
A Proclamation

The passage between childhood and adulthood constitutes one of the most eventful stages of our life's journey. The teen years are as challenging as they are exciting, and at a time when young Americans are facing more serious pressures than ever before—from substance abuse and violence to sexual promiscuity and dropping out of school—it is fitting that we set aside this day to reaffirm the unique, God-given potential of every teenager.

Today millions of American teenagers are setting examples for others by demonstrating love and respect for their parents, by meeting their responsibilities at home and in school, by participating in their places of worship, and by showing consideration and concern for their classmates and neighbors. They are also enjoying the rewards of voluntary service to others, thereby contributing to our communities and Nation as Points of Light. These teens are making the most of their talents and opportunities and, through their determination and hard work, are building the foundation for a bright future.

It is vital that we recognize and reinforce good behavior among teens and instill in every child a positive sense of responsibility, self-control, and self-worth. The pursuit of freedom and independence is characteristic of adolescence. Yet, while most adolescents demand increasing autonomy, they also continue to need and seek their parents' reassurance, guidance, and support. For teenagers who are struggling to cope with the many physical and emotional changes of adolescence, as well as the external pressures that weigh so heavily on young people today, such encouragement and guidance are essential. We must provide our teens with opportunity and hope, with firm yet loving moral guidance and discipline, and—most important—with clear, consistent examples of personal responsibility and virtue.

No child is destined to become a "bad teen." Through loving, responsible parenting and through the support of schools, churches, and communities that set high standards of character and conduct for people of all ages, we can help every young American to recognize and attain his or her fullest potential. On this occasion, let us resolve to do exactly that.

The Congress, by House Joint Resolution 409, has designated January 16, 1993, as "National Good Teen Day" and has authorized and requested the President to issue a proclamation in observance of this day.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim January 16, 1993, as National Good Teen Day. I invite all Americans to observe this day with appropriate programs and activities in honor of America's teenaged citizens.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of December, in the year of our Lord nineteen hundred and

ninety-two, and of the Independence of the United States of America the two hundred and seventeenth.

GEORGE BUSH

Proclamation 6521 of January 4, 1993

National Sanctity of Human Life Day, 1993

By the President of the United States of America
A Proclamation

Americans have demonstrated their commitment to the belief "that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness." This tradition of generosity and reverence for human life stands in marked contrast with the prevalence of abortion in America today—some 1.5 million children lost each year; more than 4,000 each day. This is shocking evidence of just how far we have strayed from our Nation's most cherished values and beliefs. Thus we pause on this National Sanctity of Human Life Day to call attention to the tragedy of abortion and to recognize the many individuals who are working to restore respect for human life in our Nation.

Advances in science and technology have offered us tremendous new insight on life in the womb: parents can now hear their unborn child's heartbeat as early as 8 weeks of age; physicians can monitor the baby's development using high-resolution sonography; and they may even diagnose and treat abnormalities before birth. How terribly ironic it is that, at one hospital or clinic, an unborn child may be carefully treated as a patient, while at another facility—perhaps just a few blocks away—another innocent child may become a victim of abortion.

Recognizing the tragedy of abortion and the feelings of desperation that lead some women to make such a painful, devastating choice, concerned individuals throughout the United States are working to help women choose life for their unborn children. On this occasion we recognize the many generous Americans who—with nothing to gain for themselves—reach out to women in need through crisis pregnancy centers, residential facilities, mentoring programs, and a host of other support services. We also recognize the many social services professionals, attorneys, and counselors who assist in promoting the adoption option, and we salute each of the courageous women who make this unselfish choice for their children. Such works of generosity and compassion are saving lives and, yes, slowly but surely turning hearts—one woman, one couple, one community at a time.

The struggle to overcome abortion in the United States—to educate individuals about life in the womb, to restore reverence for the miracle of creation, and to expand alternatives for women in need—is far from ended. While the struggle may be a long and difficult one, many Americans know that it is a cause from which we cannot retreat. And because it is a cause that appeals directly to the conscience of the Nation—a Nation that has, time and again, demonstrated its capacity to rediscover its highest ideals, ideals rooted in our belief in the God-

given rights and dignity of every human being—it is a cause that cannot fail.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim Sunday, January 17, 1993, as National Sanctity of Human Life Day. I call on all Americans to reflect on the sanctity of human life in all its stages and to gather in homes and places of worship to give thanks for the gift of life and to reaffirm our commitment to respect the life and dignity of every human being.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of January, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and seventeenth.

GEORGE BUSH

Proclamation 6522 of January 5, 1993

Braille Literacy Week, 1993

By the President of the United States of America
A Proclamation

Standardized for use in the United States in 1932, braille is the primary tactile system for reading and writing used by blind individuals today. The braille system uses raised dots to represent the letters of the alphabet, symbols of punctuation, mathematic and scientific characters, music and computer notation, and foreign language signs.

Through braille, a person who is visually impaired is given the key to unlock the power of the written word. Braille enables blind individuals to achieve the many rewards of literacy, including educational advancement, personal independence, and economic opportunity and security. Braille also enables its users to enjoy the full form, structure, and beauty of printed poetry and prose.

Over the past 60 years, the braille system has continued to open doors of learning and opportunity for blind Americans. This week we acknowledge the importance of braille and recognize the many dedicated individuals who teach and promote this system as a tool of achievement.

The Congress, by House Joint Resolution 353, has designated the week of January 3 through January 9, 1993, as "Braille Literacy Week" and has authorized and requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the week of January 3 through January 9, 1993, as Braille Literacy Week and invite all Americans to observe this week with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of January, in the year of our Lord nineteen hundred and ninety-three,

and of the Independence of the United States of America the two hundred and seventeenth.

GEORGE BUSH

Proclamation 6523 of January 5, 1993

National Law Enforcement Training Week, 1993

By the President of the United States of America
A Proclamation

The effectiveness of any Federal, State, or local law enforcement agency depends on knowledgeable, well-trained, and highly qualified personnel. Building such a force requires rigorous education and training, not only before an officer earns the badge, but also throughout his or her career.

Whether intervening in a violent domestic dispute, apprehending a suspected drug dealer, or assisting at the site of a traffic accident, law enforcement officers are often required to make split-second decisions that could mean the difference between life and death. Therefore, in addition to knowledge of criminal statutes and fundamental rules of procedure, law enforcement training encompasses basic skills on which an officer's survival and other human lives depend. From physical conditioning and self-defense techniques to the safe use of firearms, such training ensures that an officer is prepared to maintain law and order while, at the same time, protecting the rights and safety of individual citizens.

As law enforcement agencies employ increasingly sophisticated technology and techniques in the fight against crime, the need for highly specialized education and training continues to increase as well. Today an officer's training in traditional investigative methods may also include more advanced studies in ballistics, toxicology, computer science, psychology, and other complex fields. For the veteran as well as the rookie, for the administrator behind the desk as well as the officer on the beat—continuing education and training are essential to meeting new challenges in police work.

All Americans benefit from programs that contribute to the knowledge, professionalism, and skill of our Nation's law enforcement officers, and this week we gratefully salute the dedicated individuals whose instruction and guidance assist officers in the performance of their duties. We also recognize the many rewarding career opportunities that are available to young people in law enforcement and related occupations, and encourage parents and teachers to make the observance of this week a rewarding learning opportunity for children—one that instills in them a healthy respect for the law and for the courageous men and women who are pledged to defend it.

In order to heighten public awareness of the importance of law enforcement training and its related fields, the Congress, by Senate Joint Resolution 304, has designated the week of January 3 through January 9, 1993, as "National Law Enforcement Training Week" and has authorized and requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the week beginning January 3, 1993, as National Law Enforcement Training Week. I invite all Americans to observe this week with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of January, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and seventeenth.

GEORGE BUSH

Proclamation 6524 of January 11, 1993

Martin Luther King, Jr., Federal Holiday, 1993

By the President of the United States of America
A Proclamation

By setting aside a day in honor of the late Reverend Dr. Martin Luther King, Jr., our Nation reaffirms its commitment to the noble goals for which he labored and eventually gave his life: equal opportunity and justice for all.

Throughout his quest to end racial segregation in the United States and to promote understanding and respect among all people, Martin Luther King urged America to fulfill its promise—and its potential—as a Nation dedicated to the belief "that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness."

Always mindful of those words from our Declaration of Independence, Dr. King viewed his work as a must-win struggle for the soul and future of the Nation. He knew that efforts to promote far-reaching social change, in a peaceful, nonviolent manner, would require patience, determination, and sacrifice. Yet, despite experiencing stubborn opposition, imprisonment, and even threats to his life, he also believed that the civil rights movement would prevail. "We will reach the goal of freedom in Birmingham and all over the Nation," he wrote to his followers from jail, "because the goal of America is freedom. . . . our destiny is tied up with America's destiny."

With his inspired leadership and eloquent appeals to all who would listen, Martin Luther King set in motion a ground swell of change in the United States. The Civil Rights Act of 1957, the Civil Rights Act of 1964, and the Voting Rights Act of 1965 were critical milestones in the fight for equality under the law. Although Dr. King's assassination in 1968 at the age of 39 prevented his living to see the fulfillment of his dreams for America, his legacy has continued to challenge and inspire us. Over the years the United States has continued to eliminate legal and attitudinal barriers that have, in the past, limited opportunities on the basis of race. We must go on striving to realize Dr. King's vision of an America where individuals are "not judged by the color of their skin but by the content of their character."

While government plays a critical role in the fight against discrimination through the enforcement of civil rights laws and its own hiring practices, our efforts to promote racial harmony and justice in the United States must begin at home. Martin Luther King described the family as the "main educational agency of mankind," and it is within the family that we must first teach lessons about love and fairness, decency and kindness, and the difference between right and wrong. We honor the legacy of Martin Luther King when we show our children, by word and example, what it means to lead "a committed life"—a life dedicated to excellence and to the service of one's fellowman. We equip our children for such a life when we encourage them to recognize their own self-worth, as well as the inherent rights and worth of others. "Every man is somebody," declared Dr. King, "because he is a child of God."

A minister by vocation, Martin Luther King sought righteous hearts as well as just laws. He warned that humankind suffered from "a poverty of the spirit which stands in stark contrast to our scientific and technological abundance." In this last decade of the 20th century, as we marvel at the historic achievements of the past 100 years and anticipate the many to come, let us enrich our children with a wealth of encouragement, hope, and moral guidance—and with living examples of racial comity and friendship.

By Public Law 98–144, the third Monday in January of each year has been designated as a legal public holiday.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim Monday, January 18, 1993, as the Martin Luther King, Jr., Federal Holiday.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of January, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and seventeenth.

GEORGE BUSH

Proclamation 6525 of January 20, 1993

National Day of Fellowship and Hope, 1993

By the President of the United States of America
A Proclamation

As I assume the office of President, I stand humbly before God and ask for His guidance and blessings for our great Nation. At the same time, I ask the citizens of America to join me in renewing our commitment to the American ideals of fellowship and hope.

The obligation of a President is more than the fulfillment of a set of constitutional duties. The President must carry the mantle of hope and optimism in the battle against fear and despair. I ask that every American help as we attempt, in the words of the Reverend Martin Luther King, Jr., "to hew out of the mountain of despair a stone of hope" and

"transform the jangling discords of our nation into a beautiful symphony of brotherhood."

We must always remember that the essence of our democracy is the recognition that we are united in a common purpose, working toward a common good.

In renewing our commitment to fellowship throughout our great Nation, we recall the spirit of Thomas Jefferson, who said on the occasion of his first inaugural address, "Let us, then, fellow citizens, unite with one heart and one mind. Let us restore to social intercourse that harmony and affection without which liberty and even life itself are but dreary things."

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by the authority vested in me by the Constitution and laws of the United States, do hereby proclaim January 22, 1993, a National Day of Fellowship and Hope and call upon the citizens of this great Nation to reflect on their obligations to their fellow Americans and look forward to the challenges of the new year with a spirit of hope.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of January, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and seventeenth.

WILLIAM J. CLINTON

Proclamation 6526 of January 24, 1993

Death of Thurgood Marshall

By the President of the United States of America
A Proclamation

Thurgood Marshall, an African-American born and reared in segregated America, was a fundamental force of change in this Nation. Perhaps no other American lawyer has had more impact on the current meaning and content of the U.S. Constitution. As the leading attorney for the N.A.A.C.P. Legal Defense and Education Fund, Justice Marshall's twenty-nine victories before the U.S. Supreme Court breathed life into the text of the Fourteenth Amendment and guaranteed all Americans equality and liberty in their individual choices concerning voting, housing, education, and travel. As an appeals court judge, the Solicitor General of the United States and, finally, Supreme Court Justice, he worked tirelessly to expand and protect his vision of justice for America. As our Nation begins to chart its course for the next century, it is fitting that we pause to honor and remember the courageous, purposeful life of Thurgood Marshall.

As a mark of respect for the memory of Thurgood Marshall, former Associate Justice of the Supreme Court of the United States, I hereby order by the authority vested in me as President of the United States of America by section 175 of title 36 of the United States Code, that the flag of the United States shall be flown at half-staff upon all public buildings and grounds, at all military posts and naval stations, and on

all naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and Possessions until his interment. I also direct that the flag shall be flown at half-staff for the same length of time at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of January, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and seventeenth.

WILLIAM J. CLINTON

Proclamation 6527 of February 3, 1993

National Women and Girls in Sports Day, 1993

By the President of the United States of America
A Proclamation

In 1972, Title IX was passed requiring colleges receiving government funds to provide equitable athletic programs for women, thus markedly expanding sports opportunities for women. As we enter the third decade of this law, it is fitting and proper that we recognize the importance of the skills gained through fitness and athletic experiences.

Sports and fitness activities greatly enhance emotional and physical well-being. Additionally, the communication and cooperation skills learned through athletic experiences play a key role in an individual's contributions at home, at work, and to society. At the same time, the bonds built through athletics help to break down the barriers of racism and prejudice.

Unfortunately, while the history of women in sports is rich and long, there has been limited national recognition of the significance of women's athletic achievements. The number of women in leadership positions as coaches, officials, and administrators has declined drastically over the years. Athletic opportunities for male students at the high school and collegiate level remain significantly greater than those for female students.

With the promise of a bright future, female athletes serve as a source of pride and unity for the United States. They represent the best of performance and dedication and serve as valuable role models to younger citizens.

The Congress, by House Joint Resolution 546, has designated February 4, 1993, as "National Women and Girls in Sports Day" and has authorized and requested the President to issue a proclamation in observance of this day.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim February 4,

1993, as National Women and Girls in Sports Day. I urge all Americans to observe this day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this third day of February, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and seventeenth.

WILLIAM J. CLINTON

Proclamation 6528 of February 14, 1993

American Heart Month, 1993

By the President of the United States of America
A Proclamation

Approximately every 34 seconds, someone in the United States dies of some form of heart and blood vessel disease. Heart attack, stroke, and other cardiovascular diseases kill nearly one million Americans every year.

Heart diseases and stroke exact an incalculable toll in human pain and suffering. More than 70 million Americans, young and old, currently suffer from one or more forms of cardiovascular disease. Stroke is the leading cause of serious disability and the third leading cause of death in the United States. Heart diseases and stroke also cost our Nation more than $117 billion in terms of health care expenses and lost productivity.

The Federal Government, through the National Heart, Lung, and Blood Institute, and the American Heart Association have spent millions of dollars on research into cardiovascular diseases and educational programs. That investment was greatly enhanced by the dedicated efforts of the Association's 3.7 million volunteers.

We know how important it is to educate people, particularly young people, about the use of tobacco products. We also know that controlling blood pressure, eating a diet low in fat and cholesterol, and exercising regularly are all prudent ways of reducing the risk of cardiovascular disease.

Advances in both the treatment and the prevention of heart and blood vessel diseases have resulted in great progress. From 1980 to 1990 age-adjusted death rates from heart attack declined 32.6 percent and during the same years the death rate from stroke dropped 32.4 percent.

Although significant progress has been made in the struggle to overcome cardiovascular diseases, we must not become complacent. We must strengthen and renew our commitment to winning this battle.

In recognition of the need for all Americans to become involved in the ongoing fight against cardiovascular diseases, the Congress, by Joint Resolution approved December 30, 1963 (77 Stat. 843; 36 U.S.C. 169b), has requested that the President issue an annual proclamation designating February as "American Heart Month."

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim the month of February 1993 as

American Heart Month. I invite the Governors of the States, the Commonwealth of Puerto Rico, officials of other areas subject to the jurisdiction of the United States, and the American people to join me in reaffirming our commitment to combatting cardiovascular diseases and stroke.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of February, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and seventeenth.

WILLIAM J. CLINTON

Proclamation 6529 of February 18, 1993

National Visiting Nurse Associations Week, 1993

By the President of the United States of America
A Proclamation

Since 1885, countless men, women, and children have been provided care in their own communities and homes by the staff of Visiting Nurse Associations. These associations are in 422 urban and rural communities in 45 States and provide home health care to more than 1,500,000 people. The associations are voluntary in nature, independently owned, and community based. They offer a wide range of services, including hospice care, personal care, homemaking, social services, nutritional counseling, specialized nursing care, and occupational, physical, and speech therapy by registered nurses.

Historically, the care provided by Visiting Nurse Associations has enabled many individuals who are chronically ill or disabled to remain in their homes. Such care provides a setting that is familiar to them and is characterized by the physical and social support of family, friends, and loved ones.

Today, as an increasing number of people are being released from acute care settings and returning to their communities in need of complex home health assistance, Visiting Nurse Associations have been quick to respond. Whether caring for a low birth-weight baby, assisting a person recently released from the hospital following surgery, or administering life-sustaining procedures, Visiting Nurse Associations have proven to be critical care providers.

The associations adhere to high standards of quality and provide personalized and cost-effective health care and support, regardless of a person's ability to pay. They are enthusiastically supported by the communities in which they are located, and their resources are regularly enhanced by the services of volunteers and the donations of community members.

In recognition of the increasing need for home health care, and the significant potential of Visiting Nurse Associations to provide this care, the Congress, by House Joint Resolution 484, has designated the week beginning February 14, 1993, as "National Visiting Nurse Associations Week" and has authorized and requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim the week beginning February 14, 1993, as National Visiting Nurse Associations Week. I urge all Americans to observe this week with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of February, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and seventeenth.

WILLIAM J. CLINTON

Proclamation 6530 of February 23, 1993

American Wine Appreciation Week, 1993

By the President of the United States of America
A Proclamation

The wine industry in this Nation has a heritage dating back to our Founding Fathers. Today it continues as a proud tradition, nurtured by thousands of family-owned farms, in every region of our country. From generation to generation, grape growers have helped sustain and preserve our agricultural resources, keeping 850,000 acres of American land as open space for active agricultural production.

More than 8,000 grape and other fruit growers work together with more than 1,300 wineries to produce 85 percent of all wine consumed in the United States. This $8 billion industry strengthens the American economy by supporting more than 200,000 jobs and contributing $1 billion a year in government taxes and fees.

The history of wine grape growing in the world spans more than 7,000 years. In our own history, wine has continually played an important role in a wide variety of American cultural, religious, and familial traditions. Vineyards and wineries across the Nation are scenic tourist attractions, drawing millions of foreign and American visitors each year.

In gratitude to those who contribute to the high quality of agricultural products produced in the United States, and in recognition of the role of agriculture in our daily life and our life as a Nation, the Congress, by Public Law 102–468, has designated the week of February 21–27, 1993, as "American Wine Appreciation Week" and has authorized and requested the President to issue a proclamation in observance of this event.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim the week of February 21–27, 1993, as "American Wine Appreciation Week." I call upon the people of the United States to observe this week with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of February, in the year of our Lord nineteen hundred and

ninety-three, and of the Independence of the United States of America the two hundred and seventeenth.

WILLIAM J. CLINTON

Proclamation 6531 of February 25, 1993

National FFA Organization Awareness Week, 1993

By the President of the United States of America
A Proclamation

America's roots run deep in agriculture. We have long prospered through the twin blessings of our natural resources and the productivity of the American farmer. Agriculture has contributed heavily to the economic and social progress of the United States, making our Nation the world's largest exporter of food products and a generous provider of food aid around the world.

For more than two centuries, our food, agricultural, and natural resource system has been nurtured and sustained by dedicated people committed to providing safe and abundant food and fiber products. About 20 percent of the Nation's work force is engaged in jobs related to agriculture, and annual employment openings in this industry are expected to outpace the supply of trained workers.

The education and training of agricultural workers have, therefore, long been a national priority, leading to the development of a comprehensive system of agricultural education in our public schools. The National Future Farmers of America was founded in 1928 to serve the needs of secondary students preparing for leadership roles in the science, business, and technology of agriculture. Chartered by Congress in 1950, the FFA is an integral part of public instruction in agriculture and today provides premier leadership, personal growth, and career development to its 401,574 members. Local, State, and national activities as well as award programs provide opportunities for students to apply knowledge and skills acquired through agricultural education. FFA members strive to develop agricultural leadership, cooperation, and citizenship.

The National FFA Foundation, which raises funds in support of FFA programs, represents an exemplary partnership between business and education. The National FFA Alumni Association provides support to these young men and women on local, State, and national levels.

The strategic importance of our food, agricultural, and natural resource system will grow during the coming decade. This will require even stronger leaders, more creative scientists, greater international business understanding, and increased sensitivity for consumers and the environment. These skilled professionals will chart the course of U.S. food, agricultural, and natural resources in the 1990s and beyond. The National FFA Organization, by attracting young people to agriculture and preparing them for future careers, contributes greatly to an important sector of the national economy. It is proper that we should honor the accomplishments and achievements of this fine organization.

The Congress, by House Joint Resolution 101, has designated the week of February 21 through February 27, 1993, as "National FFA Organization Awareness Week" and has authorized and requested the President to issue a proclamation calling upon the people of the United States to observe this week with appropriate ceremonies and activities.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim the week of February 21 through February 27, 1993, as National FFA Organization Awareness Week. I encourage all Americans in rural, urban, and suburban communities to join in recognizing the achievements and contributions of the young men and women of the National FFA Organization and to observe National FFA Organization Awareness Week with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of February, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and seventeenth.

WILLIAM J. CLINTON

Proclamation 6532 of March 5, 1993

Save Your Vision Week, 1993

By the President of the United States of America
A Proclamation

Vision is a remarkable gift. Providing nearly 40 percent of all sensory input to the brain, our eyes allow us to read, drive, and experience many of life's greatest pleasures. Vision, however, is an extremely fragile gift, one that can dim with injury or the onset of disease. Moreover, it is a gift that, with few exceptions, cannot be restored once it is lost.

Thus, given the important but delicate nature of good vision in our lives, it is tragic that each year thousands of Americans suffer vision loss that might have been prevented.

Having a periodic eye examination is an effective and simple way for most of us to prevent this tragedy from occurring in our lives. A comprehensive eye examination can provide an early warning of developing eye disease and allow an eye care professional the opportunity to initiate appropriate treatment.

Both glaucoma and diabetes are potentially blinding diseases that can be controlled and treated effectively, if detected early. However, each remains a leading cause of blindness in the United States. People at high risk for glaucoma, African Americans over the age of 40 and everyone over the age of 60, should receive an eye examination at least every two years to reduce the risk of blindness.

For people with diabetes, a regular eye examination is an absolute necessity. People with diabetes who have their eyes examined through dilated pupils at least once a year take a responsible preventive measure in protecting their vision.

Children also need early and regular eye examination. Even the seemingly healthiest child may have an unsuspected visual problem that needs prompt attention. A routine checkup can identify such disorders in time for effective treatment, sparing the child a lifetime of visual impairment.

Guarding against eye injuries is important for all members of our society. Both in the home and workplace, people should wear appropriate face masks, goggles, or safety glasses when working with chemicals or machinery that might be dangerous to the eyes. If possible, athletes should also wear protective eye wear, and children should be taught the basic principles of eye safety from an early age.

To encourage Americans to cherish and protect their vision, the Congress, by a joint resolution approved December 30, 1963 (77 Stat. 629; 36 U.S.C. 169a), has authorized and requested the President to proclaim the first week in March of each year as "Save Your Vision Week."

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby designate the week beginning March 7, 1993, as Save Your Vision Week. I urge all Americans to participate in the observance by making eye care and eye safety an important part of their lives. Also, I invite eye care professionals, the communications media, and all public and private organizations committed to the goal of sight conservation to join in activities that will make Americans more aware of the steps they can take to protect their vision.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of March, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and seventeenth.

WILLIAM J. CLINTON

Proclamation 6533 of March 6, 1993

Irish-American Heritage Month, 1993

By the President of the United States of America
A Proclamation

The story of the Irish in America, of those millions of Americans who trace their ancestry back to the Emerald Isle, is typical of so many American immigrants, yet is also uniquely influenced by the rich culture of Ireland. Like so many of our forebears, they came to this land seeking a better future. In the process of becoming Americans, they changed themselves, changed America, and changed the world.

By 1776, 300,000 natives of Ireland had already emigrated to the Colonies. They fought bravely in the American Revolution and helped to establish a new Nation. Eight signatories of the Declaration of Independence were of Irish origin. In the early years of the young Republic, as workers on the canals and railroads, they played a major role in the settlement of the West.

However, it was not until the great potato famine of the late 1840s that the trickle of Irish immigration became a flood. More than one million

Irish men and women came to the United States during that period. They moved primarily into our great cities, which they quickly transformed into the bustling beehives of activity that they have been ever since.

Confronted by prejudice and sign after sign proclaiming "No Irish Need Apply," the new immigrants immersed themselves in the politics of such cities as New York, Boston, and Chicago. In fact, the political legacy of the Irish-American community may well be the most important of all its contributions to our Nation. Presidents John F. Kennedy and Ronald Reagan, as well as 16 other Presidents, have proudly proclaimed their Irish-American heritage. America has been blessed by the leadership of other Irish Americans as well, including Mike Mansfield, Tip O'Neill, and Tom Foley in the Congress, and Al Smith, Ray Flynn, and Richard Daley at the State and local levels.

However, the contributions of Irish Americans go well beyond politics. In Washington, D.C., alone, James Hoban designed and supervised the construction of the White House and assisted in the construction of the Capitol; Colonel Thomas Lincoln Casey completed the construction of the Washington Monument after it had been abandoned during the Civil War; and William Wilson Corcoran founded the gallery that now bears his name.

Irish Americans have also enriched the culture of their adopted land. Whether we think of Finley Peter Dunne, who satirized politics in the early 20th century; Jimmy Breslin, who has done much the same more recently; or Eugene O'Neill, one of the great playwrights of all time, the Irish contribution to American literature is broad and deep. In the performing arts, composer George M. Cohan, dancer Gene Kelly, and actress Grace Kelly have come to symbolize America to the world.

In tribute to all Irish Americans, the Congress, by House Joint Resolution 500, has designated March 1993 as "Irish-American Heritage Month" and has authorized and requested the President to issue a proclamation in observance of this month.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim March 1993 as Irish-American Heritage Month. I urge all Americans to observe this month with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of March, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and seventeenth.

WILLIAM J. CLINTON

Proclamation 6534 of March 6, 1993

To Revoke Proclamation No. 6491 of October 14, 1992

By the President of the United States of America
A Proclamation

WHEREAS, the provisions of the Davis-Bacon Act of March 3, 1931 (46 Stat. 1494, as amended), and the provisions of all other acts, Executive orders, proclamations, rules, regulations, or other directives providing for the payment of locally prevailing wages, which provisions are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act, were suspended by Proclamation No. 6491 of October 14, 1992, within specified geographic areas affected by Hurricanes Andrew and Iniki until otherwise provided;

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States of America, do by this Proclamation revoke Proclamation No. 6491 of October 14, 1992, as to all construction contracts for which bids are opened or negotiations concluded on or after fifteen (15) days after the date of this Proclamation, whether direct Federal construction or federally assisted construction subject to Proclamation No. 6491.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of March, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and seventeenth.

WILLIAM J. CLINTON

Proclamation 6535 of March 17, 1993

American Red Cross Month, 1993

By the President of the United States of America
A Proclamation

In time of need, millions of Americans, and others around the world, trust in the compassionate and swift assistance of the American Red Cross. Since 1881, the American Red Cross has served this Nation with tireless dedication and consummate skill in the face of natural disasters, war, and other emergencies.

Nineteen ninety-two was an extraordinary year for America and the American Red Cross. In the hurricane-ravaged neighborhoods of south Florida and the desolate villages of Somalia, in the flooded bayou country of Louisiana and alongside the raging wildfires in California, caring Red Cross workers served meals, provided shelter, furnished financial help, and offered emotional support to victims.

Hurricane Andrew, the most costly disaster in our history, cut an almost unimaginable swath of destruction through south Florida. More than 12,000 Red Cross volunteers and staff overcame enormous challenges to provide food and shelter for 170,000 people. Just four days after those relief efforts began, Typhoon Omar battered Guam with 150-

mile-an-hour winds. Two weeks later, Hurricane Iniki roared across Hawaii, the worst hurricane to hit the islands in a century. The American Red Cross, stretched to new limits, coordinated disaster relief operations that spanned half the globe. In all, 16,000 trained Red Cross disaster workers brought knowledgeable, humanitarian assistance to the victims of Andrew, Omar, and Iniki.

While the Nation focused on the aftermath of this singular wave of destruction, the American Red Cross continued its mission of helping people prevent, prepare for, and cope with emergencies. Every day, Red Cross workers in 2,600 volunteer-based chapters help the victims of single family fires, floods, tornadoes, and industrial accidents, an average of 150 incidents daily. More than 7.5 million people take Red Cross classes in water safety, first aid, and cardiopulmonary resuscitation (CPR) each year. Millions also depend on Red Cross classes and educational materials for information on HIV/AIDS. The Red Cross helps to save and sustain countless lives by collecting, processing, and distributing more than half the Nation's donated blood, the safest supply in the world. Red Cross workers serve alongside our Armed Forces wherever they are on duty, providing support and a touch of home to members and veterans of the forces and their families.

Internationally, Red Cross workers risk their lives daily to bring emergency relief to Somalia and to provide food, shelter, and medical care in the midst of brutal combat in the former Yugoslavia. The same international humanitarian spirit enables the American Red Cross to help family members send messages to prisoners of war and search for relatives separated by war or refugee movements.

Since its founding 112 years ago by Clara Barton, the American Red Cross has embodied much of what is best about Americans: their willingness to help their neighbors, to take responsibility for their communities, and to respond to the call to service. For this, the American Red Cross and its 1.4 million volunteers have earned the respect of a thankful Nation.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America and Honorary Chairman of the American Red Cross, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim the month of March 1993 as American Red Cross Month. I urge all Americans to continue their generous support of the Red Cross and its chapters nationwide.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of March, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and seventeenth.

WILLIAM J. CLINTON

Proclamation 6536 of March 17, 1993

National Poison Prevention Week, 1993

By the President of the United States of America
A Proclamation

Since its inception more than three decades ago, the annual observance of National Poison Prevention Week has saved lives. Along with year-round educational programs in the public and private sectors, this annual campaign for awareness has helped to reduce dramatically the number of fatal accidental poisonings among children. In the effort to protect every child from poisoning, which is nearly always preventable, we renew our commitment to informing parents, grandparents, and other adults about the importance of protecting children in their homes. The urgency of our efforts is underscored by the fact that, according to the American Association of Poison Control Centers, nearly 1,000,000 children each year are exposed to potentially harmful medicines and household chemicals.

During National Poison Prevention Week, activities are coordinated by the Poison Prevention Week Council, a coalition of 37 national organizations whose members are determined to stop accidental poisonings. The Council distributes valuable information that is used by the staffs of poison control centers, pharmacists, public health officials, and others as they conduct poison prevention programs in their communities. The United States Consumer Product Safety Commission provides a Commission member to serve as Secretary of the Poison Prevention Week Council each year. Since 1972, the Commission has required child-resistant packaging for certain medicines and household chemicals, preventing countless tragedies.

Every American can help to protect children with simple safety measures, such as using child-resistant packaging and securing potentially dangerous substances out of the reach of children. This week I encourage all Americans to become more aware of potential hazards in their homes and to eliminate them.

The Congress, by a joint resolution approved September 26, 1961 (75 Stat. 681), has authorized and requested the President to issue a proclamation designating the third week of March of each year as National Poison Prevention Week.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim the week beginning March 21, 1993, as National Poison Prevention Week. I urge all Americans to observe this week by participating in appropriate programs and activities and by learning how to prevent accidental poisonings among children.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of March, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and seventeenth.

WILLIAM J. CLINTON

Proclamation 6537 of March 19, 1993

Women's History Month, 1993

By the President of the United States of America
A Proclamation

As we celebrate Women's History Month, we reflect on the American women who throughout history have proudly served in shaping the spirit of our Nation.

Women like Harriet Tubman, Harriet Beecher Stowe, and Sojourner Truth embraced the struggle for human freedom, dignity, and justice. They opposed slavery and inequality at critical moments in history. Their courageous leadership helped pave the way for future generations who would strive to secure equal rights for women.

We are inspired by women like Jane Addams, the first female Nobel prize winner, who at the turn of the century founded Chicago's Hull House to help newly arrived immigrants adapt to a foreign culture. We admire women such as Belva Lockwood, who became the first woman admitted to practice before the United States Supreme Court in 1879. And we cannot forget the long struggle of women like Frances Perkins, whose work to protect the health and safety of America's workers culminated in her service as Secretary of Labor, the Nation's first woman Cabinet officer.

These courageous and pioneering women worked tirelessly to achieve new opportunities for all. Today, empowered by this great legacy, American women serve in every aspect of American life, from social services to space exploration. The opportunities for American women are growing, and their efforts as mothers and volunteers, corporate executives and senators, police officers and administrators, construction workers and cab drivers, and teachers and scientists enrich all of us and make our country great. Women continue to strengthen our Nation's social fabric as leaders in the home, the community, the workplace, and the government.

The challenges facing women in the next century are many. Families are increasingly called upon to care for their grown children and elderly relatives. Many women are compelled to support families as single parents. The social stresses of our era demand the incredible resourcefulness, devotion, and energy of millions of women. Through their endeavors, women are producing a heightened national consciousness and more responsive public policies that meet the needs of our people.

As we honor the courageous legacy of our Nation's women, we celebrate the diversity of their backgrounds, their talents, and their contributions, which breathe life into our democracy and sustain our prosperity.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by the authority vested in me by the Constitution and laws of the United States, do hereby proclaim March 1993 as Women's History Month. I invite all Americans to observe this month with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this nineteenth day of March, in the year of our Lord nineteen hundred and ninety-

three, and of the Independence of the United States of America the two hundred and seventeenth.

WILLIAM J. CLINTON

Proclamation 6538 of March 20, 1993

National Agriculture Day, 1993

By the President of the United States of America
A Proclamation

On this first day of spring, it is appropriate that we reflect on America's agricultural heritage. Our history and our future are intertwined with the farmland and the farmers who help nourish and clothe us. Farming, an integral and pervasive aspect of our economy, is critically important in the daily lives of all Americans.

In our markets, farmers offer us the world's safest and most diverse food supply. But agriculture also touches every other facet of our lives: from shirts to schoolbooks, from prescription drugs to the lumber in our homes. The quality of our lives is due in large measure to the efficient productivity of agricultural workers.

Agriculture, America's number one industry, provides 21 million jobs and is the single largest contributor to our net trade balance. The average American farmer produces enough every year to feed and clothe 129 other people.

As efficient and productive as they are in meeting our citizens' basic needs, our farmers have contributed just as much to our culture. They helped found and build our Nation, and our calendar and holidays still reflect the seasons around which they weave their lives. When American food alleviates the hunger of starving children at home or abroad, we are all enriched. Farmers and farmworkers have always exemplified the virtues of patient hard work, of respect for the land, with an understanding of our responsibility as stewards of the Earth, of careful management of limited resources, and of resiliency in the face of natural disasters.

On this day, I ask all Americans to consider our reliance on agriculture—the farmers, scientists, processors, shippers, grocers, and others who spend their days providing us with the basics of a good life.

The Congress, by Senate Joint Resolution 36, has designated March 20, 1993, as "National Agriculture Day" and has authorized and requested the President to issue a proclamation in observance of this day.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim March 20, 1993, as National Agriculture Day. I urge the people of the United States to observe this day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of March, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and seventeenth.

WILLIAM J. CLINTON

Proclamation 6539 of March 25, 1993

Greek Independence Day: A National Day of Celebration of Greek and American Democracy, 1993

By the President of the United States of America
A Proclamation

The people and Government of the United States join the people and Government of Greece in celebrating Greek Independence Day. The close and cordial ties between our nations are built upon the solid foundation of a common love of democratic values, strong cultural ties between our peoples, and a respect for human rights. Greek influence on American culture extends from the ideas of the great Hellenic thinkers to the many important contributions of Greek Americans today. These ties continue to strengthen the relationship between our nations and provide a solid and promising basis for the future.

Two thousand and five hundred years ago, Cleisthenes succeeded in instituting a series of reforms in Athens and across the Peninsula of Attica that expanded the rule of government to a much broader group of citizens. The concept of democracy was thus created and embodied in a series of rights and laws. The personal freedom that resulted from these reforms sparked a period of cultural growth in philosophy and the arts to which Western culture is eternally indebted.

The United States is proud to acknowledge the enormous debt it owes to the Greek philosophers and politicians. In creating a new Nation, the American Founding Fathers drew upon the Greek writings for inspiration as to the purpose of government and in order to define the common good of society. Hellenic ideals have also shaped our democracy through architecture. Across our Nation and especially in the Nation's Capital, the seats of representative government are housed in buildings inspired by the grand proportions and beautiful lines of Greek temples. In both nations, these buildings remind us of the ideals of truth, justice, and faith in the human ability on which our societies are founded.

Our nations share not only the common bond of democratic philosophy but also the willingness to fight for self-determination and freedom and to be vigilant in protecting these hard-won rights. The Greek struggle for independence 172 years ago has long been admired by American citizens. In this century, the United States and Greece joined together to oppose threats to our democratic values from fascism and communism.

It is fitting, therefore, that our two great democracies pause to realize how much they have benefited and continue to benefit from each other. As part of this effort, the National Gallery of Art in Washington, the Metropolitan Museum of Art in New York, and the Ministry of Culture of Greece have gathered a landmark exhibit of sculptures from the 5th century B.C. These sculptures, many of which have never left Greek soil, document in art the birth of the concept of the individual. In return for these gracious loans from Greece, the two American museums have lent more than 70 major paintings from their permanent collections for an exhibit at the National Gallery of Greece in Athens. This summer the National Archives will also display artifacts from the 5th century B.C. which demonstrate the great degree of participation of

Athenians in their government. It is appropriate that our own Constitution will be juxtaposed against these artifacts.

In recognition of the close bond that has been forged between the nations and peoples of the United States and Greece, the Congress, by Senate Joint Resolution 22, has designated March 25th as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy" and has authorized and requested the President to issue a proclamation in observance of this day.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim March 25, 1993, as Greek Independence Day: A National Day of Celebration of Greek and American Democracy. I call upon all Americans to observe this day, the 172nd anniversary of the beginning of the Greek revolution against the Ottoman Empire, with appropriate programs, ceremonies, and activities in honor of the Greek people and Greek independence.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of March, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and seventeenth.

WILLIAM J. CLINTON

Proclamation 6540 of April 2, 1993

Education and Sharing Day, U.S.A., 1993

By the President of the United States of America

A Proclamation

As America approaches a new century, we face hard truths and must take strong steps. As a Nation, we must provide hope for all Americans and opportunity for them to compete and to succeed. A sound, well-rounded education that prepares students for achievement and success is a moral imperative and an economic necessity.

The United States must work to improve the quality of education for all students, to ensure access and opportunity, and to build public-private partnerships, all of which will help students meet high standards of achievement. Accomplishing that mission will require the involvement of everyone—not just teachers and administrators, but every person, every family, and every community. We must take responsibility for ensuring the success of generations to follow. I commend the leadership and commitment of those inside and outside of schools who are working each day to promote and encourage excellence in education for all Americans.

Our Founders saw themselves in the light of posterity. We must do the same. John Kennedy reminded us that civilization is a race between education and catastrophe—and it is up to us to determine the winner.

To recognize the work of Rabbi Menachem Mendel Schneerson, the leader of the Lubavitch movement, on the occasion of his 91st birthday on April 2, 1993, the Congress, by House Joint Resolution 150, has des-

ignated April 2, 1993, as "Education and Sharing Day, U.S.A." and has authorized and requested the President to issue a proclamation in observance of this day.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim April 2, 1993, as Education and Sharing Day, U.S.A. I call upon the people of the United States, government officials, educators, and volunteers to observe the day with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this second day of April, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and seventeenth.

WILLIAM J. CLINTON

Proclamation 6541 of April 9, 1993

National Former Prisoner of War Recognition Day, 1993

By the President of the United States of America
A Proclamation

As Americans enter a new era that holds prospects for greater international cooperation and the expansion of democracy's reach, we are deeply indebted to the Armed Forces of the United States. We recognize that their service helped our Nation preserve liberty through two World Wars and the testing regional conflicts of the Cold War era and since. We remember how their sacrifices helped to maintain our way of life and safeguard freedom's cause.

The sacrifices made by our military personnel take many forms, from their willingness to serve, to their countless acts of selfless courage, to the expenditure by hundreds of thousands in this century of that last, full measure of devotion in behalf of their country. Today, we honor the particular sacrifice of the thousands of Americans who have been captured and held as prisoners of war—in Europe and the Pacific, in Korea and Vietnam, in the Persian Gulf during Operation Desert Storm, and elsewhere.

We know that many of our men and women in uniform have been subject to brutal torture and inhumane deprivation. The treatment they endured too often violated fundamental standards of morality and stood in stark contravention of international treaties and customs governing the treatment of prisoners of war. Many of these brave Americans were disabled or died as a result of such treatment. Their experiences underscore our debt to those who place their lives in harm's way and stand willing to trade their liberty for ours. As a Nation, we must always remember the sacrifices made by our men and women in uniform and their families.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by the authority vested in me by the Constitution and laws of the United States, do hereby proclaim April 9, 1993, as National Former Prisoner of War Recognition Day. I urge all Americans to join in honoring all members of the Armed Forces of the United

States who have been held prisoners of war. I also encourage all Americans to join in saluting these individuals for their great sacrifices. Finally, I call on State and local officials, as well as private organizations, to observe this day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of April, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and seventeenth.

WILLIAM J. CLINTON

Proclamation 6542 of April 9, 1993

National Preschool Immunization Week, 1993

By the President of the United States of America
A Proclamation

I believe that each child in this country must have the opportunity to live a healthy and full life. Therefore, I am taking dramatic steps to ensure that all children are fully immunized at the earliest appropriate age against preventable, infectious diseases.

Immunizations save lives, prevent suffering, and allow significant savings in health care costs. Ironically, in this country, which develops and produces the majority of the world's vaccines, current immunization levels among two-year-olds fall between just 37 and 56 percent. In the recent measles epidemic, for example, an estimated one-half of the reported cases occurred among unvaccinated preschool children. Today, measles vaccine coverage is reported to be as low as 50 percent among two-year-olds in some inner-city populations.

My Administration has launched a comprehensive initiative on immunization, including new funding for immunization programs in cities throughout the United States. In addition, I have submitted legislation that, if passed, would provide for free vaccinations to all children, a new tracking system to help inform parents when immunization is needed, new avenues of outreach to parents, and other necessary measures designed to create a comprehensive immunization program.

We must expand our efforts to every community and demand the full attention and cooperation of everyone in our society in order to find solutions to our problems. Much is being done. Federal, State, and local governments are devising innovative ways to deliver vaccines at more reasonable costs. We are attempting to make providers more sensitive to the need to eliminate barriers and problems that cause children to miss immunizations. New partnerships and coalitions are being formed between the public and private sectors.

Parents and adults responsible for safeguarding our youngest children must be made aware of the seriousness of the problem and act appropriately. More than 80 percent of all recommended vaccinations should be given before children are two years old—well before they start school.

We must acknowledge this problem, accept our individual and collective responsibilities, and get the job done.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim the last full week of April as National Preschool Immunization Week, beginning with April 1993. I call upon all Americans, especially parents and health care providers, to do their part to help in this fight and to observe this week annually with appropriate activities and recognition ceremonies.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of April, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and seventeenth.

WILLIAM J. CLINTON

Proclamation 6543 of April 9, 1993

To Extend Special Rules of Origin Applicable to Certain Textile Articles Woven or Knitted in Canada

By the President of the United States of America
A Proclamation

1. Pursuant to section 202(d)(1) of the United States-Canada Free-Trade Agreement Implementation Act of 1988, Public Law 100–449 ("CFTA Act"), the President is authorized to proclaim, as a part of the Harmonized System ("HS"), the rules of origin set forth in Annex 301.2 of the United States-Canada Free-Trade Agreement ("CFTA"). These annex rules of origin were incorporated in general note 3(c)(vii)(R) to the Harmonized Tariff Schedule of the United States ("HTS") by Proclamation No. 5923 of December 14, 1988.

2. General note 3(c)(vii)(R)(11)(rr) to the HTS, which incorporates the rules of origin set forth in paragraph 18, section XI, of CFTA Annex 301.2 ("paragraph 18"), provides that non-wool fabric and non-wool made-up textile articles, provided for in specified HS chapters, that are woven or knitted in Canada from yarn produced or obtained in a third country, upon meeting other applicable conditions for preferred tariff treatment under the CFTA, shall be afforded such preferential tariff treatment to the extent of the annual quantity set forth in that note. That note also provides that, after the specified quantity of such goods has been entered in an annual period, subsequent entries shall be subject to most-favored-nation rates of duty for the remainder of that annual period. These quantitative limitations expired on December 31, 1992. Paragraph 18 further provides that the Parties agree to revisit, in consultation with representatives of the industries concerned, the quantitative element of the rule for such goods 2 years after the CFTA's entry into force, in order to arrive at a mutually satisfactory resolution, taking into account the availability of yarns in both countries. These discussions have not yet been concluded.

3. Section 202(d)(2) of the CFTA Act authorizes the President, subject to the consultation and lay-over requirements of section 103 of the CFTA Act, to proclaim such modifications to the rules as may from time to time be agreed to by the United States and Canada. Accord-

ingly, in accordance with an agreement between the United States and Canada, I have decided to extend the application of the quantitative limits provided in paragraph 18 through the close of December 31, 1993, unless the United States and Canada reach an earlier resolution regarding quantitative limits for these goods. The consultation and layover requirements of section 103 of the CFTA have been carried out.

4. Section 604 of the Trade Act of 1974, as amended (19 U.S.C. 2483) ("Trade Act"), authorizes the President to embody in the HTS the substance of other Acts affecting import treatment, and actions thereunder, including the removal, modification, continuance, or imposition of any rate of duty or other import restriction.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States of America, including but not limited to section 202 of the CFTA Act and section 604 of the Trade Act, do proclaim that:

(1) In order to extend by 1 year the quantitative provisions of paragraph 18, the HTS is modified by striking out "1992" from general note 3(c)(vii)(R)(11)(rr) and by inserting in lieu thereof "1993".

(2) Any provisions of previous proclamations inconsistent with the provisions of this proclamation are hereby superseded to the extent of such inconsistency.

(3) The modifications made by paragraph (1) of this proclamation shall be effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after January 1, 1993.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of April, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and seventeenth.

WILLIAM J. CLINTON

Proclamation 6544 of April 13, 1993

To Modify Duty-Free Treatment Under the Andean Trade Preference Act, To Modify the Generalized System of Preferences, and for Other Purposes

By the President of the United States of America

A Proclamation

1. Sections 202 and 204 of the Andean Trade Preference Act ("ATPA") (19 U.S.C. 3201 and 3203) confer authority upon the President to proclaim duty-free treatment for all eligible articles, and duty reductions for certain other articles, that are the product of any country designated as a "beneficiary country" in accordance with the provisions of section 203 of the ATPA (19 U.S.C. 3202). Pursuant to section 203(b)(2) of the ATPA (19 U.S.C. 3202(b)(2)), I have notified the House of Representatives and the Senate of my intention to designate Ecuador as a beneficiary country for purposes of the ATPA, together with the considerations entering into such decision. I hereby designate Ecuador as a ben-

eficiary country under the ATPA, and in order to effect this designation in the Harmonized Tariff Schedule of the United States ("HTS"), I have decided that it is necessary to modify general note 3(c)(ix) to the HTS.

2. Section 204(b) of the ATPA (19 U.S.C. 3203(b)) provides that the President may not designate certain enumerated product categories as articles eligible for duty-free treatment under the ATPA, including "textile and apparel articles which are subject to textile agreements." In Proclamation 6455 of July 2, 1992, certain HTS provisions encompassing textile and apparel articles which are subject to textile agreements were inadvertently designated as covering goods eligible for duty-free treatment under the ATPA. Therefore, in accordance with section 204(b) of the ATPA, I have decided that it is necessary and appropriate to delete the ATPA designation for these provisions.

3. Section 204(c) of the ATPA (19 U.S.C. 3203(c)) authorizes the President to proclaim reductions in the rates of duty on certain articles that are the product of any beneficiary country and that were not designated on August 5, 1983, as eligible articles for purposes of the Generalized System of Preferences ("GSP") under title V of the Trade Act of 1974 (19 U.S.C. 2461 *et seq.*) (the "Trade Act"). In accordance with section 204(c) of the ATPA, I have decided that it is necessary and appropriate to provide for duty reductions under the ATPA for the goods of a certain subheading.

4. Section 502 of the Trade Act, as amended (19 U.S.C. 2462), authorizes the President to designate the countries that will be beneficiary developing countries for purposes of the GSP. Such countries are entitled to duty-free entry of eligible articles imported directly therefrom into the customs territory of the United States (19 U.S.C. 2461). Among the countries previously designated as a GSP beneficiary is Czechoslovakia, which was included in the enumeration in HTS general note 3(c)(ii)(A) of independent countries eligible for benefits of the GSP. Czechoslovakia, as of January 1, 1993, has separated into two independent republics, the Czech Republic and Slovakia. In light of the separation of Czechoslovakia into two countries, and having due regard for the eligibility criteria set forth in section 502 of the Trade Act, I hereby designate each of the Czech Republic and Slovakia as beneficiary developing countries for purposes of the GSP.

5. Proclamation 6517 of December 23, 1992, withdrew the duty-free treatment accorded under the GSP to imports of sulfanilic acid, provided for in HTS subheading 2921.42.24. Through typographical and clerical error, the HTS subheadings created in the annex to Proclamation 6517 to effect the aforementioned withdrawal were not properly structured and numbered. Therefore, I have decided that it is necessary and appropriate to modify the HTS to correct these errors.

6. Proclamation 6179 of September 13, 1990, modified the HTS to provide for modification of tariffs and quotas on certain sugars, syrups, and molasses. Through an error, conforming changes to additional U.S. note 2 to chapter 17 of the HTS were omitted. Therefore, I have decided that it is necessary and appropriate to modify the HTS to provide for such conforming changes.

7. Proclamation 6515 of December 16, 1992, among other actions, modified the HTS to conform with amendments made to the International Convention on the Harmonized Commodity Description and

Coding System. A conforming change to the HTS was omitted. Therefore, I have decided that it is necessary and appropriate to modify the HTS to provide for such a conforming change.

8. The President, acting through duly empowered representatives, entered into negotiations with representatives of the Governments of certain republics of the former Union of Soviet Socialist Republics ("USSR") to conclude agreements on trade relations, including nondiscriminatory treatment, between the United States and the individual republics. Such agreements, conducted in accordance with the requirements of section 405(b) of the Trade Act (19 U.S.C. 2435(b)), were signed by representatives of the United States and of certain republics and have taken effect upon dates previously announced by the United States Trade Representative ("USTR"). Other republics of the former USSR have not yet concluded such trade agreements with the United States. General note 3(b) to the HTS, setting forth an enumeration of those countries whose products are subject to the rates of duty set forth in column 2 of the HTS, includes in this enumeration "Union of Soviet Socialist Republics", causing confusion in the trading community and complicating the administration of the HTS. Accordingly, I have decided that it is appropriate to delete the name "Union of Soviet Socialist Republics" from the enumeration in HTS general note 3(b) and to insert in lieu thereof the names of the republics whose products have not yet been accorded nondiscriminatory treatment.

9. Section 604 of the Trade Act, as amended (19 U.S.C. 2483), authorizes the President to embody in the HTS the substance of the relevant provisions of that Act, and of other acts affecting import treatment, and actions thereunder, including the removal, modification, continuance, or imposition of any rate of duty or other import restriction.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States of America, including but not limited to the ATPA, and sections 405(b), 502, and 604 of the Trade Act, do proclaim that:

(1) General note 3(c)(ix)(A) to the HTS is modified by inserting in alphabetical sequence "Ecuador", which is hereby designated as a beneficiary country under the ATPA.

(2) In order to remove eligibility under the ATPA for certain textile and apparel provisions and to provide duty reductions for a certain subheading, the HTS is modified as provided for in Annex I.

(3) General note 3(c)(ii)(A) to the HTS, enumerating those countries and areas eligible for benefits of the GSP, is amended by deleting "Czechoslovakia" from the list of independent countries and inserting in lieu thereof, in alphabetical sequence, "Czech Republic" and "Slovakia".

(4) In order to correct certain technical errors, the HTS is modified as provided for in Annex II.

(5) Additional U.S. note 2 to chapter 17 is modified by deleting "1701.91.20," and inserting "1701.91.21, 1701.91.22," in lieu thereof and by deleting "1702.90.30, 1806.10.40 and 2106.90.10," and inserting "1702.90.31, 1702.90.32, 1806.10.41, 1806.10.42, 2106.90.11 and 2106.90.12," in lieu thereof.

(6) The article description for HTS subheading 9905.39.10 is modified by deleting "3926.90.90" and inserting "3926.90.95" in lieu thereof.

(7) General note 3(b) to the HTS is modified by deleting "Union of Soviet Socialist Republics" and by inserting in alphabetical sequence in lieu thereof "Azerbaijan", "Georgia", "Tajikistan", "Turkmenistan", and "Uzbekistan".

(8) Upon notice by the USTR in the **Federal Register** that a trade agreement has been concluded between the United States and a republic listed in paragraph (7) of this proclamation and general note 3(b) to the HTS, such republic shall be deleted from general note 3(b) as of the date announced by the USTR as the effective date of such trade agreement.

(9) Any provisions of previous proclamations inconsistent with the provisions of this proclamation are hereby superseded to the extent of such inconsistency.

(10)(a) The modifications made by paragraph (1) of this proclamation shall be effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after 15 days after the date of publication of this proclamation in the **Federal Register**.

(b) The modifications made by paragraph (2) of this proclamation shall be effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after the dates set forth in Annex I to this proclamation.

(c) The modifications made by paragraph (3) of this proclamation shall be effective with respect to articles both: (i) imported on or after January 1, 1976, and (ii) entered, or withdrawn from warehouse for consumption, on or after January 1, 1993.

(d) The modifications made by paragraph (4) of this proclamation shall be effective with respect to articles both: (i) imported on or after January 1, 1976, and (ii) entered, or withdrawn from warehouse for consumption, on or after January 12, 1993.

(e) The modifications made by paragraph (5) of this proclamation shall be effective October 1, 1990.

(f) The modifications made by paragraph (6) of this proclamation shall be effective with respect to goods originating in the territory of Canada which are entered, or withdrawn from warehouse for consumption, on or after January 1, 1993.

(g) The modifications made by paragraph (7) of this proclamation shall be effective on the date of signature of this proclamation.

(h) The modifications made by paragraph (8) of this proclamation shall be effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after the date announced by the USTR as the effective date.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of April, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and seventeenth.

WILLIAM J. CLINTON

ANNEX I

(a) Effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after July 22, 1992.

(1) For the following HTS subheadings, in the Rates of Duty 1-Special subcolumn, delete in the parentheses following the "Free" rate the symbol "J":

3921.12.15	6204.42.10	6204.59.10	6205.30.10
3921.13.15	6204.43.10	6204.62.30	6206.20.10
4202.32.80	6204.44.20	6204.63.20	6206.30.10
5309.11.00	6204.52.10	6205.10.10	6206.40.10
5309.19.00	6204.53.10	6205.20.10	

(2) For the following HTS provisions, in the Rates of Duty 1-Special subcolumn, delete in the parentheses following the "Free" rate the symbol "J*":

5006.00.90	5809.00.00	6204.49.50	6301.10.00
5007.10.60	5810.10.00	6204.69.90	6302.10.00
5007.90.60	5901.10.20	6205.90.40	6302.40.10
5306.10.00	5901.90.40	6206.90.00	6302.40.20
5306.20.00	5905.00.90	6208.99.80	6302.52.10
5308.20.00	5907.00.90	6211.20.15	6302.52.20
5308.90.00	5911.20.30	6211.20.20	6302.92.00
5309.21.30	6001.10.60	6211.20.30	6302.99.20
5309.21.40	6001.29.00	6211.20.40	6303.19.00
5309.29.30	6002.10.80	6211.20.50	6304.11.30
5309.29.40	6002.20.90	6211.20.60	6304.99.35
5311.00.30	6002.30.20	6211.20.70	6305.90.00
5311.00.40	6002.30.90	6212.20.00	6306.19.00
5601.10.20	6002.49.00	6212.30.00	6307.90.30
5606.00.00	6106.90.30	6213.10.20	6307.90.40
5607.90.20	6112.20.20	6213.90.20	6307.90.50
5801.90.10	6112.39.00	6214.10.20	6308.00.00
5803.90.20	6112.49.00	6214.90.00	6505.90.15
5806.20.00	6117.10.60	6215.90.00	6505.90.25
5806.39.20	6204.39.80	6216.00.90	9404.90.80

(b) Effective with respect to articles which are the product of any beneficiary country under the ATPA which are entered, or withdrawn from warehouse for consumption, on or after the dates set forth in the following tabulation.

For HTS subheading 4202.32.80, the Rates of Duty 1-Special subcolumn is modified (a) by inserting on the date of signature of this proclamation the rate of duty specified for such HTS subheading in the following tabulation for 1993, followed by the symbol "J" in parentheses, and (b) on January 1 of each of the following years in this tabulation, the duty rate followed by the symbol "J" in parentheses is deleted and the following rates of duty inserted in lieu thereof.

HTS subheading	1993	1994	1995	1996
4202.32.80	6%	5.7%	5.5%	5.2%

ANNEX II

Effective with respect to articles both: (i) imported on or after January 1, 1976 and (ii) entered, or withdrawn from warehouse for consumption, on or after January 12, 1993.

1. The HTS is modified as provided below, with bracketed matter included to assist in the understanding of proclaimed modifications. The following supersedes matter in the HTS. The subheadings and superior text are set forth in columnar format, and material in such columns is inserted in the columns of the HTS designated "Heading/Subheading", "Article Description", "Rates of Duty 1-General", "Rates of Duty 1-Special", and "Rates of Duty 2", respectively.

Subheadings 2924.42.26 and 2924.42.28 are deleted and the following new provisions inserted in numerical sequence:

[Amine-function compounds:]				
[Aromatic monoamines:]				

	[Aniline derivatives:]			
"2921.42.21	Metanilic acid	2.4¢/kg+ 18.8%	Free (A*, CA, E, IL, J)	15.4¢/kg+ 60%
2921.42.22	Sulfanilic acid	2.4¢/kg+ 18.8%	Free (CA, E, IL, J)	15.4¢/kg+ 60%"

Conforming change: General note 3(c)(ii)(D) to the HTS is modified by deleting "2921.42.26 India" and inserting, in numerical sequence,"2921.42.21 India" in lieu thereof.

Proclamation 6545 of April 14, 1993

Pan American Day and Pan American Week, 1993

By the President of the United States of America
A Proclamation

Five hundred years after the first Europeans began exploring the Americas, it is appropriate to reflect on our hemisphere's unique role in this rapidly changing world and to rediscover the peoples of the Americas. On Pan American Day, the people of the Americas pledge to renew the ties that make our relationship unique. We cherish our hemisphere's proud history as we look forward to a new era of cooperation between our countries and cultures.

We have seen remarkable changes around the globe. The defeat of totalitarianism and the sweep of democratic and free market reforms have brought new opportunities and new challenges to the world. Progress toward political, economic, and social change has been dramatic in our own hemisphere.

From North to South, more and more citizens of the Americas are enjoying the benefits of liberty. Fundamental principles of democracy, including respect for human rights, continue to be embraced. It is our hope that all nations of the Americas will join in this democratic revolution and at last realize the dream of a hemisphere of democratic nations.

The need for international cooperation is greater than ever, because we face many difficult issues in this era: drug trafficking, weapons proliferation, and environmental degradation. Through a renewed partnership between nations of this hemisphere, we can develop innovative means to combat such problems, thus ensuring lasting security for future generations.

A century ago, representatives of the nations of this hemisphere met in Washington to establish the International Union of the American Republics. Accepting the principles of democracy, peace, security, and prosperity, these member nations made a firm commitment to mutual cooperation throughout the hemisphere. Its successor, the Organization of American States, has furthered this commitment. In the words of the Charter of the Organization of American States, "[the] historic mission of America is to offer to man a land of liberty." I applaud and encourage the activity of the Organization of American States in this pursuit to ensure that worldwide changes create a hemisphere of peace and prosperity.

We can take great pride in what the Americas have already achieved. But there is much work to be done. All Americans from North to South

should renew their commitment to fulfilling our forefathers' vision of an inter-America system. The hemisphere of George Washington and Thomas Jefferson, of Simón Bolívar and José de San Martín, establishes an example of freedom for the rest of the world. With democracy as the cornerstone of a new working partnership, we can achieve a revolutionary level of cooperation among the countries of America.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim Wednesday, April 14, 1993, as "Pan American Day" and the week of April 11 through April 17, 1993, as "Pan American Week." I urge the Governors of the 50 States, the Governor of the Commonwealth of Puerto Rico, and officials of other areas under the flag of the United States of America to honor these observances with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of April, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and seventeenth.

WILLIAM J. CLINTON

Proclamation 6546 of April 17, 1993

National Volunteer Week, 1993

By the President of the United States of America
A Proclamation

The spirit of service is embodied in the people of America. With the knowledge that each of us benefits when we all work together, and with the willingness to act on that knowledge, we have always strived to bring out the best in ourselves and in our country. This tradition of service sustains and defines our citizenship and our democracy. Our shared institutions and values unite this country and make it great. None of these runs deeper than the spirit of service.

As they have throughout history, volunteers today are lifting up America. Millions of citizens are giving of themselves to help provide a better future for all Americans. The many forms of service are as diverse as the American people: a homemaker organizing a neighborhood patrol, a retired firefighter becoming a foster grandparent, a teenager volunteering in a health clinic, or a small child designing a recycling program. A uniquely American spirit unites all of these efforts.

In our smallest counties and in our largest cities—in every community across the land—citizens are renewing America through service. Alone, any one effort can make a significant impact. Together, they can change our country forever—not only through the material improvements they create but also through the spiritual transformation they foster.

This week, then, it is fitting that we honor the millions of people who devote themselves to helping others. But this year, let us do more than

recognize their efforts. Let us renew our spirit of volunteerism and rededicate ourselves to serving our fellow Americans.

This is a time to rekindle the spirit of service. Old and young, rich and poor, all of us have roles to play in making our Nation stronger. We must serve in order to allow our children—and future generations—to live up to their full potential. Just as important, we must serve in order to be our best as Americans and as human beings.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by the authority vested in me by the Constitution and laws of the United States, do hereby designate the week beginning April 18, 1993, as National Volunteer Week. I ask all Americans to join in commending the contributions volunteers make to our Nation. I urge every citizen to consider how, in our own ways, we can renew our Nation's hope, revitalize our people's spirit, and reclaim our country's promise.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of April, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and seventeenth.

WILLIAM J. CLINTON

Proclamation 6547 of April 22, 1993

National Credit Education Week, 1993

By the President of the United States of America
A Proclamation

Consumer credit is an integral part of the free enterprise economy of the United States. The vast array of credit products has expanded opportunities for consumers. At the same time, this trend has increased consumers' need for simple, understandable information about their options. Informed consumers who know their choices, rights, and responsibilities are better able to choose and use credit wisely. The prudent use of credit increases economic stability and enhances market competition.

The theme of this year's observance, "Good Credit—Unlimited Opportunities," recognizes that consumers, with careful budgeting and planning, can benefit from increased choices and opportunities in today's marketplace. Credit education is crucial to helping the public use credit wisely and responsibly. A good credit record can help a consumer obtain a job, finance a child's education, and obtain a mortgage to buy a home.

Tests of adults and high school students across the Nation show that consumers in the United States are not prepared adequately to deal with complex consumer credit choices. Even though the rights of consumers in credit transactions are guaranteed in Federal and State laws, most consumers have little understanding of their rights or of the agencies responsible for protecting these rights. Consumers clearly can benefit a great deal from expanded consumer credit education efforts.

In recognition of the importance of the prudent use of credit, the Congress, by Public Law 102–483, has designated the week beginning April 18, 1993, as "National Credit Education Week" and has authorized and requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim the week beginning April 18, 1993, as National Credit Education Week. I encourage all Americans—particularly business people, educators, public officials, consumer advocates, community organizations, and members of the media—to observe this week with appropriate programs and activities to educate and inform consumers about their credit rights and responsibilities and about the benefits of the wise use of credit.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of April, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and seventeenth.

WILLIAM J. CLINTON

Proclamation 6548 of April 23, 1993

Nancy Moore Thurmond National Organ and Tissue Donor Awareness Week, 1993

By the President of the United States of America
A Proclamation

On April 14, 1993, the promising life of Nancy Moore Thurmond was taken in an auto accident. In the heartbreaking moments after her death, Nancy's parents, Senator Strom Thurmond and his wife Nancy, made the decision that their daughter's organs should be donated to others. Through this selfless act, the Thurmonds redeemed the promise of Nancy Moore Thurmond's youth and helped to sustain the lives of other human beings. In memory of Nancy, we commit ourselves this week to understanding what the donation of organs can mean.

In the history of medicine, few advances have been more awe-inspiring than successful organ and tissue transplants. In recent years we have seen the miracle of terminally ill patients receiving a second chance at life with a new heart, liver, lung, or kidney. We have seen children with leukemia regain their health through bone marrow transplants; we have witnessed the restoration of sight to the blind through new corneas; and we have seen thousands of Americans resuming normal lives after receiving a transplanted organ or tissue. But many others still wait, and many die waiting for a suitable organ to become available.

Today there are more than 30,000 patients on the national transplant waiting list, and a new patient is added to the list every 20 minutes. The need for organs far surpasses the number donated each year. We must increase public awareness of the successes of transplantation and the urgent need for increased donation. The American public needs to know that by completing an organ donor card and carrying it, and by

making their families aware of their wishes to donate, they may give the gift of life to others.

Americans are a caring and giving people. Many Americans who have lost their loved ones in tragic accidents have found some measure of comfort in knowing that despite their loss, others may live. The Thurmond family can take solace in the knowledge that their beautiful daughter, Nancy Moore Thurmond, gave life to others.

To honor Nancy Moore Thurmond, and to focus public attention on the desperate need for organ donors, the Congress, by Senate Joint Resolution 66, has designated the week beginning April 18, 1993, as "Nancy Moore Thurmond National Organ and Tissue Donor Awareness Week" and has authorized and requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim the week of April 18 through April 24, 1993, as Nancy Moore Thurmond National Organ and Tissue Donor Awareness Week. I urge all health care professionals, educators, the media, public and private organizations concerned with organ donation and transplantation, and all Americans to join me in supporting this humanitarian action. In the memory of their loved ones, and in the life they have shared with others, Nancy Thurmond and all other organ donors will live on.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of April, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and seventeenth.

WILLIAM J. CLINTON

Proclamation 6549 of April 23, 1993

Cancer Control Month, 1993

By the President of the United States of America
A Proclamation

Last year, more than 1.1 million Americans were likely to develop cancer. Another 520,000 were likely to die from the disease.

Cancer remains the second leading cause of death among women in the United States, accounting for approximately 245,000 deaths in 1992. Breast cancer is now the leading cause of death in women ages 40 to 44. Prostate cancer accounted for approximately 132,000 new cases of cancer in men in 1992 and is second only to lung cancer as the leading cause of death for men. No one of any race, age, gender, or socioeconomic status is immune to the many forms of this deadly disease.

The National Cancer Institute, through its nationwide Cancer Information Service, and the American Cancer Society, through its national programs and many local offices, reach millions of people with information about disease prevention. Community service and outreach efforts promote early detection of breast and cervical cancer and increase awareness of the risks of skin cancer.

Every American should understand that the ability to destroy cancer relies on detection in its early stages. Outreach efforts are also vital in informing our citizens of the dangers of tobacco use, of the importance of a healthy diet, and of the need to maintain a desirable weight.

Fewer Americans smoke now than in 1965, and between 1964 and 1987, three-quarters of a million smoking-related deaths were avoided. The general population has become increasingly aware of the dangers of environmental exposure, poor dietary habits, and not seeking periodic examinations for early detection and treatment.

We are fortunate to live at a time when early detection techniques are improving rapidly. By investing in science and technologies, we all will benefit from medical and scientific advances in disease prevention and treatment. Even the development of a vaccine to prevent cancer may be possible in the future.

Although significant progress has been made in combatting the disease, we must renew our commitment to the work that still must be done. Through an integrated system of public education and research, we can constantly improve cancer prevention and control.

In 1938, the Congress of the United States passed a joint resolution (52 Stat. 148; 36 U.S.C. 150) requesting the President to issue an annual proclamation declaring April as "Cancer Control Month."

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim the month of April 1993 as Cancer Control Month. I invite the Governors of the 50 States and the Commonwealth of Puerto Rico, the Mayor of the District of Columbia, and the appropriate officials of all other areas under the American flag to issue similar proclamations. I also ask health care professionals, private industry, community groups, insurance companies, and all other interested organizations and individual citizens to unite to publicly reaffirm our Nation's continuing commitment to controlling cancer.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of April, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and seventeenth.

WILLIAM J. CLINTON

Proclamation 6550 of April 28, 1993

Jewish Heritage Week, 1993

By the President of the United States
A Proclamation

The essence of America's greatness has always been the diversity of its people. From the times of native settlement through the immigration of people from hundreds of other countries, the United States has gained immeasurably from the strengths of the peoples who have come to our shores. The Jewish community is an important part of this legacy.

Jewish citizens have contributed their knowledge and skills to every field of endeavor, including education, business, industry, science, and the arts. Their names are permanently etched in America's history books, and the Jewish community's rich heritage and culture pervade all aspects of American society.

Throughout the years, immigrating to America meant educational and economic opportunity, as well as freedom from oppression, for the Jewish people. For people who suffered under the yoke of dictators and ethnic hatred, America's democracy offered a chance for political involvement and religious liberty.

By wagon and train, by horseback and all other means of conveyance, the Jewish people have traveled across the vast expanse of America to create prosperous and rewarding lives for themselves. In the process, they have improved the social, political, and economic fabric of our Nation. To celebrate these contributions and recognize the people, traditions, and culture of the Jewish faith, the Congress, by Senate Joint Resolution 30, has designated the week of April 25, 1993, through May 2, 1993, as "Jewish Heritage Week" and has authorized and requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim the week of April 25, 1993, through May 2, 1993, as Jewish Heritage Week. I call upon the people of the United States to observe the week with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of April, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and seventeenth.

WILLIAM J. CLINTON

Proclamation 6551 of April 28, 1993

National Crime Victims' Rights Week, 1993

By the President of the United States of America
A Proclamation

Every day, thousands of men, women, and children are murdered, raped, robbed, beaten, or abused. They are the innocent victims of crime in the streets, towns, and homes of America.

Fortunately, crime victims in this country are not left alone to try to recover from the physical, emotional, and financial distress of victimization. Thousands of dedicated Americans are working tirelessly at the Federal, State, and local levels to provide comfort and financial assistance and to advocate for fair treatment. These advocates help the innocent victims of crime to recover from the trauma of victimization and to navigate the often emotionally difficult criminal justice process. "National Crime Victims' Rights Week" provides a special opportunity for us to demonstrate our appreciation to these selfless advocates and to renew our commitment to the needs and rights of crime victims.

Much has been accomplished during the past two decades to institutionalize victims' rights in this country. Bills of rights have been enacted at the Federal level and by 49 State governments to codify certain essential protections for victims. All 50 States now have crime victim compensation programs. Federal assistance under the Victims of Crime Act continues to supplement State crime victim compensation programs, support programs that provide direct assistance to crime victims, establish assistance for Native Americans who have been victimized, and provide training to increase the sensitivity of criminal justice practitioners to the special needs of crime victims.

While these gains are significant, there is still much that must be done to combat the crime trends that further threaten our communities. We must continue to work together to prevent crime and to protect ourselves, our families, and our fellow Americans from violence. We must work to provide opportunity where despair reigns. We must work together to ensure that hardened criminals who prey upon the innocent receive punishment commensurate with the harm—physical, emotional, and financial—that they have inflicted. And we must continue to work together to ensure that the innocent victims of crime receive the services they need and fair treatment by our Nation's criminal justice system.

The Congress, by Senate Joint Resolution 62, has designated the week of April 25 through May 1, 1993, as National Crime Victims' Rights Week and has authorized and requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim the week of April 25 through May 1, 1993, as National Crime Victims' Rights Week. I urge all Americans to join in honoring those who work in behalf of crime victims and their families and to commit themselves to working together with their neighbors for safer streets, safer schools, and brighter tomorrows for all our citizens.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of April, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and seventeenth.

WILLIAM J. CLINTON

Proclamation 6552 of April 28, 1993

Death of Cesar Chavez

By the President of the United States of America
A Proclamation

Cesar Chavez came from the humble yet proud beginnings of a migrant worker to lead those same workers in a movement that irreversibly shaped our Nation and brought justice and dignity to thousands. After the Depression forced young Cesar and his family from their ranch, he began working in the fields at an early age. His family traveled throughout California following the seasonal work, and he attended nearly 70 schools before dropping out to help support his family. Al-

though his formal education ended after the seventh grade, Cesar learned much from the courageous example of his parents. Often among the first to resist exploitation and to stand up to injustice, they instilled in Cesar a profound respect for the intrinsic value of each human person, and a fervent desire to protect that value. Inspired by the teachings of a Catholic priest and by the writings of Ghandi and other great civil leaders, Cesar rose to become one of the great labor leaders of our time.

The United Farm Workers, the union he founded and led for almost three decades, became a symbol of empowerment and pride for many workers. Cesar's innate understanding of the problems facing migrant workers allowed him to organize thousands of farm workers across the Nation. With natural leadership and unflagging determination, he achieved real progress where others had failed.

His insistence on nonviolent tactics stood in stark contrast to the bitterness and brutality that were used in resistance. The strength of his vision and the power of his leadership enabled him to take his struggle directly to the American people. He focused our Nation's attention on the economic and social plight of migrant farm workers and, in the process, taught us how injustice anywhere affects us everywhere.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by the authority vested in me by the Constitution and laws of the United States, in tribute to the memory of Cesar Chavez, do hereby call upon the citizens of this great Nation to reflect on and honor the life of this distinguished leader, veteran, and American.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of April, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and seventeenth.

WILLIAM J. CLINTON

Proclamation 6553 of April 30, 1993

National Day of Prayer, 1993

By the President of the United States of America
A Proclamation

The American people were the first to define a nation in terms of both spirituality and human liberty. Throughout our Nation's history, America has been a beacon for millions in search of spiritual and religious freedom. Immigrants have come to the United States seeking not just freedom from persecution and discrimination, but also freedom for the right of self-determination. On this National Day of Prayer, we reaffirm this fundamental freedom of religion that has made our Nation so strong.

Thomas Jefferson understood the greater purpose of the liberty that our Founding Fathers sought during the creation of our Nation. Although it was against the British that the colonists fought for political rights, the true source of the rights of man was clearly stated in the Declara-

tion of Independence. Jefferson wrote that all humans are "endowed by their Creator with certain unalienable Rights . . . ." It was self-evident to him that denying these rights was wrong and that he and others must struggle to win what was theirs.

The epic struggle of the Revolutionary War and the vigilance that the protection of our rights has required have embedded in our Nation a profound understanding of the true meaning and value of our freedom. With the rights of life, liberty, and the pursuit of happiness comes the duty to use those rights for the good of humankind. This belief is fundamental to the American tradition. The result of our Founding Fathers' conception of a state created by man through the responsible use of God-given rights is a Nation of unparalleled freedom and dazzling diversity.

Today we face great challenges. The diversity that gives us so much strength is often seen as a source of division. We are searching for solutions to the difficult challenges of providing a safe and rewarding future for our children, securing adequate health care for our people, and of building good, nurturing communities.

Through prayer our people take a moment away from the concerns of everyday life to understand the greater power that gives us guidance. We come together in an act common to all religions. Prayer gives us a quiet space to remember and contemplate the greater purpose of the activity that fills our lives. As a Nation, we understand the common bonds we all share, and we recommit ourselves to serving a greater good. Prayer enables us to rejoice in our freedoms and understand the implicit responsibility that accompanies them. We return to the guiding vision that gives our Nation so much vitality.

By joint resolution of the Congress, approved April 17, 1952, the people have recognized the role of spiritual reaffirmation and prayer in our history by setting aside a particular day each year as a "National Day of Prayer." Since 1952, each President has proclaimed an annual National Day of Prayer, resuming the tradition begun by our Founding Fathers in 1776. By Public Law 100–307, the first Thursday in May of each year has been set aside as a National Day of Prayer.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim May 6, 1993, as a National Day of Prayer. I call upon the citizens of this great Nation to pray, each after his or her own manner, to remember those who are in need, to achieve patience in tribulation, to resolve the problems that divide us, to rejoice in hope, and to express thanks for the abundance we have experienced throughout our history.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of April, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and seventeenth.

WILLIAM J. CLINTON

Proclamation 6554 of April 30, 1993

National Arbor Day, 1993

By the President of the United States of America
A Proclamation

It is proper that we celebrate America's forests, which provide us with a link to our past, a thriving ecosystem, and indispensable resources that are vital to our economy.

Trees are one of the symbols of our culture. Our forebears explored America's forests; lived, hunted, and fought in them; and celebrated them in art, music, folktales, and literature. Our traditions speak of the Tree of Life, just as Thomas Paine spoke of the Tree of Liberty. Paul Bunyan and Babe made their living in the forest, and Huck Finn used trees to make his wooden raft to ride down the Mississippi River on his great American adventure. Today, a walk through the woods or a city park reminds us of our country's special ties to the land we inherited.

Our trees are valuable protectors of our ecosystem. They provide a thriving habitat for animal and plant life; their roots curb soil erosion; their leaves freshen our air by providing oxygen; and their branches shelter us from the sun and the wind.

On Arbor Day, we also recognize those whose lives and livelihoods are intertwined with our forests. Generations of Americans have depended on forests for the lumber to build houses and the fuel to heat their homes. Many Americans continue to harvest lumber and produce wood products, foresters help us manage our forests wisely, and civic associations help ensure the preservation of our woodlands.

Despite the critical importance of our forests, we have not always been diligent stewards of our inheritance. Not long after the Civil War, our ancestors realized that the need for wood products was placing too great a demand on our forests. And in 1872, concerned residents of the State of Nebraska came together on the first Arbor Day to look to the future and preserve America's forests for our generation and the ones yet to come. As we approach the 21st century, we must rededicate ourselves to a forest policy that sustains a strong forest economy and a healthy ecosystem.

Arbor Day is commemorated with an activity in which every American can take part: the planting of a tree—in a backyard, in a park, or on a mountainside. Each new sapling planted today connects us to our parks and wilderness areas here at home, as well as to the tropical forests and wetlands around the world. We must ensure that our children and their descendants have just as much to celebrate on Arbor Day 100 years from now.

The Congress, by House Joint Resolution 127, has designated the last Friday in April as "National Arbor Day."

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim April 30, 1993, as National Arbor Day. I call upon the people of the United States to observe this day with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of April, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and seventeenth.

WILLIAM J. CLINTON

Proclamation 6555 of April 30, 1993

Law Day, U.S.A., 1993

By the President of the United States of America
A Proclamation

Ours is a Nation of laws, united not just by a common language and culture, but by a unique devotion to and belief in a national common law: our Constitution.

On Law Day, we celebrate our Constitution and all of the legal institutions that flow from it. Though often thought of as the province of lawyers, we must never forget that these laws and institutions were created not just by lawyers, but also by farmers and architects; businesspeople and laborers; doctors, ranchers, merchants, and machinists. The protection under our laws is the birthright of all Americans, the great inheritance we have received from those who have come before.

In times past, not all Americans have shared in the rights secured by our laws. Courageous and visionary men and women devoted their lives—and sometimes sacrificed them—because they believed that none of us can enjoy the blessings of liberty unless all of us do. To the people who continue to give of themselves each day to this pursuit goes my highest tribute on this Law Day.

Today, as a lawyer and as President, I challenge the members of America's legal profession to devote themselves to the great causes and the great challenges before us as a Nation. As did your predecessors, you must be the leaders in the struggle to promote equality in our society and justice in our courts. Just as our laws are meant to benefit us all, the practice of law cannot be conducted for private benefit alone. I call on all lawyers to make a commitment to public service and civic affairs. This is the heritage of our profession, and a duty arising from the privilege bestowed upon us as lawyers.

On Law Day, I want to reiterate the commitment of my Administration to the rule of law, both here at home and around the world. My Administration will work hard to improve the quality of justice in our courts by selecting the very best men and women to serve as Federal judges. We will dedicate ourselves to promoting justice in our communities by launching new and innovative measures to combat crime and ensure public safety. We will pledge to advance justice in our society by reinvigorating our civil rights laws and our application of them.

We will strive to strengthen our families by increasing enforcement of our child support laws; to strengthen our environment by demanding that polluters pay for the harm that they cause; to strengthen our economy by ensuring that all persons have an equal right to opportunity

and employment. In all of these endeavors, our laws will play a critical role.

On this day, we cannot ignore the criticisms aimed at our legal system and the calls for changes in it. I share the view that our legal system needs reform. But even as we undertake these reforms, we should never forget that it is our legal system that is the envy of the world. As the nations around the globe emerge from the long, dark days of the past into the new light of freedom, it is to our laws, our courts, our private bars—our legal institutions—that they look for inspiration. This should be a source of enormous pride for all lawyers and for all Americans.

From the days of our Nation's founding, the torch of freedom has been passed from one generation to the next. Today we hold it higher, and it burns more brightly than ever. Democracies around the world, new and old, look to us to lead the way. The law of our land stands as a beacon of hope for these people and for those still yearning to be free.

The turmoil in various parts of the world attests to the need to promote respect for international law and to strengthen international institutions for the protection of international peace and security and of human rights. My Administration will also pursue those objectives.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, in accordance with Public Law 87–20 of April 7, 1961, do hereby proclaim May 1, 1993, as "Law Day, U.S.A." I urge the people of the United States to use this occasion to reflect on our heritage of freedom, to familiarize themselves with their rights and responsibilities, and to aid others seeking to affirm their rights under law.

I call upon the legal profession, civic associations, educators, librarians, public officials, and the media to promote the observance of this day through appropriate programs and activities. I also call upon public officials to display the flag of the United States on all government buildings on Law Day, U.S.A.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of April, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and seventeenth.

WILLIAM J. CLINTON

Proclamation 6556 of May 1, 1993

Loyalty Day, 1993

By the President of the United States of America
A Proclamation

"Loyalty Day" is an occasion on which we reaffirm our allegiance to our country and our devotion to the ideals on which it was founded. Our government "by the people" respects and protects the natural rights and freedoms of all citizens, without favor, and deserves our abiding fidelity.

For more than 200 years, people from around the world have immigrated to America, bringing their dreams and aspirations to a country that prides itself on its democratic ideals. There is no greater testament to the success of our system of governance than people's desire to be a part of the great American experiment. Our Founders designed that system on the principles of individual liberties and rights of self-determination. Our Nation stands as a beacon of hope for all those who embrace these ideas.

Generations of Americans have demonstrated loyalty and devotion to their country and have gone to great lengths to preserve their freedom. Many have fought and died so that future generations could continue the proud traditions of our Nation. To acknowledge this loyalty and love of country, the Congress, by a joint resolution approved July 18, 1958 (72 Stat. 369; 36 U.S.C. 162), has designated May 1 of each year as "Loyalty Day."

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim May 1, 1993, as Loyalty Day. I call upon all Americans to observe this day with appropriate ceremonies and activities, including public recitation of the Pledge of Allegiance to the Flag of the United States. I also call upon government officials to display the flag on all government buildings and grounds on this day.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of May, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and seventeenth.

WILLIAM J. CLINTON

Proclamation 6557 of May 3, 1993

Asian/Pacific American Heritage Month, 1993

By the President of the United States of America
A Proclamation

This month we honor the heritage and history of Asian and Pacific Americans and the contributions they have made to our country: to its economic development, its cultural wealth, its scientific and medical achievements, its institutes of education, and its government. As we celebrate the diversity of our people and their heritage, we remember that we are one Nation, united in a common quest for freedom and dignity.

Traders from the Asia-Pacific region reached North America as early as the16th century, but the first significant wave of immigration began during the late 1800s. From China, Japan, Korea, the Philippines, and the Indian subcontinent they came and found work in America: as miners, railroad workers, farmers, and merchants. These settlers and their children preserved the rich legacy of their homelands while also learning the history of our Nation and embracing the traditions that define it.

While they found many opportunities in America, immigrants from the Asia-Pacific region also were victims of discrimination. Some were denied the right to buy land or become naturalized citizens solely because of their ethnic origin. Such prejudice often led to segregated community structures. Once thought of as ghettos, these neighborhoods are now vibrant cultural assets and magnets for tourism and trade in the cities of which they are a part.

America has made great progress in advancing civil rights since the days when Asian workers were exploited and labored under crushing hardship. A second significant wave of immigration brought doctors, nurses, engineers, musicians, scientists, and other professionals. Now-familiar names like Yo Yo Ma, Midori, Seiji Ozawa, Amy Tan, Michael Chang, and Kristi Yamaguchi today symbolize the rich heritage that Asian and Pacific Americans have added to our culture.

Today Asian and Pacific Americans represent a large portion of our population. The region from which they migrated is now one of the world's most dynamic areas of economic growth. America's trade with Asian and Pacific countries totals more than $300 billion, a greater amount than any other region in the world. The United States maintains alliances with countries from the Pacific such as Japan, Korea, the Philippines, and Thailand. We will continue to promote economic cooperation and the expansion of free markets there. The security of our allies and the advancement of human rights in Asia and the Pacific benefit both our country and the countries of that region.

America is an ongoing experiment, an unfinished work. It is important that we continually strive to fulfill the ideals that attracted the Asian/Pacific peoples and other immigrants to our shores. The next century will present many challenges, but the ethnic diversity that binds us as a Nation will provide us with the energy and hope we need to build a more peaceful and more prosperous world. To honor the achievements of Asian/Pacific Americans and to recognize their contributions to our Nation, the Congress, by Public Law 102–450, has designated the month of May of each year as "Asian/Pacific American Heritage Month."

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim the month of May 1993 as Asian/Pacific American Heritage Month. I call upon the people of the United States to observe this occasion with appropriate programs, ceremonies, and activities. I also call upon all Americans to rededicate themselves to the principles of inclusion, mutual respect, and social justice.

IN WITNESS WHEREOF, I have hereunto set my hand this third day of May, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and seventeenth.

WILLIAM J. CLINTON

Proclamation 6558 of May 6, 1993

National Walking Week, 1993

By the President of the United States of America
A Proclamation

Medical research confirms that regular physical activity benefits human health in many ways. Exercise can help to prevent and manage coronary heart disease, hypertension, noninsulin-dependent diabetes, osteoporosis, and mental health problems, such as depression and anxiety. Regular exercise is also linked with lower rates of colon cancer and stroke. Light to medium exercise for at least 30 minutes each day enhances our lives by improving our physical fitness and our health.

Sustained walking is a wonderful way to exercise at minimal risk and little cost. Millions of Americans enjoy walking for a variety of reasons: as a time for private reflection; an occasion to enjoy the company of friends; a form of public demonstration; or as an invigorating activity and sport. Exercise such as walking is a key component of our Nation's prevention agenda, which envisions a healthier, vibrant America. Regular walking is a form of self-care that can contribute to the reduction of preventable death, disease, and disability; reduce health care costs; improve overall energy and efficiency; and promote long and healthy lives. Americans across the country are experiencing the joys and benefits of regular walking as policymakers, legislators, and citizens work to improve trails and protect natural environments that make walking pleasurable and safe.

The Congress, by Public Law 102–474, has designated the week of May 2 through May 8, 1993, as "National Walking Week" and has requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim the week of May 2 through May 8, 1993, as National Walking Week. I invite the Governors of the 50 States and the appropriate officials of all other areas under the jurisdiction of the United States to issue similar proclamations. I encourage the American people to join with health and recreation professionals, private voluntary associations, and other concerned organizations in observing this week with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of May, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and seventeenth.

WILLIAM J. CLINTON

Proclamation 6559 of May 7, 1993

Mother's Day, 1993

By the President of the United States of America
A Proclamation

For more than half a century, Americans have celebrated Mother's Day on the second Sunday in May. On this day, we honor our mothers and reflect on the many hours of love and care they have devoted to our lives.

Mothers are the cornerstone of our communities. As caregivers, community activists, teachers, leaders, and business professionals, they serve as role models and inspirations for our achievements. Their tireless devotion to the family nourishes us as individuals and enriches our Nation.

Throughout life, a mother is a teacher, a nurturer, a supporter, and a source of strength. Our mothers instill in us strong values and the confidence to dream big dreams. With their encouragement and support, we can pursue our dreams and make them come true.

Mothers enrich our lives in so many ways. Whether biological, foster, or adoptive, a mother holds an enduring place in our hearts; a mother's love transcends all differences and divisions. We admire the energy, strength, and conviction of our mothers, and we honor their dedication to helping others. As we celebrate Mother's Day, let us cherish their gifts of selflessness and love.

In recognition of the contributions of all mothers to their children and to the Nation, the Congress, by a joint resolution approved May 8, 1914 (38 Stat. 770), has designated the second Sunday in May each year as "Mother's Day" and requested the President to call for its appropriate observance.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby request that Sunday, May 9, 1993, be observed as Mother's Day. I direct Government officials to display the flag of the United States on all Federal Government buildings, and I urge all citizens to display the flag at their homes and other suitable places on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of May, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and seventeenth.

WILLIAM J. CLINTON

Proclamation 6560 of May 7, 1993

Be Kind to Animals and National Pet Week, 1993

By the President of the United States of America
A Proclamation

Throughout our history, animals have played an important part in our lives. In colonial times, we relied on animals to carry us and our belongings over great distances to our frontier homesteads. When we arrived, they worked with us, sustained us, and helped us earn a living. Today, animals still help us in our economic lives, but they have taken on a greater role as our guardians and companions.

We celebrate this week in order to remember the many ways that animals help us. By serving as guides, animals aid the blind. As lookouts and detectives, animals assist in our military, customs, and law enforcement efforts. As friends and companions, pets befriend our children, ease the loneliness of the elderly and the ill, and entertain our families in our daily lives. We also salute the veterinary professionals and animal protection organizations that help us provide food, shelter, and medical care for animals and pets.

Together with all the creatures of the world, human beings are a part of nature. Just as we must respect our environment, we must treat animals kindly. In recognition of this, the Congress, by Public Law 102–504, has designated the week of May 2 through May 8, 1993, as "Be Kind to Animals and National Pet Week" and has authorized and requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim the week of May 2 through May 8, 1993, as Be Kind to Animals and National Pet Week. I urge the people of the United States to observe this week with the appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of May, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and seventeenth.

WILLIAM J. CLINTON

Proclamation 6561 of May 14, 1993

Small Business Week, 1993

By the President of the United States of America
A Proclamation

Over 200 years ago, the Constitutional Convention gave America the foundation of our great civil and human rights, as well as our commercial rights. By freeing commerce from the fetters of mercantilism, our Founding Fathers released the creativity and entrepreneurial spirit of the American people. Small merchants and businessmen provided the simple beginnings of what has become a vast and innovative economy.

Since 1789, it has become abundantly clear that for our Nation to flourish, small businesses must continue to succeed and prosper.

Small businesses create two-thirds of all the new jobs in the United States, putting the American Dream within reach of hundreds of thousands of men and women of all backgrounds. Small businesses generate more than 57 percent of all sales and half of the domestic private sector output. Thousands of our Nation's most innovative companies and most nimble competitors come from the ranks of small businesses. And often, whole new industries are created when entrepreneurs found new companies to bring new products and services to market. The drive that is required to begin and run a small business illustrates the determination, hard work, and community involvement that are so essential to our free enterprise system.

We must recognize these contributions and help small business help the country, creating jobs and wealth. Those willing to take risks must be rewarded; government must implement sensible regulations and attack the enormous costs of health care that stifle the growth of so many American companies. America must continue to be a fertile land for industry.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim the week of May 9 through May 15, 1993, as the 30th "Small Business Week," and I call on every American to join me in recognizing the importance and contributions of small businesses across the Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of May, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and seventeenth.

WILLIAM J. CLINTON

Proclamation 6562 of May 19, 1993

National Defense Transportation Day and National Transportation Week, 1993

By the President of the United States of America

A Proclamation

As Americans, we take great pride in our fine transportation system. This system links our vast Nation in an intricate network of highways, waterways, bridges, and mass transit systems. Our transportation infrastructure strengthens America by bringing people and communities closer together, spurring trade and commerce, and strengthening our manufacturing and military power.

Our Nation's transportation system plays a vital role in our national defense, both in times of crisis and in peace. It has carried U.S. Armed Forces to many regions of the world; it has quickly and safely moved the materiels needed to protect our interests; and it has accelerated the

delivery of supplies and personnel to thousands of hurricane victims in Florida and Louisiana.

The Dwight D. Eisenhower System of Interstate and Defense Highways, begun in the 1950's, has served America's defense, business, and social needs extremely well in the last 50 years. As we enter the 21st century, we must find new, more cost-effective and efficient ways to travel and to transport goods in order to compete in the global economy. Our Nation must continue its commitment to technological and engineering excellence in order to ensure long-term military and industrial strength. At the same time, we recognize that a key challenge of our era is to harness technology to protect the health of our environment and our people. Technological breakthroughs can improve our quality of life, for example, by limiting airplane noise, increasing the speed of mass transit systems, or improving the reliability of tankers for oil transport. Transportation safety can improve dramatically with new technology and with concerted education efforts. American transportation, from airplanes to boats to school buses, already has a fine safety record, and we are making great progress. In 1992 the rate of alcohol involvement in fatal crashes declined to an all-time low, and safety belt use reached a high of 62 percent.

As we survey our infrastructure in the 1990's, it is clear that we face another crucial challenge: we must shift from the construction of basic transportation systems to the adaptation and modernization of existing ones. Rebuilding America's infrastructure is not just necessary for the health of our transportation system, it is also essential to the long-term vitality of our economy. The condition of our infrastructure directly affects the speed of our commerce, the exuberance of our cities, and the mobility of our rural citizens and industries. Rebuilding our infrastructure can create jobs, improve our quality of life, spur technological development, and fuel long-term economic growth. A strong partnership between the public and private sector and the continued support of our research institutions are vital in this effort.

This week we honor the men and women who build, maintain, and ensure the safety of our transportation system—from the person who designs the high-speed train to the one who drives it. We salute all American workers in the transportation industry for their contributions to our Nation. We also pause to thank Americans who are working to increase transportation safety through educational programs, through efforts to promote the use of safety belts and child safety seats, and through endeavors to stop the tragedy of drunk driving accidents.

We must provide future generations with a transportation system that is safer, more environmentally sound, and more efficient. We must apply America's tremendous reserves of energy and ingenuity to this important task in order to ensure that America's transportation system will continue to serve our country's goals and enhance the quality of life of our people in the years to come.

In recognition of the importance of transportation and the millions of Americans who work to meet our transportation needs, the Congress, by joint resolution approved May 16, 1957 (36 U.S.C. 160), has requested that the third Friday in May of each year be designated as "National Defense Transportation Day" and, by joint resolution approved May 14, 1962 (36 U.S.C. 166), that the week in which that Friday falls be proclaimed "National Transportation Week."

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby designate Friday, May 21, as National Defense Transportation Day and the week of May 16 through May 22, 1993, as National Transportation Week. I urge all Americans to observe these occasions with appropriate ceremonies and activities that will give due recognition to the individuals and organizations that build, operate, safeguard, and maintain this country's modern transportation system.

IN WITNESS WHEREOF, I have hereunto set my hand this nineteenth day of May, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and seventeenth.

WILLIAM J. CLINTON

Proclamation 6563 of May 19, 1993

World Trade Week, 1993

By the President of the United States of America
A Proclamation

Each year, World Trade Week allows us to highlight the importance of international trade, which links the United States with other nations in partnership for economic prosperity. It is also a time to recognize the importance of our efforts to stimulate domestic economic growth through the sale of American products and services abroad.

For Americans, trade has buttressed our Nation's standing as the world's largest and most productive economy. Exports support millions of American jobs and account for nearly one-sixth of the employment in the U.S. manufacturing and agricultural sectors. In fact, each $1 billion of American merchandise exports supports nearly 19,000 domestic jobs. As a result, companies have been formed, factories built, and new industries created. And these export-related jobs are good ones, paying on average 17 percent more than the overall average wage.

Indeed, it is our ability to modernize and expand our industrial production that serves as the foundation for export growth, allowing us to develop and produce quality products while identifying marketing opportunities at home and abroad. Our ingenuity and our determination to be the best make America's products and services among the world's most competitive.

For U.S. products and services to succeed in an increasingly competitive global marketplace, however, we must be equally competitive at home and abroad. Recently, this Administration announced a broad new economic strategy to enhance government/industry cooperation in creating new technologies. Through commercialization, these technologies will be made available to smaller companies. Small and medium-size businesses create half the new jobs in this country and two-fifths of our Gross National Product, and many of these firms will seek to increase exports of their products. The high-technology sector, which employed about 10 million people and accounted for more than $100 billion worth of U.S. exports in 1992, is crucial to advancing the

industrial competitiveness of the United States and assuring us of an edge in world markets.

Creating a climate for American exports requires not only a strong domestic economy, but also free and fair access for U.S. products to markets abroad. This Administration, therefore, is building a trade agenda that will allow U.S. exports to compete on a level playing field with our trading partners.

A top trade-related priority is the North American Free Trade Agreement (NAFTA), which will link the United States, Canada, and Mexico into a single market of 360 million consumers currently spending $6 trillion annually. Mexico, once economically isolated from the United States, has emerged as our Nation's third largest trading partner. With supplemental agreements to address environmental and labor issues, NAFTA will be a positive force for creating American jobs.

In addition to our focus on the NAFTA negotiations, this Administration is determined to complete the General Agreement on Tariffs and Trade (GATT) Uruguay Round agreement. GATT is an agreement binding more than 100 nations to a mutual interest in strengthening the global environment for trade. As part of these negotiations, this Administration is seeking provisions that ensure free and fair trade for American industry, as well as effective bilateral dispute settlement mechanisms. A successful Uruguay Round would lower tariff and nontariff barriers to manufactured products and other commodities, thereby increasing cumulative world output by more than $5 trillion and cumulative U.S. output by more than $1 trillion over the next 10 years.

While advancing our Nation's interests through the GATT negotiations, the United States and other countries must provide financial assistance to ensure key political and economic reforms in Russia and the former Soviet republics. By carefully targeting this assistance, our Nation will not only encourage progress toward global stability, arms control, and nonproliferation, but also help create an environment in which trade with that region can flourish.

Creating a secure and prosperous global environment for trade also hinges on continued U.S. efforts to benefit from the great opportunities that are available in the high-growth East Asian and Latin American markets, two of the fastest growing regions for American exports.

Although thousands of U.S. companies continue to boost their profit margins through exports, thousands of other American firms have yet to market their goods abroad. In fact, just 15 percent of American companies account for 85 percent of our Nation's exports. With U.S. merchandise exports totaling more than $448 billion in 1992, "World Trade Week" reminds us of the merits of international commerce and the vast export opportunities yet to be explored by American business.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim the week beginning May 16, 1993, as World Trade Week. I invite the people of the United States to join in appropriate observances to reaffirm the potential of international trade for creating prosperity for all.

IN WITNESS WHEREOF, I have hereunto set my hand this nineteenth day of May, in the year of our Lord nineteen hundred and ninety-three,

and of the Independence of the United States of America the two hundred and seventeenth.

WILLIAM J. CLINTON

Proclamation 6564 of May 21, 1993

National Maritime Day, 1993

By the President of the United States of America
A Proclamation

On May 22, 1819, the first transatlantic steamship voyage began when the SS *Savannah* left the U.S. port of Savannah, Georgia. Sixty years ago, in recognition of this historic voyage, President Franklin D. Roosevelt first called upon the American people to observe May 22 as National Maritime Day by displaying the American flag at their homes and other suitable places.

On National Maritime Day 50 years ago, the United States was engaged in a great World War. The United States merchant marine made victory possible by linking our production forces at home with our fighting forces overseas. Throughout our history, America's civilian seafarers have faithfully supported our military forces.

Thirty years ago, President John F. Kennedy cited the role of the American merchant marine in promoting world trade. "Our ships and the men who man them stand ready to serve the Nation in any circumstance and in all conditions of peaceful commerce or national emergency," he said.

On National Maritime Day 15 years ago, the U.S. Merchant Marine Academy at Kings Point, New York, was preparing to become the first Federal service academy to grant diplomas to women. The women who have since graduated from our service academies contribute significantly to our Nation's economic and military strength.

Today, America's merchant ships continue to provide jobs and economic benefits for America. The men and women who sail those ships and who serve in supporting industries are prepared to support the Nation in times of crisis. I ask all Americans to join me in saluting them on National Maritime Day, 1993.

In recognition of the importance of the U.S. merchant marine, the Congress, by a joint resolution approved May 20, 1933, has designated May 22 of each year as "National Maritime Day" and has authorized and requested the President to issue annually a proclamation calling for its appropriate observance.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim May 22, 1993, as National Maritime Day. I urge the people of the United States to observe this day with appropriate programs, ceremonies, and activities and by displaying the flag of the United States at their homes and other suitable places. I also request that all ships sailing under the American flag dress ship on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-first day of May, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and seventeenth.

WILLIAM J. CLINTON

Proclamation 6565 of May 25, 1993

Older Americans Month, 1993

By the President of the United States of America
A Proclamation

This year marks the 30th anniversary of Older Americans Month—a time when we, as a Nation, honor our elder citizens and recognize the many contributions they have made to our country.

Older Americans, having witnessed many of our Nation's historic milestones, are embodiments of 20th century American history. Many lived through the trying times of the Great War, the Depression, and the Second World War. With younger generations, older Americans shared the anguish of the Cold War and helped their more youthful countrymen get through this difficult period.

Older Americans provide us with the experience, knowledge, and leadership that are needed to help our Nation ply the difficult waters of the present. Through their experience with adversity, older Americans understand the critical need for shared sacrifice in meeting the challenges we face. Their wisdom provides us with a valuable perspective on how we must reorient our society toward investment in the future. Working in a variety of roles, as volunteers and employees, millions of older Americans continue to give their communities the fruits of their labor.

Today's older Americans are the best educated, most well-informed generation of elders our Nation has ever produced. The challenges they have met—and met successfully—have enabled them to make a continuing contribution with wisdom and understanding. We can see this not only in our families, as a new wave of responsible grandparenting helps ensure the future of our children, but also in our communities, which benefit from the experience and leadership of older Americans who volunteer their talent and time in fields ranging from business management to the arts.

While we salute the continuing contribution of older Americans, we also acknowledge our debt and responsibility to them. We renew our commitment to preserving for them the quality of life they deserve. We will safeguard their economic security not only through preserving the Social Security system but also by strengthening our Nation's overall economic performance. We will provide the leadership that will help our elders remain independent members of the community for as long as possible. We will supply that help in the neighborhoods where they live—through the kinds of social and supportive services made possible through the Older Americans Act and other programs. And we can help ease the suffering and worry caused by increased medical expenses through enacting a national program of health care reform.

By helping to preserve the security and independence of older Americans, we are also ensuring that our own futures will be ones of dignity with independence.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim the month of May 1993 as Older Americans Month. I call upon the people of the United States to observe this month with appropriate ceremonies and activities in honor of our Nation's senior citizens.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of May, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America tne two hundred and seventeenth.

WILLIAM J. CLINTON

Proclamation 6566 of May 28, 1993

Prayer for Peace, Memorial Day, 1993

By the President of the United States of America
A Proclamation

Each spring, our Nation pauses to remember those who have died securing our peace and freedom. Across our country, Americans are holding ceremonies in remembrance of those who have died under the colors of our Nation. We remember the brave men and women whose sacrifices have paved the way for us to live in a country like America. We remember the families of our fallen heroes, and we grieve for their losses. And we remember the men and women who are now serving in our Armed Forces.

In the war with Iraq and more recently in our peacekeeping operations in Somalia, more names of young Americans have been added to the roster of our departed heroes. Young service men and women who died in the Persian Gulf joined Americans who left their mark on history at places like the Argonne in World War I, Omaha Beach in World War II, and Pork Chop Hill in Korea, and in the jungles and rice paddies of Vietnam.

Through two centuries and several wars, America has remained the land of the free and the home of the brave. The Persian Gulf war reaffirmed that international peace and security depend on our Nation's vigilance and on the sacrifices of our service men and women. Even in this post-Cold War era, we must be wary, for the world still remains a dangerous place.

By showing our understanding, we can help further the sense of lives well lived, a time on earth well spent, and a heritage of service of lasting meaning.

In respect and recognition of those Americans to whom we pay tribute today, the Congress, by joint resolution of May 11, 1950 (64 Stat. 158), has requested the President to issue a proclamation calling upon the people of the United States to observe each Memorial Day as a day of

prayer for permanent peace and designating a period on that day when the people of the United States might unite in prayer.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby designate Memorial Day, May 31, 1993, as a day of prayer for permanent peace, and I designate the hour beginning in each locality at 11 o'clock in the morning of that day as a time to unite in prayer. I urge the press, radio, television, and all other information media to cooperate in this observance.

I also request the Governors of the United States and the Commonwealth of Puerto Rico, and the appropriate officials of all units of government, to direct that the flag be flown at half-staff until noon during this Memorial Day on all buildings, grounds, and naval vessels throughout the United States and in all areas under its jurisdiction and control, and I request the people of the United States to display the flag at half-staff from their homes for the customary forenoon period.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of May, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and seventeenth.

WILLIAM J. CLINTON

Proclamation 6567 of May 28, 1993

Emergency Medical Services Week, 1993 and 1994

By the President of the United States of America
A Proclamation

Emergency medical services personnel provide a vital public service 24 hours a day, 7 days a week. Traumatic injury is the leading cause of death and disability for men, women, and children between the ages of 1 and 44 years. Each year, injuries account for more than 140,000 deaths, over 2 million hospitalizations, and more than 80,000 permanent disabilities.

Inclusive emergency medical systems play a significant role in reducing mortality and disability due to injuries. Quality emergency medical care saves lives and reduces disability by linking pre-hospital, hospital, and rehabilitation services that provide optimal care for all Americans.

Americans benefit daily from the dedication and immediate care provided by physicians, emergency nurses, emergency medical technicians, paramedics, fire fighters, educators, administrators, and others who serve in coordinated systems of emergency care. Emergency medical care providers dedicate thousands of hours to specialized training and continuing education to enhance and maintain their lifesaving skills. Two-thirds of these individuals are volunteers, many of whom serve in rural areas of the country.

Since the initial efforts to establish emergency medicine as a medical specialty 25 years ago, emergency medical care providers have continually advanced standards of practice in the emergency management of

traumatically injured persons. Their efforts have resulted in the development of systems to improve trauma care planning, regionalized systems of trauma care, and an increased public awareness of the effects of injury and their prevention.

We salute our Nation's emergency medical services providers. Their daily efforts affect millions of men, women, and children who suffer from acute illness or injury by returning them to productive lives.

The Congress, by House Joint Resolution 78, has designated the weeks beginning May 23, 1993, and May 15, 1994, as "Emergency Medical Services Week" and has authorized and requested the President to issue a proclamation in observance of the event.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim the weeks of May 23 through 29, 1993, and May 15 through 21, 1994, as Emergency Medical Services Week. I call upon all Americans to observe this period with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of May, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and seventeenth.

WILLIAM J. CLINTON

Proclamation 6568 of May 31, 1993

Time for the National Observance of the Fiftieth Anniversary of World War II, 1993

By the President of the United States of America
A Proclamation

Americans live in an era when there are no major confrontations between world powers. This period of peace traces its roots back 50 years to the Second World War. Our Armed Forces stood strong against totalitarian regimes that sought to dominate and suppress freedom-loving peoples of the world. Although Americans felt ill-equipped to take on the vast international responsibilities, we rose to take on world leadership. In the process, we learned the price of aggression and the benefits of peace.

At the end of the Cold War, it is therefore fitting to remember the years of World War II and those brave and selfless American patriots who stood strong and true against tyranny so that we could enjoy a safer and more prosperous life. President Franklin D. Roosevelt's thoughts about the time still apply today:

> We are faced with the pre-eminent fact that, if civilization is to survive, we must cultivate the science of human relationship—the ability of all people, of all kinds, to live together and work together in the same world, at peace. . . .

Our generation and future generations must heed these words. In a world warmed by the sunshine of freedom, but threatened still by an-

cient hatreds and new plagues, the United States of America must stand as a beacon of liberty and justice.

During this period of remembrance and reflection, it is appropriate that Memorial Day be included during the "Time for the National Observance of the Fiftieth Anniversary of World War II." As we preserve the memory of the events of World War II and honor the memory of our loved ones lost during that tragic time, I call upon Americans to study the history of that era so that the values our Nation defended and the lessons we learned will never be forgotten. I ask that we celebrate freedom and peace in our houses of worship and in our halls of government, in private thanksgiving and public ceremonies, and that we remember and honor our Nation's World War II veterans.

The Congress, by House Joint Resolution 80, has designated May 30, 1993, through June 7, 1993, as a "Time for the National Observance of the Fiftieth Anniversary of World War II."

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby designate May 30, 1993, through June 7, 1993, as a Time for the National Observance of the Fiftieth Anniversary of World War II. I call upon all Americans to observe this period with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of May, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and seventeenth.

WILLIAM J. CLINTON

Proclamation 6569 of June 3, 1993

Suspension of Entry as Immigrants and Nonimmigrants of Persons Who Formulate or Implement Policies That Are Impeding the Negotiations Seeking the Return to Constitutional Rule in Haiti

By the President of the United States of America

A Proclamation

In light of the political crisis in Haiti resulting from the expulsion from Haiti of President Aristide and the constitutional government, I have determined that it is in the interests of the United States to restrict the entry to the United States of certain Haitian nationals who formulate, implement, or benefit from policies that impede the progress of the negotiations designed to restore constitutional government to Haiti, and the immediate families of such persons.

NOW, THEREFORE, I, WILLIAM J. CLINTON, by the power vested in me as President by the Constitution and laws of the United States of America, including section 212(f) of the Immigration and Nationality Act of 1952, as amended (8 U.S.C. 1182(f)), and section 301 of title 3, United States Code, hereby find that the unrestricted immigrant and nonimmigrant entry into the United States of persons described in sec-

tion 1 of this proclamation would, except as provided for in sections 2 or 3 of this proclamation, be detrimental to the interests of the United States. I do therefore proclaim that:

Section 1. The entry into the United States as immigrants and nonimmigrants of persons who formulate, implement, or benefit from policies that impede the progress of the negotiations designed to restore constitutional government to Haiti, and the immediate family members of such persons, is hereby suspended.

Sec. 2. Section 1 shall not apply with respect to any person otherwise covered by section 1 where the entry of such person would not be contrary to the interests of the United States.

Sec. 3. Persons covered by sections 1 and 2 shall be identified pursuant to procedures established by the Secretary of State, as authorized in section 6 below.

Sec. 4. Nothing in this proclamation shall be construed to derogate from United States Government obligations under applicable international agreements.

Sec. 5. This proclamation is effective immediately and shall remain in effect until such time as the Secretary of State determines that it is no longer necessary and should be terminated.

Sec. 6. The Secretary of State shall have responsibility to implement this proclamation pursuant to procedures the Secretary may establish.

IN WITNESS WHEREOF, I have hereunto set my hand this third day of June, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and seventeenth.

WILLIAM J. CLINTON

Proclamation 6570 of June 4, 1993

National Safe Boating Week, 1993

By the President of the United States of America
A Proclamation

Nearly 70 million Americans enjoy recreational boating as a favorite pastime. America's scenic lakes, beautiful rivers, and vast waterways provide a wonderful place for boaters to enjoy family outings, waterskiing, fishing, and other activities. It is appropriate that we recognize the many joys recreational boating affords. At the same time, because recreational boating can involve risks to persons, property, and natural resources, it is also important that we reflect upon ways to ensure safe boating.

The U.S. Coast Guard, the National Safe Boating Council, and the many State and local recreational boating organizations allied in the cause of safe boating have chosen "Boat Smart" as the theme of National Safe Boating Week. This theme serves as a reminder to the millions of Americans who engage in recreational boating that this activity

should be enjoyed in a thoughtful, responsible manner. Many Americans can benefit from preparation and caution: taking boating safety courses; wearing personal flotation devices; following the "Rules of the Road"; and not using alcohol or drugs when operating boats. Young boaters learn safe boating practices by example, and today's boating practices may affect the well-being of American families for years to come.

Boating is an activity that directly affects our precious national water resources and associated wildlife. Boaters must carefully preserve and protect our rivers, lakes, seashores, and wildlife by avoiding practices that give rise to accidents, injuries, and pollution. Today's boaters must take care to preserve our precious waterways for future generations.

For all of these reasons, I call upon boating Americans, during National Safe Boating Week, 1993, to reflect on the importance of safe boating to the health of our people and the preservation of our natural resources. We must commit ourselves to safe and environmentally sensitive boating—for now and for the future.

To promote boating as a safe sport, the Congress, by joint resolution approved June 4, 1958 (36 U.S.C. 161), as amended, has authorized and requested that the President annually proclaim the week beginning on the first Sunday in June as "National Safe Boating Week."

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim the week beginning June 6, 1993, as National Safe Boating Week. I encourage the Governors of the 50 States and the Commonwealth of Puerto Rico, and officials of other areas subject to the jurisdiction of the United States, to provide for the observance of this week with appropriate activities. I urge all Americans to become informed boaters and to enjoy safe, thoughtful recreational boating.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of June, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and seventeenth.

WILLIAM J. CLINTON

Proclamation 6571 of June 4, 1993

Lyme Disease Awareness Week, 1993 and 1994

By the President of the United States of America

A Proclamation

Lyme disease has become the most common arthropod-borne infection in the United States since it was first recognized as a clinical entity in 1975. Although most prevalent in the coastal northeastern and north central States, a significant number of cases have been reported in the Pacific Coast States, primarily northern California and Oregon.

Lyme disease is caused by a bacterium that is transmitted from ticks to warm-blooded animals. The major reservoirs of infection are deer and rodents, although the ticks can be carried on dogs, cats, and occasionally birds. Persons who live near or who work in wooded areas are

at risk of contracting Lyme disease. Lyme disease can develop into a chronic multisystem disorder that can elicit a wide range of symptoms and run an unpredictable course. Clinical manifestations include arthritis, neurological symptoms, heart problems, and sometimes eye inflammation, hepatitis, and severe fatigue.

Early symptoms may include one or more of the following: a rash at the site of the tick bite, headache, fever, joint pain, and fatigue. Though the disease usually responds to antibiotic treatment at this stage, in later stages it may develop into a persistent chronic infection that affects joints or the nervous system. The bacteria also may be transmitted from an infected pregnant woman to her fetus.

Scientists at the National Institute of Allergy and Infectious Diseases, along with their colleagues at the National Institute of Arthritis and Musculoskeletal and Skin Diseases, are supporting dozens of research projects on Lyme disease. Along with several other components of the National Institutes of Health and the Centers for Disease Control and Prevention, they are devoting considerable effort to eradicate the disease. Experts from a wide range of disciplines are focusing on improving diagnostic techniques and therapeutic strategies and on developing an effective human vaccine. Animal models of the disease have been developed that promise to hasten progress in all of these areas.

In support of these efforts, the Congress, by Senate Joint Resolution 43, has designated the weeks beginning June 6, 1993, and June 5, 1994, as "Lyme Disease Awareness Week" and has requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim the weeks of June 6, 1993, and June 5, 1994, as Lyme Disease Awareness Week. I urge all government agencies, health organizations, communications media, and private citizens to observe this week with appropriate programs and activities in order to ensure better understanding of Lyme disease.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of June, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and seventeenth.

WILLIAM J. CLINTON

Proclamation 6572 of June 14, 1993

Flag Day and National Flag Week, 1993

By the President of the United States of America
A Proclamation

In 1777, the Continental Congress adopted the Stars and Stripes as the official flag of the young United States of America. Describing the new flag, the Congress wrote, "White signifies Purity and Innocence; Red, Hardiness and Valor; Blue signifies Vigilance, Perseverance and Justice," with the stars forming "a new constellation."

The words of the Continental Congress ring truer to us today than ever before. Wherever the Stars and Stripes are flown, they represent the

highest ideals of America: justice, purity, and strength. The flag has flown over smoky battlefields, peaceful demonstrations, and wherever else Americans strive to express their precious freedoms in the face of adversity. Today, in accordance with congressional joint resolutions (63 Stat. 492 and 80 Stat. 194), we set aside June 14 as Flag Day and the week beginning June 13 as National Flag Week to honor the colors and stars that have flown proudly over the United States for 216 years.

Just as we pay our respects to our flag, so must we honor our Nation's Founders, the brave people who inscribed their names on the Declaration of Independence and breathed life into its text. The ideals embodied by the Declaration have served as a guide for our Nation and an inspiration for people around the world. This document delineated the very idea of America, that individual rights are derived not from the generosity of the government, but from the hand of the Almighty. The Founders forever abandoned their allegiance to the old European notions of caste and dedicated themselves to the belief that all people are created equal.

The brilliant men who gathered in Philadelphia in 1776 to declare our Nation's independence risked their honor, their fortunes, and their very lives to create a better future for their children and grandchildren. We, the inheritors of freedom's legacy, owe our liberties to the fact that our Founders saw the need for dramatic change and acted upon it.

Today, vast changes are sweeping the globe. Nations that have known only tyranny for centuries are now dedicating themselves to the ideals of freedom and democracy. And wherever freedom is proclaimed, echoes of the American Declaration of Independence can be heard. Thomas Jefferson's words are being spoken in dozens of nations in hundreds of languages.

We are justly proud of the influence that our beliefs have had on the world. But the mission of America is far from complete. While the world is filled with opportunity, it is rife with uncertainty. We must dedicate ourselves to carrying on the dreams of the Founders and adding our own chapter to the unfinished American story. By embracing the changes that are altering the landscape of the world today, we help ensure a brighter, more democratic, and more peaceful world. As we celebrate our independence, I encourage all Americans to rededicate themselves to the conviction that our precious freedoms require constant vigilance and reaffirmation.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim June 14, 1993, as Flag Day and the week beginning June 13, 1993, as National Flag Week. I direct the appropriate officials of the government to display the flag of the United States on all government buildings during that week. I encourage all Americans to observe Flag Day and Flag Week by flying the Stars and Stripes from their homes and other suitable places. I also urge the American people to celebrate those days from Flag Day through Independence Day, as set aside by the Congress (89 Stat. 211), as a time to honor America, by having public gatherings and activities at which they can honor and pledge their allegiance to our country.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of June, in the year of our Lord nineteen hundred and ninety-three,

and of the Independence of the United States of America the two hundred and seventeenth.

WILLIAM J. CLINTON

Proclamation 6573 of June 17, 1993

Father's Day, 1993

By the President of the United States of America
A Proclamation

Traditionally, the third Sunday in June is nationally designated as Father's Day. This year, on June 20th, I call upon all Americans to thank and honor fathers across the land for the love, nurturing, guidance, and sacrifices they have made in behalf of our Nation's daughters and sons.

A key prescription for building strong families is honoring one's parents. As Americans know and as history has witnessed, the acts of dedication to family are essential to our Nation's endurance and spiritual growth. Reaffirming our commitment to fathers is an invaluable element in nurturing the health of our Nation's families.

Fathers perform many roles, and they profoundly influence their children and our society. As co-creators of life, fathers—accepting responsibility for the welfare of their offspring—serve as economic providers, role-models, nurturers, coaches, counselors, and lifelong friends. They also help define and set standards for their children for personal, academic, and professional accomplishments.

Because fathers hold a very special place in our lives, it is fitting that we pay tribute to all fathers now living, as well as the memory of those now deceased. In that spirit, let us as Americans express and demonstrate to our fathers—through word and action—our appreciation for their love and for the contributions they have made to us and our Nation.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, in accordance with a joint resolution of the Congress approved April 24, 1972 (36 U.S.C. 142a), do hereby proclaim Sunday, June 20, 1993, as "Father's Day." I call upon all Americans to observe this day by demonstrating our respect for and our gratitude to our fathers.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of June, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and seventeenth.

WILLIAM J. CLINTON

Proclamation 6574 of June 21, 1993

Suspension of Entry as Immigrants and Nonimmigrants of Persons Who Formulate or Implement Policies That Are Impeding the Transition to Democracy in Zaire or Who Benefit From Such Policies

By the President of the United States of America
A Proclamation

In light of the political and economic crisis in Zaire, I have determined that it is in the interests of the United States to restrict the entrance into the United States as immigrants and nonimmigrants of certain Zairian nationals who formulate or implement policies that impede Zaire's transition to democracy or who benefit from such policies, and the immediate families of such persons.

NOW, THEREFORE, I, WILLIAM J. CLINTON, by the power vested in me as President by the Constitution and laws of the United States of America, including section 212(f) of the Immigration and Nationality Act of 1952, as amended (8 U.S.C. 1182(f)), and section 301 of title 3, United States Code, hereby find that the unrestricted immigrant and nonimmigrant entry into the United States of persons described in section 1 of this proclamation would, except as provided for in section 2 or 3 of this proclamation, be detrimental to the interests of the United States. I, therefore, do proclaim that:

Section 1. The entry into the United States as immigrants and nonimmigrants of persons who formulate, implement, or benefit from policies that impede Zaire's transition to democracy, and the immediate family members of such persons, is hereby suspended.

Sec. 2. Section 1 shall not apply with respect to any person otherwise covered by section 1 where entry of such person would not be contrary to the interests of the United States.

Sec. 3. Persons covered by sections 1 and 2 shall be identified pursuant to procedures established by the Secretary of State, as authorized in section 6 below.

Sec. 4. Nothing in this proclamation shall be construed to derogate from United States Government obligations under applicable international agreements.

Sec. 5. This proclamation is effective immediately and shall remain in effect until such time as the Secretary of State determines that it is no longer necessary and should be terminated.

Sec. 6. The Secretary of State shall have responsibility to implement this proclamation pursuant to procedures the Secretary may establish.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-first day of June, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and seventeenth.

WILLIAM J. CLINTON

Proclamation 6575 of June 25, 1993

To Modify Duty-Free Treatment Under the Generalized System of Preferences and for Other Purposes

By the President of the United States of America
A Proclamation

1. Pursuant to title V of the Trade Act of 1974, as amended ("1974 Act") (19 U.S.C. 2461 *et seq.*), the President may designate specified articles provided for in the Harmonized Tariff Schedule of the United States ("HTS") as eligible for preferential tariff treatment under the Generalized System of Preferences ("GSP") when imported from designated beneficiary developing countries.

2. Pursuant to section 504(c) of the 1974 Act (19 U.S.C. 2464(c)), beneficiary developing countries, except those designated as least-developed beneficiary developing countries pursuant to section 504(c)(6) of the 1974 Act, are subject to limitations on the preferential treatment afforded under the GSP. Pursuant to section 504(c)(5) of the 1974 Act, a country that is no longer treated as a beneficiary developing country with respect to an eligible article may be redesignated as a beneficiary developing country with respect to such article if imports of such article from such country did not exceed the limitations in section 504(c)(1) (after application of paragraph (c)(2)) during the preceding calendar year. Pursuant to section 504(d)(1) of the 1974 Act (19 U.S.C. 2464(d)(1)), section 504(c)(1)(B) of the 1974 Act shall not apply with respect to any eligible article if a like or directly competitive article is not produced in the United States on January 3, 1985. Further, pursuant to section 504(d)(2) of the 1974 Act (19 U.S.C. 2464(d)(2)), the President may disregard the limitations provided in section 504(c)(1)(B) with respect to any eligible article if the appraised value of the total imports of such article into the United States during the preceding calendar year is not in excess of an amount that bears the same ratio to $5,000,000 as the gross national product of the United States for that calendar year (as determined by the Department of Commerce) bears to the gross national product of the United States for calendar year 1979.

3. Section 502(b)(7) of the 1974 Act (19 U.S.C. 2462(b)(7)) provides that a country that has not taken or is not taking steps to afford internationally recognized worker rights, as defined in section 502(a)(4) of the 1974 Act (19 U.S.C. 2462(a)(4)), is ineligible for designation as a beneficiary developing country for purposes of the GSP. Pursuant to section 504 of the 1974 Act, the President may withdraw, suspend, or limit the application of duty-free treatment under the GSP with respect to any article or with respect to any country upon consideration of the factors set forth in sections 501 and 502(c) of the 1974 Act (19 U.S.C. 2461 and 2462(c)).

4. Pursuant to sections 501, 503(a), and 504(a) of the 1974 Act (19 U.S.C. 2461, 2463(a), and 2464(a)), in order to subdivide and amend the nomenclature of existing provisions of the HTS to modify the GSP, I have determined, after taking into account information and advice received under section 503(a), that the HTS should be modified to adjust the original designation of eligible articles. In addition, pursuant to title V of the 1974 Act, I have determined that it is appropriate to des-

ignate specified articles provided for in the HTS as eligible for preferential tariff treatment under the GSP when imported from designated beneficiary developing countries, and that such treatment for other articles should be terminated. I have also determined, pursuant to sections 504(a), (c)(1), and (c)(2) of the 1974 Act, that certain beneficiary countries should no longer receive preferential tariff treatment under the GSP with respect to certain eligible articles. Further, I have determined, pursuant to section 504(c)(5) of the 1974 Act, that certain countries should be redesignated as beneficiary developing countries with respect to certain eligible articles. These countries have been previously excluded from benefits of the GSP with respect to such eligible articles pursuant to section 504(c)(1) of the 1974 Act. Further, pursuant to section 504(d)(1) of the 1974 Act (19 U.S.C. 2464(d)(1)), I have determined that the limitation provided for in section 504(c)(1)(B) of the 1974 Act (19 U.S.C. 2464(c)(1)(B)) should not apply with respect to certain eligible articles because no like or directly competitive article was produced in the United States on January 3, 1985. Last, I have determined that section 504(c)(1)(B) of the 1974 Act should not apply with respect to certain eligible articles pursuant to section 504(d)(2) of the 1974 Act.

5. Pursuant to sections 502(b)(7), 502(c)(7), and 504 of the 1974 Act (19 U.S.C. 2462(b)(7), 2462(c)(7), and 2464), I have determined that it is appropriate to provide for the suspension of preferential treatment under the GSP for articles that are currently eligible for such treatment and that are imported from Mauritania. Such suspension is the result of my determination that Mauritania has not taken and is not taking steps to afford internationally recognized worker rights, as defined in section 502(a)(4) of the 1974 Act (19 U.S.C. 2462(a)(4)).

6. Pursuant to sections 501 and 502 of the 1974 Act (19 U.S.C. 2461 and 2462), and having due regard for the eligibility criteria set forth therein, I have determined that it is appropriate to designate Albania as a beneficiary developing country for purposes of the GSP.

7. Proclamation 6517 of December 23, 1992, withdrew the duty-free treatment accorded under the GSP, pursuant to title V of the 1974 Trade Act, to imports of sulfanilic acid, provided for in HTS subheading 2921.42.24. Proclamation 6544 of April 13, 1993, made further modifications in the HTS provisions for such goods. Through technical error, the HTS provisions created in the annexes to such proclamations were not properly structured and numbered. Therefore, I have decided that it is necessary and appropriate to modify the HTS to correct these errors.

8. Section 604 of the 1974 Act, as amended (19 U.S.C. 2483), authorizes the President to embody in the HTS the substance of the relevant provisions of that Act, and of other Acts affecting import treatment, and actions thereunder, including the removal, modification, continuance, or imposition of any rate of duty or other import restriction.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States of America, including but not limited to title V and section 604 of the 1974 Act, do proclaim that:

(1) In order to designate certain articles as eligible articles for purposes of the GSP when imported from designated beneficiary develop-

ing countries, the HTS is modified as provided in Annex I to this proclamation.

(2)(a) In order to designate certain articles as eligible articles for purposes of the GSP when imported from any designated beneficiary developing country, the Rates of Duty 1–Special subcolumn for the HTS subheading enumerated in Annex II(a) to this proclamation is modified by inserting in the parentheses the symbol "A" as provided in such Annex.

(b) In order to designate certain articles as eligible articles for purposes of the GSP when imported from any designated beneficiary developing country excluding India, the Rates of Duty 1–Special subcolumn for the HTS subheading enumerated in Annex II(b) to this proclamation is modified by inserting in the parentheses the symbol "A*" as provided in such Annex.

(c) In order to restore preferential tariff treatment under the GSP to a country which has been excluded from the benefits of the GSP for an eligible article, the Rates of Duty 1–Special subcolumn for each of the HTS subheadings enumerated in Annex II(c) to this proclamation is modified: (i) by deleting symbol "A*" in parentheses, and (ii) by inserting in such subcolumn the symbol "A" in lieu thereof.

(d) In order to provide that one or more countries should no longer be treated as a beneficiary developing country with respect to an eligible article for purposes of the GSP, the Rates of Duty 1–Special subcolumn for each of the HTS provisions enumerated in Annex II(d) to this proclamation is modified: (i) by deleting the symbol "A" in parentheses, and (ii) by inserting in such subcolumn the symbol "A*" in lieu thereof.

(3) In order to provide for the suspension of preferential treatment under the GSP for Mauritania, to provide for the addition of Albania as a beneficiary developing country under the GSP, to provide that one or more countries that have not been treated as beneficiary developing countries with respect to an eligible article should be redesignated as beneficiary developing countries with respect to such article for purposes of the GSP, and to provide that one or more countries should no longer be treated as beneficiary developing countries with respect to an eligible article for purposes of the GSP, general note 3(c)(ii) to the HTS is modified as provided in Annex III to this proclamation.

(4) In order to ensure the withdrawal of GSP treatment from imports of sulfanilic acid and to correct technical errors in certain HTS provisions, as created in the Annex to Proclamation 6517 and modified in Annex II to Proclamation 6544, such annexes are hereby superseded, and the HTS is modified as set forth in Annex IV to this proclamation.

(5) Any provisions of previous proclamations and Executive orders inconsistent with the provisions of this proclamation are hereby superseded to the extent of such inconsistency.

(6)(a) The modifications made by Annexes I, II, and III(a) to this proclamation shall be effective with respect to articles both: (i) imported on or after January 1, 1976, and (ii) entered, or withdrawn from warehouse for consumption, on or after July 1, 1993.

(b) The modification made by Annex III(b) to this proclamation shall be effective with respect to articles both: (i) imported on or after

January 1, 1976, and (ii) entered, or withdrawn from warehouse for consumption, on or after 60 days after the date of publication of this proclamation in the **Federal Register**.

(c) The modifications made by Annex IV to this proclamation shall be effective with respect to articles both: (i) imported on or after January 1, 1976, and (ii) entered, or withdrawn from warehouse for consumption, on or after January 12, 1993.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of June, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and seventeenth.

WILLIAM J. CLINTON

Annex I

Modifications to the HTS

The HTS is modified as provided below, with bracketed matter included to assist in the understanding of proclaimed modifications. The following supersedes matter in the HTS. The subheadings and superior text are set forth in columnar format, and material in such columns is inserted in the columns of the HTS designated "Heading/Subheading", "Article Description", "Rates of Duty 1–General", "Rates of Duty 1–Special", and "Rates of Duty 2", respectively.

Effective with respect to articles both: (i) imported on or after January 1, 1976, and (ii) entered, or withdrawn from warehouse for consumption, on or after July 1, 1993.

1. Subheading 4418.20.00 is superseded by:

	[Builders' joinery . . .]			
"4418.20	Doors and their frames and thresholds:			
	French doors	7.5%	Free (A*, CA, E, IL, J)	33⅓%
4418.20.40				
	Other	7.5%	Free (A, CA, E, IL, J)	33⅓%"
4418.20.80				

2. Subheading 8521.10.00 is superseded by:

	[Video recording . . .:]			
"8521.10	Magnetic tape-type:			
	Color, cartridge or cassette type:			
	Not capable of recording	3.9%	Free (A, C, CA, E, IL, J)	35%
8521.10.30				
	Other	3.9%	Free (A*, C, CA, E, IL, J)	35%
8521.10.60				
	Other	3.9%	Free (A, C, CA, E, IL, J)	35%"
8521.10.90				

Annex II

Modification in the HTS of an Article's Preferential Tariff Treatment under the GSP

Effective with respect to articles both: (i) imported on or after January 1, 1976, and (ii) entered, or withdrawn from warehouse for consumption, on or after July 1, 1993.

(a) For HTS subheading 7202.50.00, in the Rates of Duty 1–Special subcolumn, insert in the parentheses following the "Free" rate the symbol "A," in alphabetical order.

(b) For HTS subheading 2902.60.00, in the Rates of Duty 1–Special subcolumn, insert in the parentheses following the "Free" rate the symbol "A*," in alphabetical order.

(c) For HTS subheadings 4008.19.10, 8112.91.50 and 8527.11.60, in the Rates of Duty 1–Special subcolumn, delete the symbol "A*" and insert an "A" in lieu thereof.

(d) For the following HTS provisions, in the Rates of Duty 1–Special subcolumn, delete the symbol "A" and insert an "A*" in lieu thereof:

0709.90.05	7008.00.00	8481.80.90	8548.00.00
0710.80.70	7320.10.30	8516.80.80	8716.39.00
1604.16.10	8402.20.00	8527.31.40	9006.99.00
4412.11.10	8408.20.90	8536.61.00	9405.50.30
4804.31.60	8471.92.40	8542.80.00	

Annex III

Modifications to General Note 3(c)(ii) of the HTS

(a) *Effective with respect to articles both: (i) imported on or after January 1, 1976, and (ii) entered, or withdrawn from warehouse for consumption, on or after July 1, 1993.*

(1) General note 3(c)(ii)(A) is modified by inserting "Albania" in alphabetical order in the enumeration of independent countries.

(2) General note 3(c)(ii)(D) is modified:

(i) by deleting the following HTS subheading and the country set opposite such subheading:

4008.19.10	Malaysia
8112.91.50	Chile
8521.10.00	Malaysia; Thailand
8527.11.60	Malaysia

(ii) by adding in numerical sequence, the following HTS provisions and countries set opposite them:

0709.90.05	Mexico	7320.10.30	Mexico	8527.31.40	Malaysia
0710.80.70	Guatemala	8402.20.00	Philippines	8536.61.00	Mexico
1604.16.10	Morocco	8408.20.90	Brazil	8542.80.00	Malaysia
2902.60.00	India	8471.92.40	Malaysia	8548.00.00	Mexico
4412.11.10	Indonesia	8481.80.90	Mexico	8716.39.00	Mexico
4418.20.40	Malaysia	8516.80.80	Mexico	9006.99.00	Mexico
4804.31.60	Mexico	8521.10.60	Indonesia; Thailand	9405.50.30	India
7008.00.00	Mexico				

(iii) by adding, in alphabetical order, the following countries opposite the following HTS provisions:

2603.00.00	Indonesia	2918.90.30	Mexico	7113.19.50	India
2915.39.50	Mexico	3402.20.10	Mexico		
2917.35.00	Mexico	4104.22.00	Brazil		

(b) *Effective with respect to articles both: (i) imported on or after January 1, 1976, and (ii) entered, or withdrawn from warehouse for consumption, on or after 60 days after the date of publication of this Proclamation in the* **Federal Register.**

(1) General note 3(c)(ii)(A) is modified by deleting "Mauritania" from the enumeration of independent countries.

(2) General note 3(c)(ii)(B) is modified by deleting "Mauritania" from the enumeration of countries.

Annex IV

Effective with respect to articles both: (i) imported on or after January 1, 1976 and (ii) entered, or withdrawn from warehouse for consumption, on or after January 12, 1993.

1. The HTS is modified as provided below, with bracketed matter included to assist in the understanding of proclaimed modifications. The following supersedes matter in the HTS. The subheadings and superior text are set forth in columnar format, and material in such columns is inserted in the columns of the HTS designated "Heading/Subheading", "Article Description", "Rates of Duty 1–General", "Rates of Duty 1–Special", and "Rates of Duty 2", respectively.

Subheading 2921.42.24 is deleted and the following new subheadings inserted in numerical sequence:

	[Amine-function compounds:]			
	[Aromatic monoamines . . .:]			
	[Aniline derivatives . . .:]			
"2921.42.21	Metanilic acid	2.4¢/kg + 18.8%	Free (A*, CA, E, IL, J)	15.4¢/kg + 60%
2921.42.22	Sulfanilic acid	2.4¢/kg + 18.8%	Free (CA, E, IL, J)	15.4¢/kg + 60%"

Conforming change: General note 3(c)(ii)(D) to the HTS is modified by deleting "2921.42.24 India" and inserting, in numerical sequence, "2921.42.21 India" in lieu thereof.

Proclamation 6576 of July 1, 1993

National Youth Sports Program Day, 1993

By the President of the United States of America
A Proclamation

The National Youth Sports Program (NYSP) provides economically disadvantaged children between the ages of 10 through 16 opportunities to earn and learn self-respect through a comprehensive sports and educational instruction program. Today, in its 25th year, the NYSP serves more than 69,000 young people at 173 colleges and universities in 44 States and the District of Columbia.

The children who participate in the program receive supervised training in sport competitions, personal health care, proper nutrition, and free medical and follow-up examinations. They obtain information on drug and alcohol abuse and are taught about good study habits. Career and educational opportunities in math and science are also offered. In addition to the benefits provided to the children, the NYSP enables staff at the participating institutions to become involved in their communities and in providing solutions to community problems.

For more than 25 years, the NYSP has worked to develop effective partnerships with several Federal agencies and departments and with the Nation's colleges and universities acting through the National Collegiate Athletic Association. These unique partnerships have allowed Federal funds to be used to provide direct services for youth, have enabled institutions to contribute their facilities and personnel, and have permitted public and private businesses to donate equipment and supplies needed for the children to participate in the program during the summer.

By utilizing competitive sports as a means of expression, it has allowed these children to express their pain and deal with their difficult living conditions in a positive way, rather than in a self-destructive manner. For many of these children, a sense of accomplishment and empowerment has taken the place of despair. I urge all Americans to join me on this special day to celebrate the significant gains that NYSP's 25 years of service has provided to these children.

The Congress, by Senate Joint Resolution 88, has designated July 1, 1993, as "National Youth Sports Program Day" and has requested the President to issue a proclamation in observance of this day.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim July 1, 1993, as National Youth Sports Program Day. I call upon all Americans to observe this day by demonstrating their respect for all those individuals who participate so successfully in these programs and by showing gratitude for those who unselfishly share their experiences, skills, and talents with the disadvantaged youths who participate in NYSP activities across the country.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of July, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and seventeenth.

WILLIAM J. CLINTON

Proclamation 6577 of July 2, 1993

Agreement on Trade Relations Between the United States of America and Romania

By the President of the United States of America
A Proclamation

1. By the authority vested in me as President by the Constitution and the laws of the United States of America, I, acting through duly empowered representatives, entered into negotiations with representatives of Romania to conclude an agreement on trade relations between the United States of America and Romania.

2. These negotiations were conducted in accordance with the requirements of the Trade Act of 1974, Public Law 93–618, as amended (19 U.S.C. 2101–2495) (the "Trade Act").

3. As a result of these negotiations, an "Agreement on Trade Relations Between the Government of the United States of America and the Government of Romania" ("Agreement"), including exchanges of letters which form an integral part of the Agreement, the foregoing in English and Romanian, was signed on April 3, 1992, by duly empowered representatives of the two Governments and is set forth as an annex to this proclamation.

4. This Agreement conforms to the requirements relating to bilateral commercial agreements set forth in section 405(b) of the Trade Act (19 U.S.C. 2435(b)).

5. Article XVI of the Agreement provides that the Agreement shall enter into force on the date of exchange of written notices of acceptance by the two Governments.

6. Section 405(c) of the Trade Act (19 U.S.C. 2435(c)) provides that a bilateral commercial agreement providing nondiscriminatory treatment to the products of a country heretofore denied such treatment, and a proclamation implementing such agreement, shall take effect only if approved by the Congress under the provisions of that Act.

7. Section 604 of the Trade Act (19 U.S.C. 2483) authorizes the President to embody in the Harmonized Tariff Schedule of the United States the substance of the provisions of that Act, of other acts affecting import treatment, and actions taken thereunder.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States, including but not limited to sections 404, 405, and 604 of the Trade Act (19 U.S.C. 2434, 2435, and 2483), do proclaim that:

(1) This proclamation shall become effective, said Agreement shall enter into force, and nondiscriminatory treatment shall be extended to the products of Romania, in accordance with the terms of said Agreement, on the date of exchange of written notices of acceptance in accordance with Article XVI of said Agreement. The United States Trade Representative shall publish notice of the effective date in the **Federal Register**.

(2) Effective with respect to articles entered, or withdrawn from warehouse for consumption, into the customs territory of the United States on or after the date provided in paragraph (1) of this proclamation, general note 3(b) of the Harmonized Tariff Schedule of the United States, enumerating those countries whose products are subject to duty at the rates set forth in rate of duty column 2 of the tariff schedule, is modified by striking out "Romania".

IN WITNESS WHEREOF, I have hereunto set my hand this second day of July, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and seventeenth.

WILLIAM J. CLINTON

AGREEMENT ON TRADE RELATIONS BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF ROMANIA

The Government of the United States of America and the Government of Romania (hereinafter referred to collectively as "Parties" and individually as "Party"),

Affirming that the evolution of market-based economic institutions and the strengthening of the private sector will aid the development of mutually beneficial trade relations,

Acknowledging that the development of trade relations and direct contact between nationals and companies of the United States and nationals and companies of Romania will promote openness and mutual understanding,

Considering that expanded trade relations between the Parties will contribute to the general well-being of the peoples of each Party,

Recognizing that development of bilateral trade may contribute to better mutual understanding and cooperation and promote respect for internationally recognized worker rights,

Having agreed that economic ties are an important and necessary element in the strengthening of their bilateral relations,

Being convinced that an agreement on trade relations between the two Parties will best serve their mutual interests, and

Desiring to create a framework which will foster the development and expansion of commercial ties between their respective nationals and companies,

Have agreed as follows:

Article I—Application of GATT and Certain GATT Agreements

1. Both Parties reaffirm the importance of their rights and obligations under the General Agreement on Tariffs and Trade ("GATT") and reaffirm the importance of the provisions and principles of the GATT to their respective economic policies.

2. To this end, the Parties shall apply between themselves the provisions of the GATT as those provisions apply to each Party, and shall accord each other's products most-favored-nation treatment ("MFN") as provided in the GATT, provided that to the extent any provision of the GATT is inconsistent with this Agreement, the latter shall apply.

3. Both Parties reaffirm the importance of their participation in the GATT Code Agreements to which both are signatories, which presently include the Agreement on Technical Barriers to Trade ("Standards Code"), the Agreement on Implementation of Article VI ("Anti-Dumping Code"), the Agreement on Implementation of Article VII ("Customs Valuation Code"), the Agreement on Import Licensing Procedures ("Licensing Code"), the Agreement on Trade in Civil Aircraft ("Aircraft Code"), and the Arrangement Regarding Bovine Meat, and the importance of the provisions and principles contained therein to their respective economic policies.

4. Both Parties commit to participate constructively in multilateral negotiations aimed at improving existing agreements and any other multilateral negotiations under the auspices of the GATT.

5. Each Party shall accord to imports of products and services originating in the territory of the other Party most-favored-nation treatment with respect to the allocation of an access to currency to pay for such imports.

Article II—General Obligations With Respect to Trade

1. The Parties agree to maintain a satisfactory balance of market access opportunities through concessions in trade in products and services, including the satisfactory reciprocation of reductions in tariffs and nontariff barriers to trade resulting from multilateral negotiations.

2. With a view to assuring nondiscriminatory trade in products and services, such trade shall be effected by contracts between nationals and companies of either Party concluded in the exercise of their independent commercial judgment and on the basis of customary commercial considerations such as price, quality, availability, delivery, and terms of payment.

3. Neither Party shall require or encourage its nationals or companies to engage in barter or countertrade transactions with nationals or companies of the other Party. Nevertheless, where nationals or companies decide to resort to barter or countertrade operations, the Parties will encourage them to furnish to each other all necessary information to facilitate the transaction.

Article III—Expansion and Promotion of Trade

1. The Parties affirm their desire to expand trade in products and services consistent with the terms of this Agreement. They shall take appropriate measures to encourage and facilitate the exchange of goods and services and to secure favorable conditions for long-term development of trade relations between their respective nationals and companies.

2. The Parties shall take appropriate measures to encourage the expansion of commercial contacts with a view to increasing trade. In this regard, the Government of Romania expects that, during the term of this Agreement, nationals and companies of Romania shall increase their orders in the United States for products and services, while the Government of the United States anticipates that the effect of this Agreement shall be to encourage increased purchases by nationals and companies of the United States of products and services from Romania. Toward this end, the Parties shall publicize this Agreement and ensure that it is made available to all interested parties.

3. Each Party shall encourage and facilitate the holding of trade promotional events such as fairs, exhibitions, missions and seminars in its territory and in the territory of the other Party. Similarly, each Party shall encourage and facilitate the participation of its respective nationals and companies in such events. Each Party shall permit participation in such events by commercial representations on nondiscriminatory terms and conditions. Subject to the laws in force within their respective territories, the Parties agree to allow the import and re-export on a duty free basis of all articles for use in such events, provided that such articles are not sold or otherwise transferred.

Article IV—Government Commercial Offices

1. In order to promote the development of trade and economic relations between the Parties, and to provide assistance to their nationals and companies engaged in commercial activities, each Party agrees to permit and facilitate the establishment and operation of Government commercial offices of the other Party on a reciprocal basis. The establishment and operation of such offices shall be in accordance with applicable laws and regulations, and subject to such terms, conditions, privileges, and immunities as may be agreed upon by the Parties.

2. Government commercial offices and their respective officers and staff members, to the extent that they enjoy diplomatic immunity, shall not participate directly in the negotiation, execution, or fulfillment of trade transactions, or otherwise carry on trade.

3. Subject to its laws governing foreign missions, each Party shall allow government commercial offices to hire directly host-country nationals and, subject to immigration laws and procedures, third-country nationals.

4. Each Party shall ensure unhindered access of host-country nationals to government commercial offices of the other Party.

5. Each Party shall encourage the participation of its nationals and companies in the activities of their respective government commercial

offices, especially with respect to events held on the premises of such commercial offices.

6. Each Party shall encourage and facilitate access of government commercial office personnel of the other Party to host-country officials, and to representatives of host-country nationals and companies.

7. This Agreement shall not derogate from obligations assumed by either Party concerning the establishment of existing government commercial offices.

Article V—Business Facilitation

1. Each Party shall afford commercial representations of the other Party fair and equitable treatment with respect to the conduct of their operations.

2. Each Party shall endeavor to ensure that governmental decisions, rulings, and findings affecting the conduct of commercial activities are made expeditiously.

3. Subject to its laws and procedures governing immigration and foreign missions, each Party shall permit the establishment within its territory of commercial representations of nationals and companies of the other Party and shall accord such representations treatment at least as favorable as that accorded to commercial representations of nationals and companies of third countries.

4. Parties shall permit employees of commercial representations and members of their immediate families to enter the territory of the other Party and to travel therein freely, in accordance with the laws relating to the entry, stay and travel of aliens. Each Party agrees to make available multiple entry visas of duration of six months or longer to such persons and to members of their immediate families.

5. Subject to its laws and procedures governing immigration and foreign missions, each Party shall permit such commercial representations established in its territory to hire directly employees who are nationals of either Party or of third countries and to compensate such employees on terms and in a currency that is mutually agreed between the parties, consistent with such Party's minimum wage laws.

6. Each Party shall permit commercial representations of the other Party to import and use in accordance with normal commercial practices, office and other equipment, such as typewriters, photocopiers, computers and telefax machines, in connection with the conduct of their activities in the territory of such Party.

7. Each Party shall permit, on a nondiscriminatory basis and at nondiscriminatory prices (where such prices are set or controlled by the government), commercial representations of the other Party access to and use of office space and living accommodations, whether or not designated for use by foreigners. The terms and conditions of such access and use shall in no event be on a basis less favorable than that accorded to commercial representations of nationals and companies of third countries.

8. Subject to its laws and procedures governing immigration and foreign missions, each Party shall permit nationals and companies of the

other Party to engage agents, consultants and distributors of either Party and of third countries on prices and terms mutually agreed between the parties.

9. Subject to its laws and procedures governing immigration and foreign missions, each Party shall permit nationals and companies of the other Party to serve as agents, consultants and distributors of nationals and companies of either Party and of third countries on prices and terms mutually agreed between the parties.

10. Each Party shall permit nationals and companies of the other Party to advertise their products and services (i) through direct agreement with the advertising media, including television, radio, print and billboard, and (ii) by direct mail, including the use of enclosed envelopes and cards preaddressed to that national or company.

11. Each Party shall encourage direct contact, and permit direct sales, between nationals and companies of the other Party and end-users and other customers of their goods and services, and with agencies whose decisions will affect potential sales.

12. Each Party shall permit nationals and companies of the other Party to conduct market studies, either directly or by contract, within its territory. To facilitate the conduct of market research, each Party shall upon request make available non-confidential, non-proprietary information within its possession to nationals and companies of the other Party.

13. Each Party shall provide nondiscriminatory access to government-provided products and services, including public utilities and telecommunications facilities, to nationals and companies of the other Party in connection with the operation of their commercial representations.

14. Each Party shall permit commercial representations to stock an adequate supply of samples and replacement parts for after-sale service on a non-commercial basis.

15. Neither Party shall impose measures which unreasonably impair contractual or property rights or other interests acquired within its territory by nationals and companies of the other Party.

16. Paragraphs 6 and 14 of this Article shall not be construed to affect the application of ordinary customs and tariff laws.

Article VI—Transparency

1. Each Party shall make available publicly on a timely basis all laws, regulations, judicial decisions, and administrative rulings related to commercial activity, including trade, investment, taxation, banking, insurance and other financial services, transport and labor.

2. Each Party shall provide nationals and companies of the other Party with access to available non-confidential, non-proprietary data and information on the national economy and individual sectors, including information on foreign trade, production figures, and other such information related to each Party's internal market.

3. Each Party shall allow the other Party, and the other Party's nationals and companies, the opportunity to comment, to the extent practicable, on the formulation of laws, regulations, standards, and administrative rulings which affect the conduct of their business activities.

Article VII—Financial Provisions Relating to Trade in Products and Services

1. Unless otherwise agreed between the parties to individual transactions, all commercial transactions between nationals and companies of the Parties shall be made in United States dollars or any other currency that may be designated by the International Monetary Fund as being a freely usable currency.

2. Neither Party shall restrict the transfer from its territory of convertible currencies or deposits, or payment instruments representative thereof, obtained in connection with trade in products and services by nationals and companies of the other Party.

3. Nationals and companies of a Party holding currency of the other Party received in an authorized manner may deposit such currency in financial institutions located in the territory of the other Party and may maintain and use such currency for local expenses.

4. Without derogation from paragraphs 2 or 3 of this Article, in connection with trade in products and services, each Party shall grant to nationals and companies of the other Party the better of most-favored-nation or national treatment with respect to:

(a) opening and maintaining accounts, in both local and foreign currency, and having access to their funds deposited, in financial institutions located in the territory of the Party;

(b) payments, remittances and transfers of convertible currencies, or financial instruments representative thereof, between the territories of the two Parties, as well as between the territory of that Party and that of any third country;

(c) rates of exchange and related matters, including access to freely usable currencies, such as through currency auctions; and

(d) the receipt and use of local currency.

Article VIII—Protection of Intellectual Property Rights

1. Each Party shall provide adequate and effective protection and enforcement for patents, trademarks, copyrights, trade secrets, and integrated circuit layout designs as set forth in the text of the attached side letter on intellectual property.

Article IX—Areas for Further Cooperation

1. For the purpose of further developing bilateral trade and promoting a steady increase in the exchange of products and services, both Parties

shall strive to achieve a mutually acceptable agreement on investment issues, including the repatriation of profits and transfer of capital.

2. The Parties shall take appropriate steps to foster economic and technical cooperation on as broad a base as possible in all fields deemed to be in their mutual interest, including cooperation with respect to statistics and standards, as well as production figures.

3. The Parties, taking into account the increasing economic significance of service industries, agree to consult on matters affecting service businesses in the two countries and particular matters of mutual interest relating to individual service sectors with the objective, among others, of attaining maximum possible market access and liberalization.

Article X—Import Relief Safeguards

1. The Parties agree to consult promptly at the request of either Party whenever actual or prospective imports of products originating in the territory of the other Party cause, threaten to cause, or significantly contribute to market disruption. Market disruption exists within a domestic industry whenever imports of an article, like or directly competitive with an article produced by a domestic industry, are increasing rapidly, either absolutely or relatively, so as to be a significant cause of material injury, or threat thereof, to the domestic industry.

2. The consultations provided for in paragraph 1 of this Article shall have the objectives of (i) presenting and examining the factors relating to such imports that may be causing or threatening to cause or significantly contributing to market disruption, and (ii) finding means of preventing or remedying such market disruptions. Such consultations shall be concluded within sixty days from the date of the request for such consultation, unless the Parties otherwise agree.

3. Unless a different solution is mutually agreed upon during the consultations, the importing Party may (i) impose quantitative import limitations, tariff measures or any other restrictions or measures to such extent and for such time as it deems appropriate to prevent or remedy threatened or actual market disruption, and (ii) take appropriate measures to ensure that imports from the territory of the other Party comply with such quantitative limitations or other restrictions. In this event, the other Party shall be free to deviate from its obligations under this Agreement with respect to substantially equivalent trade.

4. Where in the judgment of the importing Party, emergency action is necessary to prevent or remedy such market disruption, the importing Party may take such action at any time and without prior consultations provided that consultations shall be requested immediately thereafter.

5. Each Party shall ensure that its domestic procedures for determining market disruption are transparent and afford affected parties an opportunity to submit their views.

6. In the selection of measures under this Article, the Parties shall give priority to those measures which cause the least disturbance to the goals and provisions of this Agreement.

7. The Parties acknowledge that the elaboration of the market disruption safeguard provisions in this Article is without prejudice to the

right of either Party to apply its own unfair trade laws and regulations, including antidumping and countervailing duty laws and those laws applicable to trade in textiles and textile products.

Article XI—Dispute Settlement

1. Nationals and companies of either Party shall be accorded national treatment with respect to access to all courts and administrative bodies in the territory of the other Party, as plaintiffs, defendants or otherwise. They shall not claim or enjoy immunity from suit or execution of judgment, proceedings for the recognition and enforcement of arbitral awards, or other liability in the territory of the other Party with respect to commercial transactions; they also shall not claim or enjoy immunities from taxation with respect to commercial transactions, except as may be provided in other bilateral agreements.

2. The Parties encourage the adoption of arbitration for the settlement of disputes arising out of commercial transactions concluded between nationals or companies of the United States and nationals or companies of Romania. Such arbitration may be provided for by agreements in contracts between such nationals and companies, or in separate written agreements between them.

3. The parties may provide for arbitration under any internationally recognized arbitration rules, such as the arbitration rules of the International Chamber of Commerce or the UNCITRAL Rules. If the parties elect the UNCITRAL Rules, the parties should designate an Appointing Authority under said rules in a country other than the United States or Romania.

4. Unless otherwise agreed between the parties, the parties should specify as the place of arbitration a country other than the United States or Romania that is a party to the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, done at New York, 1958.

5. Nothing in this Article shall be construed to prevent, and the Parties shall not prohibit, the parties from agreeing upon any other form of arbitration or dispute settlement which suits their particular needs.

6. Each Party shall ensure that an effective means exists within its territory for the recognition and enforcement of arbitral awards.

Article XII—National Security

1. The provisions of this Agreement shall not limit the right of either Party to take any action for the protection of its security interests.

Article XIII—Consultations

1. The Joint American-Romanian Economic Commission, established on December 5, 1973, shall periodically review the operation of this Agreement and make recommendations for achieving its objectives.

The Commission shall operate pursuant to its existing Terms of Reference and Rules of Procedure, as the same may be modified from time to time by the Parties.

2. At the request of either Party, the Parties agree to consult promptly through appropriate channels to discuss any matter concerning the interpretation or implementation of this Agreement or other relevant aspects of relations between the Parties.

Article XIV—Definitions

1. As used in this Agreement, the terms set forth below shall have the following meaning:

(a) "company" means any kind of corporation, company, association, sole proprietorship, or other organization legally constituted under the laws and regulations of a Party or a political subdivision thereof, whether or not organized for pecuniary gain, and whether or not privately or government owned.

(b) "commercial representation" means a representation of a company of a Party.

(c) "national" means a natural person who is a national of a Party under the Party's applicable laws.

Article XV—General Exceptions

1. Nothing in this Agreement shall be construed to prohibit any action by either Party which is required or permitted by the GATT.

2. So long as the measure does not constitute either an arbitrary or unjustifiable discrimination between countries where the same conditions prevail or a disguised restriction on international trade, nothing in this Agreement shall be construed to prohibit:

(a) measures for the protection of intellectual property rights and for the prevention of deceptive practices, as set out in Article VIII and the side letters to this Agreement, provided that such measures shall be related to the extent of an injury suffered or to prevent such an injury's occurrence;

(b) measures for reasons contemplated by Article XX of the GATT, provided that the term "Agreement" in GATT Article XX, paragraph (d) shall be construed to refer to this Agreement.

3. Trade in products or services between the Parties which is subject to existing or subsequent bilateral or multilateral agreements on specific sectoral trade, such as existing agreements on textiles and civil aircraft, shall be subject to the terms of any such agreement.

4. Each Party reserves the right to deny the advantages of this Agreement to any company if either (i) nationals of a third country control the company and the company has no substantial business activities in the territory of the other Party, or (ii) the company is controlled by nationals of a third country with which the Party does not maintain normal economic relations.

Article XVI—Entry into Force, Term, Suspension and Termination

1. This Agreement (including its side letters, which are an integral part of the Agreement) shall enter into force upon an exchange of diplomatic notes in which the Parties notify each other that all necessary legal requirements for entry into force have been fulfilled, and shall remain in force as provided in paragraphs 3 and 4 of this Article.

2. This Agreement shall, upon entry into force, supercede in all respects the Agreement on Trade Relations Between the United States of America and the Socialist Republic of Romania, done on April 2, 1975, and the Agreement Suspending Mutual Application of Most Favored Nation Tariff Treatment Under the Trade Agreement of April 2, 1975, done on June 22, 1988, which agreements shall have no further force or effect.

3. (a) The initial term of this Agreement shall be three years, subject to subparagraph (b) and (c) of this paragraph.

(b) If either Party encounters or foresees a problem concerning its domestic legal authority to carry out any of its obligations under this Agreement, such Party shall request immediate consultations with the other Party. Once consultations have been requested, the other Party shall enter into such consultations as soon as possible concerning the circumstances that have arisen with a view to finding a solution to avoid action under subparagraph (c).

(c) If either Party does not have domestic legal authority to carry out its obligations under this Agreement, either Party may suspend the application of this Agreement or, with the agreement of the other Party, any part of this Agreement. In that event, the Parties will, to the fullest extent practicable and consistent with domestic law, seek to minimize disruption to existing trade relations between the two countries.

4. This Agreement shall be extended for successive terms of three years each unless either Party has given written notice to the other Party of its intent to terminate this Agreement at least 30 days prior to the expiration of the then current term.

IN WITNESS WHEREOF, the undersigned, being duly authorized, have signed this Agreement.

DONE at Bucharest on this 3rd day of April 1992, in duplicate, in the English and the Romanian languages, both texts being equally authentic.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

John R. Davis, Jr.

FOR THE GOVERNMENT OF ROMANIA:

Constantin Fota

Bucharest, April 3, 1992.

The Honorable Constantin Fota,
Minister of Commerce and Tourism
Romania

Dear Mr. Minister,

I have the honor to confirm receipt of your letter that reads as follows:

Dear Mr. Ambassador:

In connection with the signing on this date of the Agreement on Trade Relations Between the United States of America and Romania (the "Agreement"), I have the honor to confirm the understanding reached by our Governments (the "Parties") regarding cooperation in the field of tourism services as follows:

GOAL

1. Both Parties shall facilitate the expansion of tourism between the United States and Romania and encourage the adoption of measures by tourist companies of both countries to satisfy the desire of tourists to learn about the lifestyles, achievements, history and culture of each country.

OFFICIAL TOURISM PROMOTION

1. Each Party shall seek permission of the other Party prior to the establishment of official, governmental tourism promotion offices in the other's territory.

2. Permission to open tourism promotion offices or field offices and the status of personnel at those offices shall be subject to the agreement of the Parties and subject to the laws and regulations of the host country.

Bucharest, April 3, 1992.

The Honorable Constantin Fota,
Minister of Commerce and Tourism
Romania

Dear Mr. Minister,

I have the honor to confirm receipt of your letter that reads as follows:

Dear Mr. Ambassador:

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OFFICIAL TOURISM PROMOTION

1. Each Party shall seek permission of the other Party prior to the establishment of official, governmental tourism promotion offices in the other's territory.

2. Permission to open tourism promotion offices or field offices and the status of personnel at those offices shall be subject to the agreement of the Parties and subject to the laws and regulations of the host country.

3. Tourism promotion offices opened by either Party shall be operated on a non-commercial basis. Official tourism promotion offices and the personnel assigned to them shall not function as agents or principals in commercial transactions, enter into contractual agreements on behalf of commercial organizations, or engage in any other commercial activities. Such offices shall not sell services to the public or otherwise compete with travel agents or tour operators of either country.

4. Official governmental tourism offices shall conduct activities related to the promotion and facilitation of tourism between the United States and Romania, including:

(a) providing information about the tourist facilities and attractions in their respective countries to the public, the travel industry, and the media;

(b) holding meetings and workshops for representatives of the travel industry, as appropriate;

(c) participating in trade shows;

(d) distributing advertising and promotional materials such as posters, brochures, and photographs to the public, the travel industry, and the media;

(e) performing tourism market research.

5. Nothing in this letter shall obligate either Party to open an official governmental tourism office in the territory of the other.

COMMERCIAL TOURISM COMPANIES

1. Commercial tourism companies, whether privately or governmentally owned, or branches thereof, shall be treated as private commercial companies, fully subject to all applicable laws and regulations of the host country.

2. Each Party shall ensure within the scope of its legal authority and in accordance with its laws and regulations that any company owned, controlled, or administered by that Party or any joint venture therewith, or any private company or joint venture between private companies, which effectively controls a significant proportion of the tourism and travel-related services in the territory of that Party shall provide those services to nationals and companies of the other Party on a fair and equitable basis.

Nothing in this letter or in the Agreement shall be construed to mean that tourism and travel-related services shall not receive the benefits from the Agreement as fully as all other industries and sectors.

I have the further honor to propose that this understanding be treated as an integral part of the Agreement. I would be grateful if you would confirm that this understanding is shared by your government.

I have the further honor to confirm that the foregoing understanding is shared by my Government and constitutes an integral part of the Agreement.

Sincerely,

John R. Davis, Jr.

Bucharest, April 3, 1992.

The Honorable Constantin Fota,
Minister of Commerce and Tourism
Romania

Dear Mr. Minister,

I have the honor to confirm receipt of your letter that reads as follows:

Dear Mr. Ambassador:

In connection with the signing on this date of the Agreement on Trade Relations between the Government of the United States and the Government of Romania (the "Agreement"), I have the honor to confirm the understanding reached by our Governments as follows:

The Parties agree to provide adequate and effective protection and enforcement of intellectual property rights in patents, trademarks, copyrights, trade secrets, and layout designs for integrated circuits. Each Party reaffirms its commitments to those international agreements relating to intellectual property to which both Parties are signatories. Specifically, each Party reaffirms the commitments made with respect to the Paris Convention for the Protection of Industrial Property (Stockholm Act, 1967) and the Berne Convention for the Protection of Literary and Artistic Works.

1. Each Party shall provide no less favorable treatment to the right holders of the other Party than it provides to its own right holders with respect to laws, regulations and practices implementing the provisions of this letter.

2. To provide adequate and effective protection and enforcement of intellectual property rights, each Party shall continue to adhere to the Paris Convention for the Protection of Industrial Property (Stockholm Act, 1967) (Paris Convention), and shall adhere to the Berne Convention for the protection of Literary and Artistic Works (Paris 1971) (Berne Convention), and the Geneva Convention for the Protection of Producers of Phonograms (Geneva Convention) and shall also observe, *inter alia*, the following:

(a) *Copyright and Related Rights*

(i) Each Party shall protect the works listed in Article 2 of the Berne Convention and any other works now known or later developed, that embody original expression within the meaning of the Berne Convention, including:

(1) all types of computer programs (including application programs and operating systems) expressed in any language, whether in source or object form which shall be protected as literary works; and,

(2) collections or compilations of protected or unprotected material or data whether in print, machine readable or any other medium, including data bases, which shall be protected in so far as they constitute an intellectual creation by reason of the selection, coordination, or arrangement of their contents.

(ii) Each Party shall ensure that the rights provided to authors in works protected pursuant to paragraph 2(a)(i) of this letter shall include, the following:

(1) the exclusive right to import or authorize the importation into the territory of the Party of lawfully made copies of the work;

(2) the exclusive right to prevent the importation into the territory of the Party of copies of the work made without the authorization of the right-holder;

(3) the exclusive right to make the first public distribution of the original or each authorized copy of a work by sale, rental, or otherwise;

(4) in respect of at least computer programs, the exclusive right to authorize or prohibit the rental of the original or copies of their copyrighted works. Each Party may exclude from the rental right programs that are fixed as part of a machine or are fixed in a medium that is not susceptible to copying. Putting the originals or copies of computer programs on the market with the consent of the right-holder shall not exhaust the rental right; and

(5) the exclusive right to publicly communicate a work except for a sound recording (*e.g.*, to perform, display, project, exhibit, broadcast, transmit, or retransmit a work); the term "public" shall include:

(A) communicating a work in a place open to the public or at any place where a substantial number of persons outside of a normal circle of a family and its social acquaintances is gathered; or

(B) communicating or transmitting a work, a performance, or a display of a work, in any form, or by means of any device or process to a place specified in clause 2(ii)(5)(A) or to the public, regardless of whether the members of the public capable of receiving such communications can receive them in the same place or separate places and at the same time or at different times.

(iii) Parties shall extend the protection afforded under paragraph 2(a)(i) and 2(a)(ii) of this letter to authors of the other Party, whether they are natural persons or, where the domestic law of the Party seeking protection so provides, juridical entities, and to their successors in title.

(iv) Each Party shall provide that the exclusive rights protected under paragraph 2(a)(ii) of this letter are freely and separately exploitable and transferable. Each Party also shall provide that assignees and exclusive licensees may enjoy all rights of their assignors and licensors acquired through voluntary agreements, and ensure that they are entitled to enjoy and exercise their acquired exclusive rights in their own names.

(v) In cases where a Party calculates the term of protection of a work on a basis other than the life of a natural person, the term of protection shall be no less than 50 years from

the first authorized publication or, failing such authorized publication within 50 years from the making of the work, 50 years after the making.

(vi) Each Party shall confine any limitations upon and exceptions to the exclusive rights provided under paragraph 2(a)(ii) of this letter (including any limitations or exceptions that restrict such rights to "public" activity) to certain special cases which do not conflict with a normal exploitation of the work and do not unreasonably prejudice the legitimate interests of the right holder.

(vii) Each Party shall limit resort to compulsory licensing to those works, rights and utilizations permitted under the Berne Convention; and further shall ensure that any legitimate compulsory or non-voluntary license or restriction of exclusive rights to a right of remuneration shall provide means to ensure payment and remittance of royalties at a level consistent with what would be negotiated on a voluntary basis.

(viii) Each Party shall, at a minimum, extend to producers of sound recordings the exclusive rights to do or to authorize the following:

(1) to reproduce the recording by any means or process, in whole or in part; and

(2) to exercise the importation and exclusive distribution and rental provided in paragraphs 2(a)(ii)(1) (2) (3) and (4) of this letter.

(ix) Paragraphs 2(a)(iii), (iv) and (vi) of this letter shall apply *mutatis mutandis* to sound recordings.

(x) Each Party shall:

(1) protect sound recordings first fixed or published in the territory of the other Party;

(2) protect sound recordings for a term of at least 50 years from publication; and

(3) grant the right to make the first public distribution of the original of each authorized sound recording by sale, rental, or otherwise except that the first sale of the original of such sound recording shall not exhaust the rental or importation right therein (the "rental right" shall mean the right to authorize or prohibit the disposal of the possession of the original or copies for direct or indirect commercial advantage).

(xi) Parties shall not subject the acquisition and validity of intellectual property rights in sound recordings to any formalities, and protection shall arise automatically upon creation of the sound recording.

(b) *Trademarks*

(i) Protectable Subject Matter

(1) Trademarks shall consist of at least any sign, words, including personal names, designs, letters, numerals, colors, or the shape of goods or of their packaging, provided that the mark is capable of distinguishing the goods or services of one undertaking from those of other undertakings.

(2) The term "trademark" shall include service marks, collective and may include certification marks.

(ii) Acquisition of Rights

(1) Each Party shall provide a system for the registration of trademarks. Parties shall provide protection for trademarks based on registration and may provide protection on the basis of use.

(2) Each Party shall publish each trademark either before it is registered or promptly after it is registered and shall afford other parties a reasonable opportunity to petition to cancel the registration. In addition, each Party may afford an opportunity for the other Party to oppose the registration of a trademark.

(3) The nature of the goods or services to which a trademark is to be applied shall in no case form an obstacle to registration of the trademark.

(iii) Rights Conferred

(1) The owner of a registered trademark shall have exclusive rights therein. He shall be entitled to prevent all third parties not having his consent from using in commerce

identical or similar signs for goods or services which are identical or similar to those in respect of which the trademark is protected, where such use would result in a likelihood of confusion.

(2) Each Party shall refuse to register or shall cancel the registration and prohibit use of a trademark likely to cause confusion with a trademark of another which is considered to be well-known. A Party may not require that the reputation of the trademark extend beyond the sector of the public which normally deals with the relevant goods or services.

(3) The owner of a trademark shall be entitled to take action against any unauthorized use which constitutes an act of unfair competition.

(4) The rights described in the foregoing paragraphs shall not prejudice any existing prior rights, nor shall this affect the possibility of Parties making rights available on the basis of use.

(iv) Term of Protection

Initial registration of a trademark shall be for a term of at least 10 years. The registration of a trademark shall be indefinitely renewable for terms of no less than 10 years when conditions for renewal have been met.

(v) Other Requirements

The use of a trademark in commerce shall not be encumbered by special requirements, such as use which reduces the function of a trademark as an indication of source or use with another trademark.

(vi) Compulsory Licensing

Compulsory licensing of trademarks shall not be permitted.

(vii) Transfer

Trademark registrations may be transferred.

(c) *Patents*

(i) Patentable Subject Matter

Patents shall be available for all inventions, whether products or processes, in all fields of technology, except that a Party may exclude from patentability any invention or discovery which is useful solely in the utilization of special nuclear material or atomic energy in an atomic weapon.

(ii) Rights Conferred

(1) A patent shall confer the right to prevent others not having the patent owner's consent from making, using, or selling the subject matter of the patent. In the case of a patented process, the patent confers the right to prevent others not having consent from using that process and from using, selling, or importing at least the product obtained directly by that process.

(2) Where the subject matter of a patent is a process for obtaining a product, each Party shall provide that the burden of establishing that an alleged infringing product was not made by the process shall be on the alleged infringer if the patent owner presents evidence that a substantial likelihood exists that the product was made by the process and the patent owner has been unable through reasonable efforts to determine the process actually used. In the gathering and evaluation of evidence to the contrary, the legitimate interests of the defendant in protecting his trade secrets shall be taken into account.

(3) A patent may be revoked only on grounds that would have justified a refusal to grant the patent.

(iii) Exceptions

Each Party may provide limited exceptions to the exclusive rights conferred by a patent, such as for acts done for experimental purposes, provided that the exceptions do not significantly prejudice the economic interests of the right-holder, taking account of the legitimate interests of third parties.

(iv) Term of Protection

Each Party shall provide a term of protection of at least 20 years from the date of filing of the patent application or 17 years from the date of grant of the patent. Each Party is encouraged to extend the term of patent protection, in appropriate cases, to compensate for delays caused by regulatory approval processes.

(v) Transitional Protection

A Party shall provide transitional protection for products embodying subject matter deemed to be unpatentable under its patent law prior to its implementation of the provisions of this letter, where the following conditions are satisfied:

(1) the subject matter to which the product relates will become patentable after implementation of the provisions of this letter; and

(2) a patent has been issued for the product by the other Party prior to the entry into force of the Agreement; and

(3) the product has not been marketed in the territory of the Party providing such transitional protection.

The owner of a patent for a product satisfying the conditions set forth above shall have the right to submit a copy of the patent to the competent authority of the Party providing transitional protection. Such Party shall limit the right to make, use, or sell the product in its territory to such owner for a term to expire with that of the patent submitted.

(vi) *Compulsory Licenses*

Each Party may limit the patent owner's exclusive rights through compulsory licenses but only (1) to remedy an adjudicated violation of competition laws, (2) to address, only during its existence, a declared national emergency, and (3) to enable compliance with national air pollutant standards, where compulsory licenses are essential to such compliance.

Where the law of a Party allows for the grant of compulsory licenses, the following provisions shall be respected:

(1) Compulsory licenses shall be non-exclusive and non-assignable except with that part of the enterprise which exploits such license.

(2) The payment of remuneration to the patent owner adequate to compensate the patent owner fully for the license shall be required, except for compulsory licenses to remedy adjudicated violations of competition law.

(3) Each case involving the possible grant of a compulsory license shall be considered on its individual merits except that such consideration may be waived in cases of a declared national emergency.

(4) Any compulsory license shall be revoked when the circumstances which led to its granting cease to exist, taking into account the legitimate interests of the patent owner and of the licensee. The continued existence of these circumstances shall be reviewed upon request of the patent owner.

(5) Judicial review shall be available for:

(a) Decisions to grant compulsory licenses, except in the instance of a declared national emergency,

(b) decisions to continue compulsory licenses, and

(c) decisions concerning the amount of compensation provided for compulsory licenses.

(d) *Layout-Designs of Semiconductor Integrated Circuits*

(i) Subject Matter for Protection

(1) Each Party shall provide protection for original layout-designs incorporated in a semiconductor integrated circuit, however the layout-design might be fixed or encoded.

(2) Each Party may condition protection on fixation or registration of the layout-designs. If registration is required, applicants shall be given at least two years from first

commercial exploitation of the layout-design in which to apply. A Party which requires deposits of identifying material or other material related to the layout-design shall not require applicants to disclose confidential or proprietary information unless it is essential to allow identification of the layout-design.

(ii) Rights Acquired

(1) Each Party shall provide to right-holders of lay-out designs of the other Party the exclusive right to do or to authorize the following:

(A) to reproduce the layout-design;

(B) to incorporate the layout-design in a semiconductor chip; and

(C) to import or distribute a semiconductor integrated circuit incorporating the layout-design and products including such integrated circuits.

(2) The conditions set out in paragraph (c)(vi) of this paragraph shall apply, *mutatis mutandis*, to the grant of any compulsory licenses for layout-designs.

(3) Neither Party is required to extend protection to layout-designs that are commonplace in the industry at the time of their creation or to layout-designs that are exclusively dictated by the functions of the circuit to which they apply.

(4) Each Party may exempt the following from liability under its law:

(A) reproduction of a layout-design for purposes of teaching, analysis, or evaluation in the course of preparation of a layout-design that is itself original;

(B) importation and distribution of semiconductor chips, incorporating a protected layout-design, which were sold by or with the consent of the owner of the layout-design; and

(C) importation or distribution up to the point of notice of a semiconductor chip incorporating a protected layout-design and products incorporating such chips by a person who establishes that he did not know, and had no reasonable grounds to believe, that the layout-design was protected, provided that, with respect to stock on hand or purchased at the time notice is received, such person may import or distribute only such stock but is liable for a reasonable royalty on the sale of each item after notice is received.

(iii) Term of Protection

The term of protection for the lay-out design shall extend for at least ten years from the date of first commercial exploitation or the date of registration of the design, if required, whichever is earlier.

(e) *Acts Contrary to Honest Commercial Practices and the Protection of Trade Secrets*

(i) In the course of ensuring effective protection against unfair competition as provided for in Article 10 bis of the Paris Convention for the Protection of Industrial Property, each Party shall provide in its domestic law and practice the legal means for nationals and companies to prevent trade secrets from being disclosed to, acquired by, or used by others without the consent of the trade secret owner in a manner contrary to honest commercial practices insofar as such information:

(1) is not, as a body or in the precise configuration and assembly of its components, generally known or readily ascertainable;

(2) has actual or potential commercial value because it is not generally known or readily ascertainable; and

(3) has been subject to reasonable steps under the circumstances to keep it secret.

(ii) Neither Party shall limit the duration of protection for trade secrets so long as the conditions in paragraph 2(e)(i) of this letter exist.

(iii) Licensing

Neither Party shall discourage or impede voluntary licensing of trade secrets by imposing excessive or discriminatory conditions on such licenses or conditions which dilute the value of trade secrets.

(iv) Government Use

(1) If a Party requires, as a condition of approving the marketing of pharmaceutical or agricultural chemical products which utilize new chemical entities, the submission of undisclosed test or other data, the origination of which involves a considerable effort, that Party shall protect such data against unfair commercial use. Further, each Party shall protect such data against disclosure except where necessary to protect the public or unless steps are taken to ensure that the data is protected against unfair commercial use.

(2) Unless the person submitting the information agrees, the data may not be relied upon for the approval of competing products for a reasonable period of time, taking into account the efforts involved in the origination of the data, their nature, and the expenditure involved in their preparation, and such period of time shall generally be not less than five years from the date of marketing approval.

(3) Where a Party relies upon a marketing approval granted by another Party, the reasonable period of exclusive use of the data submitted in connection with obtaining the approval relied upon shall commence with the date of the first marketing approval relied upon.

(f) *Enforcement of Intellectual Property Rights*

(i) Each Party shall protect intellectual property rights covered by this letter by means of civil law, criminal law, or administrative law or a combination thereof in conformity with the provisions below. Each Party shall provide effective procedures, and remedies to prevent or stop, within its territory and at the border, against any act of infringement, and effective remedies to stop and prevent infringements and to effectively deter further infringements. These procedures shall be applied in such a manner as to avoid the creation of obstacles to legitimate trade and provide safeguards against abuse.

(ii) Procedures for enforcing intellectual property rights shall be fair and equitable.

(iii) Decisions on the merits of a case shall, as a general rule, be in writing and reasoned. They shall be made known at least to the parties to the dispute without undue delay.

(iv) Each Party shall provide an opportunity for judicial review of final administrative decisions on the merits of an action concerning the protection of an intellectual property right. Subject to jurisdictional provisions in each Party's laws concerning the importance of a case, an opportunity for judicial review of the legal aspects of initial judicial decisions on the merits of a case concerning the protection of an intellectual property right shall also be provided.

(v) Notwithstanding the other provisions of paragraph 2(f), when a Party to this Agreement is sued with respect to infringement of an intellectual property right as a result of the use of that right by or for the government, the Party may limit remedies against the government to payment of full compensation to the right-holder.

3. For purposes of this Agreement:

(a) "right-holder," includes the right-holder himself, any other natural or legal person authorized by him who are exclusive licensees of the right, or other authorized persons, including federations and associations, having legal standing under domestic law to assert such rights;

(b) "A manner contrary to honest commercial practice" is understood to encompass, *inter alia*, practices such as theft, bribery, breach of contract, inducement to breach, electronic and other forms of commercial espionage, and includes the acquisition, use or disclosure of trade secrets by third parties who knew, or had reasonable grounds to know, that such practices were involved in their acquisition of such information.

(c) "Integrated circuit" means a product, in its final form or an intermediate form, in which the elements, at least one of which is an active element, and some or all of the interconnections are integrally formed in and/or on a piece of material and which is intended to perform an electronic function.

4. Subject to the requirement that such measures are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination between countries where the same conditions prevail, or a disguised restriction on international trade, nothing in this letter shall be construed to prohibit the adoption or enforcement by a Party of meas-

ures necessary to secure compliance with laws or regulations relating to the protection and enforcement of intellectual property rights and the prevention of deceptive practices as set out in this letter.

5. Each Party agrees to submit for enactment no later than December 31, 1993 the legislation necessary to carry out the obligations of this letter and to exert its best efforts to enact and implement this legislation by that date.

6. The Parties acknowledge that, under the existing Romanian law, it is not possible to fully implement the provisions of this letter. Accordingly, the Government of Romania has undertaken the obligation set forth in paragraph 5 of the side letter to submit and exert best efforts to enact and implement amendments to existing laws or enact new laws. Pending the enactment of such amendments or new laws which fully implement the provisions of the exchange of letters, if it is brought to the attention of the Romanian Government by the Government of the United States that existing laws are being applied in a manner inconsistent with this side letter, the Government of Romanian shall promptly take appropriate steps to rectify the inconsistency, including accelerating the introduction and implementation of such amendments and new laws.

I have the further honor to propose this understanding be treated as an integral part of the Agreement. I would be grateful if you would confirm that this understanding is shared by your Government.

I have the further honor to confirm that the foregoing understanding is shared by my Government and constitutes an integral part of the Agreement.

Sincerely,

John R. Davis, Jr.

Proclamation 6578 of July 2, 1993

National Literacy Day, 1993 and 1994

By the President of the United States of America
A Proclamation

America is a grand and prosperous Nation. We enjoy the highest standard of living of any major nation, and we lead the world in many other aspects. For instance, many of the greatest educational institutions in the world are American. However, despite this success—or maybe because of it—Americans take many things for granted. Our relative wealth has often led us to neglect the basic strengths on which this Nation was founded and has prospered. One of these strengths is an education level for all Americans adequate to support a productive work force, strong family structures, and a responsible citizenry.

Literacy is fundamental for all facets of life, yet there are approximately 27 million adults who lack the most fundamental skills necessary to survive and succeed in our society. It is my goal as President of the United States to give all Americans the opportunity to learn to read, write, and develop basic skills. National Literacy Day provides us a time to reaffirm our commitment to ensuring that all Americans possess the basic reading and math skills on which all further learning must be built.

The fifth National Education Goal calls for every American, by the year 2000, to possess the knowledge and skills necessary to compete in a global economy. That goal highlights one critical fact of life: The world of work is changing rapidly. Americans, and especially young Americans, will never succeed in tomorrow's economy with yesterday's

skills. That is why we must have the courage to change our education system to face the challenges of the 21st century.

My Administration's education reform legislation, the Goals 2000: Educate America Act, establishes high academic and occupational standards, while providing support to States and communities to help them reach those standards. Fifty million Americans have no high school diploma, and half of those who do graduate do not go on to college. We must be sure that these Americans receive the education and training they need to compete in a high-wage, high-skills economic climate.

Literacy is not a luxury. It is a right and a responsibility. It is hard for most of us to imagine functioning in our society without the ability to complete a job application or balance a checkbook. It is a disadvantage that is intolerable in a Nation dedicated to the principles of freedom and equality.

In recent years progress has been made toward a more widely literate society. States and communities, volunteer and religious organizations, businesses and labor organizations have all made invaluable contributions to raising public awareness and assisting undereducated adults. I applaud the good work that these groups have done, and I encourage them to join in a partnership with our Federal initiatives to completely erase American illiteracy by the year 2000.

To recognize the urgent need to increase literacy to ensure the future well-being of our country and all its citizens, the Congress, by House Joint Resolution 213, has designated July 2, 1993, and July 2, 1994, as "National Literacy Day" and has requested the President to issue a proclamation in observance of this day.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim July 2, 1993, and July 2, 1994, as "National Literacy Day."

IN WITNESS WHEREOF, I have hereunto set my hand this second day of July, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and seventeenth.

WILLIAM J. CLINTON

Proclamation 6579 of July 4, 1993

To Implement an Accelerated Tariff Schedule of Duty Elimination and To Modify Rules of Origin Under the United States-Canada Free-Trade Agreement

By the President of the United States of America
A Proclamation

1. On January 2, 1988, the President entered into the United States-Canada Free-Trade Agreement ("the Agreement"). The Agreement and certain letters exchanged between the Governments of Canada and the United States were approved by the Congress in section 101(a) of the United States-Canada Free-Trade Agreement Implementation Act of

1988 ("Implementation Act"), Public Law 100–449. The Agreement entered into force on January 1, 1989.

2. Section 201(b) of the Implementation Act grants the President, subject to the consultation and lay-over requirements of section 103(a) of the Implementation Act, the authority to proclaim such modifications as to which the United States and Canada may agree regarding the staging of any duty treatment set forth in Annexes 401.2 and 401.7 to the Agreement as the President determines to be necessary or appropriate to maintain the general level of reciprocal and mutually advantageous concessions with respect to Canada provided for by the Agreement.

3. Consistent with Article 401(5) of the Agreement, I, through my duly empowered representative, on June 30, 1993, entered into an agreement with the Government of Canada providing an accelerated schedule of duty elimination for specific goods of Annex 401.2 to the Agreement. The consultation and lay-over requirements of section 103(a) of the Implementation Act with respect to such schedule have been complied with.

4. Pursuant to section 201(b) of the Implementation Act, I have determined that the modifications hereinafter proclaimed to existing duties on goods originating in the territory of Canada are necessary or appropriate to maintain the general level of reciprocal and mutually advantageous concessions with respect to Canada provided for by the Agreement and to carry out the agreement with Canada providing an accelerated schedule of duty elimination for specific goods of Annex 401.2 to the Agreement.

5. Section 202(d)(1) of the Implementation Act authorizes the President to proclaim, as a part of the Harmonized Commodity Description and Coding System, implemented by the United States as the Harmonized Tariff Schedule of the United States ("HTS"), the rules of origin set forth in Annex 301.2 of the Agreement. Section 202(d)(2) of the Implementation Act authorizes the President to proclaim, subject to the consultation and lay-over requirements of section 103(a) of the Implementation Act, such modifications to the rules as may from time to time be agreed to by the United States and Canada. I have decided, pursuant to an agreement entered into on June 30, 1993, between the United States and Canada, that certain modifications in the Agreement's rules of origin for particular goods of the HTS should be proclaimed as a part of the HTS. The consultation and lay-over requirements of section 103 of the Implementation Act with respect to such modifications have been complied with.

6. Section 201(a) of the Implementation Act authorizes the President to proclaim such modifications to or continuance of existing duties, such continuance of existing duty-free or excise treatment, or such additional duties as the President determines to be necessary or appropriate to carry out Article 401 of the Agreement and the schedule of duty reductions with respect to goods originating in the territory of Canada set forth in Annexes 401.2 and 401.7 to the Agreement.

7. Proclamation 6515 of December 16, 1992, among other actions, provided for the continuation of previously proclaimed staged duty reductions on Canadian goods in the HTS provisions modified in Annex I to Proclamation 6515. An error was made concerning the staged reductions for HTS subheading 4421.90.95. Therefore, I have decided that it is necessary and appropriate to correct this error.

8. Section 604 of the Trade Act of 1974, as amended (19 U.S.C. 2483), authorizes the President to embody in the HTS the substance of the relevant provisions of that Act, of other acts affecting import treatment, and actions thereunder, including removal, modification, continuance, or imposition of any rate of duty or other import restriction.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, acting under the authority vested in me by the Constitution and laws of the United States, including but not limited to section 604 of the Trade Act of 1974, and sections 201 and 202 of the Implementation Act, do proclaim that:

(1) In order to provide for an accelerated schedule of duty elimination for specific goods of Annex 401.2 to the United States-Canada Free-Trade Agreement and to modify the rules of origin for certain goods under the Agreement, the tariff treatment provided for in the HTS for certain goods originating in the territory of Canada and general note 3(c)(vii) to the HTS are modified as provided in sections A and B of the Annex to this proclamation.

(2) In order to correct the continued staged duty reductions on Canadian goods provided for in HTS subheading 4421.90.95, the HTS is modified as set forth in section C of the Annex to this proclamation.

(3) In order to implement accelerated elimination of the rate of duty otherwise applicable under section 466 of the Tariff Act of 1930 to the equipments, or any part thereof, including boats, originating in the territory of Canada and the expenses of repairs made in the territory of Canada upon U.S.-documented vessels (other than civil aircraft, as defined in general note 3(c)(iv) of the HTS)), such equipments, parts (including boats), and expenses of repairs shall be subject to duty at a rate of free, effective with respect to any U.S.-documented vessel arriving in any port of the United States on or after the date specified in a notice by the United States Trade Representative and published in the **Federal Register.**

(4) Any provisions of previous proclamations inconsistent with the provisions of this proclamation are hereby superseded to the extent of such inconsistency.

(5) The modifications made by paragraph (1) of this proclamation shall be effective with respect to goods originating in the territory of Canada entered, or withdrawn from warehouse for consumption, on or after the dates set forth in sections A and B of the Annex to this proclamation.

(6) The modifications made by paragraph (2) of this proclamation shall be effective with respect to goods originating in the territory of Canada entered, or withdrawn from warehouse for consumption, on or after the dates set forth in section C of the Annex to this proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of July, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and eighteenth.

WILLIAM J. CLINTON

ANNEX

MODIFICATIONS TO THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES ("HTS") WITH RESPECT TO THE TARIFF TREATMENT OF CERTAIN GOODS ORIGINATING IN THE TERRITORY OF CANADA

Section A. *Effective with respect to goods originating in the territory of Canada entered, or withdrawn from warehouse for consumption, on or after July 1, 1993, the HTS is modified as follows:*

(1) For the following HTS provisions, in the Rates of Duty 1-Special subcolumn, by striking the symbol "(CA)" and the duty rate preceding it, and inserting in lieu thereof in the parentheses following the "Free" rate of duty the symbol "(CA)," in alphabetical order:

0202.30.20	3916.90.20	6911.10.49	7411.21.10
0202.30.40	3918.10.31	6911.10.60	7411.21.50
0202.30.60	3918.10.32	6911.10.80	7411.22.00
0712.10.00	3918.10.40	6912.00.10	8203.10.30
2208.10.30	4011.40.00	6912.00.20	8203.10.60
2208.10.60	4016.92.00	6912.00.35	8203.10.90
2208.10.90	5403.10.30	6912.00.39	8212.10.00
2208.20.10	5403.33.00	6912.00.41	8212.20.00
2208.20.20	5403.39.00	6912.00.44	8301.50.00
2208.20.30	5404.10.10	6912.00.45	8302.41.30
2208.20.40	5405.00.60	6912.00.46	8302.41.60
2208.20.50	5501.10.00	6912.00.48	8302.41.90
2208.20.60	5503.10.00	6912.00.50	8302.50.00
2208.50.00	5503.20.00	7007.19.00	8409.99.91
2208.90.45	5503.30.00	7019.10.30	8416.10.00
2208.90.60	5504.90.00	7019.10.60	8416.20.00
2208.90.65	5605.00.00	7019.31.00	8509.90.40
2208.90.70	5905.00.90	7225.10.00	8518.30.20
2208.90.75	6301.10.00	7226.10.10	8518.90.10
2208.90.80	6810.19.12	7226.10.50	8518.90.30
3302.10.10	6911.10.20	7307.22.10	9001.40.00
3302.10.20	6911.10.35	7307.29.00	9001.50.00
3302.10.30	6911.10.39	7307.93.30	9018.41.00
3302.90.10	6911.10.41	7307.93.60	9506.59.40
3302.90.20	6911.10.45	7307.93.90	9506.59.80

(2) For the following HTS subheadings, in the Rates of Duty 1-Special subcolumn, by striking the symbol ("CA") and the duty rate preceding it, and inserting in lieu thereof "Free (CA)".

5209.42.00	5405.00.30	5501.90.00	5902.90.00
5211.42.00	5408.10.00	5503.90.00	7019.10.10
5403.10.60	5501.20.00	5902.10.00	7019.10.20
5403.42.00	5501.30.00	5902.20.00	

(3) By inserting the following HTS subheadings in numerical sequence in subchapter V of chapter 99 in the HTS with the material, which is set forth in columnar format, inserted in the columns of the HTS designated "Heading/Subheading", "Article Description", and "Rates of Duty 1-Special", respectively. Bracketed matter is included to assist in the understanding of proclaimed modifications.

	[Goods originating...:]	
"9905.06.10	Bulbs in soil (provided for in subheading 0601.20.90)	Free (CA)
9905.07.01	Chinese cabbage (*Brassica rapa, chenensis*) or Chinese lettuce (*Brassica rapa, pekinensis*) (provided for in subheading 0704.90.40)	Free (CA)
9905.07.05	Chinese radishes or daikons (*Raphanus sativus, longipinnatus*) (provided for in subheading 0706.90.20)	Free (CA)
9905.07.15	Green chili peppers, in brine (provided for in subheading 0711.90.60)	Free (CA)
9905.21.05	Prepared ingredients for salads, consisting of a salad dressing and other components packaged together for retail sale (provided for in subheading 2103.90.60)	Free (CA)
9905.21.10	Conditioning, maturing or nutrient additives for flour; Dry honey coating; Honey flake; and Honey powder (all the foregoing goods provided for in subheading 2106.90.65)	Free (CA)

	[Goods originating...:]	
9905.22.10	Citric acid additives containing citric acid, water, and more than 85 percent but not more than 95 percent of alcohol by weight (provided for in subheading 2207.10.30)	Free (CA)
9905.24.10	Cigar binders (provided for in subheading 2403.91.40)	Free (CA)
9905.30.12	Ointment for moisturizing and protecting animal hooves (provided for in subheading 3004.90.60 or 3307.90.00)	Free (CA)
9905.30.15	Patches, impregnated with nicotine, used to assist in smoking withdrawal (provided for in subheading 3005.10.10)	Free (CA)
9905.30.25	Tablets containing norethindrone acetate or ethinyl estradiol (provided for in subheading 3006.60.00)	Free (CA)
9905.33.10	Powders for perfuming or deodorizing rugs or carpets (provided for in subheading 3307.49.00)	Free (CA)
9905.39.02	Pintlepin assemblies consisting of a monofilament, braid, or monofilament and braid, with attached threading wire and metal tube (provided for in subheading 3916.90.10, 3916.90.30, 5404.10.80, 5609.00.30 or 5808.10.30); and Monofilament certified by the importer as intended for pintlepins or pintlepin assemblies (provided for in subheading 3916.90.10, 3916.90.30 or 5404.10.80)	Free (CA)
9905.39.11	Flat profile shapes of polycarbonate, of a width of 100 cm or more, of a thickness of 4 mm or more but not exceeding 17 mm, having a cross-section solely of identically sized multiple rectangular voids (provided for in subheading 3916.90.50)	Free (CA)
9905.39.16	Polyvinyl chloride film, flexible, certified by the importer as intended for use as computer graphic film; Polyvinyl chloride film certified by the importer as intended for use in graphics for trucks and emergency vehicles; and Retroreflective sheets incorporating glass beads or molded plastic microprisms (all the foregoing goods provided for in subheading 3919.90)	Free (CA)
9905.39.17	Polyethylene synthetic paper pulp, in sheets (provided for in subheading 3920.10.00)	Free (CA)
9905.39.18	Film, of a thickness not exceeding 0.025 mm, with a prismatic surface on one side, certified by the importer as intended for use in lighting fixtures (provided for in subheading 3920.61.00)	Free (CA)
9905.39.19	Plates, sheets, film, foil and strip certified by the importer as intended for use in the manufacture of tubes (provided for in subheading 3920.72.00)	Free (CA)
9905.39.20	Polyimide film (provided for in subheading 3920.99)	Free (CA)
9905.39.25	Bobbins with metal shafts and phenolic heads and bases; Spools for typewriter or business machine ribbons; and Spools for the packaging of pintlepins (all the foregoing goods provided for in subheading 3923.40.00)	Free (CA)
9905.39.27	Flooring designed for use in livestock buildings (provided for in subheading 3925.90.00 or 3926.90.95)	Free (CA)
9905.40.05	Strip certified by the importer as intended for use in passenger rail cars (provided for in subheading 4008.11)	Free (CA)
9905.40.09	Matting or mats certified by the importer as intended for use in passenger rail cars (provided for in subheading 4008.21.00, 4016.99.25 or 4016.99.50)	Free (CA)
9905.40.12	Conveyor belt cleats (provided for in subheading 4008.29.00)	Free (CA)
9905.40.15	Motorcycle rear drive belts and belt splice kits (provided for in subheading 4010.99)	Free (CA)
9905.40.18	Tire treads or retreads (provided for in subheading 4012.90.20, 4012.90.50, 4016.99.25 or 4016.99.50)	Free (CA)
9905.40.25	Chalkboard erasers (provided for in subheading 4016.10.00, 6307.90.99 or 9603.90.80)	Free (CA)
9905.40.30	Automotive weatherstripping (provided for in subheading 4016.10.00 or 4016.93.00	Free (CA)

	[Goods originating...:]	
9905.40.40	Capacitor covers, grommets, flanges, and vibration-absorbing motor mounts, all the foregoing certified by the importer as intended for use in air conditioners; Conveyor belt pegs or lugs; Elasticized tubular bandage and a textile-backed rubber boot, packaged together for retail sale, designed to be worn over an animal hoof; Rubber bands; and Rubber labels certified by the importer as intended to be cured on solid rubber tires during the tires' manufacture (all the foregoing goods provided for in subheading 4016.99.25 or 4016.99.50)	Free (CA)
9905.42.12	Golf bags (provided for in subheading 4202.92.15, 4202.92.20, 4202.92.30 or 4202.92.45)	Free (CA)
9905.42.25	Golf gloves (provided for in subheading 4203.21.80)	Free (CA)
9905.44.08	Brick-veneered panels having a plywood backing (provided for in subheading 4412.19.50)	Free (CA)
9905.53.10	Fabrics solely of flax, in the grey or unfinished condition (provided for in subheading 5309.11.00)	Free (CA)
9905.54.01	Yarn certified by the importer as intended for use in belts, belting or tire cord fabric (provided for in subheading 5402.10.60)	Free (CA)
9905.54.02	Yarn certified by the importer as intended for use in automotive or industrial belts or belting (provided for in subheading 5402.20.60)	Free (CA)
9905.54.03	Yarn certified by the importer as intended for use in woven fabrics other than narrow fabrics (provided for in subheading 5402.33)	Free (CA)
9905.54.13	Yarn of nylon, certified by the importer as intended for use in tires or reinforced hoses (provided for in subheading 5402.51.00 or 5402.61.00)	Free (CA)
9905.54.16	Yarn certified by the importer as intended for use in tires (provided for in subheading 5402.62.00)	Free (CA)
9905.55.15	Fibers certified by the importer as intended for use in carpets (provided for in heading 5506)	Free (CA)
9905.55.20	Yarn certified by the importer as intended for use in carpets (provided for in subheading 5509.11.00, 5509.12.00 or 5509.21.00)	Free (CA)
9905.55.30	Yarn solely of polyesters certified by the importer as intended for use in carpets (provided for in subheading 5509.22.00)	Free (CA)
9905.57.10	Axminster floor coverings (provided for in subheading 5702.31.20 or 5702.32.20)	Free (CA)
9905.58.15	Braid certified by the importer as intended for pintlepins or pintlepin assemblies (provided for in subheading 5808.10.30)	Free (CA)
9905.59.02	Chafer fabric of nylon certified by the importer as intended for use in tires (provided for in subheading 5906.99)	Free (CA)
9905.62.10	Protective clothing accessories of a kind used by chain saw operators (provided for in subheading 6217.10.00)	Free (CA)
9905.64.30	Spikes certified by the importer as intended for use in golf shoes (provided for in subheading 6406.99.30 or 6406.99.90)	Free (CA)
9905.69.10	Insulators for precipitators (provided for in subheading 6909.19 or 8546.20.00)	Free (CA)
9905.72.10	Wire certified by the importer as intended for use in hoses, tires and conveyor or automotive belting (provided for in subheading 7217.13, 7217.23 or 7217.33)	Free (CA)
9905.72.20	Wire certified by the importer as intended for pintlepins or pintlepin assemblies, whether or not fitted with a metal tube (provided for in subheading 7217.31.30 or 7223.00.10)	Free (CA)
9905.72.30	Wire certified by the importer as intended for use in reinforced hoses (provided for in subheading 7217.32.10)	Free (CA)
9905.73.02	Tubes certified by the importer as intended for use in the manufacture of pintlepin assemblies (provided for in subheading 7304.41.00)	Free (CA)

	[Goods originating...:]	
9905.73.06	Feedwater heater tubes in U-bend configuration; and Tubes certified by the importer as intended for use in tubular automotive manifolds (all the foregoing goods provided for in subheading 7306.40)	Free (CA)
9905.73.07	Tubes, pipes and hollow profiles of aluminized welded steel (provided for in subheading 7306.60.10 or 7306.60.50)	Free (CA)
9905.73.08	Milking parlor stall systems (provided for in subheading 7308.90.90)	Free (CA)
9905.73.09	Steel cord strands certified by the importer as intended for use in tires; Stranded alloyed steel wire, of a diameter exceeding 5 mm, certified by the importer as intended for use in tires; Stranded wire certified by the importer as intended for use in conveyor belting; and Tire cord (all the foregoing goods provided for in subheading 7312.10)	Free (CA)
9905.73.11	Conveyor belt fastener hinge pins (provided for in subheading 7312.10, 7326.20.00 or 7326.90.90)	Free (CA)
9905.73.12	Tire cord fabrics (provided for in subheading 7314.19.00)	Free (CA)
9905.73.13	Bead or ball chain (provided for in subheading 7315.89.50)	Free (CA)
9905.73.14	Couplings for bead or ball chain (provided for in subheading 7315.90.00)	Free (CA)
9905.73.16	Elevator bolts (provided for in subheading 7318.15.20)	Free (CA)
9905.73.18	Cotter pins certified by the importer as intended for use in passenger rail cars (provided for in subheading 7318.24.00)	Free (CA)
9905.73.19	Breakneck lock fasteners with striated rings (provided for in subheading 7318.29.00)	Free (CA)
9905.73.20	Portable workbenches with wooden surfaces (provided for in subheading 7323.99.90 or 7326.90.90)	Free (CA)
9905.73.21	Clamping rings and clevis pins certified by the importer as intended for use in passenger rail cars (provided for in subheading 7325.99)	Free (CA)
9905.73.22	Bottoms certified by the importer as intended for use in insect control devices and cylindrical nonpressurized containers for deodorizers; Insert cups certified by the importer as intended for use in insect control devices; and Stampings for drum tops and bottoms (all the foregoing goods provided for in subheading 7326.19.00)	Free (CA)
9905.73.25	Bedpan liner dispenser racks; Bedpan support racks; Closing rings for drums; Conveyor or transmission belt (including V-belting) fasteners; Spools for typewriter or business machine ribbons; Urinal holders; and Unthreaded collars for breakneck lock fasteners with striated rings (all the foregoing goods provided for in subheading 7326.90.90)	Free (CA)
9905.74.40	Continuous cast bronze tubes (provided for in subheading 7411.29)	Free (CA)
9905.74.50	Brass bead or ball chain, whether or not nickel-plated (provided for in subheading 7419.10.00)	Free (CA)
9905.74.60	Brass forgings (provided for in subheading 7419.91.00)	Free (CA)
9905.76.30	Forgings certified by the importer as intended for use in passenger rail cars (provided for in subheading 7616.90.00)	Free (CA)
9905.82.25	Conveyor and transmission belt fastener installation and splicing tools (provided for in subheading 8205.59.55, 8205.59.60, 8205.59.70 or 8205.59.80)	Free (CA)
9905.82.30	Vises and clamps, precision, for toolmakers, machinists or metal workers (provided for in subheading 8205.70.00)	Free (CA)
9905.82.35	Knives and their handles, the foregoing of stainless steel containing 17 percent or more by weight of chromium (provided for in subheading 8211.91.20, 8211.91.25, 8211.91.30, 8211.91.40 or 8211.91.60)	Free (CA)
9905.82.40	Knife blades of stainless steel containing 17 percent or more by weight of chromium (provided for in subheading 8211.94)	Free (CA)
9905.82.45	Forks, spoons, spoon blanks and table forks in the rough, the foregoing of stainless steel containing 17 percent or more by weight of chromium (provided for in subheading 8215.99)	Free (CA)
9905.83.35	Gold-plated or silver-plated saddle trim (provided for in subheading 8302.49.20)	Free (CA)

	[Goods originating...:]	
9905.83.45	Door handles certified by the importer as intended for use in passenger rail cars (provided for in subheading 8302.49.60 or 8302.49.80)	Free (CA)
9905.83.50	Electronic keyboxes and parts thereof (provided for in heading 8303.00.00)	Free (CA)
9905.83.55	Eyelets (provided for in subheading 8308.10.00)	Free (CA)
9905.83.60	Blind rivets (provided for in subheading 8308.20)	Free (CA)
9905.84.03	Window-type air conditioning machines, less than 2.93 kW per hour (provided for in subheading 8415.10.00)	Free (CA)
9905.84.04	Parts of furnace burners of subheading 8416.10.00 or 8416.20.00 (provided for in subheading 8416.90.00)	Free (CA)
9905.84.21	Parts of dishwashing machines of subheading 8422.11.00 (provided for in subheading 8422.90.05)	Free (CA)
9905.84.31	Parts of washing machines of subheading 8450.11.00 (provided for in subheading 8450.90.00)	Free (CA)
9905.85.01	AC electric motors certified by the importer as intended for use in heating, air conditioning or refrigeration units (provided for in subheading 8501.10)	Free (CA)
9905.85.16	Isolating transformers for airfield lighting (provided for in subheading 8504.31)	Free (CA)
9905.85.23	Dry cell batteries, other than 6 volt alkaline lantern batteries (provided for in subheading 8506.20.00)	Free (CA)
9905.85.27	Nickel-cadmium storage batteries certified by the importer as intended for use in passenger rail cars (provided for in subheading 8507.30.00)	Free (CA)
9905.85.44	Motorcycle ignition modules and motorcycle spark coils (provided for in subheading 8511.30.00)	Free (CA)
9905.85.48	Motorcycle alternator kits, regulators and sensor assemblies (provided for in subheading 8511.80)	Free (CA)
9905.85.54	Motorcycle distributor contact (breaker point) sets and ignition equipment; and Parts of motorcycle ignition modules, spark coils, generators, alternator kits and regulators, sensor assemblies, distributor contact (breaker point) sets or ignition equipment (all the foregoing goods provided for in subheading 8511.90)	Free (CA)
9905.85.56	Motorcycle lamps, side beams and signaling equipment (including siren kits), and parts thereof (provided for in subheading 8512.20.40, 8512.30.00 or 8512.90.20)	Free (CA)
9905.85.57	Hot water dispensers, of a capacity not exceeding 2.5 liters (provided for in subheading 8516.10.00)	Free (CA)
9905.85.58	Warm-steam vaporizers (provided for in subheading 8516.10.00 or 8516.79.00)	Free (CA)
9905.85.59	Amplifiers for telephone headsets (provided for in subheading 8518.40)	Free (CA)
9905.85.61	Telephone headsets (provided for in subheading 8518.50.00)	Free (CA)
9905.85.62	Unrecorded magnetic tape certified by the importer as intended for automatic data processing uses (provided for in subheading 8523.13.00)	Free (CA)
9905.85.63	Unrecorded compact discs specially encoded for the permanent laser beam recording of photographic images (provided for in subheading 8523.90.00)	Free (CA)
9905.85.64	Lightning or lighting arresters certified by the importer as intended for use in passenger rail cars (provided for in subheading 8535.40.00)	Free (CA)
9905.85.74	Plug-in busways, fusible or circuit breaker type (provided for in subheading 8536.10.00, 8536.20.00 or 8536.30.00)	Free (CA)
9905.85.75	Protectors certified by the importer as intended for use in electric motors (provided for in subheading 8536.20.00)	Free (CA)
9905.85.76	Thermal protectors certified by the importer as intended for use in ballasts for fluorescent lamps (provided for in subheading 8536.30.00)	Free (CA)
9905.85.78	Microswitches rated at 20 amperes or less for use in machinery and other industrial applications (provided for in subheading 8536.50.00)	Free (CA)

	[Goods originating...:]	
9905.85.79	Busway connector assemblies; Connector kits for airfield lighting; and Electrical plugs and cylindrical multicontact connectors, certified by the importer as intended for use in passenger rail cars (all the foregoing goods provided for in subheading 8536.69.00)	Free (CA)
9905.85.82	Cable assemblies certified by the importer as intended for use in airfield lighting (provided for in subheading 8544.41.00, 8544.51.80 or 8544.60)	Free (CA)
9905.85.83	Cable fitted with connectors for telephone headsets; and Igniter wires certified by the importer as intended for use in heating, air conditioning or refrigeration units (all the foregoing goods provided for in subheading 8544.41.00)	Free (CA)
9905.85.84	Carbon brushes certified by the importer as intended for use in passenger rail cars (provided for in subheading 8545.20.00)	Free (CA)
9905.85.85	Insulation tubes; Insulators for pantographs; and Insulators certified by the importer as intended for use in switchgear (all the foregoing goods provided for in subheading 8546.90.00)	Free (CA)
9905.85.86	Electric motor fuse bases certified by the importer as intended for use in passenger rail cars (provided for in subheading 8547.90.00)	Free (CA)
9905.90.06	Viewfinder eye cushions for cinematographic cameras (provided for in subheading 9007.91.80)	Free (CA)
9905.90.13	Mechano-therapy equipment (provided for in subheading 9019.10.20)	Free (CA)
9905.90.14	Thermocouple tips (provided for in subheading 9025.90.00)	Free (CA)
9905.90.17	Airfield lighting regulators; Automatic voltage controllers; Control instruments under 1000 volts; and Float control switches (all the foregoing goods provided for in subheading 9032.89)	Free (CA)
9905.92.05	Lutes (provided for in subheading 9202.90.60)	Free (CA)
9905.92.12	Lute strings (provided for in subheading 9209.30.00)	Free (CA)
9905.92.14	Tuning pins for lutes (provided for in subheading 9209.92.40)	Free (CA)
9905.92.16	Parts of lutes (provided for in subheading 9209.92.80)	Free (CA)
9905.94.09	Light-emitting sources for electronic measuring equipment (provided for in subheading 9405.40.60)	Free (CA)
9905.94.12	Airfield signs, static nonflashing, having an illuminating light (provided for in subheading 9405.60)	Free (CA)
9905.95.01	Golf balls, hollow, for practice (provided for in subheading 9506.32.00 or 9506.39.00)	Free (CA)
9905.95.07	Shuttlecocks (provided for in subheading 9506.99.12)	Free (CA)
9905.95.08	Pitching machines (provided for in subheading 9506.99.15 or 9506.99.60)	Free (CA)
9905.96.05	Hand-operated mechanical floor sweepers, not motorized (provided for in subheading 9603.90.80)	Free (CA)
9905.96.10	Plastic tip pens and dry erase markers (provided for in subheading 9608.20.00)	Free (CA)
9905.96.25	Chalk and crayons (provided for in subheading 9609.90.80)	Free (CA)"

(4) By striking the following HTS subheadings:

9905.16.10	9905.42.10	9905.83.05	9905.85.66
9905.30.02	9905.54.10	9905.83.10	9905.85.67
9905.30.05	9905.54.14	9905.84.16	9905.85.68
9905.30.10	9905.55.10	9905.85.21	9905.85.71
9905.39.07	9905.59.10	9905.85.25	9905.87.20
9905.39.08	9905.66.10	9905.85.38	9905.95.03
9905.39.10	9905.70.10	9905.85.39	
9905.40.20	9905.73.10	9905.85.51	

and inserting in lieu thereof the following HTS subheadings in numerical sequence in subchapter V of chapter 99 in the HTS with the material which is set forth in columnar format, inserted in the columns of the HTS designated "Heading/Subheading", "Article Descrip-

tion", and "Rates of Duty 1-Special", respectively. Bracketed matter is included to assist in the understanding of proclaimed modifications.

	[Goods originating...:]	
"9905.16.10	Prepared meals, not dehydrated and not requiring refrigeration, in vacuum-sealed airtight pouches or trays; and Prepared or preserved bovine meat, meat offal or blood (other than prepared meals) (all the foregoing goods provided for in subheading 1602.50.90)	Free (CA)
9905.30.02	Clindamycin palmitate hydrochloride granules; Clindamycin phosphate topical solution; Erythromycin; Erythromycin lactobionate, injectable; Imipenem-cilastatin sodium; Spectinomycin hydrochloride sterile powder, injectable; and Vancomycin hydrochloride, injectable (all the foregoing goods provided for in subheading 3004.20.00)	Free (CA)
9905.30.05	Oxytocin, injectable; Recombinant human erythropoietin; and Somatropin, injectable (all the foregoing goods provided for in subheading 3004.39.00)	Free (CA)
9905.30.10	Acetazolamide in sustained-release dosage form for human use; Alprostadil sterile solution, injectable; Aminocaproic acid; Antibacterial creams containing sulfanilamide as the single active ingredient; Antihistaminic agents in tablet form containing terfenadine as the single active ingredient; Anthelmintic based on pyrantel pamoate or morantel tartarate for treating internal parasites in horses and in dairy and feed cattle; Antimicrobial ointments other than sulfonamides for the treatment of vaginal yeast infections in animals; Antiseptic liniment or gel for relief of muscular aches, arthritic pain or bruises; Attapulgite tablets, film-coated; Ciprofloxacin hydrochloride tablets; Ciprofloxacin, intravenous; Ganciclovir sodium; Iron-dextran complex; Ivermectin; Ketorolac tromethamine; Laxatives for animals; Lyophilized ribavirin in vials; Methotrexate sodium; Mitoxantrone hydrochloride; Nifedipine tablets; Nimodipine capsules, tablets or intravenous formulation; Nitroglycerin tablets, sublingual; Quinapril hydrochloride; Streptozocin sterile solution, injectable; Sumatriptan succinate; and Tubocurarine chloride, injectable (all the foregoing goods provided for in subheading 3004.90.60)	Free (CA)
9905.39.07	Polyvinyl chloride edgebanding, of a width of over 1 cm, and of a thickness of over 0.03 cm but not over 1 cm; Tape certified by the importer as intended for use in the manufacture of disposable diapers; and Tape of polyesters, certified by the importer as intended for use in splicing or holding film during photographic processing (all the foregoing goods provided for in subheading 3919.10.20)	Free (CA)
9905.39.10	Construction debris chutes; Facemasks and visors specially designed for headgear used in ice hockey; Grommets certified by the importer as intended for use in ballasts for fluorescent lamps; Lip bands (handles) for glass decanters; Microfilm jackets of polyethylene terephthalate; Perforated 8 mm, 16 mm or 35 mm motion picture film leaders of cellulose acetate or polyethylene terephthalate; Perforated release film of polymers of tetrafluoroethylene, certified by the importer as intended to be employed in the manufacture of printed circuit boards; and Teethers and teething rings (all the foregoing goods provided for in subheading 3926.90.95)	Free (CA)
9905.40.20	Gaskets certified by the importer as intended for use in sealing steel or plastic drums; Gaskets and seals for locomotives and rail cars; Motor seals certified by the importer as intended for use in passenger rail cars; Oil seals; and Seals certified by the importer as intended for use in air conditioners (all the foregoing goods provided for in subheading 4016.93.00)	Free (CA)

	[Goods originating...:]	
9905.42.10	Bowling bags; and Ski carrying cases, portable, of polyethylene (all the foregoing goods provided for in subheading 4202.92.45)	Free (CA)
9905.54.10	Yarn certified by the importer as intended for use in weather stripping; Yarn of expanded polytetrafluoroethylene; and Yarn, solely of polyurethane, single, untwisted, not on beams (all the foregoing goods provided for in subheading 5402.49.00)	Free (CA)
9905.54.14	Strip and the like, of nylon or of polytetrafluoroethylene (the foregoing provided for in subheading 5404.90.00)	Free (CA)
9905.59.10	Packing yarns with cores of glass fibers, whether or not incorporating a metal wire, covered with a textile wrapper; and Pure or prelubricated polytetrafluoroethylene yarns or strip (all the foregoing goods provided for in subheading 5911.90.00)	Free (CA)
9905.66.10	Canes specially designed for use by the blind; Orthopedic canes; and Seat-sticks (all the foregoing goods provided for in heading 6602.00.00)	Free (CA)
9905.70.10	Woven fabrics of electrically nonconductive continuous glass fiber filaments having a diameter of not less than 9.3 microns but not more than 10.7 microns, and impregnated, coated or covered with resorcinol formaldehyde latex (the foregoing provided for in heading 7019.20)	Free (CA)
9905.73.10	Cable ties certified by the importer as intended for use in passenger rail cars; Treeball baskets; Underwires for brassieres; and Wire mesh minnow traps (all the foregoing goods provided for in subheading 7326.20.00)	Free (CA)
9905.83.05	Electronic door locks; and Push-button combination door locks (all the foregoing goods provided for in subheading 8301.40.60)	Free (CA)
9905.83.10	Parts of electronic door locks; Parts of goods of subheading 8301.50.00; Parts of locks of a kind used for furniture; and Parts of push-button combination door locks (all the foregoing goods provided for in subheading 8301.60.00)	Free (CA)
9905.84.16	Parts of air conditioners of subheading 8415.82.00 for locomotives; and Parts of air conditioning machines of subheading 8415.10.00 or 8415.81.00 (all the foregoing goods provided for in subheading 8415.90.00)	Free (CA)
9905.85.21	9 volt batteries; 1.5 volt AAA batteries; and Dry cell batteries other than 1.5 volt AA, 1.5 volt C and 1.5 volt D alkaline batteries (all the foregoing goods provided for in subheading 8506.11.00)	Free (CA)
9905.85.25	Parts of batteries having a lithium chemical system; Parts of primary cells or primary batteries of subheadings 8506.12.00 or 8506.13.00; Parts of 9 volt batteries, 1.5 volt AAA batteries, and dry cell batteries other than 1.5 volt AA, 1.5 volt C and 1.5 volt D alkaline batteries of subheading 8506.11.00; and Parts of dry cell batteries of subheading 8506.20.00 other than 6 volt alkaline lantern batteries (all the foregoing goods provided for in subheading 8506.90.00)	Free (CA)
9905.85.39	Alternator assemblies for diesel locomotives; and Motorcycle generators (all the foregoing goods provided for in subheading 8511.50.00)	Free (CA)
9905.85.51	Parts of automatic drip coffee makers; Parts of coffee percolators, of stainless steel; Parts of electrothermic hairdressing or hand-drying apparatus; Parts of electric flatirons; Parts of toasters; and Parts of warm-steam vaporizers of subheading 8516.79.00 (all the foregoing goods provided for in subheading 8516.90.60)	Free (CA)
9905.85.66	Connector kits for isolating transformers for airfield lighting; and Pantographs (all the foregoing goods provided for in subheading 8535.90.00)	Free (CA)
9905.85.67	Contactors certified by the importer as intended for use in passenger rail cars; and Shunt contactors for direct current controls (all the foregoing goods provided for in subheading 8536.49.00)	Free (CA)

	[Goods originating...:]	
9905.85.68	Connector adapters for goods of subheading 9030.39.00; Contactors and terminals for automatic motor protectors; Terminal blocks and terminals certified by the importer as intended for use in air conditioning machines; and Y-adapter connectors for telephone headsets (all the foregoing goods provided for in subheading 8536.90.00)	Free (CA)
9905.85.71	Direct current magnetic coils for switchgear of heading 8536; Parts of lightning or lighting arresters of subheading 8535.40.00, of contactors of subheading 8536.49.00, and of electrical plugs and cylindrical multicontact connectors of subheading 8536.69.00, all the foregoing certified by the importer as intended for use in passenger rail cars; Parts of connector kits for isolating transformers of subheading 8539.90.00 and parts of connector kits of subheading 8536.69.00, all the foregoing for airfield lighting; Parts of plug-in busways, fusible or circuit breaker type, of subheading 8536.10.00, 8536.20.00 or 8536.30.00; Parts of thermal protectors certified by the importer as intended for use in ballasts for fluorescent lamps, of subheading 8536.30.00; Parts of microswitches rated at 20 amperes or less for use in machinery and other industrial applications, of subheading 8536.50.00; Parts of busway connector assemblies of subheading 8536.69.00; Parts of terminal blocks and terminals certified by the importer as intended for use in air conditioning machines, of subheading 8536.90.00; Parts of Y-adapter connectors for telephone headsets, of subheading 8536.90.00; Ignition panels for motorcycles; and Parts of pantographs of subheading 8535.90.00 (all the foregoing goods provided for in subheading 8538.90.00)	Free (CA)
9905.87.20	Brake drums for semi-trailers for road tractors; and Hubs, wheels and spindles for agricultural trailers (all the foregoing goods provided for in subheading 8716.90.50)	Free (CA)
9905.95.03	Golf club shafts of fiberglass or wood; Golf club heads, of wood, rough cut; and Forged golf club heads of iron or steel, not ground, polished, plated or otherwise finished (all the foregoing goods provided for in subheading 9506.39.00)	Free (CA)"

(5) General note 3(c)(vii) to the HTS is modified:

(i) By adding the following new subdivision (R)(15)(aaa) at the same level of indentation as subdivision (R)(15)(aa):

"(aaa) A change from a parts subheading to a subheading other than a parts subheading; provided that the value of the materials originating in the territory of Canada and/or the United States plus the direct cost of processing performed in the territory of Canada and/or the United States constitute not less than 50 per cent of the value of the goods when exported to the territory of the United States."

(ii) By striking the text of subdivision (R)(15)(jj) and inserting in lieu thereof the following:

"A change to headings of 7309–7311, 7313–7314, 7316, 7319 or 7321–7326 from any heading other than any of those headings."

(iii) By striking the text of subdivision (R)(16)(cc) and inserting in lieu thereof the following:

"A change to heading 8407 or 8408 from any other heading; provided, that the value of materials originating in the territory of Canada and/or the United States plus the direct cost of processing performed in Canada and/or the United States constitute not less than 50 percent of the value of the goods when exported to the territory of the United States."

(iv) By adding the following new subdivision (R)(16)(eee) at the same level of indentation as subdivision (R)(16)(ee):

"(eee) A change to subheading 8471.99 from subheading 8471.93."

Section B. *Effective with respect to goods originating in the territory of Canada entered, or withdrawn from warehouse for consumption, on or after the date specified in a notice by the U.S. Trade Representative and published in the* **Federal Register** *(such date to coincide with the date of implementation of the North American Free Trade Agreement) the HTS is modified as follows:*

(1) For HTS subheadings 5801.25.00, 5801.35.00 and 8540.11.00, in the Rates of Duty 1-Special subcolumn, by striking the symbol "(CA)" and the duty rate preceding it, and inserting in lieu thereof in the parentheses following the "Free" rate of duty the symbol "CA," in alphabetical order.

(2) By deleting from the article description of HTS subheading 9905.00.30 "5801.25" and "5801.35".

(3) By inserting the following HTS subheading in numerical sequence in subchapter V of chapter 99 in the HTS with the material, which is set forth in columnar format, inserted in the columns of the HTS designated "Heading/Subheading", "Article Description", and "Rates of Duty 1-Special", respectively:

Bracketed matter is included to assist in understanding of proclaimed modifications.

	[Goods originating...:]	
"9905.73.04	Tubes, pipes and hollow profiles of stainless steel containing by weight 24 percent or more of nickel (provided for in subheading 7304.41.00 or 7304.49.00)	Free (CA)"

Section C. *Effective with respect to goods originating in the territory of Canada entered, or withdrawn from warehouse for consumption, on or after the dates set forth in the following tabulation.*

For subheading 4421.90.95, on or after January 1 of each of the following years, the rate of duty in the Rates of Duty 1-Special subcolumn in the HTS that is followed by the symbol "CA" in parentheses is deleted and the following rates of duty inserted in lieu thereof.

HTS Subheading	1994	1995	1996	1997	1998
4421.90.95	2%	1.5%	1%	0.5%	Free

Proclamation 6580 of July 15, 1993

Captive Nations Week, 1993

By the President of the United States of America
A Proclamation

Since 1959, when the Congress designated the third week of July as "Captive Nations Week," Americans have set aside this week to remember those who suffer under the yoke of oppressive governments. Many brave people who sought freedom and liberty brought down these totalitarian regimes, and this week we recognize their sacrifices. But we must also rededicate ourselves to those who are still struggling in regions of the world where human rights and individual liberties are not upheld.

Over two centuries ago our forefathers fought for the cause of freedom and democracy, and these ideals have continued to be embraced by nations around the world. As America declared its independence, our country provided inspiration for all those who did not enjoy the rights that we held to be self-evident. We cannot abandon those we have encouraged. Our efforts in the former Soviet Union and Central and Eastern Europe have been rewarded by a wave of freedom throughout the region. Furthermore, these nations have proven their resolve and commitment to the difficult and frustrating transition to democratic, mar-

ket-oriented systems that respect individual, social, political, and economic rights.

Yet today not everyone is free. There are still oppressive and authoritarian governments entrenched elsewhere in the world. Others are struggling for freedom and democracy, but need our help. Many nations in Latin America and Africa have been slower to introduce change. Tragically, even those in Europe are still threatened by atrocities fueled by ethnic hatred. For this reason, we must always remember the abuses that captive peoples have endured, continue to promote individual liberties, and call upon the nations of the world to protect human rights.

The Congress, by Joint Resolution approved July 17, 1959 (73 Stat. 212), has authorized and requested the President to issue a proclamation designating the third week in July of each year as "Captive Nations Week."

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim July 11 through July 17, 1993, as Captive Nations Week. I call upon the people of the United States to observe this week with appropriate ceremonies and activities. In doing this, I rededicate America to supporting the cause of human rights, democracy, peace, freedom, justice, and prosperity for all.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of July, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and eighteenth.

WILLIAM J. CLINTON

Proclamation 6581 of July 22, 1993

National Veterans Golden Age Games Week, 1993

By the President of the United States of America
A Proclamation

Today, as many veterans reach their senior years, they are discovering the benefits of physical fitness and recreational activity. In Department of Veterans Affairs (VA) medical facilities, recreation has become an established part of the rehabilitation process. VA experience and research show that sports and competitive involvement can be enriching because of their physical benefits and because of their role in enhancing social, emotional, and psychological well-being.

Recognizing the need to establish meaningful activities for a rapidly growing number of aging veterans, the VA established the National Veterans Golden Age Games in 1983. Since then, numerous veterans have boosted their health and aided their rehabilitation through participation in this showcase program. These competitors remind us of the value of continued physical activity throughout a person's life and the physical goals and fulfillment we can achieve, regardless of age. These games demonstrate that age is no barrier to living life to its fullest.

The 7th National Veterans Golden Age Games, being held at Mountain Home VA Medical Center in Johnson City, Tennessee, offers a multi-

event program of recreational competition for veterans, aged 55 and over, who are currently receiving VA medical care. Veterans whose military service covers the span of American history from World War I to Vietnam will participate.

The Congress, by House Joint Resolution 190, has designated July 17, 1993, through July 23, 1993, as "National Veterans Golden Age Games Week" and has authorized and requested the President to issue a proclamation in its observance.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim July 17 through July 23, 1993, as National Veterans Golden Age Games Week. I urge all Americans to observe the week by remembering our hospitalized older veterans as they struggle to overcome infirmity and disability and to renew their own commitment to personal well-being through healthy recreational activity.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of July, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and eighteenth.

WILLIAM J. CLINTON

Proclamation 6582 of July 27, 1993

40th Anniversary of the Korean Armistice

By the President of the United States of America
A Proclamation

The friendship between the United States and South Korea is one formed in blood, for our troops fought shoulder to shoulder in defense of freedom. On the 40th anniversary of the signing of the Korean Armistice, it is appropriate that we honor those who fell in defense of freedom and human dignity and that we strive to create a new vision of how we as a community of neighbors can live in peace in the post-Cold War era.

When President Truman sent American troops to Korea's defense 43 years ago, he said he aimed to prove that "Free men under God can build a community of neighbors working together for the good of all." The joint efforts of the United States and South Korea since then have benefited the citizens of our two countries and the peoples of the Asian Pacific region. Our relationship has made that region more secure, more prosperous, and more free.

I join with all Americans in paying tribute to those who served in the Korean War and in remembering those who died in that conflict. We must not forget the lessons we learned—the Korean War must not be the "Forgotten War."

Veterans of Korea served America valiantly during one of the most destructive wars of this century. Their experiences remind all Americans of our great debt to those who have risked—and sometimes lost—their lives in defense of our liberty. As a Nation, we must always remember the sacrifices made by our men and women in uniform and by their

families. I salute the distinguished service records of our veterans, as well as the sacrifices that they have made for America.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by the authority vested in me by the Constitution and the laws of the United States, do hereby urge all Americans to observe July 27, 1993—the 40th Anniversary of the Korean Armistice—with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of July, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and eighteenth.

WILLIAM J. CLINTON

Proclamation 6583 of July 29, 1993

Death of General Matthew B. Ridgway

By the President of the United States of America
A Proclamation

As a mark of respect for the memory of General Matthew B. Ridgway, one of our Nation's most venerated military leaders, I hereby order, by the authority vested in me as President of the United States of America by section 175 of title 36 of the United States Code, that on Friday, July 30, 1993, the flag of the United States shall be flown at half-staff upon all public buildings and grounds, at all military posts and naval stations, and on all naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions. I also direct that the flag shall be flown at half-staff on the same day at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of July, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and eighteenth.

WILLIAM J. CLINTON

Proclamation 6584 of August 1, 1993

Helsinki Human Rights Day, 1993

By the President of the United States of America
A Proclamation

Since its inception in the 1970's, the Conference on Security and Cooperation in Europe (CSCE) has been the premier forum in which the ongoing struggle for human rights and the dignity and worth of indi-

viduals in European nations has been waged. In the wake of the instability created by the outbreak of war in the former Yugoslavia, the CSCE states have embraced a strategy of preventive diplomacy as a way of resolving differences before they lead to conflict. The CSCE's approach of combining a strong emphasis on human rights, preventive diplomacy, and multilateral action is an example of the kind of foreign policy I seek to pursue.

Yet, the dire situation in the former Yugoslavia gives pause to those who want to believe that the CSCE's principles will be respected in nations emerging from totalitarian rule. We must work with these nations in order to guide them toward the principles we hold dear.

The CSCE has made a major contribution even in areas of instability and conflict. Through conflict-prevention missions, monitoring of sanctions, sponsorship of the Nagorno-Karabakh negotiations, activities of the High Commissioner on National Minorities, and the energetic program of the Office for Democratic Institutions and Human Rights, participating states have demonstrated their collective political commitment to transform CSCE principles into reality.

As we grapple with the great challenges the CSCE faces, we reaffirm our belief that security cannot be divorced from respect for human rights and the democratic process. We also reaffirm our commitment to the advancement of the rights of individuals, for it was individuals who stood in front of tanks and tore down the walls that split East from West. Individuals braved the wrath of repressive regimes in order to call on them to live up to their CSCE commitments. And individuals today continue to struggle to build democratic societies at peace with their neighbors. The groundbreaking work of the CSCE in establishing human rights and other standards to which all CSCE states have committed themselves has permanently strengthened European security.

In recognition of the contributions of the CSCE toward the expansion of human rights, the Congress, by Senate Joint Resolution 111, has designated August 1, 1993, as "Helsinki Human Rights Day" and has requested the President to issue a proclamation in observance of this day.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim August 1, 1993, as Helsinki Human Rights Day and reaffirm the American commitment to upholding human dignity and freedom—principles that are enshrined in the Helsinki Final Act. As we Americans observe this day with appropriate programs and activities, let us remember our courageous citizens who have made sacrifices to secure the freedoms that we enjoy. Let us work together to encourage respect for human rights and democratic values in all CSCE states.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of August, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and eighteenth.

WILLIAM J. CLINTON

Proclamation 6585 of August 11, 1993

To Designate Peru as a Beneficiary Country for Purposes of the Andean Trade Preference Act

By the President of the United States of America
A Proclamation

1. Sections 202 and 204 of the Andean Trade Preference Act (ATPA) (19 U.S.C. 3201 and 3203) confer authority upon the President to proclaim duty-free treatment for all eligible articles, and duty reductions for certain other articles, that are the product of any country designated as a "beneficiary country" in accordance with the provisions of section 203 of the ATPA (19 U.S.C. 3202). Pursuant to section 203(b)(2) of the ATPA (19 U.S.C. 3202(b)(2)), I have notified the House of Representatives and the Senate of my intention to designate Peru as a beneficiary country for purposes of the ATPA, together with the considerations entering into such decision. I hereby designate Peru as a beneficiary country under the ATPA, and in order to reflect this designation in the Harmonized Tariff Schedule of the United States (HTS), I have decided that it is necessary to modify general note 3(c)(ix) to the HTS.

2. Section 604 of the Trade Act of 1974, as amended (19 U.S.C. 2483), authorizes the President to embody in the HTS the substance of the relevant provisions of that Act, and of other acts affecting import treatment, and actions thereunder, including the removal, modification, continuance, or imposition of any rate of duty or other import restriction.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States of America, including but not limited to section 203 of the ATPA and section 604 of the Trade Act of 1974, do proclaim that:

(1) General note 3(c)(ix)(A) to the HTS is modified by inserting in alphabetical sequence "Peru", which is hereby designated as a beneficiary country under the ATPA.

(2) The modifications made by paragraph (1) of this proclamation shall be effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of publication of this proclamation in the **Federal Register**.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of August, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and eighteenth.

WILLIAM J. CLINTON

Proclamation 6586 of August 18, 1993

Women's Equality Day, 1993

By the President of the United States of America
A Proclamation

On August 26, 1993, we celebrate the 73rd anniversary of the ratification of the Nineteenth Amendment to the Constitution. In declaring that the right to vote shall not be denied or abridged on account of sex, the Nineteenth Amendment guaranteed for women the most cherished prerogative of American citizenship.

Since America was founded, women have demonstrated an active interest in shaping the practice of democratic government. But it was not until the passage of the Nineteenth Amendment that women's myriad contributions to the social, cultural, and economic life of our Nation began to receive the full acknowledgment they deserved. As women's voices continue to gain strength in the political arena, female elected officials at every level of government bring crucial insight to the decision-making process.

The struggle for true equality among the sexes has not been limited to the public sphere. Broadening the franchise fundamentally changed our understanding of equal opportunity, helping to encourage shared responsibility in the home and personal growth in the work place. Today, more and more women are leading the way through advancements in law, science, business, and the arts. As we approach the 21st century, women's unfailing strength and wisdom remain integral to ensuring the lasting prosperity of our Nation.

Each year, we observe August 26 as "Women's Equality Day," to honor the infinite sacrifices and contributions that women have made to the United States. On this occasion we reaffirm our national commitment to the distinctly American promise of guaranteed equality for all our people.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of August, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and eighteenth.

WILLIAM J. CLINTON

Proclamation 6587 of September 3, 1993

National POW/MIA Recognition Day, 1993

By the President of the United States of America
A Proclamation

This year we have witnessed major changes in the global political landscape. Although democracy is taking root in many new areas, the forces of repression pose continuing challenges around the world. Throughout this dynamic period, one theme rings true to all Americans: Our Nation owes a lasting debt of gratitude to all those selfless members of our Armed Forces who have risked their own freedom and

safety to defend the lives and liberty of others. As a measure of our thanks and as an expression of our determination to keep faith with those who faithfully serve and defend us, we take this occasion to remember those special Americans for whom an accounting has not yet been made.

In honor of these Americans, on September 10, 1993, the flag of the National League of POW/MIA families will be flown over the White House; the U.S. Departments of State, Defense, and Veterans Affairs; the Selective Service System headquarters; and the Vietnam Veterans Memorial. This black and white banner—emblematic of America's missing—flies as a stark reminder to the world of our Nation's resolve.

We acknowledge a continuing obligation to these casualties of war, America's missing service members and civilians. Our Nation remains committed to this cause, a matter of highest national priority. We renew our pledge to obtain the answers that the family members of these heroes deserve, recognizing the profound loss they have endured and their steadfast resolve to gain the peace of certainty.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by the authority vested in me by the Constitution and laws of the United States, do hereby proclaim September 10, 1993, as National POW/MIA Recognition Day. I urge all Americans to join in honoring former American POWs as well as those Americans still unaccounted for as a result of their service to our great Nation. I also encourage the American people to express their gratitude to the families of these missing Americans for their dedication to seeking the truth and their determination to persevere through the many years of waiting. Finally, I ask State and local officials and private organizations to observe this day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this third day of September, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and eighteenth.

WILLIAM J. CLINTON

Proclamation 6588 of September 9, 1993

National D.A.R.E. Day, 1993 and 1994

By the President of the United States of America
A Proclamation

America's young people face some daunting challenges. One of the most difficult decisions they have to make is whether or not to use drugs. The signals they receive in this country, where only 5 percent of the world's population consumes approximately 50 percent of the world's illegal drugs, often encourage them to gamble away their future on the false security of momentary escape.

In the knowledge-based world of today, their future, as well as the future of America, rests on education. The successes in Europe and Asia have taught us that the nation most equipped to compete in the 21st

century will be the nation that can best educate its children. Our students must be properly prepared to enter school and encouraged to complete their studies. They must be taught responsibility for themselves and their community. They must be first in math and science, as well as in literacy and vocational skills. Perhaps most important, they must be given safe classrooms, where they are free to hope for a bright future and where they are not bound in fear to a dark present.

Our National Education Goals were formulated to give America's educators, parents, and students solid objectives in the field of education. Goal 6 of the National Education Goals demands that we develop safe, disciplined, and drug-free schools by the year 2000. My Goals 2000: Educate America Act provides the framework for our educators to reach all of these goals, but until we are successful at achieving Goal 6, we will be unable to implement any of our other education objectives.

Drug Abuse Resistance Education (D.A.R.E.), a program developed by the Los Angeles Police Department and the Los Angeles Unified School District to prevent drug use, now reaches 25 million students from Kindergarten to 12th grade in all 50 states. This program also touches youth in Australia, New Zealand, American Samoa, Canada, Puerto Rico, the Virgin Islands, Costa Rica, Mexico, Brazil, Hungary, and Department of Defense Dependent Schools worldwide.

Taught by veteran police officers, D.A.R.E. aims to prevent substance abuse among school-age children by providing accurate information about alcohol and drugs, by teaching decision-making skills, by educating students about the consequences of their actions, and by building self-esteem. Our students often need the influence and attention of these dedicated officers to combat the peer pressure they face every day on the streets.

In recognition of this anti-drug program's promotion of cooperation among law enforcement, schools, officials, students, and parents, the Congress, by Senate Joint Resolution 99, has designated September 9, 1993, and April 21, 1994, as "National D.A.R.E. Day" and has requested the President to issue a proclamation in observance of these days.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim September 9, 1993, and April 21, 1994, as National D.A.R.E. Day. I call upon the people of the United States, government officials, educators, and volunteers to observe the day with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of September, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and eighteenth.

WILLIAM J. CLINTON

Proclamation 6589 of September 13, 1993

Commodore John Barry Day, 1993

By the President of the United States of America
A Proclamation

During its War for Independence, our Nation faced a great and proven sea power. The young Continental Navy, which had been established by the Continental Congress in October 1775, was only a fraction of the size of the British fleet. Nevertheless, the small American naval force not only achieved several key victories during the War but also established a tradition of courageous service that continues to this day. On this occasion, we honor the memory of one of America's first and most distinguished naval leaders, Commodore John Barry.

After immigrating to the United States from Ireland, John Barry became a successful shipmaster in Philadelphia. He was also an enthusiastic supporter of American independence, and when the Revolutionary War began, he readily volunteered for service and became one of the first captains of the Continental Navy.

Captain Barry served bravely and with distinction throughout the course of the War. While commanding the brig LEXINGTON, he captured the British sloop EDWARD in April 1776. This victory marked the first capture in battle of a British vessel by a regularly commissioned American warship. Later in 1776, he led a raid by four small boats against British vessels on the Delaware River and seized a significant quantity of supplies meant for the British Army. Seven years later, Captain Barry participated in the last American naval victory of the War, leading the frigate ALLIANCE against HMS SYBILLE in March 1783.

Serving as a volunteer artillery officer in December of that year, Captain Barry participated in General George Washington's celebrated campaign to cross the Delaware River, which led to victory at the Battle of Trenton.

Captain Barry continued to serve our country after the end of the Revolution, helping to make the American victory a meaningful and enduring one. Active in Pennsylvania politics, he became a strong supporter of the Constitution, which was ratified by the State Assembly on December 12, 1787. In June 1794, President George Washington appointed him as commander of the new frigate USS UNITED STATES, one of six that were built as part of a permanent American naval armament. For the remaining years of his life, Commodore Barry helped to build and lead the new United States Navy, commanding not only USS UNITED STATES but also "Old Ironsides," USS CONSTITUTION.

Commodore John Barry died on September 13, 1803, but his outstanding legacy of service is carried on today by all the brave and selfless Americans who wear the uniform of the United States Navy.

The Congress, by House Joint Resolution 157, has designated September 13, 1993, as "Commodore John Barry Day" and has authorized and requested the President to issue a proclamation in observance of this day.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim September 13, 1993, as Com-

modore John Barry Day. I invite all Americans to observe this day with appropriate ceremonies and activities in honor of those individuals, past and present, who have served in the United States Navy.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of September, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and eighteenth.

WILLIAM J. CLINTON

Proclamation 6590 of September 13, 1993

Gold Star Mother's Day

By the President of the United States of America
A Proclamation

To become a parent is one of life's greatest joys. We devote ourselves to our children, investing our hopes and dreams in them and protecting them so that they may have a better life than we have had. There is probably no greater pain, therefore, than the loss of a child. None of us expects to outlive our children, and when mortal hands rob us of our posterity, the loss is devastating.

Every Gold Star Mother has experienced this pain. As much as the soldiers themselves, these brave women know the meaning of sacrifice for country. Long after a slain soldier is laid to rest, that young man or woman's mother will remember her loss every day for the rest of her life. When a mother bids farewell to a child in uniform, she begins to serve her country in her own private way, worrying that her child will be in harm's way and that this young man or woman, in whom she has invested so much love and care, may pay the ultimate price on the battlefield. And when the unthinkable does happen, the Gold Star Mother must carry the wounds within her heart forever.

We have a sacred duty to remember the devotion of Gold Star Mothers. Like the brave soldiers who have lain down their lives in defense of our freedoms, their mothers have earned our deepest honor and sympathy, having sacrificed so much for America, yet continuing to give of themselves to ensure that the ideals of freedom and democracy live on for future generations. Their losses and their contributions can be no greater, and our obligation to them cannot be measured.

To pay fitting tribute to these women, the Congress, by Senate Joint Resolution 115 on June 23, 1936 (49 Stat. 1895), designated the last Sunday in September as "Gold Star Mother's Day" and authorized and requested the President to issue a proclamation in observance of this day.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim September 26, 1993, as Gold Star Mother's Day. I call on all government officials to display the United States flag on government buildings on this solemn day. I additionally urge the American people to display the flag and to hold appropriate meetings in their homes, places of worship, or other suitable

places, as public expression of the sympathy and the respect that our Nation holds for its Gold Star Mothers.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of September, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and eighteenth.

WILLIAM J. CLINTON

Proclamation 6591 of September 13, 1993

Minority Enterprise Development Week, 1993

By the President of the United States of America
A Proclamation

The national observance of Minority Enterprise Development Week is a decade-old tradition in which Americans of all races and ethnic groups convene to recognize and promote the achievements of more than one million minority business owners and entrepreneurs who support this Nation's continued economic growth. During Minority Enterprise Development Week, Americans also honor the many diligent minority business advocates in government and the corporate sector whose constant pursuit of excellence keeps our economy strong.

Minority-owned businesses are valuable assets for America. Each year, minority business enterprises return valuable resources to their communities in the form of taxes and provide wages and employment for thousands—particularly for minority workers. Each day, successful minority entrepreneurs fulfill an even more vital function by serving as teachers, mentors, and models for young Americans who are our business and civic leaders of tomorrow.

There is room in the free enterprise system for anyone who has the skill and the determination to compete. Therefore, it is fitting that we encourage all Americans to participate in business enterprise, create their own wealth, and promote the general welfare. Minority business women and men have proven time and again that they possess the talent and dedication required for success. By improving the availability of capital sources for business starts and expansions in the minority community, by increasing access to state-of-the-art information resources for minority business owners, by promoting the minority entrepreneur's entrance into new domestic and international markets, and by opening all doors to economic progress for minority citizens, all of American society will benefit.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim the week of October 3 through 9, 1993, as Minority Enterprise Development Week. I heartily encourage the people of the United States to commemorate this important event with appropriate ceremonies and celebrations.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of September, in the year of our Lord nineteen hundred and nine-

ty-three, and of the Independence of the United States of America the two hundred and eighteenth.

WILLIAM J. CLINTON

Proclamation 6592 of September 15, 1993

National Hispanic Heritage Month, 1993

By the President of the United States of America
A Proclamation

One of our Nation's greatest strengths is its vast diversity. The mosaic of races, ethnicities, and religious groups that comprise America provides us with a powerful energy and an ability to see the world from many viewpoints. Since our country's inception, Hispanic Americans have always been an integral part of this great mosaic. Indeed the history, culture, and traditions of America are greatly influenced by the contributions of those individuals who have their origins in Spain and Latin America.

While the impact of the Hispanic culture is manifest in our Nation's customs and traditions, this legacy continues on beyond the pages of history. Today, Hispanic Americans continue to make important contributions to our society. It would be impossible to think of American Government, business, industry, Armed Forces, agriculture, science, sports, and the arts without noting the presence and full participation of Hispanic Americans. Ellen Ochoa, who has served America proudly as our first Hispanic woman astronaut; Cesar Chavez, whose lifelong passion and commitment uplifted the lives of millions of agricultural workers; Secretary of Housing and Urban Development Henry Cisneros and Secretary of Transportation Federico Peña; Master Sergeant Roy P. Benavidez, who won the Medal of Honor for his service in Vietnam; and millions of other Hispanic Americans whose hard work keeps our Nation moving—all of these patriotic Americans draw their heritage from the rich Hispanic culture.

Many of the traditions that Americans hold so dear are deeply rooted in the Hispanic American values of a strong sense of family, devotion to religious beliefs, and dedication to liberty and democracy. Committed dearly to these precious ideals, Hispanic Americans are helping all of us to uphold the legacy of our democratic society.

America is an ongoing experiment—an unfinished work. There is much for all of us still to accomplish in order to ensure a brighter and more peaceful world for our children. I know that Hispanic Americans, always conscious of the traditions of their forebears, will continue to work with Americans of every racial, religious, and ethnic background to confront our Nation's health, housing, educational, and human rights concerns. The principles that are such a part of the Hispanic American tradition will serve all of our people well as we strive to address the challenges that the future holds for us.

To commemorate the Hispanic American contributions to our Nation, the Congress, by Public Law 90–498 of September 17, 1968, as amended, has authorized and requested the President to issue annually a

proclamation designating the month beginning September 15 and ending October 15 as "National Hispanic Heritage Month."

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim the month beginning September 15, 1993, and ending October 15, 1993, as National Hispanic Heritage Month. I call upon the people of the United States to observe this month with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of September, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and eighteenth.

WILLIAM J. CLINTON

Proclamation 6593 of September 17, 1993

Citizenship Day and Constitution Week, 1993

By the President of the United States of America
A Proclamation

September 17, 1787, is one of the most important, yet ironically one of the least known, dates in American history. On that day the delegates to the Philadelphia Convention completed their work by signing and reporting to the Continental Congress their proposed Constitution of the United States. Despite the enormous growth of our Nation in terms of population, industry, culture, and technology since 1787, the document drafted by 55 patriots during that summer in Philadelphia remains the fundamental law of our land.

Chief Justice Marshall wrote that the Constitution was "designed to approach immortality as nearly as human institutions can approach it." Our Constitution is by far the oldest written framework for government in existence. The extraordinary longevity of the Constitution suggests that the British statesman William Gladstone was not exaggerating when he described our Constitution as "the most wonderful work ever struck off at a given time by the brain and purpose of man."

The Constitution's endurance is, of course, a tribute to the wisdom and statesmanship of the Framers. But it is also a tribute to our continuing commitment to the fundamental precept of constitutionalism. The Constitution has served us well, but the same document, if given to a people without an appreciation of and a commitment to the rule of law, would be worse than useless. Thus, as we mark the 206th anniversary of the signing of the Constitution, we celebrate not only the genius of the Founders, but also the fidelity of our people to the principles embodied in the Constitution.

If we are to maintain that commitment to government under law, we need to read and study the Constitution. Only by becoming familiar with its provisions can we understand and truly appreciate the Constitution's principles. Among the groups of Americans that have demonstrated their familiarity with the Constitution are naturalized Americans. As part of the naturalization process, persons seeking citizenship

must pass an examination on the principles of American Government. That hundreds of thousands of people come to this country every year with the dream of becoming American citizens eloquently attests to the success of the venture in self-government launched by our Constitution. It is the duty of all Americans to understand this document and the rights and responsibilities it conveys.

In commemoration of the signing of the Constitution, and in recognition of all those who as citizens of this Republic share the responsibility for preserving and protecting our constitutional heritage, the Congress has designated September 17, 1993, as "Citizenship Day" and the week beginning September 17, 1993, as "Constitution Week."

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim September 17, 1993, as "Citizenship Day" and the week beginning September 17, 1993, as "Constitution Week." I call upon the people of the United States to observe these occasions with appropriate ceremonies and activities, and I urge them to devote themselves to the study and discussion of the Constitution.

I further call upon the officials of the Government to display the flag of the United States on all Government buildings on September 17, 1993, in honor of Citizenship Day.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of September, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and eighteenth.

WILLIAM J. CLINTON

Proclamation 6594 of September 21, 1993

National Historically Black Colleges and Universities Week, 1993

By the President of the United States of America
A Proclamation

Our Nation's historically Black colleges and universities have long been a beacon of hope, a door to advancement, and a source of pride for African Americans. Founded upon a commitment to equal opportunity and academic excellence, these distinguished institutions have enabled thousands of people to receive a quality education and to pursue distinguished careers in fields such as education, law, medicine, business, the arts, engineering, and the military.

Historically Black colleges and universities once offered African Americans their best, and often only, opportunities for higher education. Fortunately, the courts have now struck down legal barriers that forced the creation of separate schools for African Americans. Yet historically Black colleges and universities continue to play a vital role by adding to the diversity and caliber of the Nation's higher education system. Furthermore, these institutions remind all Americans of our obligation to uphold the principles of justice and equality enshrined in our Constitution.

By an Executive order issued on April 28, 1989, the President's Board of Advisors on Historically Black Colleges and Universities was established to advise the President and the Secretary of Education on strengthening these valued institutions. The Executive order directed Federal agencies to devise ways to increase the ability of historically Black colleges and universities to participate in Federally funded programs. It also underscored the importance of increasing private sector support for these schools through such devices and activities as matching funds programs, management assistance, technical development, and curriculum planning.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, and in recognition of the rich heritage and prominent role in our country of historically Black colleges and universities, and of the many contributions these institutions and their graduates have made to our society, do hereby proclaim the period beginning September 19, 1993, and ending September 25, 1993, as National Historically Black Colleges and Universities Week. I call upon all Americans to observe this week with appropriate programs, ceremonies, and activities as an expression of their support for these important educational institutions.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-first day of September, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and eighteenth.

WILLIAM J. CLINTON

Proclamation 6595 of September 21, 1993

National Farm Safety and Health Week, 1993

By the President of the United States of America
A Proclamation

The men and women who toil in America's agricultural sector endure many challenges and hardships in bringing to market their diverse and high quality foods and grains. This dedication to efficient production contributes significantly to the competitiveness of our Nation. Because we benefit from the bountiful harvests of these farmers and ranchers, it is fitting and appropriate that we observe National Farm Safety and Health Week to promote public awareness of the need for and the importance of agricultural worker health and safety.

For decades, much has been accomplished through initiatives aimed at providing a safer environment for farmers, ranchers, and farm workers. Significant engineering advances have provided guards, shields, and protective equipment, which reduce the hazards and risks associated with agriculture. Educators and concerned organizations have increased knowledge and changed attitudes and behaviors relating to safe work practices in the agricultural sector. However, there is still much to be accomplished.

The arena of agricultural worker health presents many challenges. Long hours, the pressures associated with growing crops and raising livestock, and the vagaries of weather contribute to the creation of stressful situations to both body and mind. For example, agricultural workers have been shown to be particularly susceptible to skin problems, most notably skin cancer, due to exposure to the sun. Prolonged periods of loud noise are contributing to higher than normal levels of permanent hearing loss among farmers and ranchers. Constant exposure to hazardous chemicals may also predispose workers to health problems. While farming and ranching offer their practitioners many great returns, it should be recognized that agricultural professions are among the most dangerous.

The next generation of farmers and ranchers is at special risk. Children are routinely exposed to powerful, complex farm equipment. Some chemicals and some work hazards such as dusts and flowing grain may detrimentally affect the health and safety of children. Their maturity and development must always be considered with regard to agricultural work. During National Farm Safety and Health Week, all of our Nation's citizens should resolve to make health and safety initiatives an integral part of America's great farming traditions.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim the week of September 19–25, 1993, as "National Farm Safety and Health Week." I urge all citizens of our great Nation to make the enhancement of farmer, rancher and farm worker health of utmost priority. I call upon the agencies, organizations and businesses which serve production agriculture to strengthen their commitment to agricultural safety and health programs.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-first day of September, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and eighteenth.

WILLIAM J. CLINTON

Proclamation 6596 of September 22, 1993

National Rehabilitation Week, 1993 and 1994

By the President of the United States of America
A Proclamation

Millions of Americans with disabilities are able to achieve independence and lead active, productive lives with the assistance of rehabilitation therapy. Estimates indicate that half of the Nation's population will at some point in their lives need assistance in overcoming some form of physical, mental, emotional, or social disability. "National Rehabilitation Week" seeks to recognize not only the individuals who have learned to cope with their disabilities but also the dedicated health care professionals who have provided assistance through research, education, and therapy.

In tribute to these individuals and their many contributions to our society, the Congress, by Senate Joint Resolution 50, has designated the periods beginning September 19 and ending September 25, 1993, and beginning September 18 and ending September 24, 1994, as National Rehabilitation Week, and has authorized and requested the President to issue a proclamation in observance of these weeks.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim the periods beginning September 19, 1993, and ending September 25, 1993, and beginning September 18, 1994, and ending September 24, 1994, as National Rehabilitation Week. I call upon all Americans to observe these weeks with appropriate programs, ceremonies, and activities as an expression of their support.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of September, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and eighteenth.

WILLIAM J. CLINTON

Proclamation 6597 of September 22, 1993

Energy Awareness Month, 1993

By the President of the United States of America
A Proclamation

Politically, economically, and environmentally, our world is changing, and so are our energy choices. Our Nation has been blessed with a wide variety of energy resources. America's diverse climate, geography, and natural resources give us a flexibility unmatched in the world. It is our duty to use our energy resources wisely by increasing energy efficiency, commercializing renewable resources, and developing innovative, clean technologies.

The energy choices we make affect every aspect of our lives. The theme of Energy Awareness Month, 1993, New Energy Choices for a Changing World, highlights the importance of these decisions. In our homes, energy efficient appliances and "green" computers, such as those that qualify under the Environmental Protection Agency (EPA) Energy Star Program, save us money and help to preserve the environment. On our Nation's highways, powering our vehicles with alternative fuels will help us conserve energy, develop new resources, and reduce our dependence on foreign oil. In our industries, advanced lighting, such as the systems promoted by the EPA Green Lights Program, makes our businesses more efficient, more environmentally sound, and more competitive in world markets. In the coming century, the challenge will be very great to protect our precious environment and produce sustainable economic growth. Our Nation's energy use is a critical and significant part of this challenge. We must work to find more efficient ways to use current resources, and search for new ones.

To encourage each American to join in this effort to improve our Nation's energy future, I urge participation in activities that further our

understanding and appreciation of how we can meet energy challenges and contribute to energy solutions in our changing world.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim October 1993 as Energy Awareness Month.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of September, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and eighteenth.

WILLIAM J. CLINTON

Proclamation 6598 of September 30, 1993

Death of General James H. Doolittle

By the President of the United States of America
A Proclamation

As a mark of respect for the memory of General James H. Doolittle, one of our Nation's foremost military heroes, I hereby order, by the authority vested in me as President of the United States of America by section 175 of title 36 of the United States Code, that on Friday, October 1, 1993, the flag of the United States shall be flown at half-staff upon all public buildings and grounds, at all military posts and naval stations, and on all naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions. I also direct that the flag shall be flown at half-staff on the same day at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of September, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and eighteenth.

WILLIAM J. CLINTON

Proclamation 6599 of September 30, 1993

To Amend the Generalized System of Preferences

By the President of the United States of America
A Proclamation

1. Pursuant to sections 501 and 502 of the Trade Act of 1974, as amended ("Trade Act") (19 U.S.C. 2461 and 2462), and having due regard for the eligibility criteria set forth therein, I have determined that it is appropriate to designate Russia as a beneficiary developing country for purposes of the Generalized System of Preferences ("GSP").

2. Section 604 of the Trade Act (19 U.S.C. 2483) authorizes the President to embody in the Harmonized Tariff Schedule ("HTS") the substance of the provisions of that Act, and of other acts affecting import treatment, and actions thereunder.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States of America, including but not limited to sections 501 and 604 of the Trade Act, do proclaim that:

(1) General note 3(c)(ii)(A) to the HTS, listing those countries whose products are eligible for benefits of the GSP, is modified by inserting "Russia" in alphabetical order in the enumeration of independent countries.

(2) Any provisions of previous proclamations and Executive orders inconsistent with the provisions of this proclamation are hereby superseded to the extent of such inconsistency.

(3) The modifications to the HTS made by paragraph (1) of this proclamation shall be effective with respect to articles that are: (i) imported on or after January 1, 1976, and (ii) entered, or withdrawn from warehouse for consumption, on or after 15 days after the date of publication of this proclamation in the **Federal Register**.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of September, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and eighteenth.

WILLIAM J. CLINTON

Proclamation 6600 of September 30, 1993

National Breast Cancer Awareness Month, 1993

By the President of the United States of America
A Proclamation

Breast cancer will affect an estimated 182,000 women in 1993. It accounts for nearly one-third of all cancers diagnosed in women, making it one of the most serious health problems we face in America today. Each year, we designate one month to focus public attention on where we as a Nation stand with regard to this disease. This October is National Breast Cancer Awareness Month, and it is appropriate that we pause to consider, not only the strategies we have developed to combat breast cancer, but also the progress we have made in our fight, even as we acknowledge the high toll it takes on so many lives.

Breast cancer prevention research is playing an increasingly important role in our strategy to overcome this disease. Although we still have much to learn about what causes breast cancer, we do know that certain conditions or behaviors substantially increase a woman's risk of developing this disease. Some risks can be avoided, and researchers hope that others can be minimized. For this reason, the National Institutes of Health, through its component institutes—especially the Na-

tional Cancer Institute—has launched important studies to assess the extent to which changes in diet and the use of the drug tamoxifen, which is effective in treating breast cancer, can prevent the development of this disease in women who are at increased risk.

The Woman's Health Trial is an exciting, innovative undertaking that aims to change dietary habits so that less fat is consumed and more fruits, vegetables, and fiber are added to our diet each day. There is some evidence to suggest a link between breast cancer and fat in the diet, at least for older women. What we hope to learn from this study is how best to help women change their eating habits and, thus, protect themselves, not only from breast cancer, but also from other cancers and conditions that are related to diet.

While there is much to be said about this disease, one important message must reach everyone: Women should form a partnership with their health care providers for the early detection of breast cancer, a key component of our nationwide program to reduce the toll of this disease. Research has shown that screening mammography, used together on a regular basis with a clinical breast exam and monthly breast self-examination, can reduce deaths from this disease by one-third or more for women over 50. I am pleased that the Federal Government has been a leader in authorizing payment for screening mammography for women enrolled in Federal health care programs. It is also reassuring that insurance companies have followed suit, recognizing that the benefits of early detection far outweigh its costs. As we look to create a health care system in America that works for all people, we must be certain that we emphasize such preventative techniques as regular screening for breast cancer.

We face a major public education challenge in breast cancer awareness. Every woman must be reassured that she can become a partner with the health care system in ensuring that should she develop breast cancer, it will be found and treated early. Through education programs, women come to understand what actions they can take to prevent cancer. To be sure, success depends on providing the public with understandable, credible messages—but that is only half of the story. Unless every woman can be assured access to affordable medical care, including mammography and physicians' services to help in the detection of small tumors, public education campaigns will not be effective.

In spite of the best efforts of the health care community to encourage prevention and early detection, we know that thousands of women, nonetheless, will develop breast cancer, and many of them will die from it. Thus, the search to find effective treatments must continue, as must efforts to find effective therapies that have a minimal impact on the quality of a woman's life. We have come a long way from the time when extensive surgery was a woman's only treatment option for breast cancer. Lumpectomy followed by radiation therapy is a treatment approach that helps many women avoid disfiguring surgery. Many women now receive treatment with chemotherapy to shrink a tumor before surgery is done so that the breast can be spared; others receive chemotherapy after surgery to augment the primary treatment. While we still have much to learn, the rate at which our knowledge has increased is remarkable. We must build on past successes and continue our commitment to basic research. True progress will require that we not waver in this commitment.

The Congress, by Senate Joint Resolution 95, has designated October 1993 as "National Breast Cancer Awareness Month."

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim the month of October 1993 as National Breast Cancer Awareness Month. I invite the Governors of the 50 States and the Commonwealth of Puerto Rico, the Mayor of the District of Columbia, and the appropriate officials of all other areas under the American flag to issue similar proclamations. I also ask health care professionals, private industry, community groups, insurance companies, and all other interested organizations and individual citizens to unite to publicly reaffirm our Nation's continuing commitment to research and public education on breast cancer.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of September, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and eighteenth.

WILLIAM J. CLINTON

Proclamation 6601 of September 30, 1993

Fire Prevention Week, 1993

By the President of the United States of America
A Proclamation

Fire kills more Americans each year than all natural disasters combined, including floods, hurricanes, earthquakes, and tornadoes. Unlike these natural disasters, many fire losses can be prevented. During this annual observance of Fire Prevention Week, we must make our fellow citizens more conscious of the dangers of fire and of what to do when fires occur.

This year's Fire Prevention Week theme, "Get Out, Stay Out: Your Fire Safe Response," drives home the importance of planning for fire emergencies before they occur. The United States Fire Administration and the National Fire Protection Association are working with the Nation's fire service to spread this important message. Time and time again, firefighters respond to fatal fires where residents didn't take the time to learn and practice alternate means of escape, or they did not realize the need to get out quickly and stay out. We need to teach our children that fires are not at all like they see in movies; fire spreads quickly and can rapidly become deadly. Thick smoke makes it difficult to see and breathe, and the temperature is scorching. The number one priority in every fire is to escape from the building and stay out.

I urge all Americans to learn how to respond quickly in case of a fire emergency, and I urge our Nation's employers to provide a fire emergency response plan for the workplace so that all employees will know what to do if fire occurs. Effective fire escape plans should include two ways out of every room, and assurance that all exits are accessible. Windows painted shut, blocked doors, and security bars can be deadly hazards that can trap fire victims inside and hinder rescuers' attempts from outside. Equally important, we must resist any temptation to reenter a burning building. No valuable is worth as much as a life.

Fire Prevention Week is a time not only to think about our own safety, but also to show our appreciation to the brave men and women who risk their safety in our Nation's fire services. Too often, their dedication results in the ultimate sacrifice. Last year, 80 firefighters died in the line of duty and more than 97,000 were injured. These courageous men and women will be honored on Sunday, October 10, 1993, during the Twelfth Annual National Fallen Firefighters Memorial Service at the National Fire Academy in Emmitsburg, Maryland.

We should also recognize the members of the other public and private organizations that are working toward our shared goal of fire safety, including the American Burn Association, the American Red Cross, the Congressional Fire Service Institute, the Fire Marshals Association of North America, the International Association of Arson Investigators, the International Association of Black Professional Firefighters, the International Association of Fire Chiefs, the International Association of Fire Fighters, the International Society of Fire Service Instructors, the National Association of State Fire Marshals, and the National Volunteer Fire Council. The efforts of these and other organizations working for fire safety will be greatly enhanced if we as individual citizens learn and practice fire-safe behavior. I also commend the efforts of public officials, fire-fighters, educators, business leaders, and the community and volunteer organizations who are working together to bring about a safer America.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim the week beginning October 3, 1993, as Fire Prevention Week. I call upon the people of the United States to plan and actively participate in fire prevention activities not only this week, but throughout the year. I also ask all Americans to pay tribute to those firefighters who have made the ultimate sacrifice for our safety.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of September, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and eighteenth.

WILLIAM J. CLINTON

Proclamation 6602 of October 4, 1993

Child Health Day, 1993

By the President of the United States of America
A Proclamation

Our children are our future. Therefore, making sure that our children are healthy must be a national concern. For 65 years, Presidents of the United States have proclaimed one day every year as "Child Health Day," a time to focus on the health and well-being of our Nation's children. Over the years, we have recognized again and again that it is better to try to guarantee the health of our children than to attempt to restore their health once it has been jeopardized. A healthy childhood charts a path for a healthy adult life. Prevention is, therefore, primary.

Through preventive measures, we help children avoid the pain and suffering of disease and disability; we stop unnecessary spending; and we decrease the number of childhood deaths.

We possess the ability to prevent many childhood diseases and injuries, and we must use this ability. Every child needs access to primary health care. The necessary immunizations against nine different contagious diseases must be given to children at the recommended ages. Injuries, the greatest threat to our children's well-being, can be reduced by introducing into our daily routines various safety measures. For example, the use of car seats, seat belts, and bicycle helmets helps to guard against hazards to which children are especially vulnerable. There are dangers in the home, as well, such as careless storage of poisons and unlocked staircase gates. Paying attention to our children and to potential risks to their safety can help to safeguard them in our homes.

We can prevent our children from making unhealthy choices, both by the rules we set for them and by the rules we follow ourselves. Many of the behaviors that will affect their health—choices about what to eat; the dangers of smoking, drinking, using illegal drugs, or irresponsible sexual behavior; how to handle their feelings and the pressure of their peers—will be learned from the models they see around them. We have an opportunity, as well as a responsibility, to shape the future for our children. In our personal lives, that responsibility extends to those whose lives we touch in our families and in our communities.

The Congress, by joint resolution approved May 18, 1928, as amended (36 U.S.C. 143), has called for the designation of the first Monday in October as "Child Health Day" and has requested the President to issue a proclamation in observance of this day.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim Monday, October 4, 1993, as Child Health Day. On that day and every day throughout the year, I urge all Americans to renew their commitment to protecting and developing our most valuable asset—our children.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of October, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and eighteenth.

WILLIAM J. CLINTON

Proclamation 6603 of October 5, 1993

Mental Illness Awareness Week, 1993

By the President of the United States of America
A Proclamation

Almost 50 million Americans have serious emotional disorders or illnesses. The economic and human costs of these disorders are staggering. Treatment expenses and lost productivity cost the United States over one hundred billion dollars a year. The pain and suffering caused

by mental illness are immeasurable for the individuals afflicted and their families.

The consequences of untreated mental illnesses and emotional disturbances are clear. Suicide is 30 times more common among people who are clinically depressed than among the general population. Persons with mental illness often live in poverty and are at risk for homelessness and disease. The mentally ill may find themselves in jail or prison, not for any criminal act, but rather because no other facilities are available to respond to psychiatric emergencies.

Research has led to major advances, not only in the development of treatments for mental illnesses, but also in the understanding of the needs of the individuals who live with mental illnesses. With appropriate care and support, many people who have these disorders can live productive and fulfilling lives. Unfortunately, less than one-third of all individuals in need of mental health services actually receive appropriate care. Children, probably the most vulnerable among the mentally ill population, are the least likely to receive care, with less than one-fifth of those in need of services receiving them. The barriers to effective treatment are numerous. Individuals may be unaware that treatment can help them or may be hesitant to seek help for fear of discrimination or ridicule. In many instances, individuals actually lack access to appropriate services. We must work to remove the stigma of mental illness and to educate the public about the availability and effectiveness of mental health treatment.

The Center for Mental Health Services (CMHS), a component of the Substance Abuse and Mental Health Services Administration in the Department of Health and Human Services, was created in 1992 to provide vigorous Federal leadership in the development and delivery of mental health services. CMHS plays a unique role in working with other Federal agencies and departments whose programs and policies affect the lives of the mentally ill, their families, and their communities. CMHS also works closely with State and local governments and the private sector to guarantee continuity, integration of services, and access to comprehensive systems of care. CMHS supports policy studies, evaluations, and assessments on service delivery issues that are critical for Federal, State, and local policymakers as they organize and finance systems of care.

In recognition of the importance of improving the delivery of mental health services and of educating the American public about the needs of individuals with mental illness, the Congress, by Senate Joint Resolution 61, has designated the week of October 3 through October 9, 1993, as Mental Illness Awareness Week.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim the week beginning October 3, 1993, as Mental Illness Awareness Week. I call upon all citizens of the United States to observe this week with ceremonies and activities to increase the Nation's understanding and acceptance of people with mental illness and to encourage recognition of their need for a broad array of treatment services.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of October, in the year of our Lord nineteen hundred and ninety-three,

and of the Independence of the United States of America the two hundred and eighteenth.

WILLIAM J. CLINTON

Proclamation 6604 of October 5, 1993

German-American Day, 1993

By the President of the United States of America
A Proclamation

The makeup of the United States of America is a diverse one, a rich tapestry of different cultures and ethnic origins, stronger and more vibrant because of its variety. The German culture contributes a substantial piece to the American mosaic, and German-Americans have given much to our Nation in the arts, the sciences, the business world, academia, and government. It is fitting that we celebrate these innumerable contributions to our great Nation by marking October 6 as "German-American Day."

The first German settlers arrived in America 310 years ago—harbingers of the more than seven million to follow. German immigrants have thrived in America, finding our Nation's political and economic culture fertile ground for securing the inalienable rights of life, liberty, and the pursuit of happiness for themselves and for their children. Today, citizens of German ancestry comprise the largest ethnic group in the United States.

German-Americans today look with pride to a free and unified Germany as the living symbol of the best in their heritage. Americans look with satisfaction at the enduring friendship between the Federal Republic of Germany and the United States of America. This friendship is rooted in a long line of immigrants and was replanted in the ashes of the Second World War and nurtured through the storms of national division and Cold War confrontation. Warmed by the benefits of peaceful commerce and strengthened by the myriad personal relationships between the German and American peoples, the friendship has flourished.

The United States and the Federal Republic of Germany face formidable challenges in the post-Cold War era, challenges that we approach with greater confidence because we stand together, united in common democratic values.

The Congress, by Senate Joint Resolution 121, has designated October 6, 1993, as "German-American Day" and has authorized and requested the President to issue a proclamation in observance of that day.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim October 6, 1993, as German-American Day. I urge all Americans to learn more about the contributions of German immigrants to the United States in all fields of human endeavor and to observe this day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of October, in the year of our Lord nineteen hundred and ninety-three,

and of the Independence of the United States of America the two hundred and eighteenth.

WILLIAM J. CLINTON

Proclamation 6605 of October 6, 1993

National Disability Employment Awareness Month, 1993

By the President of the United States of America
A Proclamation

The United States has long been a champion of the civil rights of individuals, and it is only natural that we now serve in the forefront of efforts to ensure equal opportunity for persons with disabilities. Inspired by the enactment of the Americans with Disabilities Act (ADA) on July 26, 1990, other nations have begun to reexamine the challenges faced by their citizens with disabilities. The ADA, which prohibits discrimination in employment, public accommodations, government services, transportation, and communications, provides a practical model for people everywhere to ensure that individuals with disabilities will not be excluded from the social, cultural, and economic mainstream.

Together we have begun shifting disability policy in America from exclusion to inclusion; from dependence to independence; from paternalism to empowerment. And we have made a firm commitment—a national pledge of civil rights for people with disabilities—to enforce the Americans with Disabilities Act. We cannot be satisfied until all citizens with disabilities receive equal treatment under the law, whether in the workplace, in schools, in government, or in the courts. We will not be satisfied as a Nation until we have fully implemented the laws that offer equal opportunity for Americans with disabilities, including the ADA and the Rehabilitation Act of 1973.

We do not have a single person to waste. Citizens with disabilities want to lead full, independent, and productive lives. They want to work; they want to pay their fair share of taxes; they want to be self-supporting citizens. America must enable the 43 million talented Americans with disabilities to contribute by offering them the individualized training and education we offer everyone else.

Our Nation can ill afford to waste this vast and only partially tapped source of knowledge, skills, and talent. In addition to being costly—over $300 billion is expended annually at the Federal, State, and local levels to financially support potentially independent individuals—this waste of human ability cannot be reconciled with our tradition of individual dignity, self-reliance, and empowerment. As we work to achieve thorough and harmonious implementation of the Americans with Disabilities Act, we will open the doors of opportunity for millions of people, thereby expanding, not only the ranks of the employed, but also the ranks of consumers. These individuals and their families will thus be able to pursue the real American Dream.

I congratulate the small business and industry leaders, labor leaders, and community leaders from all walks of life who are working together to implement the ADA and the Rehabilitation Act, and I commit the resources and cooperation of the Federal Government toward that ef-

fort. Our ongoing progress attests to the fundamental vitality and openness of our free enterprise system and to our abiding commitment to civil rights for all. Every American needs a chance to contribute. Our work is far from finished. America needs the continued leadership of every citizen to fulfill the promise of the Americans with Disabilities Act and related laws.

The Congress, by joint resolution approved August 11, 1945, as amended (36 U.S.C. 155) has called for the designation of October of each year as "National Disability Employment Awareness Month." This month is a special time for all Americans to recognize the tremendous potential of citizens with disabilities and to renew our commitment to full inclusion and equal opportunity for them, as for every citizen.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim October 1993 as National Disability Employment Awareness Month. I call on all Americans to observe this month with appropriate programs and activities that affirm our determination to fulfill both the letter and the spirit of the Americans with Disabilities Act.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of October, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and eighteenth.

WILLIAM J. CLINTON

Proclamation 6606 of October 7, 1993

Country Music Month, 1993

By the President of the United States of America
A Proclamation

Country music is one of America's unique musical forms. Our immigrant ancestors from Great Britain and Ireland brought their tunes and melodies with them, and those songs were reshaped by life and landscape in our new Nation. In Appalachia, the Piedmonts, the Ozarks, the Mississippi Delta, and the Pine Barrens, those songs and ballads were forged from the spirit of working men and women, farmers and field laborers, miners and railroad workers, and pioneers crossing the Great Plains.

They blended with songs of African Americans, Mexican Americans, and Cajuns. Out of this wellspring came Western swing, honky-tonk, blues, gospel, and shape note music, creating a family of many musical cousins. Country music is not one voice, but many, irresistible to the ear and to any heart that likes to sing. The instruments that accompany the songs are also from our ancestors of many lands—the dulcimer from Germany, the fiddle from all of Europe, the banjo from Africa.

Country music is about the American story. It fuses the traditions of many cultures and celebrates what makes us Americans. Country lyrics tell tales of life and love, joy and heartbreak, toil and celebration. From early folk singers like Woody Guthrie to such legends as Roy Acuff,

Hank Williams, and Patsy Cline to today's bright stars—the singers all let loose the soulful music inside their hearts. In its rhythms and words, we can hear the lonesome sound, as well as the festive spirit, of our beloved land.

The Congress, by Senate Joint Resolution 102, has designated the month of October as "Country Music Month." I urge all Americans to join me in recognizing the role that country music has played in shaping our cultural heritage.

Country Music Month is a time to recognize the contributions of singers, songwriters, musicians, and all in the industry who work to bring us the very best of country music and dance. Throughout the month of October, let us celebrate country music in our homes and towns across the United States.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim October 1993 as Country Music Month.

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of October, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and eighteenth.

WILLIAM J. CLINTON

Proclamation 6607 of October 8, 1993

Leif Erikson Day, 1993

By the President of the United States of America
A Proclamation

At this time every year, Americans celebrate Leif Erikson Day. In so doing, we commemorate the voyages of the great Norse explorer who first set foot on North America nearly a thousand years ago. At the same time, we also celebrate the enduring ties between America and the Nordic countries and take note of the outstanding contributions that Nordic Americans have made to the United States. In a sense, the bonds that Leif Erikson—son of Iceland, grandson of Norway—forged continue unbroken today. We maintain an impressive exchange of people and ideas with the Nordic countries.

The early settlers inherited an adventurous spirit that had led their ancestors from Scandinavia to much of Europe and into the Atlantic. In addition, these adventurers started from lands that were already halfway points between the Old World and the New. Even today, the Nordic countries, which possess a commitment to open, democratic societies and to peaceful relations among nations, serve as links between Europe and the rest of the world.

At a time when the relations between Europe and America are being redefined, the Nordic countries retain their important role in fostering democracy, transatlantic cooperation, and an open trading system. Their many contributions to international diplomacy, humanitarian assistance, and peacekeeping in the world's trouble spots set a high standard that the rest of the world greatly admires. Americans who

trace their roots to the Nordic countries—Denmark, Finland, Iceland, Norway, and Sweden—not only continue to enrich their new homeland, but also play a key part in providing a link across the Atlantic, just as their ancestors did a thousand years ago.

In honor of Leif Erikson and of our Nordic-American heritage. the Congress, by joint resolution approved on September 2, 1964 (Public Law 88–566), has authorized and requested the President to proclaim October 9 of each year as "Leif Erikson Day."

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim October 9, 1993, as Leif Erikson Day. I also encourage the people of the United States to observe this occasion by learning more about our rich Nordic-American heritage and the early history of our continent.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of October, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and eighteenth.

WILLIAM J. CLINTON

Proclamation 6608 of October 8, 1993

Columbus Day, 1993

By the President of the United States of America
A Proclamation

During 1993 the world has embarked on new trails to expand humanity's horizons and to promote the betterment of the human condition. As we look with hope to the future, we also pay homage to our past and to those who have helped shape our Nation and continent. It is therefore fitting that the voyages of Christopher Columbus be remembered. I welcome this opportunity to salute this man of great courage, who, in defiance of popular myth and hardship, had the vision to explore the unknown.

Even though the Quincentennial celebrations of Columbus' landfall are past, it is still our duty to promote understanding between the old and new worlds. It is important to commemorate the mutual discovery of Europeans and Native Americans and the transformations, through toil and pain, that gave birth to brave new hopes for a better future.

For the United States, it is especially significant that we recognize the daring voyages of Christopher Columbus. As a people whose land was founded on dreams, we proceed today, just as Columbus did, with courage to overcome obstacles and search for new paths to lead us into an unknown, but promising, future.

Many people in the United States have special reason to remember and celebrate the histories of the old and new worlds. America, a Nation of diverse peoples, has been enriched by the blending of many heritages. Americans of international descent, along with Native Americans, have contributed mightily to molding the framework of our great land, united by our allegiance to the principles of equality, democracy, and

freedom. We all take justifiable pride in our accomplishments and dedicate ourselves to the pursuit of our dreams.

In tribute to Columbus' achievement, the Congress of the United States by joint resolution of April 30, 1934 (48 Stat. 657), and an Act of June 28, 1968 (82 Stat. 250), has requested the President to proclaim the second Monday in October of each year as "Columbus Day."

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim October 11, 1993, as Columbus Day. I call upon the people of the United States to observe this day with appropriate ceremonies and activities. I also direct that the flag of the United States be displayed on all public buildings on the appointed day in honor of Christopher Columbus.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of October, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and eighteenth.

WILLIAM J. CLINTON

Proclamation 6609 of October 8, 1993

National School Lunch Week, 1993

By the President of the United States of America

A Proclamation

Since 1946, the National School Lunch Program has demonstrated a partnership between Federal, State, and local officials in providing nutritious low-cost and free meals to America's schoolchildren. Our commitment to the National School Lunch Program reflects our recognition of the importance of nutrition to our children's health and to our Nation's future.

Currently, the National School Lunch Program operates in more than 90 percent of the Nation's public schools and serves about 25 million lunches a day. Many of our children receive their only nutritious meal of the day at school. These school meals not only increase students' attention span and learning capabilities, but also improve their overall health. School lunches also teach children good dietary habits. Cafeterias become learning laboratories, putting into practice the classroom lessons learned by the students on the importance of nutrition to health and well-being.

There is no longer any question that diet is related to good health, and school meal programs should meet the Dietary Guidelines for Americans so that children get nutritious meals. Like preventive medicine, the value of school lunches will multiply and the benefits will last a lifetime. National School Lunch Week affords us the opportunity to take a fresh look at the National School Lunch Program to determine what changes are necessary in order to meet these dietary guidelines. We also can recognize health professionals, school food service personnel, teachers, principals, parents, community leaders, and others for their commitment to ensuring that the lunches served in their schools will provide the nutrition so important to young students.

In recognition of the contributions of the National School Lunch Program to the nutritional well-being of children, the Congress, by joint resolution of October 9, 1962 (Public Law No. 87–780), has designated the week beginning the second Sunday in October in each year as "National School Lunch Week" and has requested the President to issue a proclamation in observance of that week.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim the week beginning October 10, 1993, as National School Lunch Week. I call upon all Americans to recognize those individuals whose efforts contribute to the success of this valuable program.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of October, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and eighteenth.

WILLIAM J. CLINTON

Proclamation 6610 of October 9, 1993

General Pulaski Memorial Day, 1993

By the President of the United States of America
A Proclamation

Each October 11, on the anniversary of his death in battle, America honors General Casimir Pulaski, a hero of two nations.

A patriot to the core, Pulaski loved his native Poland dearly. In unequal battle against far stronger enemies, he fought for his country's freedom.

But Pulaski's love of liberty transcended national boundaries, and when the American War of Independence began, he took the colonists' struggle as his own. He came to the United States, put his battlefield experience at the service of the Continental Army, and commanded a cavalry unit. On this day in 1779, during the siege of Savannah, General Pulaski gave his life for the cause of American freedom.

Pulaski's spirit and example have inspired Americans for more than two centuries. Across this country, you will find counties, towns, schools, parks and highways named after that patriot; in my own home state of Arkansas, Pulaski County is the seat of the capital, Little Rock.

But eager as we are to claim General Pulaski as our own, we are also proud to share him with Poland. What Pulaski fought for in the latter part of the 18th century, his compatriots have achieved at the end of the 20th: a free Poland, welcome and respected in the community of independent nations. And the courage General Pulaski displayed in battle is matched by that of his present-day countrymen, who have carried out Poland's history-making revolution without bloodshed.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim Monday, October 11, 1993, as General Pulaski Memorial Day, and I encourage the people of the Unit-

ed States to commemorate this occasion appropriately throughout the land.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of October, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and eighteenth.

WILLIAM J. CLINTON

Proclamation 6611 of October 14, 1993

National Down Syndrome Awareness Month, 1993

By the President of the United States of America
A Proclamation

Down syndrome, the most common genetic birth defect associated with mental retardation, affects 4,000 babies a year from all ethnic and societal backgrounds. As little as twenty years ago, people with Down syndrome were stigmatized or, all too frequently, institutionalized. Now, happily, they are benefitting from important advances in research, education, and health care.

Over the past two decades, scientists have applied the technology of molecular genetics and other sciences to the study of Down syndrome. Researchers are looking for the genes, or combination of genes, on chromosome 21 that have a relationship to the development of intelligence and the physical disorders associated with Down syndrome. They are also looking for a possible relationship between Down syndrome and Alzheimer's disease.

There is a wide variation in mental abilities, behavior, and physical development in individuals with Down syndrome. However, individuals with Down syndrome benefit from loving homes, early intervention, special education, mainstreaming, appropriate medical care, and positive public attitudes—all made possible through the efforts of researchers, service providers, physicians, teachers, and parent support groups. In addition, such government agencies as the National Institute of Child Health and Human Development and the National Institute on Aging, components of the National Institutes of Health; the Maternal and Child Health Bureau; and the President's Committee on Mental Retardation have worked in concert with private organizations like the National Down Syndrome Congress and the National Down Syndrome Society to help those affected by this congenital disorder.

To help promote greater understanding of Down syndrome, the Congress, by Senate Joint Resolution 92, has designated the month of October 1993 as "National Down Syndrome Awareness Month" and has authorized and requested the President to issue a proclamation in observance of this month.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim the month of October 1993 as National Down Syndrome Awareness Month. I invite all Americans to observe this month with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of October, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and eighteenth.

WILLIAM J. CLINTON

Proclamation 6612 of October 15, 1993

White Cane Safety Day, 1993

By the President of the United States of America
A Proclamation

To thousands of visually impaired Americans the white cane means freedom—freedom to move safely and independently through their daily lives, participating fully in the activities of their homes, places of employment, and communities. White Cane Safety Day not only celebrates the accomplishments of the visually impaired, but also recognizes our Nation's commitment to remove any physical or attitudinal barriers that Americans with disabilities may still face.

This commitment underscores our continuing efforts to implement fully the provisions of the Americans with Disabilities Act of 1990, which prohibits discrimination against persons with disabilities in such areas as employment, public accommodations, telecommunications, and transportation.

In tribute to the white cane and all that it symbolizes for our society, the Congress, by Joint Resolution approved in 1964, has designated October 15 of each year as "White Cane Safety Day."

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim October 15, 1993, as White Cane Safety Day. I call upon all Americans to observe this day with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of October, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and eighteenth.

WILLIAM J. CLINTON

Proclamation 6613 of October 16, 1993

World Food Day, 1993 and 1994

By the President of the United States of America
A Proclamation

Arising from poverty, homelessness, civil strife or famine, hunger burdens the lives of nearly 800 million people throughout the world. Women and children suffer the most. Studies suggest that in developing countries, some 36 percent of children under 6 years of age are moderately or severely undernourished.

On this World Food Day, let us commit ourselves to bringing change to the lives of those who suffer from hunger and to preserving the resources we will need in the years ahead.

Failure to protect our environment now and in the future will clearly affect the ability of countries to produce food and fiber for growing populations. The United Nations has indicated that the world may not be able to feed itself by sometime early in the next century if we continue to abuse productive soil. If world food production is to be maintained and enhanced, we must learn to safeguard the biological diversity that underpins our agricultural system. Today, the biological foundation is imperiled. Traditional crop varieties and animal breeds are becoming endangered. Many are already extinct. When we lose a traditional wheat or rice variety, we lose its unique characteristics and its potential pest and disease resistance, drought tolerance, or nutritional benefits. Nature's diversity is a precious inheritance. We cannot live on this earth without it. Through sound agricultural practices and intelligent shepherding of our natural resources, we can nourish and protect our land, forests, rivers, and streams.

The almost constant threat of famine in Africa and the continuing food problems in Asia should remind us all of our global vulnerability, especially as the population continues to grow. Raising the global community's awareness of the hunger that afflicts the young, the infirm, the poor, and the elderly—and considering the needs of others each day—can bring change and help ensure our food supply for the future.

The Congress, by House Joint Resolution 218, has designated October 16, 1993, and October 16, 1994, as "World Food Day" and has authorized and requested the President to issue a proclamation in observance of these days.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim October 16, 1993, and October 16, 1994, as World Food Day. I call on all Americans to observe these days with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of October, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and eighteenth.

WILLIAM J. CLINTON

Proclamation 6614 of October 16, 1993

National Forest Products Week, 1993

By the President of the United States of America
A Proclamation

Our National Forests are a priceless heritage, a gift that we hold in trust for future generations. As stewards of this inheritance, we have the obligation of preserving the capacity of these lands to sustain, not only themselves, but also the species that depend on them. Even as we strive to fulfill this obligation, the American people are asking fun-

damental questions about how our National Forests are managed and about how best to ensure a healthy and productive land.

Much has already been done to protect our forests. Of the 191 million acres of National Forest, 34 million have been set aside as part of the wilderness preservation system, a system that safeguards wilderness for future use and enjoyment. National Forests include more than 4,300 miles of designated segments of the National Wild and Scenic Rivers Systems. These rivers are maintained in a free-flowing condition for the enjoyment of this and future generations.

Much more remains to be done, and we are only beginning to fathom, however incompletely, the complexities of the ecosystems of which our National Forests are composed. We know that over 250 threatened and endangered species of fish, animals, and plants inhabit National Forests and are dependent on them for survival. We also know that the key to protecting these and other species is to maintain healthy ecosystems through effective management of National Forests. In addition, we now understand that our forests are only one part of a global mosaic of forest ecosystems and that, if we are to be a world leader in environmental conservation, our stewardship must set standards for the world to emulate.

Our National Forests are also vital to our physical and spiritual well-being. National Forests are the single largest provider of outdoor recreation in the United States, providing 288 million visitor days at Forest Service campgrounds, picnic areas, and other recreation attractions in the past year. Products generated from National Forests support jobs for hundreds of thousands of workers, most located in rural America. People whose livelihoods are dependent on forest products industries must be considered as we reexamine the role of National Forests in promoting the welfare of all Americans.

Clearly, we are moving toward a new era in the stewardship of public lands. This new era is one in which we must blend environmental values with the needs of people in such a way that the National Forests represent diverse, healthy, productive, and sustainable ecosystems. Ecosystem management must be grounded on sound science and on compliance with existing law.

In recognition of the central role our forests play in enhancing the welfare of our Nation, the Congress, by Public Law 86–753 (36 U.S.C. 163), has designated the week beginning on the third Sunday in October of each year as "National Forest Products Week" and requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim the week beginning October 17, 1993, as National Forest Products Week and call upon all Americans to observe that week with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of October, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and eighteenth.

WILLIAM J. CLINTON

Proclamation 6615 of October 18, 1993

National Mammography Day, 1993

By the President of the United States of America
A Proclamation

Breast cancer is an insidious disease that takes the lives of far too many women. This year alone, 182,000 American women are expected to develop breast cancer, and 46,000 will die of this disease. The risk of death from breast cancer is significantly reduced when the cancer is found in the earlier, more treatable stages of development. If women follow early detection guidelines, we should see a 30-percent drop in the breast cancer death rate. We all must work to ensure that every woman is informed about the serious risk of breast cancer and about the importance of regular breast exams and screening mammography. Most important, these health care procedures must be within the reach of all women.

The high survival rates of women who are diagnosed as having early stage breast cancer have motivated health professionals and other concerned citizens to focus their educational efforts on the importance of early detection. Women can take an active role in the fight against breast cancer through clinical breast exams, breast self-examination, and mammography. In many cases, cancers can be seen on a mammogram up to 2 years before they could be detected by a woman or her physician. The key to that advantage, however, is access to such screening.

I am pleased that third-party reimbursement for mammography is increasing, allowing more women to benefit from this life-saving procedure. Through Medicare, the Department of Health and Human Services covers much of the cost of screening mammography for women 65 and older. Most states and the District of Columbia now have laws requiring private insurers to offer coverage for this procedure. I urge every State government, insurance company, medical facility, and business to develop policies that ensure all women access to appropriate and affordable mammography. Of course, women must take responsibility for availing themselves of screening when it is available.

Likewise, health care professionals must make sure that their patients receive regular breast cancer screening. Businesses must offer screening to their employees in the form of insurance coverage or services offered. Community organizations and individuals not only must spread the word about the importance of early detection, but also must motivate women to get regular screenings.

I am heartened that we have the technology to discover breast cancer in its earliest stages, the means to motivate women to get regular mammograms, and the capability to treat early breast cancer successfully in most cases. These resources can save the lives of countless women. For the sake of American women and their loved ones, we all must strive to see that every woman is educated about early breast cancer detection and that she has access to all needed health care.

In recognition of the crucial role of mammography in the battle against breast cancer, the Congress, by House Joint Resolution 265, has designated October 19, 1993, as "National Mammography Day" and has

authorized and requested the President to issue a proclamation in observance of this day.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim October 19, 1993, as "National Mammography Day." I invite the Governors of the 50 States and the Commonwealth of Puerto Rico, the Mayor of the District of Columbia, and the appropriate officials of all other jurisdictions under the American flag to issue similar proclamations. I also ask health care professionals, private industry, advocacy groups, community associations, insurance companies, and all other interested organizations and individuals to observe this day by publicly reaffirming our Nation's continuing commitment to the control of breast cancer.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of October, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and eighteenth.

WILLIAM J. CLINTON

Proclamation 6616 of October 20, 1993

National Biomedical Research Day, 1993

By the President of the United States of America
A Proclamation

The Congress has designated October 21, 1993, as "National Biomedical Research Day." On this day, we celebrate the central role played by biomedical research in improving human health and longevity, and we acknowledge the promise this wide-ranging endeavor holds for securing the future physical and mental well-being of people around the world. Biomedical research not only yields the requisite information that scientists and physicians need to prevent and treat diseases but also reveals the fundamental nature of life in humans, other animals, and plants.

There is an intriguing quality to biomedical research: A discovery does not always predict its future uses. As a consequence, it is essential that the Nation continue to champion broad-based studies of both the normal and the disease processes. These studies will yield a fundamental understanding of biological systems and will provide us with the foundation of knowledge needed to ensure successful responses to current and future health problems.

An event that took place 40 years ago illustrates how vital such fundamental knowledge is. In 1953, Nobel laureates Drs. James D. Watson and Francis H.C. Crick described the structure of DNA, the genetic material of all living things. Today, as a direct outcome of their basic research, gene therapy has been devised for children with severe combined immune deficiency; accurate diagnostic tests are available for many life-threatening diseases and conditions; and the genetic mechanisms underlying disorders like cystic fibrosis and Huntington's disease have been identified.

The discovery of the structure of DNA also set the stage for the development of recombinant DNA technology, out of which has blossomed the biotechnology industry. In just the past 10 years, some 1,300 biotechnology companies have been formed. Through biotechnology, chemists and biologists are able to design and produce novel medicines and vaccines for clinical use. Scientists have learned how to commandeer the cellular machinery of living organisms, so that these organisms produce needed proteins and other biological molecules. Researchers have also genetically "engineered" crop plants to make them hardier and resistant to pests. The success of the biotechnology industry has also enhanced the economic competitiveness of the United States in the world marketplace. There is no doubt that the future fruits of biotechnology, both medical and economic, will be even greater.

The continuing preeminence of the United States in biomedical research reflects the contributions of many groups of dedicated professionals at work in Federal agencies such as the National Institutes of Health and the Centers for Disease Control and Prevention and in government-supported laboratories at universities, hospitals, and private research facilities. Teachers at all levels—from those who encourage our kindergartners to those who train biomedical specialists—are also helping to ensure the future success of biomedical research, an enterprise that cannot go forward without both strong practitioners and a supportive public.

Unraveling the mysteries of living organisms remains a daunting task. But, through biomedical research, the ceaseless whooping coughs of children have been silenced; smallpox no longer exacts a human toll anywhere on the Earth; and vaccines, treatments, and cures are at hand for many diseases. As the struggles continue against AIDS, cancer, heart and lung diseases, arthritis, diabetes, Alzheimer's disease, epilepsy, multiple sclerosis, and a host of other afflictions, we look to the successes of the biomedical community for our inspiration.

We look to the future with our eyes open and with unflagging support for continued biomedical research that is broad enough and deep enough to establish a firm foundation of knowledge from which effective cures and therapies will emerge.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim October 21, 1993, as National Biomedical Research Day. I invite the Governors of the 50 States and the Commonwealth of Puerto Rico, and the appropriate officials of all other jurisdictions under the American flag, to issue similar proclamations. I ask every beneficiary of biomedical research; that is, every citizen of this country, to acknowledge the true worth of biomedical research. I ask biomedical researchers, health care professionals, schools and universities, community organizations, and businesses to join in efforts to celebrate the successes of biomedical research and to promote this enterprise.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of October, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and eighteenth.

WILLIAM J. CLINTON

Proclamation 6617 of October 21, 1993

National Consumers Week, 1993

By the President of the United States of America
A Proclamation

More than ever, as a Nation and as individual consumers, we need to make every dollar count. Yet, despite the consumer-oriented quality of the U.S. marketplace and the concerted efforts of our law enforcement agencies, marketplace fraud drains at least $100 billion from the economy every year. The loss is not just in dollars, but in consumer confidence—the driving force behind a strong economy.

Fraud has the greatest impact on the most vulnerable consumers. No one, rich or poor, young or old, literate or illiterate, English-speaking or foreign-speaking, able-bodied or disabled, is exempt. What's more, in this electronic global marketplace, fraud has become a "borderless crime" that affects consumers around the world.

Since 1982, the President has designated one week of the year to spotlight consumer education as a vital tool in helping consumers make smart shopping decisions. This year, during "National Consumers Week," the focus is on fraud. Consumers can protect their resources and end the costly drain on the economy by knowing how to spot the signs of fraud and where to turn when they suspect fraud.

If you believe that you have been defrauded, the Better Business Bureau, representatives of Federal, State, and local governments, and even the media can help you. Exposing fraud not only helps you, but it can help prevent others from becoming victims in the future.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim the week beginning October 24, 1993, as National Consumers Week. I urge business leaders, educators, professionals, public officials, consumer leaders, and members of the media to observe this week with appropriate activities that emphasize the important role smart consumers play in keeping our markets open, competitive, fair, and honest.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-first day of October, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and eighteenth.

WILLIAM J. CLINTON

Proclamation 6618 of October 23, 1993

United Nations Day, 1993

By the President of the United States of America
A Proclamation

As the world continues to experience sweeping change after the end of the Cold War, it is increasingly important that we rededicate our-

selves to the uplifting principles of the United Nations Charter and to the hard work of bringing those principles closer to reality. Secretary General Boutros Boutros-Ghali lists development, peace, and democracy as the overriding goals of the United Nations. On the 48th anniversary of the founding of the United Nations, the United States must continue its work in cooperation with the United Nations to bring these principles closer to reality.

America alone is responsible for protecting its own vital interests. But many of the concerns we have about political, military, economic, and environmental challenges around the world are shared by other states. By working with the United Nations, and by doing all we can in association with like-minded governments to reform and energize it, we can advance our own interests and, at the same time, strengthen the ties that bind the international community.

The United Nations has often been on the front lines of efforts to deter, contain, and put an end to the rash of ethnic and subnational conflicts that have erupted in the post-Cold War era. Despite limitations on its capabilities and resources, the United Nations has the potential to be a resolute force for peace and democracy. In troubled areas around the globe, UN peacekeepers and observers are repatriating refugees; clearing land mines; monitoring elections; caring for victims of violence; helping protect human rights; arranging and monitoring ceasefires; and helping to construct democratic institutions where anarchy once prevailed.

Efforts of the United Nations have contributed greatly to the birth of a democratic Namibia, have helped bring an end to the civil war in El Salvador, and have created the conditions under which the Cambodian people could form a government legitimized by free elections and a new constitution. In Somalia, the United States and the UN have worked together to save hundreds of thousands of lives threatened by anarchy-induced famine. In Bosnia, the UN's humanitarian relief effort has been sustained under dangerous and frustrating conditions. In many nations, particularly in Africa, UN operations are working to facilitate the transition from civil conflicts to peaceful development.

The cause of peace is linked to the need for inclusive and lasting economic growth that gives more and more people a stake in stability and a voice in decisions that affect their lives. America's interest in enlarging the world's community of market democracies is echoed in the Preamble of the UN Charter, which calls for "social progress and better standards of life in larger freedom."

The United States applauds the work of a variety of UN programs and agencies that promote development and counter the hardships of poverty, homelessness, and disease. The UN High Commissioner for Refugees, whose workload has regrettably increased in recent years; the World Health Organization, whose responsibility it is to halt the deadly spread of AIDS; and the UN Development Program, which is being reinvigorated under new leadership, all deserve special recognition for their momentous achievements in the face of enormous obstacles.

Despite the efforts of the many dedicated public servants at the United Nations, there remains an urgent need to improve the management of the UN system in order to make it more efficient, effective, and accountable. The United States is working actively with UN officials and with other governments on a number of management-related initia-

tives. The Secretary General is to be commended for recently establishing an office and appointing an Assistant Secretary General for Inspections and Investigations. This is a useful first step, but more must be done to translate such steps into tangible results.

It has been said that "all work that is worth anything is done in faith." The United Nations was built on the profound faith that people from different backgrounds, creeds, races, and religions can live together peaceably and can pursue shared goals. That faith is the antithesis of the hatred we see in some parts of the world today and is the foundation upon which a future of trust and goodwill among all nations and peoples can be built. The United States has a bipartisan tradition, established long before the creation of the United Nations, of support for an international organization dedicated to social progress and the preservation of world peace. As President, I intend to carry on that tradition.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim Sunday, October 24, 1993, as "United Nations Day," and urge all Americans to acquaint themselves with the activities and accomplishments of the United Nations.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of October, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and eighteenth.

WILLIAM J. CLINTON

Proclamation 6619 of October 28, 1993

National Domestic Violence Awareness Month, 1993 and 1994

By the President of the United States of America
A Proclamation

Home should be a place of warmth, unconditional love, tranquility, and security. And for most of us, home and family can, indeed, be counted among our greatest blessings. Tragically, for many Americans, these are blessings that are tarnished by violence and fear.

Domestic violence is more than the occasional family dispute. According to the Department of Health and Human Services, it is the single largest cause of injury to American women, affecting six million of all racial, cultural, and economic backgrounds.

In our country, a woman is battered every 15 seconds, and 40 percent of female homicide victims in 1991 were killed by their husbands or boyfriends. Yet unbelievably, more than half of women in need of shelter may be turned away due to a lack of space.

Women are not the only targets. Young children and the elderly are also counted among the victims, and sadly, emotional scars are often permanent.

A coalition of organizations has emerged to directly confront this crisis. Law enforcement officials, those involved with shelters and hotline services, health care providers, the clergy, and other concerned citizens are helping in the effort to end domestic violence. We must recognize the compassion and dedication of these volunteers and professionals, applaud their efforts, and increase public understanding of this important problem.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim October 1993 and October 1994 as National Domestic Violence Awareness Month. I urge all Americans to observe these months by becoming more aware of the tragedy of domestic violence, supporting those who are working toward its end, and participating in other appropriate efforts.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of October, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and eighteenth.

WILLIAM J. CLINTON

Proclamation 6620 of November 3, 1993

National Health Information Management Week, 1993

By the President of the United States of America
A Proclamation

Over the course of the next months, the people of the United States and their elected Members of Congress will have the opportunity to participate in one of the most important processes of our times: the implementation of health care reform. As the proposals have been developed, the authors have relied on extensive information that has been collected regarding the well-being of the people of our Nation and the efficiency of our health care delivery system. Those working on plans for health care reform were extremely fortunate that they could draw upon the vast fund of knowledge contained in some of the most comprehensive health management systems in the world.

Our Nation's status as a world leader in this field is largely due to the role of professional health information managers as they continually investigate and apply new technologies to advance their administrative expertise.

America's 35,000 health information management leaders have a tradition of commitment to excellence and competence, which have become increasingly important components of the health care delivery system of our country.

At the heart of the profession's information management responsibilities are medical history records, both computer-based and paper-generated. On a daily basis, health information managers must take into consideration patients' privacy rights and, at the same time, protect the integrity, accuracy, consistency, reliability, and validity of health infor-

mation. The professional health information manager orchestrates the collection of many kinds of documentation from a variety of sources, monitors the integrity of the information, and ensures appropriate access to medical records. This professional also collects health care data by abstracting and encoding information, by using computer programs to interpret data, and by putting in place quality control procedures to guarantee the validity of the information.

Throughout the ongoing health care reform discussions, there has been a strong consensus about the need to lessen the bureaucracy of our Nation's current health care delivery system and to streamline and simplify administrative operations. During this very important time in our Nation's history, health information management professionals are key players in our efforts to reshape the existing system. These dedicated experts are working hard to computerize patient record systems in order to reduce health care costs by decreasing the logjam of unnecessary paperwork confronting hospitals and other health facilities.

We want to recognize the devotion of those who are working to decrease the cost and improve the quality of our health care system. Their past efforts have contributed immeasurably to the health care delivery system and to the medical research community. As health care reform is implemented, the challenges will be quite substantial, but so will the opportunities for demonstrating the creativity and commitment to quality that characterize these important professionals. I urge all Americans to join me in saluting this determined group of men and women, who work as professional health information managers.

The Congress, by House Joint Resolution 205, has designated the week of October 31 through November 6, 1993, as "National Health Information Management Week" and has authorized and requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim the week of October 31 through November 6, 1993, as National Health Information Management Week. I call upon all Americans to observe this week by demonstrating their respect and gratitude for all those professionals who have dedicated their careers to consistently improving our systems of health information management.

IN WITNESS WHEREOF, I have hereunto set my hand this third day of November, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and eighteenth.

WILLIAM J. CLINTON

Proclamation 6621 of November 5, 1993

Veterans Day, 1993

By the President of the United States of America
A Proclamation

Veterans Day is a time for Americans to thank our Nation's military veterans for the sacrifices they have made to defend and preserve the

blessings of liberty. During times of war and times of peace, these men and women have ensured that future generations would enjoy the life, liberty, and pursuit of happiness promised by our Nation's Founders. We have much to learn from all who have served.

In the major wars and numerous smaller conflicts fought by our Nation's Armed Forces, our men and women in uniform have shaped our Nation through their great sacrifices to safeguard our freedom. Through the War of Independence and the many wrenching conflicts of the 19th century, Americans preserved our Nation with their bravery and their commitment to duty and country. In the conflicts of our century, men and women in the Armed Forces have successfully defended our security, freedom, and ideals, helping to build America into a greater Nation.

On this day, we should pay special tribute to the more than 27 million living American veterans. Seventy-five years ago on November 11, the Armistice was signed, ending World War I, "the war to end all wars." More than 32,000 soldiers of the nearly 5 million who fought in World War I are still living, serving as a reminder of the struggles through which they secured our safety. Many more veterans from World War II and the Korean Conflict still serve their country as career soldiers and civilians, tempered with the experience of war. Vietnam veterans continue to help our Nation adjust to a new international security environment often characterized by regional conflicts similar to the war in which they fought.

Living veterans, having once served our country in uniform, now fill such key roles as teachers, police officers, business owners, doctors, lawyers, government officials, and volunteers, sustaining our society secured by their service.

In a greater sense, this day cannot fully honor America's veterans who have risked and sacrificed their lives. But we can resolve to continue the struggle for freedom that they made their duty and to dedicate our lives to ensuring that their valiant efforts shall never have been in vain.

In order that we may pay due tribute to those who have served in our Armed Forces, the Congress has provided (5 U.S.C. 6103(a)) that November 11 of each year shall be set aside as a legal public holiday to honor America's veterans.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim Thursday, November 11, 1993, as "Veterans Day." I urge all Americans to honor the resolution and commitment of our veterans through appropriate public ceremonies and private prayers. I also call upon Federal, State, and local government officials to display the flag of the United States and to encourage and participate in patriotic activities in their communities. I invite civic and fraternal organizations, churches, schools, businesses, unions, and the media to support this national observance with suitable commemorative expressions and programs.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of November, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and eighteenth.

WILLIAM J. CLINTON

Proclamation 6622 of November 10, 1993

National Women Veterans Recognition Week, 1993

By the President of the United States of America
A Proclamation

American women have served with distinction and courage in every overseas combat theater of conflict since World War I. Some have been wounded in the line of duty, and others have given their lives for our country, but all have contributed tremendously to the success of America's Armed Forces. Bringing their talent, skill, and vision to a variety of occupations within each of the service branches, women have made an everlasting mark on the military history of the United States.

The loyalty and the sacrifices of the women who have served our country merit the respect and admiration of all of us. It is fitting then that we set aside a special time to honor these veterans, to salute them for their tireless devotion to duty while in uniform and for their patriotism and commitment to democratic ideals in civilian life.

The Vietnam Women's Memorial is a monument dedicated to the many women who volunteered to serve in the Armed Forces during the Vietnam era. Appropriately, it recognizes the living as well as those who died. It is part of the important ongoing process of healing, both for veterans and for our country as a whole. It is a remembrance of the brave and compassionate service that is so worthy of our esteem.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim the week of November 7, 1993, as National Women Veterans Recognition Week, and I encourage all Americans to join in acknowledging the contributions and sacrifices of these veterans.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of November, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and eighteenth.

WILLIAM J. CLINTON

Proclamation 6623 of November 14, 1993

Geography Awareness Week, 1993 and 1994

By the President of the United States of America
A Proclamation

From ancient times, when prehistoric peoples used colored clay and charred sticks to draw primitive maps on cave walls, our ancestors have sought to identify their relationship to their surroundings.

Geography, from the Greek "geographia"—earth description—is the field of knowledge that examines those connections that link the earth and its inhabitants.

After a recent decline in the emphasis placed on the study of geography, it is once again receiving the attention it deserves as a necessary element in the education of our citizens. The world has become smaller—politically, economically, and socially—and geographic literacy, knowledge, and understanding of other cultures have increasingly become more and more essential.

America must keep pace with the rest of the world. Our Nation's ability to interact in a global environment depends greatly upon our capacity to comprehend and operate within an interconnected sphere. Young Americans must possess the tools necessary to succeed in this endeavor. They must exhibit a basic understanding of the relationships between countries, between peoples, and among themselves. Without this knowledge, our future leaders will run the risk of taking a narrow and uninformed view of the world as they pursue international initiatives.

My Administration's education reform legislation, Goals 2000: Educate America Act, proposes to specifically include geography in the National Education Goals, and we support the development of voluntary national curricular standards to include geography.

We are making progress. By committing ourselves to this goal, we expect results—and we have already begun to see them. Many schools around the country are engaged in wonderful activities to improve their students' understanding of our mutually shared planet. We must build on these burgeoning efforts for the future of this Nation and for the future of the world.

To recognize the special value of geography to the well-being of our country and all its citizens, the Congress by Senate Joint Resolution 131 has designated the weeks beginning November 14, 1993, and November 13, 1994, as Geography Awareness Week and has authorized and requested the President to issue a proclamation in observance of these weeks.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim the weeks of November 14, 1993, and November 13, 1994, as "Geography Awareness Week." I call upon the people of the United States, governmental officials, educators, volunteers, and students of all ages to observe these weeks with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of November, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and eighteenth.

WILLIAM J. CLINTON

Proclamation 6624 of November 16, 1993

National Farm-City Week, 1993

By the President of the United States of America
A Proclamation

The efficiency with which a nation produces and distributes its agricultural products largely determines the vitality, health, well-being, and economic strength of that nation. One of our Nation's great strengths is the tremendous productivity of its agricultural sector. The food and fiber that grow on our country's farms feed us, sustain us, and allow our Nation to thrive.

More than 20 million Americans—from farms to cities—are engaged in producing, processing, and marketing our agricultural supplies. They are a highly efficient team made up of farm families, people in rural communities, agribusiness industries, scientists, and retail distributors. This farm-city team is the most productive and effective in the world, demonstrating the strength and interdependence of our farms, rural areas, and cities in our economic system.

This remarkable farm-city system provides our people with produce for the smallest portion of consumers' average disposable income of any Nation. As consumers, we can use the remaining, much larger portion of our incomes for other goods, services, education, recreation, and comforts. This adds greatly to our choices in life and to our well-being, making us a more diversified, well-served people.

In addition, this farm-city team produces enough food in surplus of our own needs to enable the United States to be the breadbasket of the world, exporting more agricultural products than any other country. Each $1 billion of farm exports provides an additional $1.4 billion of off-farm economic activity and provides jobs for about 22,000 people on farms and in small towns and cities. Our highly competitive agricultural exports also provide the largest positive balance of trade of any U.S. industry. This, too, adds to our opportunities, our well-being, and the vitality of our economy.

Our agricultural team's unmatched productivity also makes it possible for the United States to carry out its international role as a world leader. As a strong, concerned Nation, with abundant agricultural reserves, the United States is the world's No. 1 donor of food aid in response to the needs of distressed people in other nations.

We all are indebted to the performance of the United States agricultural team. Each year since 1956, the Nation has set aside the week ending on Thanksgiving Day as "National Farm-City Week" to pay tribute to the people who put food on our tables and to give prayerful thanks for our individual blessings and the blessings of the United States of America.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim the week of November 19–25, 1993, as National Farm-City Week. I encourage all Americans, in rural and urban communities alike, to join in recognizing the accomplishments of our farmers and all those hardworking in-

dividuals who cooperate in producing the abundance of agricultural goods that strengthen and enrich the United States.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of November, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and eighteenth.

WILLIAM J. CLINTON

Proclamation 6625 of November 17, 1993

Thanksgiving Day, 1993

By the President of the United States of America
A Proclamation

From the beginnings of our Nation, we have sought to recognize the providence and mercy of God with words and acts of gratitude, indeed with effort and energy toward helping others wherever need occurred. In the colorful days and weeks when the autumn of the year brings ripe and fruitful harvest across our land, Americans give thanks for many blessings. It is a time of bounty and generosity, a time to come together in peace.

This is the true spirit of Thanksgiving: acknowledging God's graciousness, and in response, reaching out in service to others. This spirit was apparent in Plymouth, Massachusetts, in 1621, when Pilgrim immigrants sat down with Native Americans and celebrated their common harvest.

This same spirit of Thanksgiving inspires our great Nation and our people to act with justice and concern toward all the peoples of the world and toward one another here at home. We are grateful for the dramatic progress made towards a comprehensive peace in the Middle East and for the Agreement signed in our United States; we are thankful for the relief efforts that our Nation and others have undertaken where natural disasters have struck unmercifully.

Still, in this final decade of the twentieth century, we face great challenges. The troubled areas of our world continue to challenge our ability to find peaceful and equitable solutions. On this Thanksgiving Day, the hospitality and harmony of loved ones, friends, and neighbors, remind each of us that we belong to the larger family of mankind.

As we gather together during this sacred and cherished time, let us pledge to build a new America where everyone will have a place at the table, and no one will be left out. In this way we will truly maintain the spirit of Thanksgiving that has enriched our country since its beginnings. While recognizing the importance of individual responsibility, we will continue to place the strength and benevolence of this great Nation at the service of all its people, indeed of all the peoples of the earth. Then, in these richer years, we will reap a true and fruitful harvest.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim Thursday,

November 25, 1993, as a National Day of Thanksgiving. I encourage the citizens of this great Nation to gather in their homes, places of worship, or wherever they may choose to express heartfelt thanks for the abundance bestowed on us throughout our history.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of November, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and eighteenth.

WILLIAM J. CLINTON

Proclamation 6626 of November 18, 1993

National Children's Day, 1993

By the President of the United States of America
A Proclamation

America's children are at once our most precious national resource and our most weighty responsibility. They represent our future hopes and aspirations. By empowering and supporting America's families today, we can make a more secure world for all Americans tomorrow.

Millions of America's children grow up in stable and loving families. At the same time, an alarmingly high number of our youth do not have the benefit of such security; many grow up hungry, neglected, or abused. Far too many reach adolescence having experienced painful episodes of physical, mental, or emotional mistreatment that have long-lasting effects. For them, the future can be clouded with doubt or despair.

We all must take it upon ourselves to address these problems and to guarantee that children of all families will be given new hope for a better life. We must get back to "being our neighbor's keeper" when it comes to raising children. The plight of our neighborhoods and communities must be rectified and replaced with a positive environment in which to grow and live in safety. Today's children are frightened and worried. We must close the opportunity gap and the responsibility gap because all of the children of America deserve an equal chance.

Parents must make an all-out effort to provide an accepting, caring, and loving atmosphere for their children. Grandparents also have an important role to play, as do other members of the extended family.

This is an issue that all Americans can and should support and promote. By becoming directly involved and assuming personal responsibility, we can strengthen our schools, churches, and communities in ways that will reinforce and enhance the importance of values that the family structure can provide. This is all the more critical as the world becomes an increasingly complex and interrelated place. We must interact in the future with any number of new and emerging nations. In order to do this successfully, we will need the talent, dedication, and best efforts of all of our youth.

Today's children will also be tomorrow's parents. To preserve the American Dream, the fiber of our Nation must be strengthened. By instilling a common purpose and assuring ourselves that children are receiving the best and most comprehensive care possible, we can face the awesome challenges that lie ahead. We can start at the family level to bring our country together, solve problems, and make progress.

So I ask all Americans to reaffirm this Nation's commitment to its children. I appeal specifically to parents to spend quality time each day with their children, to listen to their concerns and dreams, and to guide them well as they make the transition into adolescence and adulthood. We have a right and an obligation to make sure our children can rise as far and as high as their talents and determination will let them.

The Congress, by Senate Joint Resolution 139, has designated the third Sunday in November as "National Children's Day" and has authorized and requested the President to issue a proclamation in observance of this day.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim November 21, 1993, as National Children's Day. On this day and every day, I urge all Americans to express their love, advocacy, and appreciation for their children and all children of the world. I invite Federal officials, State and local governments, and particularly the American family, to join together in observing this day with appropriate ceremonies and activities to honor our Nation's children.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of November, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and eighteenth.

WILLIAM J. CLINTON

Proclamation 6627 of November 18, 1993

National Military Families Recognition Day, 1993

By the President of the United States of America
A Proclamation

Military families are diverse, strong, resourceful, and patriotic. The men and women who serve our country understand that their families provide essential support and make enormous sacrifices every day. We, as a Nation, must also recognize the unselfish contributions of our military families wherever they may be around the world.

As we go about the routine business of our lives, it is easy to forget the daily hardships, inconveniences, separations, and disruptions that our service men and women and their families endure to protect America. These dedicated individuals will affirm that it is their families who invariably sustain them and warm their hearts. In every city and State and in many countries worldwide, service men and women proudly note that the highlight of their day is that special smile, telephone call, or letter they receive. The military family is the motiva-

tional force that continually elevates the spirit of the service member when life's joys and sorrows need to be shared.

The Department of Defense has long recognized that the family unit is an important factor in the overall readiness and well-being of the members of the Armed Forces. Indeed, military families make extraordinary contributions to the entire Nation through their efforts to support and encourage their loved ones.

The Congress, by Senate Joint Resolution 115, has designated November 22, 1993, as "National Military Families Recognition Day" and has authorized and requested the President to issue a proclamation in observance of this day.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim November 22, 1993, as National Military Families Recognition Day. I call upon all Americans to join in honoring military families throughout the world. Finally, I ask Federal, State, and local officials and private organizations to observe this day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of November, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and eighteenth.

WILLIAM J. CLINTON

Proclamation 6628 of November 22, 1993

National Family Week, 1993 and 1994

By the President of the United States of America
A Proclamation

Families are our Nation's lifeblood and strength. No matter its size or composition, it is the source of our ideals and the birthplace of our memories. Connected families in vital communities are essential to this country's future.

The common bonds of family love, sharing, and mutual support have for generations shaped the character of our society. Anchored by strong insights, deeply felt convictions, moral principles, and concern for societal improvement and well-being, families have used their devotion, creative ideals, and energies to define themselves, their communities, and the Nation.

The willing acceptance of family obligations and the unselfish shouldering of responsibilities are core components of caring families. Families encourage and foster teamwork, as well as individuality, personal sacrifice, personal attainment, and a wide range of joys and life experiences.

America has maintained its unique position in the history of nations because we have not forgotten the teachings of our forebears. We have thrived because we, their children, have remained committed to advancing the causes of liberty and justice. Even in times of national cri-

sis, we have recalled the importance of our national family tree, always returning to the promise of its protective shade.

As families across the country gather in thanksgiving, it is particularly appropriate that we pause as a Nation to acknowledge the blessings of love and loyalty that families bring to their members and through them, to the community of America. Like our democracy, all of our families must strive to be nurturing and steady. All of our children, grandparents, mothers and fathers must know that no matter the challenges we face, we can be secure in the love and support of a family. This lesson is among our founders' most precious gifts. Fulfilling their ideal is each generation's most profound responsibility.

The Congress, by House Joint Resolution 79, has designated the week of November 21, 1993, and the week of November 20, 1994, as "National Family Week" and has authorized and requested the President to issue a proclamation in observance of these weeks.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim the week of November 21, 1993, and the week of November 20, 1994, as National Family Week. I invite the States, communities, and people of the United States to observe these weeks with appropriate ceremonies and programs in appreciation of our Nation's families.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of November, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and eighteenth.

WILLIAM J. CLINTON

Proclamation 6629 of November 24, 1993

National Adoption Week, 1993 and 1994

By the President of the United States of America
A Proclamation

Our Nation's families are the guardians and first teachers of our most valuable resource and our primary responsibility—our children. Unfortunately, too many children do not have the opportunity to live and flourish in a family of their own. They have been orphaned, abandoned, neglected, or abused. They have been denied the protection and nurturing that a loving family environment can best provide. Now is the time to break the grip of the great crisis of the spirit that has far too long held our Nation. Now we can begin to bring about a change. There is much for each of us to contribute.

During National Adoption Week, it is vitally important for all of us to recognize the joys adoption can bring to the lives of children who are in need. For children who have been deprived of belonging to a secure, loving, and permanent home, an adoptive family can provide the most important ingredient in a child's life—love.

This Thanksgiving week, families across America will gather to give thanks to God for the blessings we all enjoy as individuals and as a Nation. Children who have no permanent families, who are waiting to

be adopted, may not have as much to be thankful for this year. At this happy time of family celebration, we must not forget the children for whom the affection of a family remains only a dream.

These children have so much to offer. They deserve our best efforts to remove the public and private barriers to their adoption into permanent, loving families. We must reach out to the many Americans who long for children to love, and we must find homes for the thousands of children who are waiting for adoptive parents to take them into their lives and into their hearts. And we must also acknowledge the unselfish sacrifice made by many birth parents to ensure a better life for their child.

Every effort should be made to inform the public and prospective parents that there are many thousands of children available for adoption. We must involve the media, private and public agencies, adoptive parents, advocacy groups, civic and church groups, and businesses. We must ask them to provide publicity and information to heighten community awareness of the crucial needs of these children and of all those who work tirelessly to place them in loving families.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim the week of November 21, 1993, and the week of November 20, 1994, as National Adoption Week. I call upon all Americans to observe these weeks with appropriate programs, activities, and ceremonies.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of November, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and eighteenth.

WILLIAM J. CLINTON

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